

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

Yes

"Key bills land on governor's desk; NJSBA raises concerns," New Jersey Law Journal, July 1, 2019

"High Court's Split Ruling on PIP Coverage Limits Flipped," New Jersey Law Journal, August 16, 2019

RWH/JA

P.L. 2019, CHAPTER 244, *approved August 15, 2019*
Senate, No. 2432 (*First Reprint*)

1 AN ACT concerning uncompensated economic loss in an action for
2 recovery of damages for bodily injury and amending P.L.1972,
3 c.70.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 12 of P.L.1972, c.70 (C.39:6A-12) is amended to
9 read as follows:

10 12. Inadmissibility of evidence of losses collectible under
11 personal injury protection coverage. Except as may be required in
12 an action brought pursuant to section 20 of P.L.1983, c.362
13 (C.39:6A-9.1), evidence of the amounts collectible or paid under a
14 standard automobile insurance policy pursuant to sections 4 and 10
15 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), amounts collectible or
16 paid for medical expense benefits under a basic automobile
17 insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-
18 3.1) and amounts collectible or paid for benefits under a special
19 automobile insurance policy pursuant to section 45 of P.L.2003,
20 c.89 (C.39:6A-3.3), to an injured person, including the amounts of
21 any deductibles, copayments or exclusions, including exclusions
22 pursuant to subsection d. of section 13 of P.L.1983, c.362
23 (C.39:6A-4.3), otherwise compensated is inadmissible in a civil
24 action for recovery of damages for bodily injury by such injured
25 person.

26 The court shall instruct the jury that, in arriving at a verdict as to
27 the amount of the damages for noneconomic loss to be recovered by
28 the injured person, the jury shall not speculate as to the amount of
29 the medical expense benefits paid or payable by an automobile
30 insurer under personal injury protection coverage payable under a
31 standard automobile insurance policy pursuant to sections 4 and 10
32 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), medical expense
33 benefits under a basic automobile insurance policy pursuant to
34 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or benefits under a
35 special automobile insurance policy pursuant to section 45 of
36 P.L.2003, c.89 (C.39:6A-3.3) to the injured person, nor shall they
37 speculate as to the amount of benefits paid or payable by a health
38 insurer, health maintenance organization or governmental agency
39 under subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted May 13, 2019.

1 Nothing in this section shall be construed to limit the right of
2 recovery, against the tortfeasor, of uncompensated economic loss as
3 defined by subsection k. of section 2 of P.L. 1972, c. 70 (C. 39:6A-
4 2), including ¹all¹ uncompensated medical expenses ¹~~between~~¹ not
5 covered by¹ the personal injury protection limits applicable to the
6 injured party and ¹~~[\$250,000.]¹ sustained by the injured party ¹~~:~~~~
7 provided, however, that the amounts of any deductibles,
8 copayments or exclusions, including exclusions pursuant to
9 subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3), shall
10 remain inadmissible pursuant to this section]. All medical
11 expenses that exceed, or are unpaid or uncovered by any injured
12 party's medical expense benefits personal injury protection limits,
13 regardless of any health insurance coverage, are claimable by any
14 injured party as against all liable parties, including any self-funded
15 health care plans that assert valid liens¹.

16 (cf: P.L.2003, c.89, s.55)

17

18 2. This act shall take effect immediately and apply to causes of
19 action ¹pending on that date or¹ filed on or after ¹~~the 180th day~~
20 next following enactment] that date¹.

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25 Permits recovery of uncompensated medical expenses in civil
26 action for damages arising from automobile accident.

SENATE, No. 2432

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED APRIL 5, 2018

Sponsored by:

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Senator NELLIE POU

District 35 (Bergen and Passaic)

SYNOPSIS

Permits recovery of certain medical expenses as uncompensated economic loss in civil action for damages arising from automobile accident.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning uncompensated economic loss in an action for
2 recovery of damages for bodily injury and amending P.L.1972,
3 c.70.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. Section 12 of P.L.1972, c.70 (C.39:6A-12) is amended to
9 read as follows:

10 12. Inadmissibility of evidence of losses collectible under
11 personal injury protection coverage. Except as may be required in
12 an action brought pursuant to section 20 of P.L.1983, c.362
13 (C.39:6A-9.1), evidence of the amounts collectible or paid under a
14 standard automobile insurance policy pursuant to sections 4 and 10
15 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), amounts collectible or
16 paid for medical expense benefits under a basic automobile
17 insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-
18 3.1) and amounts collectible or paid for benefits under a special
19 automobile insurance policy pursuant to section 45 of P.L.2003,
20 c.89 (C.39:6A-3.3), to an injured person, including the amounts of
21 any deductibles, copayments or exclusions, including exclusions
22 pursuant to subsection d. of section 13 of P.L.1983, c.362
23 (C.39:6A-4.3), otherwise compensated is inadmissible in a civil
24 action for recovery of damages for bodily injury by such injured
25 person.

26 The court shall instruct the jury that, in arriving at a verdict as to
27 the amount of the damages for noneconomic loss to be recovered by
28 the injured person, the jury shall not speculate as to the amount of
29 the medical expense benefits paid or payable by an automobile
30 insurer under personal injury protection coverage payable under a
31 standard automobile insurance policy pursuant to sections 4 and 10
32 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), medical expense
33 benefits under a basic automobile insurance policy pursuant to
34 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or benefits under a
35 special automobile insurance policy pursuant to section 45 of
36 P.L.2003, c.89 (C.39:6A-3.3) to the injured person, nor shall they
37 speculate as to the amount of benefits paid or payable by a health
38 insurer, health maintenance organization or governmental agency
39 under subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

40 Nothing in this section shall be construed to limit the right of
41 recovery, against the tortfeasor, of uncompensated economic loss as
42 defined by subsection k. of section 2 of P.L. 1972, c. 70 (C. 39:6A-
43 2), including uncompensated medical expenses between the
44 personal injury protection limits applicable to the injured party and
45 \$250,000, sustained by the injured party; provided, however, that

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the amounts of any deductibles, copayments or exclusions,
2 including exclusions pursuant to subsection d. of section 13 of
3 P.L.1983, c.362 (C.39:6A-4.3), shall remain inadmissible pursuant
4 to this section.

5 (cf: P.L.2003, c.89, s.55)

6

7 2. This act shall take effect immediately and apply to causes of
8 action filed on or after the 180th day next following enactment.

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STATEMENT

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13 This bill permits a party injured in an automobile accident to
14 recover, as part of the recovery of uncompensated economic loss,
15 uncompensated medical expenses between the personal injury
16 protection limits applicable to the injured party and \$250,000. The
17 bill makes it clear that economic loss, as defined in the “New Jersey
18 Automobile Reparation Reform Act,” P.L.1972, c.70 (C.39:6A-1 et
19 seq.) otherwise known as the “no-fault law,” may include economic
20 loss for uncompensated medical expenses, notwithstanding the
21 longstanding interpretation of that definition in the statute to the
22 contrary. In so doing, the bill codifies the recent holding of the
23 Appellate Division in the consolidated case of Haines v. Taft and
24 Little v. Nishimura, 450 N.J. Super. 295 (App. Div. 2017). The
25 Supreme Court of New Jersey has recently granted a petition for
26 certification in the case.

27 The bill however leaves in place the provision in the statute
28 making amounts of any deductibles, copayments or exclusions,
29 including exclusions pursuant to subsection d. of section 13 of
30 P.L.1983, c.362 (C.39:6A-4.3), inadmissible.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2432

STATE OF NEW JERSEY

DATED: MAY 20, 2019

The Assembly Judiciary Committee reports favorably Senate Bill No. 2432(1R).

This bill permits a party injured in an automobile accident to recover, as part of the recovery of uncompensated economic loss, all uncompensated medical expenses not covered by the personal injury protection (PIP) limits applicable to the injured party and sustained by the injured party. The bill makes it clear that economic loss, as defined in the “New Jersey Automobile Reparation Reform Act,” P.L.1972, c.70 (C.39:6A-1 et seq.) otherwise known as the “no-fault law,” may include economic loss for any uncompensated medical expenses, notwithstanding the longstanding interpretation of that definition in the statute to the contrary. In so doing, the bill codifies the holding of the Appellate Division in the consolidated case of Haines v. Taft and Little v. Nishimura, 450 N.J. Super. 295 (App. Div. 2017). On March 26, 2019, the Supreme Court of New Jersey reversed that holding. This bill, therefore, is consistent with the earlier Appellate Division holding in allowing recovery of such uncompensated medical expenses.

The bill leaves in place however the provision in the statute making inadmissible the amounts of any deductibles, copayments or exclusions, including exclusions pursuant to subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

The bill clarifies that all medical expenses that exceed, or are unpaid or uncovered by any injured party’s automobile insurance medical PIP coverage, regardless of any health insurance coverage, are claimable by any injured party as against all liable parties. This includes any self-funded health care plans that assert valid liens.

This bill is identical to A5371.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2432

STATE OF NEW JERSEY

DATED: JUNE 11, 2018

The Senate Commerce Committee reports favorably Senate Bill No. 2431.

This bill permits a party injured in an automobile accident to recover, as part of the recovery of uncompensated economic loss, uncompensated medical expenses between the personal injury protection limits applicable to the injured party and \$250,000. The bill makes it clear that economic loss, as defined in the “New Jersey Automobile Reparation Reform Act,” P.L.1972, c.70 (C.39:6A-1 et seq.) otherwise known as the “no-fault law,” may include economic loss for uncompensated medical expenses, notwithstanding the longstanding interpretation of that definition in the statute to the contrary. In so doing, the bill codifies the recent holding of the Appellate Division in the consolidated case of Haines v. Taft and Little v. Nishimura, 450 N.J. Super. 295 (App. Div. 2017). The Supreme Court of New Jersey has recently granted a petition for certification in the case.

The bill however leaves in place the provision in the statute making amounts of any deductibles, copayments or exclusions, including exclusions pursuant to subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3), inadmissible.

ASSEMBLY, No. 5371

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 16, 2019

Sponsored by:

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman CRAIG J. COUGHLIN

District 19 (Middlesex)

Co-Sponsored by:

Assemblywoman Jasey

SYNOPSIS

Permits recovery of uncompensated medical expenses in civil action for damages arising from automobile accident.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/24/2019)

1 AN ACT concerning uncompensated economic loss in an action for
2 recovery of damages for bodily injury and amending P.L.1972,
3 c.70.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Section 12 of P.L.1972, c.70 (C.39:6A-12) is amended to
9 read as follows:

10 12. Inadmissibility of evidence of losses collectible under
11 personal injury protection coverage. Except as may be required in
12 an action brought pursuant to section 20 of P.L.1983, c.362
13 (C.39:6A-9.1), evidence of the amounts collectible or paid under a
14 standard automobile insurance policy pursuant to sections 4 and 10
15 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), amounts collectible or
16 paid for medical expense benefits under a basic automobile
17 insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-
18 3.1) and amounts collectible or paid for benefits under a special
19 automobile insurance policy pursuant to section 45 of P.L.2003,
20 c.89 (C.39:6A-3.3), to an injured person, including the amounts of
21 any deductibles, copayments or exclusions, including exclusions
22 pursuant to subsection d. of section 13 of P.L.1983, c.362
23 (C.39:6A-4.3), otherwise compensated is inadmissible in a civil
24 action for recovery of damages for bodily injury by such injured
25 person.

26 The court shall instruct the jury that, in arriving at a verdict as to
27 the amount of the damages for noneconomic loss to be recovered by
28 the injured person, the jury shall not speculate as to the amount of
29 the medical expense benefits paid or payable by an automobile
30 insurer under personal injury protection coverage payable under a
31 standard automobile insurance policy pursuant to sections 4 and 10
32 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), medical expense
33 benefits under a basic automobile insurance policy pursuant to
34 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or benefits under a
35 special automobile insurance policy pursuant to section 45 of
36 P.L.2003, c.89 (C.39:6A-3.3) to the injured person, nor shall they
37 speculate as to the amount of benefits paid or payable by a health
38 insurer, health maintenance organization or governmental agency
39 under subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

40 Nothing in this section shall be construed to limit the right of
41 recovery, against the tortfeasor, of uncompensated economic loss as
42 defined by subsection k. of section 2 of P.L.1972, c.70 (C.39:6A-2),
43 including all uncompensated medical expenses not covered by the
44 personal injury protection limits applicable to the injured party and
45 sustained by the injured party. All medical expenses that exceed, or

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 are unpaid or uncovered by any injured party's medical expense
2 benefits personal injury protection limits, regardless of any health
3 insurance coverage, are claimable by any injured party as against all
4 liable parties, including any self-funded health care plans that assert
5 valid liens.

6 (cf: P.L.2003, c.89, s.55)

7

8 2. This act shall take effect immediately and apply to causes of
9 action pending on that date or filed on or after that date.

10

11

12

STATEMENT

13

14 This bill permits a party injured in an automobile accident to
15 recover, as part of the recovery of uncompensated economic loss,
16 all uncompensated medical expenses not covered by the personal
17 inquiry protection (PIP) limits applicable to the injured party and
18 sustained by the injured party. The bill makes it clear that economic
19 loss, as defined in the "New Jersey Automobile Reparation Reform
20 Act," P.L.1972, c.70 (C.39:6A-1 et seq.) otherwise known as the
21 "no-fault law," may include economic loss for any uncompensated
22 medical expenses, notwithstanding the longstanding interpretation
23 of that definition in the statute to the contrary. In so doing, the bill
24 codifies the holding of the Appellate Division in the consolidated
25 case of Haines v. Taft and Little v. Nishimura, 450 N.J. Super. 295
26 (App. Div. 2017). On March 26, 2019, the Supreme Court of New
27 Jersey reversed that holding. This bill, therefore, is consistent with
28 the earlier Appellate Division holding in allowing recovery of such
29 uncompensated medical expenses.

30 The bill however leaves in place the provision in the statute
31 making amounts of any deductibles, copayments or exclusions,
32 including exclusions pursuant to subsection d. of section 13 of
33 P.L.1983, c.362 (C.39:6A-4.3), inadmissible.

34 The bill clarifies that all medical expenses that exceed, or are
35 unpaid or uncovered by any injured party's automobile insurance
36 medical PIP coverage, regardless of any health insurance coverage,
37 are claimable by any injured party as against all liable parties. This
38 includes any self-funded health care plans that assert valid liens.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5371

STATE OF NEW JERSEY

DATED: MAY 20, 2019

The Assembly Judiciary Committee reports favorably Assembly Bill No. 5371.

This bill permits a party injured in an automobile accident to recover, as part of the recovery of uncompensated economic loss, all uncompensated medical expenses not covered by the personal injury protection (PIP) limits applicable to the injured party and sustained by the injured party. The bill makes it clear that economic loss, as defined in the “New Jersey Automobile Reparation Reform Act,” P.L.1972, c.70 (C.39:6A-1 et seq.) otherwise known as the “no-fault law,” may include economic loss for any uncompensated medical expenses, notwithstanding the longstanding interpretation of that definition in the statute to the contrary. In so doing, the bill codifies the holding of the Appellate Division in the consolidated case of Haines v. Taft and Little v. Nishimura, 450 N.J. Super. 295 (App. Div. 2017). On March 26, 2019, the Supreme Court of New Jersey reversed that holding. This bill, therefore, is consistent with the earlier Appellate Division holding in allowing recovery of such uncompensated medical expenses.

The bill leaves in place however, the provision in the statute making inadmissible the amounts of any deductibles, copayments or exclusions, including exclusions pursuant to subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

The bill clarifies that all medical expenses that exceed, or are unpaid or uncovered by any injured party’s automobile insurance medical PIP coverage, regardless of any health insurance coverage, are claimable by any injured party as against all liable parties. This includes any self-funded health care plans that assert valid liens.

This bill is identical to S2432(1R).

Governor Murphy Takes Action on Legislation

08/15/2019

TRENTON – Today, Governor Phil Murphy signed the following bills into law:

S2432 (Scutari, Pou/Downey, Bramnick, Quijano, Coughlin) - Permits recovery of uncompensated medical expenses in civil action for damages arising from automobile accident.

S3963 (Scutari, Pou/Downey, Bramnick) - Revises law concerning recovery of unreimbursed medical expenses as economic loss in civil action for damages arising from automobile accident.

[Copy of Statement on S2432 and S3963](#)