

# 59:2-1.2

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 1999                    **CHAPTER:** 287  
**NJSA:** 59:2-1.2                (Computer Failure -- Civil immunity)  
**BILL NO:** A2511                (Substituted for S1421)

**SPONSOR(S):** Arnone and Garcia

**DATE INTRODUCED:** October 5, 1998

**COMMITTEE:**            **ASSEMBLY:** Local Government

**SENATE:** Judiciary

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** November 15, 1999

**SENATE:** October 25, 1999

**DATE OF APPROVAL:** December 20, 1999

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL:](#) 2<sup>nd</sup> Reprint  
(Amendments during passage denoted by superscript numbers)

### A2511

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                    [ASSEMBLY:](#) [Yes](#)

[SENATE:](#) [Yes](#)

[FLOOR AMENDMENT STATEMENTS:](#) [Yes](#)

**LEGISLATIVE FISCAL ESTIMATE:** No

### S1421

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)  
Bill and Sponsors statement identical to A2511

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

[SENATE:](#) [Yes](#)  
Identical to Senate Statement for A2511

**FLOOR AMENDMENT STATEMENTS:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

"Law protects governments from Y2K Suits," 12-21-99, Courier News, p. 2.  
"Governments gain Y2K immunity," 12-21-99, Star Ledger, p. 48.

Yes

P.L. 1999, CHAPTER 287, *approved December 20, 1999*  
Assembly, No. 2511 (*Second Reprint*)

1 AN ACT concerning the liability of public entities in certain  
2 circumstances and supplementing Title 59 of the New Jersey  
3 Statutes.

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

7  
8 1. Notwithstanding any provision of law to the contrary, a public  
9 entity <sup>1</sup>, public employee, bi-state governmental entity of which the  
10 State of New Jersey is a member, or an employee of such an entity,<sup>1</sup>  
11 shall not be liable in any civil action for <sup>2</sup>[<sup>1</sup>injuries of any type,  
12 including, but not limited to, any and all<sup>1</sup>]<sup>2</sup> damages <sup>1</sup>[for property  
13 damage or personal injury]<sup>1</sup> resulting from or caused directly or  
14 indirectly by the <sup>1</sup>[failure of computer hardware or software or any  
15 device containing a computer processor to accurately or properly  
16 recognize, calculate, display, sort or otherwise process dates or times]  
17 <sup>2</sup>[selection, design, code or application of any hardware or software,  
18 whether owned, licensed, leased or utilized pursuant to contract with  
19 third parties<sup>1</sup>]<sup>1</sup> failure of computer hardware or software or any device  
20 containing a computer processor to accurately or properly recognize,  
21 calculate, display, sort or otherwise process dates or times<sup>2</sup> .

22  
23 2. This act shall take effect immediately <sup>2</sup>[<sup>1</sup>and shall apply to all  
24 causes of action that have accrued or will accrue prior to January 1,  
25 2003 or that are based upon acts or omissions occurring prior to that  
26 date<sup>1</sup>]<sup>2</sup>.

27  
28  
29  
30  
31 Provides civil immunity to public entities for the damages resulting  
32 from computer failure in certain circumstances.

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

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly ALH committee amendments adopted March 11, 1999.

<sup>2</sup> Senate floor amendments adopted September 30, 1999.

[Second Reprint]

**ASSEMBLY, No. 2511**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED OCTOBER 5, 1998

**Sponsored by:**

**Assemblyman MICHAEL J. ARNONE**

**District 12 (Monmouth)**

**Assemblyman RAUL "RUDY" GARCIA**

**District 33 (Hudson)**

**Co-Sponsored by:**

**Assemblymen Thompson, Gusciora, Romano, T.Smith, Blee, Assemblywoman Cruz-Perez, Assemblyman Roberts, Assemblywoman Heck, Assemblymen Luongo, Biondi, Talarico, Assemblywoman Farragher, Assemblymen Jones, Azzolina, Zecker, Assemblywoman Crecco, Assemblymen Bateman, Lance, Rooney, Assemblywoman Myers, Assemblymen LeFevre, Conaway, Connors, Felice, Senators Connors, Matheussen, Cafiero, Bassano, Singer, Cardinale and Sinagra**

**SYNOPSIS**

Provides civil immunity to public entities for the damages resulting from computer failure in certain circumstances.

**CURRENT VERSION OF TEXT**

As amended by the Senate on September 30, 1999.

**(Sponsorship Updated As Of: 10/1/1999)**

1 AN ACT concerning the liability of public entities in certain  
2 circumstances and supplementing Title 59 of the New Jersey  
3 Statutes.

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

7  
8 1. Notwithstanding any provision of law to the contrary, a public  
9 entity <sup>1</sup>, public employee, bi-state governmental entity of which the  
10 State of New Jersey is a member, or an employee of such an entity, <sup>1</sup>  
11 shall not be liable in any civil action for <sup>2</sup>[<sup>1</sup>injuries of any type,  
12 including, but not limited to, any and all<sup>1</sup>] <sup>2</sup> damages <sup>1</sup>[for property  
13 damage or personal injury] <sup>1</sup> resulting from or caused directly or  
14 indirectly by the <sup>1</sup>[failure of computer hardware or software or any  
15 device containing a computer processor to accurately or properly  
16 recognize, calculate, display, sort or otherwise process dates or times]  
17 <sup>2</sup>[selection, design, code or application of any hardware or software,  
18 whether owned, licensed, leased or utilized pursuant to contract with  
19 third parties<sup>1</sup>] failure of computer hardware or software or any device  
20 containing a computer processor to accurately or properly recognize,  
21 calculate, display, sort or otherwise process dates or times<sup>2</sup>.  
22

23 2. This act shall take effect immediately <sup>2</sup>[<sup>1</sup>and shall apply to all  
24 causes of action that have accrued or will accrue prior to January 1,  
25 2003 or that are based upon acts or omissions occurring prior to that  
26 date<sup>1</sup>] <sup>2</sup>.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Assembly ALH committee amendments adopted March 11, 1999.

<sup>2</sup> Senate floor amendments adopted September 30, 1999.

ASSEMBLY LOCAL GOVERNMENT AND HOUSING  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2511**

with committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 10, 1999

The Assembly Local Government and Housing Committee reports favorably, with committee amendments, Assembly Bill No. 2511.

There is increasing concern over the approach of the year 2000 and the potential problems which may exist as some computer chips fail to function properly because they are unable to read the year 2000 as being distinguished from the year 1900, or process other information which is date sensitive. A potential exists for tort claims to be asserted against the State, counties, municipalities, and public authorities and agencies for everything ranging from the potential failure of traffic signals, alarm systems, water and sewer systems, communications systems and elevators to the malfunctioning of computers containing financial information and other records. This potential could lead to extremely high legal expenses for these governmental entities in defending such law suits.

The bill, as amended, supplements the "New Jersey Tort Claims Act," P.L.1972, c.45(C.59:1-1) and provides that a public entity, public employee, bi-state governmental entity of which the State of New Jersey is a member, or an employee of such an entity, could not be held liable in any civil action for injuries of any type, including, but not limited to, any and all damages resulting from or caused directly or indirectly by the selection, design, code or application of any hardware or software, whether owned, licensed, leased or utilized pursuant to contract with third parties. It is the intent of the committee that the current standards that apply to claims under the Tort Claims Act will be applicable to claims affected by the bills' provisions.

The committee amended the bill, upon the recommendation of the Department of Law and Public Safety, to enlarge the types of entities granted immunity to include public employees and a bi-state governmental entity of which the State of New Jersey is a member, or an employee of such an entity. The amendments also enlarge the type of computer problems immunized against to include not only year

2000 transition problems, but also the selection, design, code or application of any hardware or software, whether owned, licensed, leased or utilized pursuant to contract with third parties. This change was made to include other other types of processing problems which may occur, such as the September 9, 1999 problem, and other related problems.

The amendments also limit the application of the immunity to those causes of action that accrue prior to January 1, 2003, or that are based upon acts or omissions occurring prior to that date.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

**ASSEMBLY, No. 2511**

**STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Senate Judiciary Committee reports without recommendation Assembly Bill No. 2511 (1R).

There is increasing concern over the approach of the year 2000 and the potential problems which may exist as some computer chips fail to function properly because they are unable to read the year 2000 as being distinguished from the year 1900. In order to address this potential year 2000 problem, this bill would provide that a public entity or public employee could not be held liable in any civil action for damages resulting from or caused by the selection, design, code, or application of any hardware or software whether owned, licensed, leased or utilized pursuant to contract.



# STATEMENT TO

[First Reprint]

## **ASSEMBLY, No. 2511**

with Senate Floor Amendments  
(Proposed By Senator ROBERTSON)

ADOPTED: SEPTEMBER 30, 1999

This bill provides immunities for public entities against lawsuits arising from the "Year 2000" computer problem.

As originally introduced, A-2511 had provided immunity to public entities for damages resulting from the failure of computer hardware or software to properly recognize, calculate, display, sort or otherwise process dates or times. As amended in committee, A-2511(1R) provides much broader protections to public entities, as well as to public employees, bi-state governmental entities and these entities' employees, by providing immunity for damages resulting from the selection, design, code or application of any hardware or software.

These floor amendments would restore the bill to the form in which it was originally introduced, limiting the immunity to cases involving damages caused by computers' failure to recognize, calculate, display, sort or otherwise process dates or times.

**SENATE, No. 1421**

**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

INTRODUCED OCTOBER 15, 1998

**Sponsored by:**

**Senator LEONARD T. CONNORS, JR.**  
**District 9 (Atlantic, Burlington and Ocean)**  
**Senator JOHN J. MATHEUSSEN**  
**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senators Cafiero, Bassano, Singer and Cardinale**

**SYNOPSIS**

Provides civil immunity to public entities for the damages resulting from computer failure in certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/21/1999)**

1 AN ACT concerning the liability of public entities in certain  
2 circumstances and supplementing Title 59 of the New Jersey  
3 Statutes.

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

7  
8 1. Notwithstanding any provision of law to the contrary, a public  
9 entity shall not be liable in any civil action for damages for property  
10 damage or personal injury resulting from or caused directly or  
11 indirectly by the failure of computer hardware or software or any  
12 device containing a computer processor to accurately or properly  
13 recognize, calculate, display, sort or otherwise process dates or times.

14  
15 2. This act shall take effect immediately.

16  
17

18 STATEMENT

19

20 There is increasing concern over the approach of the year 2000 and  
21 the potential problems which may exist as some computer chips fail to  
22 function properly because they are unable to read the year 2000 as  
23 being distinguished from the year 1900. While virtually every level of  
24 government has and is making an effort to identify the systems that  
25 may present operational problems, it is most unlikely that all will be  
26 identified and even more unlikely that the problems will have been  
27 corrected before December 31, 1999.

28 The probable result is that thousands of tort claims will be asserted  
29 against the State, counties, municipalities, and public authorities and  
30 agencies for everything ranging from the potential failure of traffic  
31 signals, alarm systems, water and sewer systems, communications  
32 systems and elevators to the malfunctioning of computers containing  
33 financial information and other records. In order to address this  
34 potential year 2000 problem, this bill would provide that a public  
35 entity could not be held liable in any civil action for damages resulting  
36 from the failure of a computer system to accurately or properly  
37 recognize or calculate dates or times.

# SENATE JUDICIARY COMMITTEE

## STATEMENT TO

### **SENATE, No. 1421**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: JUNE 7, 1999

The Senate Judiciary Committee reports without recommendation and with committee amendments Senate Bill No. 1421.

There is increasing concern over the approach of the year 2000 and the potential problems which may exist as some computer chips fail to function properly because they are unable to read the year 2000 as being distinguished from the year 1900. In order to address this potential year 2000 problem, this bill would provide that a public entity could not be held liable in any civil action for damages resulting from the failure of a computer system to accurately or properly recognize or calculate dates or times.

The amendments adopted by the committee broadened the scope of the bill to include, in addition to public entities, public employees and bi-state agencies and their employees.

The committee amendments also provide that immunity granted under the bill would apply to any type of injury caused by the selection, design, code or application of any hardware or software whether owned, licensed, leased or utilized pursuant to contract.

In addition, the amendments clarify that the bill would apply to all causes of action that have occurred or will occur prior to January 1, 2003 or that are based upon acts or omissions occurring prior to that date.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Gene Herman  
609-777-2600

RELEASE: December 20, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

**ACS for A-1016**, sponsored by Assembly Members Charles Zisa (D-Bergen), Francis J. Blee (R-Atlantic), Melvin Cottrell (R-Burlington/Monmouth/Ocean) and Joseph R. Malone, III (R-Burlington/Monmouth/Ocean), exempts law enforcement officers from certain bicycle laws in the performance of their official duties.

**A-1126**, sponsored by E. Scott Garrett (R-Sussex/Hunterdon/Morris) and Guy R. Gregg (R-Sussex/Hunterdon/Morris), clarifies existing law by providing that a recreational vehicle installed in a campsite is not subject to the property tax. The bill defines a recreational vehicle as a camper that is easily disassembled and removed from a campground. The bill specifically excludes a manufactured home or a permanent residence.

**A-1884**, sponsored by Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Nicholas Asselta (R-Atlantic/CapeMay/Cumberland) and Senator James S. Cafiero (R-Cape May/Atlantic/Cumberland), expands the eligibility for state grants to Alzheimer day care programs to include for-profit as well as public and non-profit programs. It also appropriates \$803,000 from the General Fund to increase the number of clients who can be served by Alzheimer's adult day care programs. The bill incorporates the recommendations the Governor made in a conditional veto of the bill.

**A-2312**, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and David W. Wolfe (R-Monmouth/Ocean) and Senator Robert J. Martin (R-Essex/Morris/Passaic), provides that administrative penalty funds returned to school districts in the 1997-98 school year shall be included in each district's prebudget year total for the purpose of calculating stabilized aid in 1998-99 and thereafter. The bill incorporates the recommendations the Governor made in a conditional veto of the bill.

**A-2785**, sponsored by Assembly Members Rose Marie Heck (R-Bergen) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Senators Diane B. Allen (R-Burlington/Camden) and John O. Bennett (R-Monmouth), requires fingerprinting of domestic violence offenders. The bill was introduced upon the recommendation of the Assembly Task Force on Domestic Violence in order to enhance enforcement of the federal firearms ban with respect to domestic violence offenders. The bill requires fingerprinting upon conviction for the disorderly persons offenses of assault and harassment that constitute domestic violence. It also requires the fingerprinting of any persons against whom a final domestic violence restraining order has been entered.

**A-2789**, sponsored by Assembly Members Kevin J. O'Toole (R-Essex/Union) and Joseph Azzolina (R-Middlesex/Monmouth) and Senators Martha W. Bark (R-Atlantic/Burlington/Camden) and Robert W. Singer (R- Burlington/Monmouth/Ocean) and Diane B. Allen (R-Burlington/Camden), requires annual domestic violence training for family court judges. Under previous law, all judges and court personnel were required to receive biannual training on the handling of domestic violence matters. The Assembly Task Force on domestic violence recommended in a report issued in July, 1998 that the statutory requirement for biannual training be increased.

**S-1258**, sponsored by Senators James S. Cafiero (R-Cape May/Atlantic/Cumberland) and John A. Girgenti (D-Passaic) and Assembly Members Francis J. Blee (R-Atlantic) and Kenneth C. Lefevre (R-Atlantic), makes it a third degree crime to knowingly use a laser sighting system or device against a law enforcement officer who is engaged in the performance of his or her official duties and is in uniform or otherwise displaying evidence of his or her authority. Third degree crimes are punishable by a three-to-five-year term of imprisonment or a \$15,000 fine or both. For first offenders, however, a presumption against incarceration applies.

**S-1378**, revises various hunting, trapping and fishing license fees and related provisions, and changes the name of the Division of Fish, Game and Wildlife to the Division of Fish and Wildlife. The bill increases the fees for various hunting, fishing and trapping licenses, permits and stamps by an average of about 50 percent. The bill also authorizes the division to collect a new \$2 fee from migratory bird hunters to pay for information collection activities mandated by the United States Fish and Wildlife Service Migratory Bird Harvest Information Program. The legislation was sponsored by Senators Robert E. Littell (R-Sussex/Hunterdon/Morris) and Joseph F. Vitale (D-Middlesex) and Assembly Members Michael Patrick Carroll (R-Morris) and Melvin Cottrell (R-Burlington/Monmouth/Ocean).