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LAW/RWH

# ASSEMBLY, No. 3669

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 15, 2009

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman PETER J. BARNES, III**

**District 18 (Middlesex)**

**Assemblyman PAUL D. MORIARTY**

**District 4 (Camden and Gloucester)**

**Co-Sponsored by:**

**Assemblymen Egan, Diegnan, Vas, Senators Madden, S.Kean and Baroni**

**SYNOPSIS**

Concerns court actions against uninsured employers for non-payment of workers' compensation.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning non-payment of workers' compensation by  
2 uninsured employers and amending P.L.1966, c.126.

3

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

6

7 1. Section 12 of P.L.1966, c.126 (C.34:15-120.3) is amended to  
8 read as follows:

9 12. **[In case of default by an uninsured employer in the payment**  
10 **of any compensation due under an award for a period of 45 days**  
11 **after payment is due and payable and the uninsured employer fails**  
12 **or refuses to deposit with the director within 10 days after demand**  
13 **the commuted or estimated value of the compensation payable**  
14 **under the award as security for prompt and convenient payment of**  
15 **such compensation periodically as it accrues, or in case of failure by**  
16 **an employer, within 20 days after it is due to pay any assessment**  
17 **imposed by the director pursuant to section 34:15-79 of the Revised**  
18 **Statutes or section 38 of this act, the]** The director, in any **[such]**  
19 **case [may] in which an award of compensation payable by an**  
20 **uninsured employer or an assessment has been ordered by the**  
21 **director, shall** file with the Clerk of the Superior Court, (1) a  
22 statement containing the findings of fact, conclusions of law, award  
23 and judgment of the **[officer]** judge making the award **[which is in**  
24 **default together with a certified copy of the demand for deposit of**  
25 **security],** or (2) a certified copy of the director's order imposing,  
26 and the demand for payment of, **[such]** the assessment, and,  
27 **[thereupon,] the filing of that statement or order, as the case may**  
28 **be,** shall have the same effect and may be collected and docketed in  
29 the same manner as judgments rendered in causes tried in the  
30 Superior Court. The court shall vacate or modify such judgment to  
31 conform to any later award or decision by any authorized officer of  
32 the division upon presentation of a statement thereof as provided for  
33 above. The award may be compromised by the Commissioner of  
34 Labor and **[Industry]** Workforce Development as in his discretion  
35 may best serve the interest of the persons entitled to receive the  
36 compensation or benefits.

37 (cf: P.L.1966, c.126, s.12)

38

39 2. This act shall take effect immediately.

**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.**

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STATEMENT

This bill amends the workers' compensation law to require that the Director of Workers' Compensation, in any case in which an award of compensation payable by an uninsured employer or an assessment has been ordered by the director, file with the Clerk of the Superior Court a statement of the findings and judgment of the workers' compensation judge or a certified copy of the director's order. Upon that filing, the statement or order and, as the case may be, shall have the same effect and may be collected and docketed in the same manner as judgments rendered in causes tried in the Superior Court.

Under current law, the director is not permitted to make the filing until 45 days after payment is due and 10 days after the uninsured employer fails to comply with any demand to deposit with the director the estimated value of the compensation, and 20 days after orders by the director to pay any assessments for failure to pay. The bill requires, rather than permits, the director to make the filing, and requires that the filing be made without the delays currently imposed.

ASSEMBLY LABOR COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3669**

**STATE OF NEW JERSEY**

DATED: JANUARY 26, 2009

The Assembly Labor Committee reports favorably Assembly Bill No. 3669.

This bill amends the workers' compensation law to require that the Director of Workers' Compensation shall, in any case in which an award of compensation payable by an uninsured employer or an assessment has been ordered by the director, file with the Clerk of the Superior Court a statement of the findings and judgment of the workers' compensation judge or a certified copy of the director's order. Upon that filing, the statement or order, as the case may be, shall have the same effect and may be collected and docketed in the same manner as judgments rendered in causes tried in the Superior Court.

Under current law, the director is not permitted to make the filing until 45 days after payment is due and 10 days after the uninsured employer fails to comply with any demand to deposit with the director the estimated value of the compensation, and 20 days after orders by the director to pay any assessments for failure to pay. The bill requires, rather than permits, the director to make the filing, and requires that the filing be made without the delays currently imposed.

# SENATE, No. 2495

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 13, 2009

**Sponsored by:**

**Senator FRED H. MADDEN, JR.**  
**District 4 (Camden and Gloucester)**  
**Senator SEAN T. KEAN**  
**District 11 (Monmouth)**

**Co-Sponsored by:**

**Senator Baroni**

**SYNOPSIS**

Concerns court actions against uninsured employers for non-payment of workers' compensation.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning non-payment of workers' compensation by  
2 uninsured employers and amending P.L.1966, c.126.

3

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

6

7 1. Section 12 of P.L.1966, c.126 (C.34:15-120.3) is amended to  
8 read as follows:

9 12. **[In case of default by an uninsured employer in the payment**  
10 **of any compensation due under an award for a period of 45 days**  
11 **after payment is due and payable and the uninsured employer fails**  
12 **or refuses to deposit with the director within 10 days after demand**  
13 **the commuted or estimated value of the compensation payable**  
14 **under the award as security for prompt and convenient payment of**  
15 **such compensation periodically as it accrues, or in case of failure by**  
16 **an employer, within 20 days after it is due to pay any assessment**  
17 **imposed by the director pursuant to section 34:15-79 of the Revised**  
18 **Statutes or section 38 of this act, the]** The director, in any **[such]**  
19 **case [may] in which an award of compensation payable by an**  
20 **uninsured employer or an assessment has been ordered by the**  
21 **director, shall** file with the Clerk of the Superior Court, (1) a  
22 statement containing the findings of fact, conclusions of law, award  
23 and judgment of the **[officer]** judge making the award **[which is in**  
24 **default together with a certified copy of the demand for deposit of**  
25 **security],** or (2) a certified copy of the director's order imposing,  
26 and the demand for payment of, **[such]** the assessment, and,  
27 **[thereupon,] the filing of that statement or order, as the case may**  
28 **be,** shall have the same effect and may be collected and docketed in  
29 the same manner as judgments rendered in causes tried in the  
30 Superior Court. The court shall vacate or modify such judgment to  
31 conform to any later award or decision by any authorized officer of  
32 the division upon presentation of a statement thereof as provided for  
33 above. The award may be compromised by the Commissioner of  
34 Labor and **[Industry]** Workforce Development as in his discretion  
35 may best serve the interest of the persons entitled to receive the  
36 compensation or benefits.

37 (cf: P.L.1966, c.126, s.12)

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39 2. This act shall take effect immediately.

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#### STATEMENT

43

44 This bill amends the workers' compensation law to require 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 Director of the Division of Workers' Compensation, in any case  
2 in which an award of compensation payable by an uninsured  
3 employer or an assessment has been ordered by the director, shall  
4 file with the Clerk of the Superior Court a statement of the findings  
5 and judgment of the workers' compensation judge or a certified  
6 copy of the director's order and, upon that filing, the statement or  
7 order as the case may be, shall have the same effect and may be  
8 collected and docketed in the same manner as judgments rendered  
9 in causes tried in the Superior Court.

10 Under current law, the director is not permitted to make the  
11 filing until 45 days after payment is due and 10 days after the  
12 uninsured employer fails to comply with any demand to deposit  
13 with the director the estimated value of the compensation, and 20  
14 days after orders by the director to pay any assessments for failure  
15 to pay. The bill requires, rather than permits, the director to make  
16 the filing, and requires that the filing be made without the delays  
17 currently imposed.

# SENATE LABOR COMMITTEE

## STATEMENT TO

### SENATE, No. 2495

# STATE OF NEW JERSEY

DATED: JANUARY 26, 2009

The Senate Labor Committee reports favorably Senate Bill No. 2495.

This bill amends the workers' compensation law to require that the Director of the Division of Workers' Compensation, in any case in which an award of compensation payable by an uninsured employer or an assessment has been ordered by the director, shall immediately file with the Clerk of the Superior Court a statement of the findings and judgment of the workers' compensation judge or a certified copy of the director's order and, upon that filing, the statement or order, as the case may be, shall have the same effect and may be collected and docketed in the same manner as judgments rendered in causes tried in the Superior Court.

Under current law, the director is not permitted to make the filing until 45 days after payment is due and 10 days after the uninsured employer fails to comply with any demand to deposit with the director the estimated value of the compensation, and 20 days after orders by the director to pay any assessments for failure to pay. The bill requires, rather than permits, the director to make the filing, and requires that the filing be made without the delays currently imposed.