

34: 15 - 28.1

LEGISLATIVE HISTORY CHECKLIST

(Temporary Disability Benefit claims--pay 30 days)

WJSA 34: 15-28.1

LAWS OF 1979

CHAPTER 468

Bill No. A643

Sponsor(s) Baer

Date Introduced February 14, 1978

Committee: Assembly Commerce, Industry and Professions

Senate Labor, Industry and Professions

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly June 12, 1978

Senate Dec. 10, 1979

Date of approval February 27, 1980

Following statements are attached if available:

Sponsor statement	Yes	<input checked="" type="checkbox"/>	Also attached: Senate amendments adopted 5-3-79 (with statement)
Committee Statement: Assembly	Yes	<input checked="" type="checkbox"/>	
Senate	Yes	No	
Fiscal Note	Yes	No	
Veto message	Yes	No	
Message on signing	Yes	No	

Following were printed.

Reports	Yes	<input checked="" type="checkbox"/>
Hearings	Yes	No

Reports cited in Assembly Committee statement:

974.90 New Jersey Workmen's Compensation Study Commission
 E55 Report...September 30, 1973. Newark, 1973.
 1973a (See pp. 24, 60-62)

9/1/78
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974.90
E 55
1974

N.J. Commission of Investigation
Final report and recommendations on the
investigation of the Workmen's Compensation
system. Trenton, 1974

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 643

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Assemblyman BAER

Referred to Committee on Commerce, Industry and Professions

AN ACT regarding temporary disability compensation and supplementing chapter 15 of Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. If ****[an]**** ***a self-insured or uninsured*** employer or em-
2 ployer's insurance carrier, having actual knowledge of the occur-
3 rence of the injury, or having received notice thereof such that
4 temporary disability compensation is due pursuant to R. S.
5 34:15-17, unreasonably or negligently delays or refuses to pay
6 temporary disability compensation, or unreasonably or negligently
7 delays denial of a claim, it shall be liable **to the petitioner** for an
8 additional amount of 25% of the amounts then due plus any reason-
9 able legal fees incurred by the petitioner as a result of and in
10 relation to such delays or refusals. ****[Absent a positive showing to**
11 **the contrary, a delay of 30 days or more shall be considered un-**
12 **reasonable and negligent.]**** **A delay of 30 days or more shall give*
13 *rise to a rebuttable presumption of unreasonable and negligent*
14 *conduct on the part of ****[an]**** ***a self-insured or uninsured****
15 *employer or an employer's insurance carrier.**

1 2. This act shall take effect ****[immediately]**** ***60 days after*
2 *enactment**.*

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

SENATE AMENDMENTS TO
ASSEMBLY. No. 643
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 3, 1979

Amend page 1, section 1, line 1, after "If", omit "an", insert "a self-insured or uninsured".

Amend page 1, section 1, line 13, after "part of", omit "an", insert "a self-insured or uninsured".

Amend page 1, section 2, line 1, omit "immediately", insert "60 days after enactment".

STATEMENT

These are technical amendments that clarify the nature of the insurance carrier and set the effective date of the act as 60 days after enactment.

ASSEMBLY COMMERCE, INDUSTRY AND PROFESSIONS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 643

with Assembly committee amendments

—◆—
STATE OF NEW JERSEY
—◆—

DATED: MARCH 6, 1978

This bill provides that an employer, or his insurer, who unreasonably or negligently delays or refuses to pay temporary disability compensation or delays denial of a claim would be liable for a 25% penalty on the amount owed plus the petitioner's legal fees. A delay of 30 days or more would give rise to a rebuttable presumption of unreasonable and negligent conduct on the part of an employer or his insurer. The Division of Workers' Compensation in the Department of Labor and Industry would administer the provisions of the bill.

The Commerce, Industry and Professions Committee amended the bill to clarify that the penalty would be payable to the petitioner and not to the State.

Two major reports, the *Report of the New Jersey Workmen's Compensation Study Commission* (1973) and the *Final Report and Recommendations on the Investigation of the Workmen's Compensation System* (State Commission of Investigation, 1974), recommended the imposition of a penalty for unreasonable delays in paying temporary disability compensation because of the frequency of such delays and the adverse economic impact such delays have on disabled workers.

ASSEMBLY, No. 643

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1978

By Assemblyman BAER

Referred to Committee on Commerce, Industry and Professions

AN ACT regarding temporary disability compensation and supplementing chapter 15 of Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. If an employer or employer's insurance carrier, having actual
2 knowledge of the occurrence of the injury, or having received
3 notice thereof such that temporary disability compensation is due
4 pursuant to R. S. 34:15-17, unreasonably or negligently delays or
5 refuses to pay temporary disability compensation, or unreasonably
6 or negligently delays denial of a claim, it shall be liable for an
7 additional amount of 25% of the amounts then due plus any reason-
8 able legal fees incurred by the petitioner as a result of and in rela-
9 tion to such delays or refusals. Absent a positive showing to the
10 contrary, a delay of 30 days or more shall be considered unreason-
11 able and negligent.

1 2. This act shall take effect immediately.

STATEMENT

This bill provides that whenever an employer or his insurer is legally notified that temporary disability compensation is due an injured person and delays or refuses payment or delays a denial of liability for 30 days or longer, he is presumed to be negligent and unreasonable and liable to a 25% penalty plus any causally related petitioner's legal fees. This change is recommended in the report of the State Commission of Investigation on the Workmen's Compensation System.