

17:28-1.9

**LEGISLATIVE HISTORY CHECKLIST**  
Compiled by the NJ State Law Library

(Automobile insurance companies--  
immunity from liability)

**NJSA:** 17:28-1.9

**LAWS OF:** 1993 **CHAPTER:** 156

**BILL NO:** S804

**SPONSOR(S)** Haines and others

**DATE INTRODUCED:** May 14, 1992

**COMMITTEE:** **ASSEMBLY:** ---

**SENATE:** Commerce

**AMENDED DURING PASSAGE:** Yes Amendments during passage  
denoted by superscript numbers

**DATE OF PASSAGE:** **ASSEMBLY:** May 20, 1993

**SENATE:** June 18, 1992

**DATE OF APPROVAL:** June 29, 1993

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

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

**SENATE:** Yes

**FISCAL NOTE:** No

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

See newspaper clipping-attached

KBG:pp "EXPANDED GRANDPARENT VISITATION..."

STAR-LEADER, JUNE 30, 1993

**DEPOSITORY COPY**  
Do Not Remove From Library

[FIRST REPRINT]

SENATE, No. 804

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1992

By Senators HAINES, CARDINALE, Ciesla,  
Scott, Sinagra and Bennett

1 AN ACT providing immunity from liability for certain producers,  
2 insurers and others under certain circumstances.

3

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

6 1. <sup>1a.</sup> Notwithstanding any other provision of law to the  
7 contrary, no person, including, but not limited to, an insurer, an  
8 insurance producer, as defined in section 2 of P.L.1987, c.293  
9 (C.17:22A-2), a servicing carrier or non-insurer servicing carrier  
10 acting in that capacity pursuant to P.L.1983, c.65 (C.17:30E-1 et  
11 seq.) or section 88 of P.L.1990, c.8 (C.17:33B-11), the New Jersey  
12 Automobile Full Insurance Underwriting Association created  
13 pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), the Market  
14 Transition Facility created pursuant to section 88 of P.L.1990,  
15 c.8 (C.17:33B-11), and any plan established pursuant to section 1  
16 of P.L.1970, c.215 (C.17:29D-1), shall be liable in an action for  
17 damages on account of the election of a given level of motor  
18 vehicle insurance coverage by a named insured as long as those  
19 limits provide at least the minimum coverage required by law or  
20 on account of a named insured not electing to purchase  
21 underinsured motorist coverage, collision coverage or  
22 comprehensive coverage. Nothing in this section shall be deemed  
23 to grant immunity to any person causing damage as the result of  
24 his willful, wanton or grossly negligent act of commission or  
25 omission.

26 <sup>1b.</sup> The coverage selection form required pursuant to section  
27 17 of P.L.1983, c.362 (C.39:6A-23) shall contain an  
28 acknowledgement by the named insured that the limits available  
29 to him for uninsured motorist coverage and underinsured motorist  
30 coverage have been explained to him and a statement that no  
31 person, including, but not limited to, an insurer, an insurance  
32 producer, as defined in section 2 of P.L.1987, c.293 (C.17:22A-2),  
33 a servicing carrier or non-insurer servicing carrier acting in that  
34 capacity pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.) or  
35 section 88 of P.L.1990, c.8 (C.17:33B-11), the New Jersey  
36 Automobile Full Insurance Underwriting Association created  
37 pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), the Market  
38 Transition Facility created pursuant to section 88 of P.L.1990,  
39 c.8 (C.17:33B-11), and any plan established pursuant to section 1  
40 of P.L.1970, c.215 (C.17:29D-1), shall be liable in an action for  
41 damages on account of the election of a given level of motor  
42 vehicle insurance coverage by a named insured as long as those

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:

<sup>1</sup> Senate SCM committee amendments adopted June 8, 1992

1 limits provide at least the minimum coverage required by law or  
2 on account of a named insured not electing to purchase  
3 underinsured motorist coverage, collision coverage or  
4 comprehensive coverage, except for that person causing damage  
5 as the result of his willful, wanton or grossly negligent act of  
6 commission or omission.<sup>1</sup>

7 2. This act shall take effect immediately.

8

9

10

11

12 Provides immunity from liability to insurers and producers if  
13 insured does not select higher motor vehicle insurance limits.

SENATE, No. 804

STATE OF NEW JERSEY

INTRODUCED MAY 14, 1992

By Senators HAINES, CARDINALE, Ciesla,  
Scott, Sinagra and Bennett

1 AN ACT providing immunity from liability for certain producers,  
2 insurers and others under certain circumstances.

3

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

6 1. Notwithstanding any other provision of law to the contrary,  
7 no person, including, but not limited to, an insurer, an insurance  
8 producer, as defined in section 2 of P.L.1987, c.293 (C.17:22A-2),  
9 a servicing carrier or non-insurer servicing carrier acting in that  
10 capacity pursuant to P.L.1983, c.65 (C.17:30E-1 et seq.) or  
11 section 88 of P.L.1990, c.8 (C.17:33B-11), the New Jersey  
12 Automobile Full Insurance Underwriting Association created  
13 pursuant to section 16 of P.L.1983, c.65 (C.17:30E-4), the Market  
14 Transition Facility created pursuant to section 88 of P.L.1990,  
15 c.8 (C.17:33B-11), and any plan established pursuant to section 1  
16 of P.L.1970, c.215 (C.17:29D-1), shall be liable in an action for  
17 damages on account of the election of a given level of motor  
18 vehicle insurance coverage by a named insured as long as those  
19 limits provide at least the minimum coverage required by law or  
20 on account of a named insured not electing to purchase  
21 underinsured motorist coverage, collision coverage or  
22 comprehensive coverage. Nothing in this section shall be deemed  
23 to grant immunity to any person causing damage as the result of  
24 his willful, wanton or grossly negligent act of commission or  
25 omission.

26 2. This act shall take effect immediately.

27

28

29

SPONSOR'S STATEMENT

30

31 This bill provides immunity from liability to insurers, including  
32 the New Jersey Automobile Full Insurance Underwriting  
33 Association and Market Transition Facility and their servicing  
34 carriers and non-insurer servicing carriers, any automobile  
35 insurance plan, and producers (agents and brokers) if a named  
36 insured does not elect higher limits of insurance coverage than  
37 required by New Jersey's motor vehicle insurance laws or if a  
38 named insured does not elect to purchase underinsured motorist  
39 coverage, collision coverage or comprehensive coverage.

40

41

42

43

44 Provides immunity from liability to insurers and producers if  
45 insured does not select higher motor vehicle insurance limits.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 804

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 8, 1992

The Senate Commerce Committee reports favorably and with committee amendments Senate, No. 804.

This bill provides immunity to insurers, including the New Jersey Automobile Full Insurance Underwriting Association and Market Transition Facility and their servicing carriers and non-insurer servicing carriers, any automobile insurance plan, and producers (agents and brokers) from any liability arising from a named insured not electing higher limits of insurance coverage than required by New Jersey's motor vehicle insurance laws or not purchasing underinsured motorist coverage, collision coverage or comprehensive coverage. However, this immunity would not apply to any person causing damage as the result of his willful, wanton or grossly negligent act of commission or omission.

The committee amended this bill to require that the automobile insurance coverage selection form contain: (1) an acknowledgement by the named insured that the limits available to him for uninsured motorist coverage and underinsured motorist coverage have been explained to him; and (2) a statement concerning the immunity from liability provided by this bill.