

LEGISLATIVE HISTORY CHECKLIST
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(Arbitration--trial de novo)

NJSA: 39:6A-32

LAWS OF: 1993 **CHAPTER:** 88

BILL NO: A1745

SPONSOR(S) Stuhltrager

DATE INTRODUCED: September 14, 1992

COMMITTEE: **ASSEMBLY:** Judiciary
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage
 First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** November 16, 1992
SENATE: March 15, 1993

DATE OF APPROVAL: March 19, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]
ASSEMBLY, No. 1745

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 14, 1992

By Assemblyman STUHLTRAGER

1 AN ACT concerning costs in arbitration proceedings and
2 amending P.L.1983, c.358 and P.L.1987, c.329.

3

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

6 1. Section 9 of P.L.1983, c.358 (C.39:6A-32) is amended to
7 read as follows:

8 9. Except in the case of an arbitration decision vacated by the
9 court or offers of judgment made pursuant to court rules, the
10 party petitioning the court for a trial de novo shall pay to the
11 court 1a trial de novo fee in an amount established pursuant to
12 the Rules of Court, which shall be utilized by the judiciary to
13 pay¹ the costs of arbitration including the fees of the arbitrators.
14 (cf: P.L.1983, c.358, s.9)

15 2. Section 8 of P.L.1987, c.329 (C.2A:23A-27) is amended to
16 read as follows:

17 8. Except in the case of an arbitration decision vacated by the
18 court or offers of judgment made pursuant to court rules, the
19 party petitioning the court for a trial de novo shall pay to the
20 court 1a trial de novo fee in an amount established pursuant to
21 the Rules of Court, which shall be utilized by the judiciary to
22 pay¹ the costs of arbitration including the fees of the arbitrators.
23 (cf: P.L.1987, c.329, s.8)

24 3. This act shall take effect immediately.

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29 Requires parties requesting a trial de novo after an arbitration
30 proceeding to pay for the costs of that proceeding.

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:

¹ Assembly floor amendments adopted November 12, 1992.

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16 court or offers of judgment made pursuant to court rules, the
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18 court the costs of arbitration including the fees of the arbitrators.
19 (cf: P.L.1987, c.329, s.8)

20 3. This act shall take effect immediately.

21

22

23 STATEMENT

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25 Under the provisions of N.J.S.A.39:6A-24 et seq., if a civil
26 action arising out of an automobile accident is filed, involving a
27 claim of \$15,000.00 or less, that claim is required to be submitted
28 for arbitration. Similarly, under the provisions of
29 N.J.S.A.2A:23A-20 et seq., civil actions involving personal injury
30 claims of \$20,000.00 or less are also required to be submitted for
31 arbitration. Both statutes provide that if a party is not satisfied
32 with the decision of the court-appointed arbitrators, the party
33 may request a trial de novo in Superior Court. If a trial de novo
34 is requested, the party filing that request is required to pay the
35 fees of the arbitrators. This bill would require a party unsatisfied
36 with an arbitration decision who requests a trial de novo to pay
37 for all costs associated with the arbitration proceedings.
38 Enactment of this bill would allow the courts to use trial de novo
39 request fees to cover administrative costs associated with these
40 arbitration programs in addition to the fees paid to the persons
41 serving as arbitrators.

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46 Requires parties requesting a trial de novo after an arbitration
47 proceeding to pay for the costs of that proceeding.

ASSEMBLY JUDICIARY, LAW AND
PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1745

STATE OF NEW JERSEY

DATED: SEPTEMBER 21, 1992

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 1745.

Under the provisions of N.J.S.A.39:6A-24 et seq., if a civil action arising out of an automobile accident is filed, involving a claim of \$15,000.00 or less, that claim is required to be submitted for arbitration. Similarly, under the provisions of N.J.S.A.2A:23A-20 et seq., civil actions involving personal injury claims of \$20,000.00 or less are also required to be submitted for arbitration. Both statutes provide that if a party is not satisfied with the decision of the court-appointed arbitrators, the party may request a trial de novo in Superior Court. If a trial de novo is requested, the party filing that request is required to pay the fees of the arbitrators. This bill amends N.J.S.A.39:6A-32 and N.J.S.A.2A:23A-27 to require a party unsatisfied with an arbitration decision who requests a trial de novo to pay for all costs associated with the arbitration proceedings, including the fees of the arbitrators. Enactment of this bill would allow the courts to use trial de novo request fees to cover administrative costs associated with these arbitration programs in addition to the fees paid to the persons serving as arbitrators.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1745

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1992

The Senate Judiciary Committee reports favorably Assembly Bill No. 1745 [1R].

Under the provisions of N.J.S.A.39:6A-24 et seq., if a civil action arising out of an automobile accident is filed involving a claim of \$15,000.00 or less, that claim is required to be submitted for arbitration. Similarly, under the provisions of N.J.S.A.2A:23A-20 et seq., civil actions involving personal injury claims of \$20,000.00 or less are also required to be submitted for arbitration. Both statutes provide that if a party is not satisfied with the decision of the court-appointed arbitrators, the party may request a trial de novo in Superior Court. If a trial de novo is requested, the party filing that request is required to pay the fees of the arbitrators. A1745 would amend both the automobile and personal injury arbitration statutes to require a party requesting a trial de novo to pay a fee to be set by court rule. This fee is intended to cover both the administrative costs associated with these arbitration programs as well as the fees paid to the persons serving as arbitrators.