

17:23-16 to 17:23-18

LEGISLATIVE HISTORY CHECKLIST

NJSA: 17:23-16 to 17:23-18

(Breathalyzer-study loss experience of insureds who use or don't use machine)

LAWS OF: 1983

CHAPTER: 472

Bill No: A3464

Sponsor(s): Karcher and others

Date Introduced: April 25, 1983

Committee:

Assembly: -----

Senate: Labor, Industry and Professions

Amended during passage: YES according to Governor's recommendations

YES

Amendments denoted by asterisks.

Date of Passage:

Assembly: June 20, 1983

Re-enacted 12/8/83

Senate: September 6, 1983

Re-enacted 1/9/83

Date of Approval: January 12, 1984

Following statements are attached if available:

Sponsor statement:

YES

Committee statement:

Assembly

NO

Senate

YES

Fiscal Note:

NO

Veto Message:

YES

Message on Signing:

NO

Following were printed:

Reports:

NO

Hearings:

NO

See newspaper clipping (attached)

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ASSEMBLY, No. 3464

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1983

By Assemblymen KARCHER, HERMAN, THOMPSON, SHUSTED  
and KERN

AN ACT concerning certain liability insurance coverages and sup-  
plementing Title 17 of the Revised Statutes.

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

1 1. a. Insurers **\*[licensed]\*** *\*authorized\** to do business in this  
2 State, who issue policies covering liquor law liability for insureds  
3 in this State, shall maintain separately statistics on their New  
4 Jersey loss experience *\*\*due to alcohol related claims\*\** with  
4A respect to those policies for three years.

5 b. These statistics shall segregate the loss experience for those  
6 insureds which have an alcohol breath analyzer machine on their  
7 premises from those insureds who do not.

1 2. Annually, on or before the anniversary of the effective date of  
2 this act, the insurers to which section 1 applies shall report that  
3 statistical information to the Commissioner of Insurance in the  
4 manner which the commissioner may prescribe.

1 3. a. The Commissioner of Insurance shall examine the reports  
2 required by this act and determine whether the loss experience  
3 *\*\*due to alcohol related claims\*\** indicates that liquor law liability  
4 coverage is appropriate for rating into subclasses based on the  
5 presence and use or absence of alcohol breath analyzer machines  
5A on insureds' premises.

6 b. The commissioner shall issue a report on the examination  
7 and determination made in subsection a. of this section and make

**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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Senate committee amendment adopted June 30, 1983.

\*\*—Assembly amendments adopted in accordance with Governor's recom-  
mendations November 21, 1983.

8 appropriate recommendations to the Governor and the Legislature  
9 within **\*\*[90]\*\*** **\*\*180\*\*** days following the third anniversary of  
10 the effective date of this act.

1 4. This act shall take effect on the 30th day following its enact-  
2 ment.

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## STATEMENT

This bill establishes a three year reporting and study program on the liquor law liability loss experience of insureds which use alcohol breath analyzer machines and those which do not. The Commissioner of Insurance is required to determine whether that experience justifies a differentiation in premium rates based on the use or absence of those machines on insureds' premises and to make a report to the Governor and the Legislature with recommendations within 90 days after the three year period.

The intent of this bill, coupled with tax incentives for the purchase of these machines provided in Assembly Bills Nos. 3465 and 3466 of 1983, is to encourage installation of these machines on premises licensed to dispense alcoholic beverages for on premises consumption. This would enable members of the public to have the opportunity to measure their blood alcohol content prior to driving and make an informed decision about driving after drinking.

A3464 (1983)

SENATE LABOR, INDUSTRY AND PROFESSIONS  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 3464**

with Senate committee amendments

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**STATE OF NEW JERSEY**

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DATED: JUNE 30, 1983

This bill establishes a three-year reporting and study program on the liquor law liability loss experience of insureds which use alcohol breath analyzer machines and those which do not. The Commissioner of Insurance is required to determine whether that experience justifies a differentiation in premium rates based on the use or absence of those machines on insureds' premises and to make a report to the Governor and the Legislature with recommendations within 90 days after the three-year period.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 21, 1983

ASSEMBLY BILL NO. 3464 (OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 3464 (OCR) with my recommendations for reconsideration.

This bill establishes a three year reporting and study program on liquor law liability loss experience for bars, taverns and other establishments that install breath analyzer machines, comparing their loss experience with bars that do not install these devices. The Commissioner of Insurance is required to determine if that experience justifies a differentiation in premium rates and to make a report with recommendations to the Governor and the Legislature within 90 days after the three year period.

There are two problems in this bill that the Department of Insurance raises. One is the vagueness of the term "loss experience" in the bill. Loss experience would be any claim whether or not it is alcohol induced or alcohol related. Therefore, for the statistics to be valid under this act, loss experience should be based on alcohol related claims.

Secondly, the Department of Insurance feels that 90 days is too short a period for them to compare the different statistics provided under this bill to render a report and believe they could put together a much more valuable report for the Legislature and Governor if the time frame were extended to six months.

I find it hard to believe that the Legislature feels that this bill addresses the issue of drunk driving in the State of New Jersey. This bill is insignificant compared to the more important drunk driving bills that have been pending in the Legislature for the past eleven months, such as the Drunk Driving Enforcement Fund bill (which will target funds for overtime police patrols to focus on drunken drivers), the implied consent bill (which will provide a more effective manner for trying drivers accused of drinking while intoxicated), and other bills dealing with education and rehabilitation. These are the bills that will have an impact by discouraging people from drunk driving and providing for a greater number of convictions of those who do drink and drive.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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This bill does nothing more than compile statistics to determine whether taverns that use breath analyzers should have reduced insurance premiums. I would ask the Legislature to deal with the more important aspects of the drunk driving package.

Accordingly, I herewith return Assembly Bill No. 3464 (OCR) and recommend that it be amended as follows:

Page 1, Section 1, Line 4: After "experience" add "due to alcohol related claims"

Page 1, Section 3, Line 2: After "experience" add "due to alcohol related claims"

Page 1, Section 3, Line 9: Delete "90" add "180".

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

(seal)

Attest:

/s/ W. Cary Edwards  
Chief Counsel