

[First Reprint]

**SENATE, No. 2432**

---

**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

---

INTRODUCED APRIL 5, 2018

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator NELLIE POU**

**District 35 (Bergen and Passaic)**

**Assemblywoman JOANN DOWNEY**

**District 11 (Monmouth)**

**Assemblyman JON M. BRAMNICK**

**District 21 (Morris, Somerset and Union)**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**Assemblyman CRAIG J. COUGHLIN**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Assemblywoman Jasey**

**SYNOPSIS**

Permits recovery of uncompensated medical expenses in civil action for damages arising from automobile accident.

**CURRENT VERSION OF TEXT**

As amended by the Senate on May 13, 2019.



**(Sponsorship Updated As Of: 5/24/2019)**

1 AN ACT concerning uncompensated economic loss in an action for  
 2 recovery of damages for bodily injury and amending P.L.1972,  
 3 c.70.

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

7  
 8 1. Section 12 of P.L.1972, c.70 (C.39:6A-12) is amended to  
 9 read as follows:

10 12. Inadmissibility of evidence of losses collectible under  
 11 personal injury protection coverage. Except as may be required in  
 12 an action brought pursuant to section 20 of P.L.1983, c.362  
 13 (C.39:6A-9.1), evidence of the amounts collectible or paid under a  
 14 standard automobile insurance policy pursuant to sections 4 and 10  
 15 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), amounts collectible or  
 16 paid for medical expense benefits under a basic automobile  
 17 insurance policy pursuant to section 4 of P.L.1998, c.21 (C.39:6A-  
 18 3.1) and amounts collectible or paid for benefits under a special  
 19 automobile insurance policy pursuant to section 45 of P.L.2003,  
 20 c.89 (C.39:6A-3.3), to an injured person, including the amounts of  
 21 any deductibles, copayments or exclusions, including exclusions  
 22 pursuant to subsection d. of section 13 of P.L.1983, c.362  
 23 (C.39:6A-4.3), otherwise compensated is inadmissible in a civil  
 24 action for recovery of damages for bodily injury by such injured  
 25 person.

26 The court shall instruct the jury that, in arriving at a verdict as to  
 27 the amount of the damages for noneconomic loss to be recovered by  
 28 the injured person, the jury shall not speculate as to the amount of  
 29 the medical expense benefits paid or payable by an automobile  
 30 insurer under personal injury protection coverage payable under a  
 31 standard automobile insurance policy pursuant to sections 4 and 10  
 32 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), medical expense  
 33 benefits under a basic automobile insurance policy pursuant to  
 34 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or benefits under a  
 35 special automobile insurance policy pursuant to section 45 of  
 36 P.L.2003, c.89 (C.39:6A-3.3) to the injured person, nor shall they  
 37 speculate as to the amount of benefits paid or payable by a health  
 38 insurer, health maintenance organization or governmental agency  
 39 under subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

40 Nothing in this section shall be construed to limit the right of  
 41 recovery, against the tortfeasor, of uncompensated economic loss as  
 42 defined by subsection k. of section 2 of P.L. 1972, c. 70 (C. 39:6A-  
 43 2), including <sup>1</sup>all<sup>1</sup> uncompensated medical expenses <sup>1</sup>[between] not  
 44 covered by<sup>1</sup> the personal injury protection limits applicable to the

**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 floor amendments adopted May 13, 2019.

1 injured party and <sup>1</sup>["\$250,000.,"<sup>1</sup> sustained by the injured party <sup>1</sup>;  
2 provided, however, that the amounts of any deductibles,  
3 copayments or exclusions, including exclusions pursuant to  
4 subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3), shall  
5 remain inadmissible pursuant to this section]. All medical  
6 expenses that exceed, or are unpaid or uncovered by any injured  
7 party's medical expense benefits personal injury protection limits,  
8 regardless of any health insurance coverage, are claimable by any  
9 injured party as against all liable parties, including any self-funded  
10 health care plans that assert valid liens<sup>1</sup>.

11 (cf: P.L.2003, c.89, s.55)

12

13 2. This act shall take effect immediately and apply to causes of  
14 action <sup>1</sup>pending on that date or<sup>1</sup> filed on or after <sup>1</sup>["the 180th day  
15 next following enactment]" that date<sup>1</sup>.