SENATE, No. 3594

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 25, 2021

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator NICHOLAS P. SCUTARI

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Senator Pou

SYNOPSIS

Provides that in civil actions, calculations of damages for lost earnings or impaired earning capacity resulting from personal injury or wrongful death shall not be reduced based on race, ethnicity, or gender.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/2/2021)

S3594 SINGLETON, SCUTARI

1	AN ACT concerning the calculations of certain damages in civ	/il
2	actions and supplementing Title 2A of the New Jersey Statutes.	

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

- 1. a. In a civil action arising from personal injury or wrongful death, any estimations, measures, or calculations of past, present, or future damages for lost earnings or impaired earning capacity shall not be reduced because of race, ethnicity, or gender.
- b. In any such civil action, any reduction of damages based upon statistical tables alone shall be deemed to be against the public policy of this State.

2. This act shall take effect immediately.

STATEMENT

This bill provides that in a civil action arising from personal injury or wrongful death, any estimations, measures, or calculations of past, present, or future damages for lost earnings or impaired earning capacity shall not be reduced because of race, ethnicity, or gender. The bill further provides that in any such civil action, any reduction of damages based upon statistical tables alone shall be deemed to be against the public policy of this State.

In general, the calculation of damage awards in personal injury and wrongful death actions will take into account the victim's projected lost earning potential. However, the courts may take into account expert testimony using data from the federal Bureau of Labor Statistics, which breaks down earnings by race, ethnicity, and gender, among other categories. In the view of the sponsor, the use of data and statistical tables that take these particular categories into account reflects gender pay disparities and workforce discrimination; can under-value women and minorities; and perpetuates long-standing discriminatory practices.

This bill is based on a California enactment, Chapter 136 of 38 2019.