

ASSEMBLY, No. 1213

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman AUGUSTINE

1 AN ACT concerning civil actions against public entities and public
2 employees and amending N.J.S.59:9-2.

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

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7 1. N.J.S 59:9-2 is amended to read as follows:

8 59:9-2. Interest and limitations on judgments.

9 a. No interest shall accrue prior to the entry of judgment against a
10 public entity or public employee.

11 b. No judgment shall be granted against a public entity or public
12 employee on the basis of strict liability, implied warranty or products
13 liability.

14 c. No punitive or exemplary damages shall be awarded against a
15 public entity.

16 d. No damages shall be awarded against a public entity or public
17 employee for pain and suffering resulting from any injury; provided,
18 however, that this limitation on the recovery of damages for pain and
19 suffering shall not apply in cases of permanent loss of a bodily
20 function, permanent disfigurement or dismemberment where the
21 medical treatment expenses are in excess of \$1,000.00. For purposes
22 of this section medical treatment expenses are defined as the
23 reasonable value of services rendered for necessary surgical, medical
24 and dental treatment of the claimant for such injury, sickness or
25 disease, including prosthetic devices and ambulance, hospital or
26 professional nursing service.

27 e. If a claimant receives or is entitled to receive benefits for the
28 injuries allegedly incurred from a policy or policies of insurance or any
29 other source other than a joint tortfeasor, such benefits shall be
30 disclosed to the court and the amount thereof which duplicates any
31 benefit contained in the award shall be deducted from any award
32 against a public entity or public employee recovered by such claimant;

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 provided, however, that nothing in this provision shall be construed to
2 limit the rights of a beneficiary under a life insurance policy. No
3 insurer or other person shall be entitled to bring an action under a
4 subrogation provision in an insurance contract against a public entity
5 or public employee.

6 f. (1) No judgment against one or more public entities or public
7 employees shall be entered, either jointly or severally, in favor of a
8 single claimant for a single occurrence for a total amount greater than
9 five million dollars, including attorney's fees.

10 (2) For purposes of this section:

11 (a) "Occurrence" means an event or accident or series of events or
12 accidents that are closely connected in time and location or in their
13 causation or happening or that arise from the same act or omission or
14 a series of related acts or omissions;

15 (b) "Single claimant" means the injured party and any person who
16 asserts a claim, derivative or otherwise, including but not limited to
17 parents, spouses or anyone who sustained a loss or asserts a claim as
18 a consequence of the injury or death of or damage to the property of
19 the person involved in the occurrence.

20 (3) If a judgment is entered against one or more public entities or
21 public employees which exceeds the limits set forth in subsection f. of
22 this section, the judgment shall be reduced to the appropriate limits.

23 (cf: N.J.S.59:9-2)

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25 2. This act shall take effect immediately and shall apply to all
26 actions against public entities and public employees filed on or after
27 that date.

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30 STATEMENT

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32 This bill would amend the N.J. Tort Claims Act and establish a
33 "cap" of five million dollars on civil judgements against public entities
34 and public employees.

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39 Establishes "cap" on civil judgements against public entities and public
40 employees.