

ASSEMBLY, No. 2422

STATE OF NEW JERSEY

INTRODUCED OCTOBER 7, 1996

By Assemblyman GARRETT

1 **AN ACT** concerning automobile insurance tort options and amending
2 P.L.1972, c.70.

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

9 8. Tort exemption; limitation on the right to noneconomic loss.

10 One of the following two tort options shall be elected, in
11 accordance with section 14.1 of P.L.1983, c.362 (C.39:6A-8.1), by
12 any named insured required to maintain personal injury protection
13 coverage pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4):

14 a. Every owner, registrant, operator or occupant of an automobile
15 to which section 4 of P.L.1972, c.70 (C.39:6A-4), personal injury
16 protection coverage, regardless of fault, applies, and every person or
17 organization legally responsible for his acts or omissions, is hereby
18 exempted from tort liability for noneconomic loss to a person who is
19 subject to this subsection and who is either a person who is required
20 to maintain the coverage mandated by this act, or is a person who has
21 a right to receive benefits under section 4 of P.L.1972, c.70
22 (C.39:6A-4), as a result of bodily injury, arising out of the ownership,
23 operation, maintenance or use of such automobile in this State, unless
24 that person has sustained a personal injury which results in death;
25 dismemberment; significant disfigurement; a fracture; loss of a fetus;
26 permanent loss of use of a body organ, member, function or system;
27 permanent consequential limitation of use of a body organ or member;
28 significant limitation of use of a body function or system; or a
29 medically determined injury or impairment of a non-permanent nature
30 which prevents the injured person from performing substantially all of
31 the material acts which constitute that person's usual and customary
32 daily activities for not less than 90 days during the 180 days
33 immediately following the occurrence of the injury or impairment; or
34 b. As an alternative to the basic tort option specified in subsection

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 a. of this section, every owner, registrant, operator, or occupant of an
2 automobile to which section 4 of P.L.1972, c.70 (C.39:6A-4) applies,
3 and every person or organization legally responsible for his acts or
4 omissions, shall be liable for noneconomic loss to a person who is
5 subject to this subsection and who is either a person who is required
6 to maintain the coverage mandated by P.L.1972, c.70 (C.39:6A-1 et
7 seq.) or is a person who has a right to receive benefits under section
8 4 of that act (C.39:6A-4), as a result of bodily injury, arising out of the
9 ownership, operation, maintenance or use of such automobile in this
10 State.

11 The tort option provisions of subsection b. of this section shall also
12 apply to the right to recover for noneconomic loss of any person
13 eligible for benefits pursuant to section 4 of P.L.1972, c.70
14 (C.39:6A-4) but who is not required to maintain personal injury
15 protection coverage and is not an immediate family member, as defined
16 in section 14.1 of P.L.1983, c.362 (C.39:6A-8.1), under an automobile
17 insurance policy.

18 The tort option provisions of subsection a. of this section shall also
19 apply to any person subject to section 14 of P.L.1985, c.520
20 (C.39:6A-4.5).

21 The tort option provisions of subsections a. and b. of this section
22 as provided in this 1988 amendatory and supplementary act shall apply
23 to automobile insurance policies issued or renewed on or after January
24 1, 1989 and as otherwise provided by law.

25 The provisions of this section shall not apply to any person who
26 sustains bodily injury as a result of an accident while occupying,
27 entering into, alighting from or using a motor vehicle other than an
28 automobile.

29 (cf: P.L.1990, c.8, s.9)

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31 2. This act shall take effect immediately.

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STATEMENT

36 This bill clarifies that the tort option provisions of the no-fault
37 insurance law do not apply to any person who sustains bodily injury as
38 a result of an accident while occupying, entering into, alighting from
39 or using a motor vehicle other than an automobile.

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44 Clarifies that tort option provisions of no-fault insurance law do not
45 apply to motor vehicles other than automobiles.