

ASSEMBLY, No. 2675

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1997

By Assemblyman GEIST

1 AN ACT providing for the repeal of the "New Jersey Automobile
2 Reparation Reform Act," P.L.1972, c.70, subject to the approval of
3 the voters of this State, and making an appropriation.

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

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8 1. P.L.1972, c.70 (C.39:6A-1 et seq.) is repealed.

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10 2. The public question set forth in section 3 of this act shall be
11 submitted to the people for their approval or rejection at the general
12 election next occurring at least 70 days following the final action of
13 the Governor or the Legislature, as appropriate, necessary to submit
14 the question, in the manner provided by this act and by Title 19 of the
15 Revised Statutes for the submission to the people of public questions
16 to be voted upon by the voters of the entire State. It shall be the duty
17 of the Secretary of State to arrange for the submission of such public
18 question in accordance with the provisions of this act and of Title 19
19 of the Revised Statutes. If possible, the same notice shall be given of
20 the submission of this public question as is required by law of that
21 general election, and the people of the State may at that election vote
22 for or against the question in the following manner.

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24 3. To inform the people of the contents of this act, it shall be the
25 duty of the Secretary of State, at least 60 days prior to the election, to
26 cause this act to be published at least once in one or more newspapers
27 of each county, if any newspapers be published therein, and to notify
28 the clerk of each county of this State of the passage of this act. The
29 clerk of each county, in accordance with the Secretary of State, shall
30 have printed on each of the ballots the following public question,
31 together with the summary statement appended to or enclosed with the
32 sample ballot, in a manner which will give prominence to the question
33 and statement:

34 If you approve of the question printed below, make a cross (x), plus
35 (+), or check mark (%) in the square opposite the word "Yes."

36 If you disapprove of the question printed below, make a cross (x),
37 plus (+), or check mark (%) in the square opposite the word "No."

1 If voting machines are used, a vote of "Yes" or "No" shall be the
2 equivalent to the markings, respectively.

	YES	<p>4 NO-FAULT AUTOMOBILE INSURANCE</p> <p>5 Shall the State's no-fault automobile insurance</p> <p>6 law, the "New Jersey Automobile Reparation</p> <p>7 Reform Act," P.L.1972, c.70 (C.39:6A-1 et</p> <p>8 seq.), be repealed?</p>
	NO	<p>9 INTERPRETIVE STATEMENT</p> <p>10 This public question asks the voters of the</p> <p>11 State to determine whether to repeal the "no-</p> <p>12 fault" automobile insurance law, formally</p> <p>13 entitled the "New Jersey Automobile</p> <p>14 Reparation Reform Act," P.L.1972, c.70</p> <p>15 (C.39:6A-1 et seq.). The "no-fault" law</p> <p>16 requires policyholders to carry first-party</p> <p>17 personal injury protection coverage which</p> <p>18 must consist of at least \$250,000 medical</p> <p>19 expense benefits and may include income</p> <p>20 continuation benefits, essential services</p> <p>21 benefits, death benefits and funeral expense</p> <p>22 benefits. Policyholders may choose to have</p> <p>23 no restrictions on the ability to sue for pain</p> <p>24 and suffering (the option known as "no</p> <p>25 threshold"), or, to choose, in exchange for a</p> <p>26 lower premium, to limit their right to sue for</p> <p>27 pain and suffering to only those cases</p> <p>28 involving death or serious injury (the option</p> <p>29 known as "verbal" or "lawsuit threshold").</p> <p>30 If approved by a majority of votes cast on this</p> <p>31 question, the repeal of the "no-fault" law</p> <p>32 takes effect in 180 days without need of</p> <p>33 further action by the Legislature or Governor.</p> <p>34 The Legislature and Governor may enact</p> <p>35 another automobile insurance law; however</p> <p>36 without such action, the repeal of the no-fault</p> <p>37 automobile insurance law will result in a</p> <p>38 return to the common law fault (or tort)</p> <p>39 liability system which existed prior to 1972.</p> <p>40 Under the fault system, injured parties will be</p> <p>41 required to recover all damages, including all</p> <p>42 medical expenditures, from the negligent</p> <p>43 party.</p>

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3 Repeals no-fault automobile insurance subject to voter approval;

4 appropriates \$5,000 to notify public of referendum.