

P.L. 1997, CHAPTER 9, *approved January 26, 1997*
Senate, No. 682

1 **AN ACT** concerning the retention of workers' compensation records
2 and amending P.L.1953, c.94.

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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 1 of P.L.1953, c.94 (C.34:15-121) is amended to read
8 as follows:

9 1. Any records of, or pertaining to, [workmen's] workers'
10 compensation formal cases, wherein original claim petitions have been
11 on file for [twenty] 45 or more years, may be destroyed by the
12 Division of [Workmen's] Workers' Compensation in the State
13 Department of Labor [and Industry]; provided, the Commissioner of
14 Labor [and Industry] shall approve such destruction.
15 (cf: P.L.1953, c.94, s.1)

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17 2. Section 5 of P.L.1953, c.94 (C.34:15-125) is amended to read
18 as follows:

19 5. Any records of, or pertaining to, [workmen's] workers'
20 compensation formal cases, which have not been on file for [twenty]
21 45 or more years but which have been microfilmed or retained in full
22 in other media, provided such microfilms or information retained in
23 other media shall be preserved in full and arranged for convenient
24 examination, may be destroyed by the Division of [Workmen's]
25 Workers' Compensation; provided, the Commissioner of Labor [and
26 Industry] shall approve such destruction.
27 (cf: P.L.1953, c.94, s.5)

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29 3. Section 6 of P.L.1953, c.94 (C. 34:15-126) is amended to read
30 as follows:

31 6. Any microfilm made or information retained in other media by
32 the Division of [Workmen's] Workers' Compensation pursuant to law,
33 or a certified copy of such microfilm or information retained in other
34 media, shall have the same force and effect as the original in any court

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.

1 or public proceeding and shall be evidential in like manner and to the
2 same effect as though the original record had been there produced and
3 proved.

4 (cf: P.L.1953, c.94, s.6)

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6 4. This act shall take effect immediately.

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STATEMENT

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11 This bill amends the workers' compensation law to increase the
12 period for the retention of records from 20 years to 45 years and
13 permit the retention of records in other media, so long as they are
14 preserved in full and arranged for convenient examination. The bill is
15 designed to afford employers an opportunity to take advantage of
16 payment credits available for treatments made of similar claims.
17 Current law providing for the retention of records for 20 years is
18 inadequate to serve this purpose because R.S.34:15-34 provides that
19 there is no statute of limitations for filing an occupational disease
20 claim. This bill will enable records to be kept until retirement age for
21 most persons, which covers the period during which most people make
22 workers' compensation claims.

23 The bill also amends the law to permit the retention of records in
24 media other than the original documents or microfilmed records, which
25 are the only two media in which the law currently permits records to
26 be retained. The current requirements of the law pertaining to
27 microfilmed records would also apply, under the bill, to records
28 maintained in other media.

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33 Concerns retention of workers' compensation records.