

SENATE, No. 1002

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1996

By Senator BENNETT

1 AN ACT concerning workers' compensation insurance coverage of  
2 certain employees who are working temporarily in this State and  
3 supplementing chapter 15 of Title 34 of the Revised Statutes.

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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. a. An employee who is employed in another state and that  
9 employee's employer shall be exempt from the provisions of chapter 15  
10 of Title 34 of the Revised Statutes with respect to that employee while  
11 the employee is temporarily in this State doing work for that employer  
12 if:

13 (1) the employee is not a resident of this State and was not hired  
14 in this State;

15 (2) the employer does not have a permanent place of business in  
16 this State;

17 (3) the employee's presence in this State for purposes of  
18 conducting employment activities does not exceed any of the following  
19 periods of time:

20 (a) five consecutive days;

21 (b) ten days in any 30-day period: or

22 (c) thirty days in any 360-day period;

23 (4) the employer and employee are covered by the provisions of  
24 the workers' compensation laws or similar laws of the other state and  
25 that law applies to them while they are working in this State;

26 (5) The employer has furnished workers' compensation insurance  
27 coverage under the workers' compensation laws or similar laws of the  
28 other state so as to cover the employee's employment while in this  
29 State;

30 (6) The extraterritorial provisions of this section covering  
31 employees in this State temporarily working in the other state are  
32 recognized in the other state; and

33 (7) Employers and employees cover in this State are exempt from  
34 the application of the workers' compensation laws or similar laws of  
35 the other state under statutes comparable to this section.

36 b. If the exemption provided in subsection a. of this section applies,  
37 the workers' compensation laws or similar laws of the other state shall

1 be the exclusive remedy against the employer in that state for any  
2 injury, whether resulting in death or not, received by an employee  
3 while working for that employer in this State.

4 c. A certificate from a duly authorized official of the workers'  
5 compensation board or similar department or agency of the other state  
6 certifying that an employer is insured in that other state and has  
7 provided extraterritorial coverage insuring the employer's employees  
8 while working within this State is prima facie evidence that the  
9 employer carries such workers' compensation insurance coverage.

10 d. The Commissioner of Insurance may enter into reciprocal  
11 agreements with workers' compensation agencies of other states  
12 adopting statutes similar to this section to ensure efficient  
13 administration of this section.

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15 2. This act shall take effect on the 60th day following enactment.

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18 STATEMENT

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20 This bill provides that an employee and that employee's employer  
21 are exempt from New Jersey's workers' compensation law if: the  
22 employee is not a resident of this State or hired in this State; the  
23 employer does not have a permanent place of business in this State; the  
24 employee's presence is temporary (not exceeding five consecutive  
25 days, 10 days in any 30-day period, or 30 days in any 360-day period);  
26 the employer has workers' compensation coverage on his employees;  
27 and New Jersey's employers and employees enjoy a similar exemption  
28 in the other state.

29 The bill also permits the Commissioner of Insurance to enter into  
30 reciprocal agreements with workers' compensation agencies of other  
31 states to ensure efficient administration of the bill's provisions.

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37 Concerns workers' compensation coverage for certain employees  
working temporarily in this State.