

SENATE, No. 1663

STATE OF NEW JERSEY

INTRODUCED OCTOBER 28, 1996

By Senators CASEY and ADLER

1 AN ACT concerning notice of certain at-fault motor vehicle accidents.

2

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

5

6 1. As used in this act:

7 "At-fault accident" means an at-fault accident as defined in section  
8 26 of P.L.1990, c.8 (C.17:33B-14) and for which the operator is at  
9 least proportionately responsible based on the number of vehicles  
10 involved. An operator is proportionately responsible if 50 percent  
11 responsible for an accident involving two vehicles; if 33 1/3 percent  
12 responsible for an accident involving three vehicles; and so on. An at-  
13 fault accident shall not include the following:

14 (1) An accident in which the motor vehicle owned or operated by  
15 the insured or other operator insured under the policy was lawfully  
16 parked;

17 (2) An accident in which the motor vehicle was struck by a hit and  
18 run operator, if the accident was reported to the proper authorities  
19 within 24 hours;

20 (3) An accident in connection with which the operator insured  
21 under the policy was not convicted of a moving traffic violation and  
22 the operator of another vehicle involved in that accident was so  
23 convicted;

24 (4) Physical damage losses that are other than collision;

25 (5) An accident in which the motor vehicle was struck in the rear  
26 by another vehicle and the operator insured under the policy was not  
27 convicted of a moving violation in connection with the accident; or

28 (6) An accident occurring as a result of operation of any motor  
29 vehicle in response to an emergency if the operator at the time of the  
30 accident was responding to the call to duty as a paid or volunteer  
31 member of any police or fire department, first aid or rescue squad or  
32 any law enforcement agency.

33 "Insurer" means any insurer authorized or admitted to write motor  
34 vehicle insurance in this State.

35

36 2. If an operator of a motor vehicle is involved in an accident and  
37 it is determined that he is responsible for an at-fault accident, that

1 operator's insurer shall notify the operator within 10 days of that  
2 determination.

3

4 3. a. The Commissioner of Banking and Insurance shall establish  
5 procedures for resolving complaints of operators who believe that they  
6 have been improperly determined to be responsible for an at-fault  
7 accident, including procedures for a written appeal to the  
8 commissioner.

9 b. If either the insurer or the operator disagrees with a  
10 determination of the commissioner under this section, the  
11 commissioner, if requested to do so by either party, shall proceed to  
12 hear the matter as a contested case.

13 c. No insurer shall surcharge an insured for an at-fault accident  
14 while the matter is in dispute pursuant to subsection a. or b. of this  
15 section.

16

17 4. This act shall take effect on the 90th day following enactment  
18 and shall apply to any motor vehicle accident occurring on or after the  
19 effective date.

20

21

22 STATEMENT

23

24 This bill requires insurers to notify operators who have been  
25 determined to be responsible for an at-fault motor vehicle accident  
26 within 10 days of the determination. Currently, the only such notice  
27 an insured normally receives is when he is surcharged for an at-fault  
28 accident on his premium notice at the time of renewal. Current  
29 procedure does not allow the insured to appeal a determination of fault  
30 at the time it is made. The bill provides that the Commissioner of  
31 Banking and Insurance establish procedures for insureds to appeal  
32 such determinations of fault.

33

34

35

\_\_\_\_\_

36

37 Requires insurers to notify operators of vehicles responsible for at-  
38 fault accidents upon determination thereof.