

ASSEMBLY, No. 3669

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JANUARY 15, 2009

Sponsored by:

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

Assemblyman PETER J. BARNES, III

District 18 (Middlesex)

Assemblyman PAUL D. MORIARTY

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblymen Egan, Diegnan, Vas, Senators Madden, S.Kean and Baroni

SYNOPSIS

Concerns court actions against uninsured employers for non-payment of workers' compensation.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/12/2010)

1 AN ACT concerning non-payment of workers' compensation by
2 uninsured employers and amending P.L.1966, c.126.

3

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

6

7 1. Section 12 of P.L.1966, c.126 (C.34:15-120.3) is amended to
8 read as follows:

9 12. **[In case of default by an uninsured employer in the payment**
10 **of any compensation due under an award for a period of 45 days**
11 **after payment is due and payable and the uninsured employer fails**
12 **or refuses to deposit with the director within 10 days after demand**
13 **the commuted or estimated value of the compensation payable**
14 **under the award as security for prompt and convenient payment of**
15 **such compensation periodically as it accrues, or in case of failure by**
16 **an employer, within 20 days after it is due to pay any assessment**
17 **imposed by the director pursuant to section 34:15-79 of the Revised**
18 **Statutes or section 38 of this act, the] The director, in any **[such]**
19 **case [may] in which an award of compensation payable by an**
20 **uninsured employer or an assessment has been ordered by the**
21 **director, shall file with the Clerk of the Superior Court, (1) a**
22 **statement containing the findings of fact, conclusions of law, award**
23 **and judgment of the **[officer] judge** making the award **[which is in****
24 **default together with a certified copy of the demand for deposit of**
25 **security], or (2) a certified copy of the director's order imposing,**
26 **and the demand for payment of, **[such] the** assessment, and,**
27 **[thereupon,] the filing of that statement or order, as the case may**
28 **be, shall have the same effect and may be collected and docketed in**
29 **the same manner as judgments rendered in causes tried in the**
30 **Superior Court. The court shall vacate or modify such judgment to**
31 **conform to any later award or decision by any authorized officer of**
32 **the division upon presentation of a statement thereof as provided for**
33 **above. The award may be compromised by the Commissioner of**
34 **Labor and **[Industry] Workforce Development** as in his discretion**
35 **may best serve the interest of the persons entitled to receive the**
36 **compensation or benefits.****

37 (cf: P.L.1966, c.126, s.12)

38

39 2. This act shall take effect immediately.

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.

STATEMENT

1

2

3 This bill amends the workers' compensation law to require that
4 the Director of Workers' Compensation, in any case in which an
5 award of compensation payable by an uninsured employer or an
6 assessment has been ordered by the director, file with the Clerk of
7 the Superior Court a statement of the findings and judgment of the
8 workers' compensation judge or a certified copy of the director's
9 order. Upon that filing, the statement or order and, as the case may
10 be, shall have the same effect and may be collected and docketed in
11 the same manner as judgments rendered in causes tried in the
12 Superior Court.

13 Under current law, the director is not permitted to make the
14 filing until 45 days after payment is due and 10 days after the
15 uninsured employer fails to comply with any demand to deposit
16 with the director the estimated value of the compensation, and 20
17 days after orders by the director to pay any assessments for failure
18 to pay. The bill requires, rather than permits, the director to make
19 the filing, and requires that the filing be made without the delays
20 currently imposed.