

SENATE, No. 2759

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED NOVEMBER 10, 2016

Sponsored by:
Senator PAUL A. SARLO
District 36 (Bergen and Passaic)

SYNOPSIS

Requires school districts to maintain and pay premiums for student accident insurance.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning student accident insurance, amending
2 N.J.S.18A:43-1 and N.J.S.18A:43-3, and repealing
3 N.J.S.18A:43-2.

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

7
8 1. N.J.S.18A:43-1 is amended to read as follows:

9 18A:43-1. The board of education in any school district **[may]**
10 shall arrange for and maintain, and **[may]** shall pay the premiums
11 for policies of accident insurance with any insurance company
12 created by or under the laws of this State or authorized by law to
13 transact business in this State, to provide for payments to pupils of
14 the school district in connection with loss resulting from bodily
15 injury sustained by such pupils through accidental means while
16 participating in, practicing or training for, or during transportation
17 to or from **[games or contests]** interscholastic athletics programs
18 and intramural sports programs conducted by the school district, or
19 by any school of the district, or with the consent of the board of
20 education or of the school and under the supervision of an
21 employee of the board of education, and for payments to pupils
22 injured in connection either with the conduct of the regular
23 curricular and extra-curricular programs of the district or with
24 student travel to and from the places where such programs are
25 conducted and which travel is made necessary by such programs.

26 (cf: P.L.1975, c.233, s.1)

27

28 2. N.J.S.18A:43-3 is amended to read as follows:

29 18A:43-3. The provisions of this chapter shall not be construed
30 to impose any liability on the part of a board of education for injury
31 sustained by a pupil as a result of or in connection with **[any of the**
32 **games or contests hereinabove mentioned]** interscholastic athletics
33 programs or intramural sports programs, or as a result of or in
34 connection with the conduct of **[the physical education program of**
35 **the school district or of any school]** regular curricular or
36 extracurricular programs of the district.

37 (cf: N.J.S.18A:43-3)

38

39 3. N.J.S.18A:43-2 is repealed.

40

41 4. This act shall take effect immediately and shall first be
42 applicable to the first full school year following the date of
43 enactment.

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
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Under current law, a school district may arrange for and maintain accident insurance to provide for payments to pupils for bodily injury sustained by the pupil as a result of participation in sports programs or regular curricular or extracurricular programs. Also under existing law, a school district may pay the premiums for that coverage or may require that each pupil's parent or guardian pay a proportionate share of the premium. These accident insurance policies are usually secondary insurance in that they cover the medical costs that are not completely covered by the insurance held by the pupil's parent or guardian.

This bill will require school districts to maintain and pay the premiums for accident insurance to cover the costs of bodily injury sustained by pupils participating in an interscholastic athletics program or intramural sports program or sustained while participating in any other extracurricular program or regular curricular program. The bill repeals N.J.S.18A:43-2 which allows a school district to require that a pupil's parent or guardian pay a proportionate share of the premium of accident insurance maintained by the school district.

Pupils who participate in interscholastic athletics programs, intramural sports programs, and other extracurricular programs or regular curricular programs are exposed to the risk to bodily injury, and school districts have a responsibility to provide adequate insurance protection for their pupils in the event of an injury.