

ASSEMBLY, No. 3780

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Expands will registry maintained by Secretary of State to include information regarding declarant's advance directive; provides for public information campaign for registry.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning advance directives, and amending the title and
2 body and supplementing P.L.2005, c.97.

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

6
7 1. The title of P.L. 2005, c.97 is amended to read as follows:
8 AN ACT creating a will and advance directive registry and
9 supplementing Title 3B of the New Jersey Statutes.

10

11 2. Section 1 of P.L.2005, c.97 (C.3B:3-2.1) is amended to read
12 as follows:

13 1. a. The Secretary of State shall create and maintain a will
14 and advance directive registry in which a testator or his attorney or
15 a declarant or his attorney may register information regarding the
16 testator's will or the declarant's advance directive. The information
17 contained in such registry shall include the name of the person
18 making the will or advance directive, the date the will or advance
19 directive was made, and sufficient identification of the location of
20 the will or advance directive at the time of registration. The
21 registry shall not contain a copy of the will or advance directive.

22 b. The fee for registration of a will or advance directive shall
23 be \$10.00, which shall be deposited by the Secretary of State in the
24 General Fund.

25 c. The existence or nonexistence of a registration for a
26 particular will or advance directive shall not be considered as
27 evidence in any proceeding relating to such will or advance
28 directive, and the failure to file information about a will or advance
29 directive in the will and advance directive registry shall not be a
30 factor in determining the validity of the will or advance directive.

31 d. The fee for application to the Secretary of State to conduct a
32 search of the registry shall be \$10.00, which shall be deposited by
33 the Secretary of State in the General Fund. Only interested persons
34 and their representatives may conduct a search of the registry. As
35 used in this act, "interested persons" means children, spouses,
36 potential heirs, devisees, fiduciaries, creditors, beneficiaries and any
37 others having a property right in or claim against a trust estate or
38 the estate of a decedent which may be affected by the proceeding.

39 e. The Secretary of State shall not be liable for the accuracy of
40 the representation of the person conducting a search of the registry
41 or for the accuracy of the information contained in the registry.

42 As used in this section:

43 "Advance directive" means a writing executed in accordance
44 with the requirements of P.L.1991, c.201 (C.26:2H-53 et seq.). An
45 "advance directive" may include a proxy directive or an instruction
46 directive, or both.

47 (cf: P.L.2005, c.97, s.1)

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 3. (New section) The Secretary of State, in consultation with
2 the Commissioner of Health, shall establish and undertake a public
3 information campaign concerning the will and advance directive
4 registry established pursuant to section 1 of P.L.2005, c.97 (C.3B:3-
5 2.1). The campaign shall include, but not be limited to, educating
6 the public on the existence of the registry.

7
8 4. This act shall take effect immediately.

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11 STATEMENT

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13 Under current law, the Secretary of State maintains a will
14 registry in which a testator or his attorney may register information
15 regarding the testator's will. This bill would require the Secretary
16 of State to expand this registry to also permit a declarant or his
17 attorney to register information regarding the declarant's advance
18 directive.

19 The bill provides that the following information would be
20 included in the registry: the name of the person making the advance
21 directive, the date the advance directive was made, and sufficient
22 identification of the location of the advance directive at the time of
23 registration. The registry would not contain a copy of the advance
24 directive. The fee for registration of an advance directive would be
25 \$10, which would be deposited into the General Fund.

26 The existence or nonexistence of a registration for a particular
27 advance directive would not be considered as evidence in any
28 proceeding relating to such advance directive, and the failure to file
29 information about an advance directive in the registry would not be
30 a factor in determining the validity of the advance directive.

31 "Advance directive" is defined in the bill to mean a writing
32 executed in accordance with the requirements of P.L.1991, c.201
33 (C.26:2H-53 et seq.). An "advance directive" may include a proxy
34 directive or an instruction directive, or both.

35 The bill also provides for the Secretary of State, in consultation
36 with the Commissioner of Health, to establish and undertake a
37 public information campaign concerning the will and advance
38 directive registry. The campaign would include, but not be limited
39 to, educating the public on the existence of the registry. It is the
40 sponsor's intent to heighten public awareness of the registry.