ASSEMBLY, No. 5162

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED DECEMBER 16, 2020

Sponsored by:
Assemblywoman JOANN DOWNEY
District 11 (Monmouth)

SYNOPSIS

Requires automobile insurers to disclose policy limits upon request by attorney under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning disclosure of automobile insurance policy limits and supplementing P.L.1972, c.70 (C.39:6A-1 et seq.).

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

1. a. An insurer who receives a request, from an attorney admitted to the practice of law in this State, for disclosure of the policy limits under a private passenger automobile insurance policy issued by the insurer to an insured, shall provide written disclosure of the policy limits to the attorney no later than 30 days from receipt of the request. The disclosure shall indicate the limits of all private passenger automobile insurance policies and any applicable umbrella or excess liability insurance policies issued by the insurer to the insured.

b. A request for disclosure of policy limits shall be in writing and shall include:

(1) a statement that the attorney represents an individual who has suffered bodily injury or death alleged to be caused by a motor vehicle accident with an insured under a private passenger automobile insurance policy issued by the insurer;

(2) the name and last known address of the insured;

(3) the date and approximate time of the motor vehicle accident;

(4) a copy of the accident report, if available, relating to the motor vehicle accident; and

(5) a statement from the claimant, or an attorney representing the claimant, providing insurance information, which shall include the claimant's:

(a) insurer, policy number, and policyholder name;

(b) tort threshold selection; and

(c) personal injury protection coverage limit.

c. Disclosure of policy limits under this section shall not constitute an admission that the alleged injury or damage is subject to the policy.

d. Information concerning the insurance policy shall not be admissible as evidence at trial by reason of disclosure pursuant to this section. The disclosure shall be confidential and available only to the individual injured and the attorney representing the injured person and personnel in the office of the attorney.

e. The Department of Banking and Insurance shall publish on its website the email address of each insurer, which shall be supplied by each insurer issuing private passenger automobile policies in this State, for the purpose of receiving requests for policy limit disclosures pursuant to this section.

2. This act shall take effect immediately, except subsection e. of section 1 of this act shall take effect on the 90th day next following enactment.

STATEMENT

This bill provides that an insurer who receives certain requests, from attorneys admitted to the practice of law in this State, for disclosure of the policy limits under a private passenger automobile insurance policy issued by the insurer to an insured, shall provide written disclosure of the policy limits to the attorney within 30 days from receipt of the request. The disclosure shall indicate the limits of all private passenger automobile insurance policies and any applicable umbrella or excess liability insurance policies issued by the insurer to the insured.

The bill provides that a request for disclosure of policy limits shall be in writing and shall include:

(1) a statement that the attorney represents an individual who has suffered bodily injury or death alleged to be caused by a motor vehicle accident with an insured under a private passenger automobile insurance policy issued by the insurer;

(2) the name and last known address of the insured;

(3) the date and approximate time of the motor vehicle accident;

(4) a copy of the accident report, if available, relating to the motor vehicle accident; and

(5) a statement from the claimant, or an attorney representing the claimant, providing insurance information, which shall include the claimant's: insurer, policy number, and policyholder name; tort threshold selection; and personal injury protection coverage limit.

Under the bill, disclosure of policy limits does not constitute an admission that the alleged injury or damage is subject to the policy, and information concerning the insurance policy is not admissible as evidence at trial by reason of disclosure pursuant to the bill. The disclosure shall be confidential and available only to the individual injured and the attorney representing the injured person and personnel in the office of the attorney.

The Department of Banking and Insurance is required to publish on its website the email address of each insurer, which shall be supplied by each insurer issuing private passenger automobile policies in this State, for the purpose of receiving requests for policy limit disclosures. This provision takes effect on the 90th day next following enactment of the bill.