

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5509

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 9, 2021

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 5509.

This bill, as amended, provides that in any civil action arising from personal injury or wrongful death, any estimations, measures, or calculations of damages for lost earnings or impaired earning capacity shall not be reduced because of race, ethnicity, gender, gender identity or expression, or affectional or sexual orientation, as those terms are defined or interpreted under the “Law Against Discrimination,” P.L.1945, c.169 (C.10:5-1 et seq.).

The bill as amended provides that in any such civil action, determination of damages shall not be based upon statistical tables alone unless agreed to by all parties in the civil action.

The committee amendments also provide that the bill would apply prospectively only to civil actions commenced on or after the bill’s effective date.

COMMITTEE AMENDMENTS:

(1) Remove the bill’s reference to “past, present, or future” damages;

(2) Add gender identity or expression, and affectional or sexual orientation, as defined under the LAD, to the provisions of the bill’s ban on reduction of damages for lost earnings or impaired earning capacity;

(3) Provide that determination of damages shall not be based upon statistical tables alone unless agreed to by all parties in the civil action;

(4) Remove the provision that reduction of damages based upon statistical tables alone shall be deemed to be against the public policy of this State;

(5) Make the bill apply prospectively only to civil actions commenced on or after the bill’s immediate effective date; and

(6) Update the synopsis of the bill to reflect the bill’s provisions based upon the changes made by the amendments.