

P.L. 2021, CHAPTER 405, *approved January 18, 2022*
Senate, No. 3594 (*Second Reprint*)

1 **AN ACT** concerning the calculations of certain damages in civil
2 actions and supplementing Title 2A of the New Jersey Statutes.

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

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7 1. a. In ¹**[a]** any¹ civil action arising from personal injury or
8 wrongful death,²**[¹civil rights violation, employment violation, or**
9 **any other substantially similar harm,¹]**² any estimations, measures,
10 or calculations of ²**[past, present, or future]**² damages for lost
11 earnings or impaired earning capacity shall not be reduced because
12 of ¹**[race, ethnicity, or gender]** ²**[any class, trait, or characteristic**
13 **protected]** race, ethnicity, gender, gender identity or expression, or
14 affectional or sexual orientation, as those terms are defined or
15 interpreted² under the “Law Against Discrimination,” P.L.1945,
16 c.169 (C.10:5-1 et seq.)¹.

17 b. In any such civil action, ²**[any reduction]** determination² of
18 damages ²shall not be² based upon statistical tables alone ²**[shall be**
19 **deemed to be against the public policy of this State]**² ¹unless
20 agreed to by all parties in the civil action¹.

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22 2. This act shall take effect immediately ¹and shall apply only
23 to civil actions commenced on or after the effective date of this
24 act¹.

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29 Provides that in personal injury or wrongful death lawsuits,
30 calculations of lost or impaired earnings capacity not be reduced
31 because of race, ethnicity, gender identity or expression, or
32 affectional or sexual orientation.

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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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted December 2, 2021.

²Assembly floor amendments adopted January 10, 2022.