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UPDATE ON THE LAW

New Jersey Supreme Court Rules Against “Serious Life Impact Standard” in No-Fault Law, Amending Assembly Bill Introduced by Christopher Bateman.

On June 14, 2005, in the case of DeProspero v. Penn the New Jersey Supreme Court reversed a decision granting summary judgment to a defendant, concluding that the New Jersey No-Fault Statute does not contain a serious life impact standard. The Court concluded that nothing in the Automobile Insurance Cost Reduction Act (AICRA), in its preamble, legislative history or policy objectives, states whether the Legislature intended that the Court include a serious life impact standard.

In the case under consideration, the plaintiff was injured as a result of a car accident and sought damages for back and neck pain for which she received chiropractic and medical



treatment for two years. After two years, the insurance carrier stopped paying for her treatments. A lawsuit was filed seeking damages for among other things, pain and suffering. Plaintiff was covered by a no-fault insurance policy subject to the limitation on lawsuit threshold in accordance with AICRA. Plaintiff claimed permanent injuries and submitted certifications by doctors attesting to the permanency of her injuries.

The trial court granted summary judgment to the defendants on the grounds that there was no evidence that plaintiff’s injuries had a “serious impact on her life.”

The Appellate Division affirmed the ruling of the trial court in a two to one decision.

The New Jersey Supreme Court reversed for the reasons set forth above.

DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, PC Legal News

 The information contained in this newsletter is intended solely for informative purposes. 

One of the authors of the 1998 version of AICRA, Christopher (“Kip”) Bateman of our firm, a member of the New Jersey State Assembly, reacted quickly to the DeProspero decision by introducing a bill, A-4227, to require that a plaintiff demonstrate a “permanent injury” in order to satisfy the intent of the statute. The amendment defines a serious life impact injury as one “which prevents or significantly inhibits a person from engaging in substantially all the material activities constituting that person’s usual and customary daily routine.” Bill A-4227 is expected to receive great attention upon the re-convening of the New Jersey State Legislature after recess.



DiFrancesco, Bateman, Coley, Yospin, Kunzman, Davis & Lehrer, P.C. *devotes a substantial portion of its legal practice in representation of insurance companies and their insureds in personal injury and property damage litigation.*



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