

What is A-3531?



A-3531 is a bill pending in the State Legislature that would correct the appellate court decision in *James v. Torres*, 354 N.J. Super. 586 (App. Div. 2002). The bill would restore motorists' rights lost in that court decision.

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*Restore motorists' rights.
Support A-3531.*



What happened in James v. Torres?

Therez James, the plaintiff, is a 22-year-old single mother who had suffered permanent neck and back



injuries, including disk pathology. The injuries were confirmed by MRI and electrodiagnostic studies. Ms. James had lost her job in a local supermarket because she could no longer perform her duties as a result of the injuries. She has pain every day and experiences numbness in her left leg. She cannot perform household chores and cannot even bathe her infant daughter.

The court ruled that although Ms. James' injuries were in fact permanent, she could not sue for damages because her injuries "did not have a serious impact" on her life.

The court improperly misconstrued the intent and clear language of the Automobile Insurance Cost Reduction Act of 1998 (AICRA). The plain language of the statute only requires the finding of a "permanent injury."

How does A-3531 differ from the court's ruling?

A-3531 reaffirms that the 1998 verbal threshold was put in place to require only a permanent injury, eliminating claims for solely temporary injury. The law requires the injury to be shown by objective evidence and certified by a treating physician. There is no reference to "serious impact on the life of the claimant" in the definitions of the statute.

The James Decision sets a subjective standard that makes the fate of automobile accident victims dependent on which judge happens to be hearing their case.



What's "serious" to one judge may be less than "serious" to another. Justice requires that standards be uniform and equally applied.

How will A-3531 benefit motorists?

A-3531 is not a windfall for accident victims. It will not increase insurance rates as claimed by the insurance carriers. In fact the last time the Courts created a subjective standard, insurance costs increased by 44%, resulting in higher premiums. This bill restores stability to personal injury costs while still allowing any person with lifetime injury to receive compensation.



What's the next step?

Help preserve the rights of those with permanent injury from an auto accident by contacting your legislators today and urging them to say "yes" to A-3531.

