

SENATE, No. 4847

STATE OF NEW JERSEY
222nd LEGISLATURE

INTRODUCED OCTOBER 19, 2026

Sponsored by:
Senator JOSEPH A. LAGANA
District 38 (Bergen)

SYNOPSIS

Clarifies circumstances when future medical treatment expenses are “collectible” personal injury protection benefits in civil actions for recovery of damages for bodily injury.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning evidence of future medical treatment expenses
2 in automobile negligence actions and amending P.L.1972, c.70.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 12 of P.L.1972, c.70 (C.39:6A-12) is amended to
8 read as follows:

9 12. Inadmissibility of evidence of losses collectible under
10 personal injury protection coverage.

11 a. Except as may be required in an action brought pursuant to
12 section 20 of P.L.1983, c.362 (C.39:6A-9.1), evidence of the
13 amounts collectible or paid under a standard automobile insurance
14 policy pursuant to sections 4 and 10 of P.L.1972, c.70 (C.39:6A-4
15 and 39:6A-10), amounts collectible or paid for medical expense
16 benefits under a basic automobile insurance policy pursuant to
17 section 4 of P.L.1998, c.21 (C.39:6A-3.1) and amounts collectible
18 or paid for benefits under a special automobile insurance policy
19 pursuant to section 45 of P.L.2003, c.89 (C.39:6A-3.3), to an
20 injured person, including the amounts of any deductibles,
21 copayments or exclusions, including exclusions pursuant to
22 subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3),
23 otherwise compensated is inadmissible in a civil action for recovery
24 of damages for bodily injury by such injured person.

25 The court shall instruct the jury that, in arriving at a verdict as to
26 the amount of the damages for noneconomic loss to be recovered by
27 the injured person, the jury shall not speculate as to the amount of
28 the medical expense benefits paid or payable by an automobile
29 insurer under personal injury protection coverage payable under a
30 standard automobile insurance policy pursuant to sections 4 and 10
31 of P.L.1972, c.70 (C.39:6A-4 and 39:6A-10), medical expense
32 benefits under a basic automobile insurance policy pursuant to
33 section 4 of P.L.1998, c.21 (C.39:6A-3.1) or benefits under a
34 special automobile insurance policy pursuant to section 45 of
35 P.L.2003, c.89 (C.39:6A-3.3) to the injured person, nor shall they
36 speculate as to the amount of benefits paid or payable by a health
37 insurer, health maintenance organization or governmental agency
38 under subsection d. of section 13 of P.L.1983, c.362 (C.39:6A-4.3).

39 Nothing in this section shall be construed to limit the right of
40 recovery, against the tortfeasor, of uncompensated economic loss as
41 defined by subsection k. of section 2 of P.L.1972, c.70 (C.39:6A-2),
42 including all unreimbursed medical expenses not covered by the
43 personal injury protection limits applicable to the injured party and
44 sustained by the injured party, including the value of any
45 deductibles and copayments incurred through a driver's secondary

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.

1 insurance coverage and medical liens asserted by a health insurance
2 company related to the treatment of injuries sustained in the
3 accident. Medical expenses shall be subject to the current
4 automobile medical fee schedules established pursuant to section 10
5 of P.L.1988, c.119 (C.39:6A-4.6). In any case in which the
6 recovery is for medical expenses only, a prevailing claimant shall
7 be entitled to reasonable and necessary attorneys' fees incurred by
8 the prevailing claimant in the collection of such medical expenses.

9 b. For purposes of subsection a. of this section, an amount shall
10 be deemed collectible only if the medical treatment, service,
11 medication, procedure, diagnostic test, therapy, equipment, or other
12 health care expense:

13 (1) has been rendered or provided to the injured person;

14 (2) has been billed or is billable in accordance with the
15 applicable automobile insurance policy and any applicable medical
16 fee schedule; and

17 (3) is payable or paid pursuant to the personal injury protection
18 coverage available to the injured person.

19 c. An amount shall not be deemed collectible under subsection
20 a. of this section solely because payment through personal injury
21 protection coverage remains available under the applicable policy
22 or because payment for the medical treatment, service, medication,
23 procedure, diagnostic test, therapy, equipment, or other health care
24 expense may be subject to personal injury protection coverage if
25 rendered or provided in the future. Future medical treatment
26 expenses, including the cost of care that has not yet been rendered,
27 provided, billed, submitted, or determined payable pursuant to the
28 applicable automobile insurance policy, shall not be excluded from
29 evidence in a civil action for recovery of damages for bodily injury
30 on the ground that the expenses are collectible under subsection a.
31 of this section.

32 d. (1) Nothing in subsection b. or c. of this section shall permit a
33 duplicate recovery for medical expenses that have been paid or are
34 payable as personal injury protection benefits.

35 (2) To prevent duplicate recovery, a personal injury protection
36 carrier may assert an offset or credit against a future application for
37 personal injury protection benefits only to the extent the carrier
38 establishes that the injured person has actually recovered, in a civil
39 action, compensation for the same future medical treatment, service,
40 medication, procedure, diagnostic test, therapy, equipment, or other
41 health care expense for which personal injury protection benefits
42 are later sought.

43 (cf: P.L.2019, c.245, s.2)

44
45 2. This act shall take effect immediately and shall apply to all
46 civil actions pending on or filed after the effective date, except that
47 it shall not apply to any action in which final judgment has been
48 entered before the effective date.

1 STATEMENT

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3 This bill clarifies the circumstances when future medical
4 treatment expenses are “collectible” personal injury protection
5 benefits in civil actions for recovery of damages for bodily injury.

6 Present law bars evidence of amounts “collectible or paid” under
7 personal injury protection coverage in a civil action for bodily
8 injury arising from an automobile accident. Concurrently, the law
9 preserves recovery of uncompensated economic loss, including
10 unreimbursed medical expenses not covered by applicable personal
11 injury protection limits in certain automobile insurance policies.

12 This bill provides that future medical treatment expenses are not
13 collectible merely because personal injury protection limits remain
14 available or because the future treatment may become payable
15 under personal injury protection coverage if the treatment is later
16 rendered. Under the bill, an expense is collectible only when the
17 treatment or service: (1) has been rendered or provided; (2) has
18 been billed or is billable; and (3) is payable or paid under the
19 applicable personal injury protection coverage. The bill is intended
20 to prevent exclusion of future medical treatment expense evidence
21 in bodily injury actions based solely on the theoretical future
22 availability of personal injury protection benefits, while preserving
23 the ability of the court and a personal injury protection carrier to
24 prevent duplicate recovery for the same medical treatment expense.