

A civil cause of action may be instituted against the state or an individual if there is a search and seizure against the news media in violation of this Act. The prevailing party is entitled to recover damages, reasonable costs and fees.

—*Frances Marchetta*

PLAIN LANGUAGE—LIFE AND HEALTH INSURANCE POLICY LANGUAGE SIMPLIFICATION ACT—N.J. STAT. ANN. §§ 17B:17-17 to 17B:17-25 (West 1980)

N.J. STAT. ANN. §§ 17B:17-17 to 17B:17-25 requires that all insurance policies, contracts, certificates of life and health insurance, and credit life and health insurance be in language which passes the Flesch Reading Ease Test¹ or, if the Commissioner of Insurance prefers, another test which achieves the same result. This standard applies to all policies, contracts, certificates, etc. which are delivered or issued for delivery in the State of New Jersey. To be considered easily readable under the statute, a policy must receive a minimum score of forty on the Flesch test, or a comparable score if alternate tests are used. However, this threshold may be lowered by the Commissioner of Insurance, at his discretion, if the policy is readable in its present form or was drafted to conform to any other statute or regulation.

Additionally, if printed, the policy must not be in less than ten-point type, one-point leaded, except for specification pages, schedules and tables. An index must be included if the policy is more than 3,000 words on three or fewer pages, or if the policy is longer than three pages. The overall policy style may not give undue emphasis to any part of the text, endorsements or riders.

The aim of the statute is to provide the consumer with an insurance policy he or she can readily understand. Consumer groups have lobbied for this type of legislation on a national level; similar legislation has been enacted in several states, including Massachusetts and Minnesota.

—*Jo Anne Mantz*

¹ *The Flesch Reading Ease Test measures the difficulty of language used in a given test sample. The test involves counting the numbers of syllables, words and sentences in the sample and then deriving a numerical score which represents the text's level of readability.*