

[First Reprint]

**SENATE, No. 2091**

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**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

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INTRODUCED OCTOBER 2, 2008

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**Senator GERALD CARDINALE**

**District 39 (Bergen)**

**SYNOPSIS**

Prohibits the enforcement of "palimony" agreements unless such agreements are in writing.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on February 9, 2009, with amendments.



**(Sponsorship Updated As Of: 1/27/2009)**

1 AN ACT concerning palimony and amending R.S.25:1-5.

2

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

5

6 1. R.S.25:1-5 is amended to read as follows:

7 25:1-5. Promises or agreements not binding unless in writing.

8 No action shall be brought upon any of the following agreements or  
9 promises, unless the agreement or promise, upon which such action  
10 shall be brought or some memorandum or note thereof, shall be in  
11 writing, and signed by the party to be charged therewith, or by some  
12 other person thereunto by him lawfully authorized:

13 a. (Deleted by amendment, P.L.1995, c.360.)

14 b. (Deleted by amendment, P.L.1995, c.360.)

15 c. An agreement made upon consideration of marriage entered  
16 into prior to the effective date of the "Uniform Premarital  
17 Agreement Act," P.L.1988, c.99 (C.37:2-31 et seq.);

18 d. (Deleted by amendment, P.L.1995, c.360.)

19 e. (Deleted by amendment, P.L.1995, c.360.)

20 f. A contract, promise, undertaking or commitment to loan  
21 money or to grant, extend or renew credit, in an amount greater than  
22 \$100,000, not primarily for personal, family or household purposes,  
23 made by a person engaged in the business of lending or arranging  
24 for the lending of money or extending credit. For the purposes of  
25 this subsection, a contract, promise, undertaking or commitment to  
26 loan money shall include agreements to lease personal property if  
27 the lease is primarily a method of financing the obtaining of the  
28 property; **[or]**

29 g. An agreement by a creditor to forbear from exercising  
30 remedies pursuant to a contract, promise, undertaking or  
31 commitment which is subject to the provisions of subsection f. of  
32 this section; or

33 h. A promise by one party to a non-marital personal relationship  
34 to provide support <sup>1</sup>or other consideration<sup>1</sup> for the other party,  
35 either during the course of such relationship or after its termination.  
36 <sup>1</sup>For the purposes of this subsection, no such written promise is  
37 binding unless it was made with the independent advice of counsel  
38 for both parties<sup>1</sup>.

39 (cf: P.L.1995, c.360, s.8)

40

41 2. This act shall take effect immediately.

**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:

<sup>1</sup>Senate SJU committee amendments adopted February 9, 2009.