

INSURANCE  
DEPARTMENT OF BANKING AND INSURANCE  
DIVISION OF INSURANCE

Eligible Persons Qualifications and Automobile Insurance Eligibility Points Schedule

Adopted Amendments: N.J.A.C. 11:3-34.3, 34.4 and 34.5

Proposed: July 21, 2003 at 35 N.J.R. 3260(a)

Adopted: November 5, 2003 by Holly C. Bakke, Commissioner, Department of Banking and Insurance

Filed: November 5, 2003 as R. 2003 d. 469, **with substantive changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 17:1-8.1, 17:33B-13 and 17:33B-14 and sections 63 and 64 of P.L. 2003 c.89.

Effective Date: December 1, 2003

Expiration Date: January 4, 2006

**Summary** of Public Comments and Agency Responses:

The Department of Banking and Insurance (Department) received written comments from the following: Barbara Sachau, Allstate New Jersey Insurance Company, Alliance of American Insurers, The Independent Insurance Agents of New Jersey, New Jersey Manufacturers Insurance Group, State Farm Indemnity Company, the New Jersey Personal Automobile Insurance Plan, the New Jersey Auto Agents Alliance, and one comment submitted jointly by the Insurance Council of New Jersey, the American Insurance Association and the National Association of Independent Insurers.

COMMENT: Several comments expressed concern with the Department's amendment to N.J.A.C. 11:3-34.3, which amends the definition of "at-fault accident" by raising to \$1,000 the amount of the total payment by an insurer which will result in an insured being deemed to have

been involved in an at-fault accident. Additionally, this provision is amended to permit that amount to be adjusted by Order of the Commissioner.

One commenter contends that insurers should be allowed an opportunity to comment on the amount of any proposed change before it is effective. The commenter stated that since these changes will happen at most every three years, there should be time permitted for comment on the revised amount of the at-fault accident threshold that the Commissioner proposes.

The commenter recommended that the following sentence be added in N.J.A.C. 11:3-34.3 at the end of paragraph 2, in the “at-fault accident” definition.

The Commissioner should also publish a notice in the New Jersey Register stating the proposed adjustment and the computations used 60 days prior to the adoption of such an Order to allow time for the public to comment.

Additionally, other commenters recommended that the effective date of a revised threshold occur more than 120 days after the threshold amount has been revised. The commenters stated that no statutory authority exists for the issuance of a notice of administrative change without an opportunity for public comment.

Another commenter suggested that the rule’s effective date be at least 180 days after it is issued because of the time needed for underwriting review and effecting internal system changes.

RESPONSE: The Department disagrees with the commenters. N.J.S.A. 17:33B-14 was amended by section 64 of P.L. 2003, c. 89 to provide that the Commissioner may adjust the threshold amount in \$100.00 or \$250.00 increments “by order.” The amended law requires the adjustment to reflect cumulative increases or decreases in the components of the Consumer Price Index (C.P.I.), All Urban Consumers (CPI-U) for the Northeast Region. Orders issued by the Department are not published in the New Jersey Register, but are distributed via e-mail or mailed to all regulated insurers and other interested parties, as well as being posted on the Department’s web-site. The Department will provide insurers adequate notice, consistent with prior practice,

to enable them to make any necessary system changes by specifying an appropriate effective date for any Order issued adjusting the threshold amount.

COMMENT: Several commenters expressed further concern with the definition of an “at-fault accident” found in N.J.A.C. 11:3-34.3. The commenters asked what are the specific “components” of the Consumer Price Index, All Urban Consumers (CPI-U) for the Northeast Region that the Commissioner will use in adjusting the monetary threshold. Additionally, the commenters questioned how the adjustments “in \$100 or \$250 increments” will be implemented, in order to ensure that they are not issued more frequently than every 36 months. The commenters requested that the Department explain how this provision will work.

RESPONSE: N.J.S.A. 17:33B-14, as amended by section 64 of P.L. 2003, c. 89, provides that the Commissioner’s order may be issued no more frequently than every 36 months. This provision also requires that any adjustment reflect the cumulative increases or decreases in the components of the Consumer Price Index and the All Urban Consumers (CPI-U) for the Northeast. The Department will review those components of the CPI-U relevant to loss reimbursement that affect private passenger automobile insurers, and will adjust the threshold no more frequently than every 36 months to reflect these increases or decreases.

COMMENT: Several commenters stated that, although the Department may have clarified either verbally or in writing that the \$1,000 at-fault accident threshold applies to accidents occurring on or after June 9, 2003, the Department’s proposed amendments do not include this language. The commenters recommended that the definition of an at-fault accident be amended to provide that the threshold is \$500.00 for accidents occurring before June 9, 2003, and \$1,000 for accidents occurring on or after June 9, 2003. One commenter stated that the amount that may be adjusted by Order of the Commissioner requires a similar amendment.

Additionally, the commenter stated that in order to prevent market disruption, the new accident threshold should be put in place using uniform policy effective dates for all insurers, including the PAIP. For example, if company “A” receives approval of a filing to use the new threshold effective for new business effective November 15, 2003 and renewals effective January 1, 2004 and PAIP uses January 1, 2004 for new business and February 15 2004 for renewals, there could be instances where an applicant/insured would be ineligible for the voluntary market and not PAIP qualified.

RESPONSE: In accordance with N.J.S.A. 17:33B-14 as amended, the \$1,000 at-fault accident threshold applies to all at-fault accidents occurring on or after June 9, 2003, for the purposes of determining insurance eligibility regardless of policy effective date. The Department has amended the definition of an “at-fault accident” in order to clarify the effective date for when the \$1,000 threshold applies. The Department’s amendment clarifies this definition by including therein language from the authorizing statute.

COMMENT: One commenter stated that the proposal also amends N.J.A.C. 11:3-34.3 to provide a new exception to the eligible person definition. A person may be ineligible for the voluntary market, and thus NJPAIP qualified, if the applicant, during the three-year period immediately preceding application or renewal, has knowingly provided materially false or misleading information in connection with an insurance application, renewal or claim. The commenter stated that it will be required to implement new procedures to document that qualification. The commenter stated that, as published, the proposal does not clarify what documentation would be needed in order to support the NJPAIP qualification. The commenter suggested that the Department provide standards and a source of information for tracking fraud cancellations that would assist the PAIP in establishing appropriate documentation for the new qualification.

RESPONSE: If an applicant has an active registration and fails to indicate that they had a previous insurer, this may be an indication that the applicant had been cancelled by their previous company or may have been driving without insurance. Currently, the Department does not require any specific type of documentation pertaining to a previous cancellation in connection with an application, although insurers may ask if a person has been cancelled for providing materially false or misleading information, or what company was their previous insurer. The Department is reviewing alternative methods for insurers to acquire information on applicants that have been cancelled or non-renewed for providing materially false or misleading information.

COMMENT: Several commenters stated that, in the proposed amendment to N.J.A.C. 11:3-34.4(a)8, the Department reduces the maximum number of insurance eligibility points an applicant may have to qualify as an eligible person from nine to seven. One commenter stated that the introduction of uniform effective dates by the Department will help avoid market disruption and provide the underpinning for the development of reliable procedures by the PAIP.

RESPONSE: The Department has provided an effective date of January 1, 2004 for all insurers on this provision.

COMMENT: Several commenters recommended that the Department amend N.J.A.C. 11:3-34.4(a)8 as follows (deletions in brackets; additions in boldface):

“An ‘eligible person’ is a person who is an owner or registrant of an automobile registered and principally garaged in this State or who is a resident and holds a valid New Jersey driver’s license to operate an automobile, but does not include any person:

8. Whose driving record for the [three year] experience period immediately preceding the application for or renewal of a policy of automobile insurance has an accumulation of seven or more automobile insurance eligibility points as determined in N.J.A.C. 11:3-34.5.”

RESPONSE: The comment is beyond the scope of this proposal. Furthermore, for the purpose of determining whether an applicant qualifies as an eligible person, N.J.S.A. 17:33B-13 provides that an insurer shall consider those eligibility points accrued only in the 36-month period preceding the date of the application.

For the purposes of determining whether a person is an eligible person for renewal purposes, pursuant to N.J.A.C. 11:3-8.4(a)1, an insurer shall consider those eligibility points accrued only in the 36-month period ending 90 days prior to the expiration of the current policy.

COMMENT: Several commenters questioned how, pursuant to the proposed amendment to N.J.A.C. 11:3-34.4(a)9, an insurer will know that a potential insured was non-renewed or cancelled mid-term for fraud. The commenters further questioned how insurers will be able to distinguish a potential insured who is shopping for competitive prices and is an eligible person, from a potential insured who is no longer an eligible person. The commenters also suggested that the Department develop a tracking system comprised of information that is already being provided to the Department, in order to allow insurers to know about cancellations for fraud.

Another commenter requested that the Department clarify the timeframe for cancellation of the policy for the reasons mentioned in the proposed amendment.

RESPONSE: If an applicant has an active registration and fails to indicate that they had a previous insurer, this may be an indication that the applicant had been cancelled by their previous company or may have been driving without insurance. Currently, the Department does not require any specific type of documentation pertaining to a previous cancellation in connection with an application, although insurers may ask if a person has been cancelled for providing materially false or misleading information, or who was their previous insurer. The Department is reviewing alternative methods for insurers to acquire information on applicants that have been cancelled or non-renewed for providing materially false or misleading

information. Notices of cancellation are subject to the requirements set forth in N.J.S.A. 17:29C-7 and 17:29C-8.

COMMENT: One commenter stated that N.J.A.C. 11:3-34.4(a)9 should be amended, because in many situations, applicants or named insureds knowingly estimate and knowingly supply a reasonable guess in providing information. Therefore, the commenter suggested that the phrase “with intent to deceive” be included as follows (additions in boldface):

“Who during the three year period immediately preceding application for, or renewal of, an automobile insurance policy, has knowingly and with intent to deceive provided materially false or misleading information in connection with an application for insurance, renewal of insurance or claim for benefits under an insurance policy; or”

RESPONSE: The Department will not amend this provision upon adoption. The language proposed by the Department tracks the language used in N.J.S.A. 17:33B-13 as amended by section 63 of P.L. 2003, c. 89. Amending the rule as suggested in the comment would constitute a material change to the proposal requiring publication of a revised notice of proposal. Furthermore, the specific intent standard suggested in the comment is the equivalent of the intent element of certain criminal offenses and is difficult to prove. In contrast, Black’s Law Dictionary, Fifth Edition, defines “knowingly” as “with knowledge; consciously; intelligently; willfully; intentionally ... The use of the word in an indictment is equivalent to an averment that the defendant knew what he was about to do and, with such knowledge, proceeded to do the act charged.”

Thus, in order for the amended rule to apply, an applicant or named insured must have known that the information they provided was materially false or misleading, and consciously determined to proceed to provide that information on an application or with respect to a claim before they did so. Clearly, applicants and insureds who provide a reasonable estimate of information without knowledge that the information is materially false and misleading would not

meet this definition. The Department expects that companies will not injudiciously conclude that an individual is not an eligible person based upon an expansive construction of the language in the rule as adopted. The Department will monitor the manner in which insurers apply the amended rule, through communications with the Office of the Insurance Fraud Prosecutor, market conduct examinations and closely scrutinizing the volume and nature of consumer complaints alleging wrongful non-renewals. The Department will propose further amendments if it determines that it is necessary to do so.

COMMENT: Several commenters recommended changes to the proposed amendments to N.J.A.C. 11:3-34.5(b)1. One commenter stated that the proposed amendments need to state that the new \$1,000 threshold for an at-fault accident is not retroactive. Additionally, the commenters believe that the Department needs to give the effective date for this change. The commenter stated that insurers will need lead time to implement the new threshold. One commenter also stated that the proposed amendments can also permit insurers to use an earlier effective date if the insurer so files (this would be a benefit to the consumer that some insurers may be able to provide).

One commenter stated that the proposed amendments should also refer to the need for insurers to make a revenue neutral rate filing to incorporate these changes. The commenter believes that insurers will need to make such a filing in order to make this change in their rating and underwriting rules.

Additionally, one commenter suggested that the second sentence in this section should include a reference to the amount specified in a Commissioner's Order changing the amount of the at-fault accident threshold.

The commenter recommended that N.J.A.C. 11:3-34.5(b)1 be amended to read, (additions in boldface):



“Points for an at-fault accident shall accrue on the date that total payment by the insurer equals or exceeds \$1,000 or such other amount as may be prescribed by Order of the Commissioner issued pursuant to N.J.S.A. 17:33B-14. The amount under such Order shall be reflected in this paragraph through a notice of administrative change published in the New Jersey Register. An insurer may, at its option, use the date of the accident or date of first payment provided, however, that the insurer shall not underwrite or rate any policy based on the accident until total payment by the insurer equals or exceeds \$1,000 or such other amount as may be prescribed by Order of the Commissioner issued pursuant to N.J.S.A. 17:33B-14 and further provided that the insurer shall use the optional date consistently in all cases. Insurers shall make a revenue neutral rate filing to incorporate these changes in threshold in their rating and/or underwriting rules. The \$1,000 at-fault accident threshold shall be effective for those accidents that occur on or after 30 days after these regulations have been published in the New Jersey Register or such earlier date as may be stated in the insurer’s approved rating and/or underwriting rules.”

Several other commenters suggested amending the provision as follows (deletions in brackets; additions in boldface):

“Points for an at-fault accident shall accrue on the date that total payment by the insurer equals or exceeds [~~\$500.00~~] \$1,000 or such other amount as may be prescribed in Order of the Commissioner issued pursuant to N.J.S.A. 17:33B-14. The amount under such Order shall be reflected in this paragraph through a notice of administrative change published in the New Jersey Register. An insurer may, at its option, use the date of the accident or date of the first payment provided, however, that the insurer shall not underwrite or rate any policy based on the accident until total payment by the insurer equals or exceeds [~~\$500.00~~] \$1,000 and further provided that the insurer shall use the optional date consistently in all cases.”

RESPONSE: The Department disagrees with the commenters. Pursuant to N.J.S.A. 17:33B-13 as amended by section 64 of P.L. 2003, c. 89, the \$1,000 at-fault threshold applies to all at-fault accidents occurring on or after June 9, 2003. The definition of “at-fault accident” has been clarified upon adoption to reiterate that statutory mandate. N.J.A.C. 11:3-34 sets forth the requirements for determining who can qualify as an “eligible person,” and these provisions include the schedule for “automobile insurance eligibility points.” The Department will provide insurers adequate notice, consistent with prior practice, to enable them to make any necessary system change by specifying an effective date in any Order issued that adjusts the at-fault accident threshold. Changes regarding revenue neutral rate filings, or rating and underwriting rules are not implemented by these amendments. The comment regarding a revenue neutral rate filing is beyond the scope of the proposal.

COMMENT: Several commenters raised issues regarding the proposed amendments to N.J.A.C. 11:3-34.5(b)3. The commenters stated that this provision proposes a mandatory “forgiveness rule” for persons who are involved in an at-fault accident and meet certain criteria established by this new provision. The commenters recommend that the forgiveness rule be discretionary rather than mandatory. The commenters believe that by allowing insurers to establish their own policies regarding a forgiveness rule, the Department will be further encouraging competition among insurers and providing a more attractive market for insureds.

Additionally, the commenters recommend that the Department clarify its intention with respect to the practical application of the forgiveness rule. The commenters questioned that if an insured received a five-point violation for an at-fault accident and a subsequent two-point violation, is the first two-point violation that occurred simultaneously with the at-fault accident forgiven in perpetuity. The commenter questioned whether the forgiveness contemplates rescission of PAIP eligibility for these purposes.

The commenters also questioned whether the two- or three-point violations are intended to be “a single two- or three-point” violation. If so, the commenters recommended inserting the phrase “a single two- or three-point violation...” to replace “a two- or three-point violation” in the text. The commenters also recommended that the text refer to an eligible person’s “experience” period. The commenters recommended that N.J.A.C. 11:3-34.5(b)3 be amended as follows (additions in boldface):

When an eligible person has not accrued eligibility points during the preceding three-year experience period, and is subsequently involved in an at-fault accident, no eligibility points for a single two- or three-year point violation, as set forth in schedule 2 of the appendix, shall accrue along with the points assessed in accordance with schedule 1 for the at-fault accident, when the violation arises out of the same incident which results in the assessment of points for the at-fault accident. However, violations that arise out of the same incident may be considered by insurers for purposes of tier placement pursuant to the N.J.A.C. 11:3-19A.

One commenter stated that all points should be counted because an accident hurts two parties. The commenter stated that the victim is hurt and very often not adequately compensated.

Finally, several other commenters stated that if this provision is adopted, it should be applied on a prospective basis. The commenters believe that insurers should not be required to re-underwrite their existing business to apply forgiveness. Additionally, the commenter stated that since moving violations are coded using the date it occurred, the commenters contend that it is problematic for insurers to identify violations that may have occurred in conjunction with the accident because of the different dates being utilized.

RESPONSE: The Department disagrees with the commenters. The amendment in question is not a “forgiveness rule.” Rather, it is merely a prohibition upon a person with no eligibility points losing their status as an eligible person as a result of one incident that resulted in both a conviction for a minor motor vehicle violation and an at-fault accident. The Department does not believe that persons who have no other insurance eligibility points at the time of such an incident should lose their eligible person status as a result of their involvement in an at-fault accident and their simultaneous commission of a two-or three-point violation. The proposed amendment provides that when an insured with no eligibility points is involved in an at-fault accident and is convicted of a two- or three-point motor vehicle violation that occurred in connection with the same accident, the insured shall be assessed only the five eligibility points attributable to the accident. Thus, through the proposed amendment, the number of eligibility points assessed to determine who is considered an eligible person would be reduced, and insureds involved in an at-fault accident that results in the assessment of five eligibility points to them and who also commit a two-or three-point Schedule 2 violation at the time of that accident, will not lose their status as an eligible person under the reduced point standard if they had no other eligibility points at the time of the assessment of the five points for the at-fault accident.

By promulgating this standard in the rule, all qualifying insureds will potentially benefit from this provision, regardless of their insurer.

Additionally, if an insured is not assessed with eligibility points related to the first two-or three-point motor vehicle violation (as a result of a simultaneous at-fault accident), those points are not “forgiven” during the entire three-year period for eligibility purposes, and may be considered for rating purposes. Thus, if several months later the insured was convicted of a minor motor vehicle violation that occurred subsequent to the at-fault accident, they would thereafter be deemed to have accrued nine or 10 eligibility points, with seven or eight attributable to the earlier two or three-point motor vehicle violation, five attributable to the contemporaneous at-fault accident, and two attributable to the subsequent minor motor vehicle violation. Insurers must submit underwriting rules regarding N.J.A.C. 11:3-34.5(b)3 as amended. The statutory provision reiterated in the rule is effective on January 1, 2004, is prospective, and does not require a rescission of PAIP eligibility. As indicated in the response to a previous comment, the Department also disagrees with the commenter’s suggestion regarding the addition of the word “experience.”

COMMENT: One commenter requested clarification regarding the three-year period mentioned in the proposed amendment to N.J.A.C. 11:3-34.5 in reviewing the applicant’s driving record. The commenter questioned whether this will be based on the policyholder’s application date or renewal date.

RESPONSE: The proposed amendments did not change the rules applicable to reviews of the driving records of new and renewal applicants. For policy renewals, pursuant to N.J.A.C. 11:3-8.4(a)1, the review period is the 36-month period ending 90 days prior to the expiration of the current policy. For new applicants, pursuant to N.J.A.C. 11:3-34.4 insurers shall consider

eligibility points accrued only in the 36-month period immediately preceding the date of the application for insurance.

COMMENT: One commenter requested that the Department clarify the reference made to the three-year period listed throughout the proposal. Specifically, the reference made to “accrued eligibility points during the preceding three-years” as found in N.J.A.C. 11:3-34.5(b)3. The commenter believes further language is necessary in order to clarify what the three-year period will precede.

Additionally, the commenter questioned whether the three-year period begins or starts at conviction, citation date, date of the application or another triggering event.

Finally, the commenter suggested that the Department consider including examples of how the timing of the accident will be considered by the Department. The commenter stated that it requests the Department clarify for insurers the assessment of eligibility points based on the period listed below:

Year 1	Points of some kind;
Year 2	No points;
Year 3	At-fault accident and a two-or three-point ticket;
Year 4	No points; and
Year 5	Application year.

RESPONSE: The Department notes that these adopted amendments do not alter the 36-month period used to determining how eligibility points are accrued. For policy renewals, the three-year period is based on points accrued in the 36-month period ending 90 days prior to the expiration of the current policy. For new applicants, insurers shall consider eligibility points accrued only in the 36-month period from the date of the application for insurance. The five year example set forth by the commenter is subject to the above mentioned timeframes for the purposes of determining automobile insurance eligibility points.

COMMENT: Several commenters requested clarification with respect to N.J.A.C. 11:3-34.5(b)3 regarding its applicability to PAIP. Several commenters questioned whether the “forgiveness” contemplates rescission of PAIP eligibility. A second commenter stated that it appears that this amendment applies only to an eligible person and not to a PAIP insured. The intent seems to be to relieve an insured from accruing two or more points in addition to five points arising from an at-fault accident, and thereby losing voluntary market eligibility. The commenter stated that the amendment does not appear to apply to Plan insureds. Therefore, the commenter believes that the NJPAIP will be able to permit the accrual of the cumulative points arising out of the same accident for Plan insureds. If this interpretation is incorrect, the commenter suggested that the proposal be modified accordingly.

RESPONSE: As was explained in the response to a prior comment, this amendment is not intended to be and should not be construed as a "forgiveness" provision. The Department does not believe an amendment is necessary. The amendment applies to an applicant or insured with no eligibility points who was involved in an at-fault accident and was convicted of a two- or three-point motor vehicle violation that occurred in the same accident. Persons who are in the PAIP, therefore, do not fit within this description.

COMMENT: Several commenters recommended that the Department amend N.J.A.C. 11:3-34.5(b)4. This provision adds recodified text from the footnote exception on the accrual of points found in Schedule 1 of the rule.

One commenter recommended that this provision be amended as follows (additions in boldface... “eligibility points assessed during the three-year experience period for failure to hold a driver’s license are not cumulative to points assessed for the suspension of a driver’s license.”

Several commenters recommended that N.J.A.C. 11:3-34.5(b)4 be amended to indicate that the new text applies only if the failure to hold a license and the license suspension resulted from the same event.

Another commenter requested clarification on this provision. The commenter asked whether, in a case where an individual has been driving less than three years and has incurred a court-ordered suspension for a year, insurers will be permitted to assess eligibility points for both the inexperience and the suspension. As an example, if a driver licensed at 17 years of age incurs a court-ordered suspension for one year beginning when he or she turned 18 years old and lasting until his or her 19<sup>th</sup> birthday, the commenter questioned if it is appropriate to assess the three points for the one-year suspension along with the points associated with the driving inexperience. In that example, based on the one-year suspension, the commenter stated that this person was licensed only one year from ages 17 to 18 and should be assessed two points for having only one full year of driving experience within the three preceding years. The commenter questioned whether, upon restoration of the driver's license at age 19, the insurer would be entitled to assess five insurance eligibility points (three for the one-year suspension and two points for driving inexperience).

RESPONSE: The Department does not believe that the addition of the language "during the three-year experience period" is necessary. The review period is the 36-month period ending 90 days prior to the expiration of the current policy. For new applicants, insurers shall consider eligibility points accrued only in the 36-month period immediately preceding the date of the application for insurance. Additionally, the Department disagrees with the commenters' suggestion that language should be added to indicate that the new text "applies only if the failure to hold a license and the license suspension resulted from the same event." This provision is not new, and is being codified at N.J.A.C. 11:3-34.5(b)4.

Finally, this provision does not allow for eligibility points assessed for failure to hold a driver's license in the previous three years to be cumulative to points assessed for the suspension of a driver's license.

COMMENT: One commenter stated that rates will go down if uninsured motorist drivers are taken off the road. Additionally, the commenter stated that insured drivers should not have to pay for uninsured drivers.

RESPONSE: These rules set forth requirements for determining who can qualify as an "eligible person" and provides the schedule for "automobile insurance eligibility points" pursuant to N.J.S.A. 17:33B-13 and 14. The comment is beyond the scope of these rules.

#### Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments are not subject to any Federal requirements or standards.

**Full text** of the adoption follows (additions to proposal indicated in boldface with asterisks **\*thus\***; deletions from proposal indicated in brackets with asterisks **\*[thus]\***):

#### 11:3-34.3 Definitions

The following words and terms, as used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"At-fault accident" is any accident involving a driver insured under the policy:

1. (No change from proposal.)
2. Which results in a total payment by the insurer of **\*at least \$500.00 for an accident occurring before June 9, 2003; or\*** at least \$1,000 **\*[which]\*** **\*for an accident**



**occurring on or after June 9, 2003.** \***The \$1,000 dollar**\* amount may be adjusted in \$100.00 or \$250.00 increments by Order of the Commissioner not more frequently than every 36 months. The Order shall reflect the cumulative increases or decreases in the components of the Consumer Price Index, All Urban Consumers (CPI-U) for the Northeast Region, and the adjusted amount shall apply to automobile accidents occurring at least 120 days after the effective date of the adjustment. The adjustment shall be reflected in this definition through a notice of administrative change published in the New Jersey Register.

An at-fault accident shall not include the following:

1. – 6. (No change.)

DHT03-15/INOREGS