

The primary purpose of the Act is to provide institutions with the financial resources to increase their academic capacity to serve the significant growth in the New Jersey student population. The Act will continue to provide institutions with the opportunity to construct and/or expand classrooms, laboratories, libraries, computer facilities, and other academic buildings.

The purpose of the rules at N.J.A.C. 9A:18 is to establish the Secretary’s standards and requirements to implement the Act. The readopted rules are organized in 10 sections, as follows:

N.J.A.C. 9A:18-1.1 sets forth the purpose and authority of the Act.

N.J.A.C. 9A:18-1.2 provides definitions of words and terms used in the chapter and includes a cross-reference to the definitions section of the Act, P.L. 2012, c. 41, § 3.

N.J.A.C. 9A:14-1.3 specifies how grants from the Act shall be allocated and details the matching funds requirement.

N.J.A.C. 9A:14-1.4 specifies the funding eligibility criteria for institutions to receive a grant from the Act.

N.J.A.C. 9A:14-1.5 delineates the grant application process, including the required contents of grant applications.

N.J.A.C. 9A:18-1.6 presents the application review and approval process, including the criteria the Secretary will use in reviewing and evaluating applications for grants.

N.J.A.C. 9A:18-1.7 delineates the grant authorization process.

N.J.A.C. 9A:18-1.8 delineates the application of bond proceeds.

N.J.A.C. 9A:18-1.9 delineates the institutions’ duty to provide matching funds on a schedule to be determined by the Secretary, and penalties for failure to do so.

N.J.A.C. 9A:18-1.10 delineates the annual reporting requirements.

The Secretary has carefully considered these rules and has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated and should be readopted without amendment.

Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), these rules are readopted and shall continue in effect for a seven-year period.

CORRECTIONS

(a)

THE COMMISSIONER

Inmate Records and Information Sharing by County Correctional Facilities

Adopted Amendment: N.J.A.C. 10A:31-6.8

Proposed: September 20, 2021, at 53 N.J.R. 1557(a).

Adopted: December 6, 2021, by Victoria L. Kuhn, Acting Commissioner, Department of Corrections.

Filed: December 6, 2021, as R.2022 d.006, **without change**.

Authority: N.J.S.A. 30:1B-6 and 30:1B-10.

Effective Date: January 3, 2022.

Expiration Date: November 8, 2024.

Summary Of Public Comment And Agency Response:

No comments were received.

Federal Standards Statement

The adopted amendments are promulgated under the authority of the rulemaking requirements of the Department of Corrections (Department), as established at N.J.S.A. 30:1B-6 and 10. The adopted amendments, which better align the Department’s administrative rules specific to county correctional facilities with the requirements of the Attorney General’s Immigrant Trust Directive, do not alter any Federal laws or standards. To the contrary, the Attorney General’s Immigrant Trust Directive explicitly states that nothing in the directive shall be construed to restrict, prohibit, or in any way prevent a State, county, or local law enforcement from complying with all applicable Federal laws.

Full text of the adoption follows:

SUBCHAPTER 6. MANAGEMENT INFORMATION SYSTEM AND RECORDS

10A:31-6.8 Availability of information to non-institutional persons or outside agencies

(a) Information from adult inmate records shall be provided to law enforcement agencies or persons, who request it in the performance of their public duties, except that any release of information to law enforcement authorities, including Federal law enforcement authorities, shall comply with any Attorney General law enforcement directives governing information sharing with other law enforcement agencies and officers.

(b) (No change.)

(c) Upon advice of the county counsel, selected records of adult inmates may be made available to government agencies or other authorized persons upon request. These agencies and persons include, but are not limited to, the following:

1.-3. (No change.)

4. Law enforcement agencies other than those at (b) above, except that any release of information to law enforcement authorities, including Federal law enforcement authorities, shall comply with any Attorney General law enforcement directives governing information sharing with other law enforcement agencies and officers; or

5. (No change.)

INSURANCE

(b)

**DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE**

**Notice of Redoption
Automobile Insurance**

Redoption with Technical Changes: N.J.A.C. 11:3

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, 17:17-1 et seq., and 39:6A-1 et seq.

Authorized By: Marlene Caride, Commissioner, Department of Banking and Insurance.

Effective Dates: November 3, 2021, Redoption;
January 3, 2022, Technical Changes.

New Expiration Date: November 3, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:3 were scheduled to expire on December 3, 2020. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of redoption is timely filed.

The rules outline a regulatory framework and address requirements in connection with automobile insurance in New Jersey. The Department of Banking and Insurance has reviewed N.J.A.C. 11:3 and has determined that the chapter remains necessary, proper, reasonable, efficient, understandable, and responsive to the purposes for which it was originally promulgated, as amended and supplemented over time, and should be readopted without change. Therefore, pursuant to N.J.S.A. 52:14B-5.1.c(1), N.J.A.C. 11:3 is readopted and shall continue in effect for a seven year period, with technical changes to correct codification; update contact information; and correct cross-references.

N.J.A.C. 11:3-1 establishes a plan, pursuant to N.J.S.A. 17:29D-1, to provide both personal private passenger automobile insurance coverage, and insurance coverage for all motor vehicles other than private passenger

vehicles, owned or operated by qualified applicants, subject to the conditions stated. There are no changes being made to this subchapter.

N.J.A.C. 11:3-2 is reserved.

N.J.A.C. 11:3-2A establishes a special automobile insurance policy designed to assist certain low-income individuals in this State and encourage their greater compliance in satisfying the mandatory private passenger automobile insurance requirements imposed at N.J.S.A. 39:6A-3.2. There are no changes being made to this subchapter.

N.J.A.C. 11:3-2B is reserved.

N.J.A.C. 11:3-3 sets forth to be utilized by insurers in developing the policy forms and rates for basic automobile insurance policies to be filed with and approved by the Department, in accordance with the provisions at N.J.S.A. 39:6A-3.1. The Department is correcting a cross-reference at N.J.A.C. 11:3-3.6.

N.J.A.C. 11:3-3A sets forth the reporting obligations for all insurers that write private passenger automobile insurance in this State. The Department is updating certain contact information set forth at N.J.A.C. 11:3-3A.3. N.J.A.C. 11:3-3A.3(a)1 and (b) reference the "Consolidated Report," which must be filed by private passenger automobile insurers on a semiannual basis. In practice, this report is referred to as the "Private Passenger Semi-Annual Report" and is labeled as such on the Department's website. Therefore, the changed text includes the updated report title. The Department is also updating the email address listed at N.J.A.C. 11:3-3A.3(h) for report submissions.

N.J.A.C. 11:3-4 implements the provisions at N.J.S.A. 39:6A-3.1, 39:6A-4, and 39:6A-4.3 by identifying the personal injury protection (PIP) medical expense benefits and emergency PIP coverage for which reimbursement of eligible charges will be made by automobile insurers under basic, standard, and special automobile insurance policies and by motor bus insurers under medical expense benefits coverage. The Department is correcting two cross-references at N.J.A.C. 11:3-4.2. The definition of "eligible charge" at N.J.A.C. 11:3-4.2 includes an obsolete reference to N.J.A.C. 11:3-29.6, regarding the medical fee schedule, which is now codified at N.J.A.C. 11:3-29 Appendix. Accordingly, the changes to the rule text correct the reference. Additionally, the definition for "emergency personal injury protection coverage" refers to section 45 at P.L. 2003, c. 89, which was codified as N.J.S.A. 39:6A-3.3. The Department is, therefore, updating the statutory citation.

N.J.A.C. 11:3-5 establishes procedures for the resolution of disputes concerning the payment of medical expense and other benefits provided by the PIP coverage in policies of automobile insurance. The subchapter implements N.J.S.A. 39:6A-5.1 and 5.2, which provide that PIP disputes shall be resolved by binding alternate dispute resolution as provided in the policy form approved by the Commissioner of Banking and Insurance (Commissioner), as well as the provisions at N.J.S.A. 2A:23A-1 et seq., as applicable to PIP dispute resolution. The Department is correcting one cross-reference, and updating certain contact information in this subchapter. The definition for "personal injury protection coverage" found at N.J.A.C. 11:3-5.2, refers to Section 45 at P.L. 2003, c. 89, which was codified as N.J.S.A. 39:6A-3.3. Accordingly, the Department is updating the statutory citation. Additionally, N.J.A.C. 11:3-5.6(e)1 provides a non-working web address for the New Jersey Supreme Court's Rules of Professional Conduct on the New Jersey Judiciary's website. The Department is replacing the web address with a working address for the Rules of Professional Conduct, which is maintained on the New Jersey Judiciary's website.

N.J.A.C. 11:3-6 sets forth rules concerning the issuance, design, and content of insurance identification cards for motor vehicles issued by insurers in this State, in accordance with N.J.S.A. 39:3-29.1. There are no changes being made to this subchapter.

N.J.A.C. 11:3-7 implements certain provisions of the Automobile Reparation Reform Act, N.J.S.A. 39:6A-1 et seq., including the Commissioner's authority to establish the amounts and terms of additional PIP benefits that must be made available to insureds electing a standard automobile insurance policy pursuant to N.J.S.A. 39:6A-4. There are no changes being made to this subchapter.

N.J.A.C. 11:3-8 sets forth standards and procedures for the acceptance, renewal, nonrenewal, and cancellation of automobile insurance policies in this State. The Department is updating the mailing address for the Office

of Consumer Protection Services and the Department website address listed at N.J.A.C. 11:3-8.6(b)1.

N.J.A.C. 11:3-9 sets forth the requirement that automobile insurance policies providing coverage for private passenger automobiles be accompanied by rating information applicable to the premium determination; and provides rules regarding the submission of a rating information format to the Commissioner. There are no changes being made to this subchapter.

N.J.A.C. 11:3-10 sets forth rules regarding claims arising under motor vehicle collision and comprehensive coverages. There are no changes being made to this subchapter.

N.J.A.C. 11:3-11 sets forth the required coverages for policies insuring against losses from liability imposed by law for bodily injury, death, and property damage sustained by any person arising out of the ownership, operation, or use of a motorized bicycle as defined at N.J.S.A. 39:1-1. There are no changes being made to this subchapter.

N.J.A.C. 11:3-12 provides rules for the implementation of the New Jersey Automobile Insurance Reform Act of 1982, N.J.S.A. 17:29A-33 et seq., which requires that each insurer calculate and collect, on a flat and uniform basis per insured automobile Statewide, the taxes that are paid pursuant to N.J.S.A. 54:18A-1 et seq. There are no changes being made to this subchapter.

N.J.A.C. 11:3-13 provides rules for the implementation of the New Jersey Automobile Insurance Reform Act of 1982, N.J.S.A. 17:29A-39, which requires that each insurer offer a range of deductibles up to at least \$2,000 for private passenger automobile collision and comprehensive coverage. The subchapter also provides other options that insurers are required to offer. There are no changes being made to this subchapter.

N.J.A.C. 11:3-14 establishes rules for the provision of optional deductibles and benefits for PIP offered under standard private passenger automobile insurance policies pursuant to N.J.S.A. 39:6A-4. There are no changes being made to this subchapter.

N.J.A.C. 11:3-15 implements statutory requirements set forth at N.J.S.A. 39:6A-23 and 17:29A-52(a) and establishes the necessary minimum standards insurers shall use in giving notice of available coverages, options, and rate credits and of the rights and responsibilities of consumers and insurers regarding automobile insurance. N.J.S.A. 39:6A-23 requires the Commissioner to promulgate standards for the written notice to be provided to applicants for private passenger automobile insurance and to policyholders offered renewal of coverage. This written notice includes one of two versions of the Buyer's Guide and one of two versions of the Coverage Selection Form. N.J.S.A. 17:29A-52(a) requires every insurer writing private passenger automobile insurance in this State to provide each insured, at least annually, and each applicant for insurance with an Automobile Insurance Consumer Bill of Rights. The Automobile Insurance Consumer Bill of Rights shall contain the information necessary, relevant, or appropriate to improve the understanding of the rights and responsibilities of consumers and insurers regarding automobile insurance. The Department is updating the web addresses listed for the personal lines Buyer's Guide (N.J.A.C. 11:3-15.5(a)1), the commercial lines Buyer's Guide (N.J.A.C. 11:3-15.5(a)2) and the New Jersey Automobile Insurance Consumer Bill of Rights (N.J.A.C. 11:3-15.8(a)), which are maintained on the Department's website.

N.J.A.C. 11:3-16 establishes data, filing format, and standardized ratemaking information, and methodology requirements for all private passenger automobile rate filings for the voluntary market, in implementation of N.J.S.A. 17:29A-1 et seq., and as required pursuant to N.J.S.A. 17:29A-36.2. The subchapter further establishes data requirements and filing procedures for insurers participating in rating organizations to adopt or modify a rating organization's prospective loss cost filing for private passenger automobile insurance. The current text requires that certain data filings be submitted in a "Microsoft Excel 2003 or compatible spreadsheet." See N.J.A.C. 11:3-16.6(a)10 and 11:3-16 Appendix, Exhibit A. The Department is removing the outdated software reference, such that the amended text states: "Microsoft Excel or compatible spreadsheet."

N.J.A.C. 11:3-16A sets forth the standards and requirements for the establishment of territory maps by insurers, rating organizations, and the Automobile Insurance Territorial Rating Plan Advisory Commission,

pursuant to N.J.S.A. 17:29A-48 et seq., and 17:29A-36, and for the amendments to rating plans by insurers and rating organizations. There are no changes being made to this subchapter.

N.J.A.C. 11:3-16B sets forth the process for a private passenger automobile insurer or rating organization to file limited rate changes to its rating system as permitted pursuant to N.J.S.A. 17:29A-46.6. The Department is updating the Department website address listed at N.J.A.C. 11:3-16B.4(d)(3). The changed text also corrects an outdated reference to "Microsoft Excel 2003," as discussed above.

N.J.A.C. 11:3-17 is reserved.

N.J.A.C. 11:3-18 sets forth the procedures used by the Department to review voluntary market private passenger automobile insurance rate filings and implements N.J.S.A. 17:29A-1 et seq., and 52:27EE-46 et seq. It is intended to provide for the expeditious review and disposition of automobile insurance rate filings consistent with applicable statutes regarding insurance and administrative procedures. The Department is updating the mailing address for the Division of Rate Counsel listed at N.J.A.C. 11:3-18.3(g).

N.J.A.C. 11:3-19 is reserved.

N.J.A.C. 11:3-19A implements N.J.S.A. 17:29A-46.1 et seq., which requires that personal private passenger automobile insurers file for approval their tier placement criteria used to assign risks to a tier rating plan. Approval of tier placement criteria shall serve to confirm that each insurer's business practices are consistent with law regarding the assignment of a risk to an insurer's tier rating plan. There are no changes being made to this subchapter.

N.J.A.C. 11:3-20 sets forth the financial disclosure and excess profits reporting requirements pursuant to N.J.S.A. 17:29A-5.6 through 5.16. There are no changes being made to this subchapter.

N.J.A.C. 11:3-20A is reserved.

N.J.A.C. 11:3-21 implements N.J.S.A. 39:6A-4.1, which provides for reduced PIP premiums for additional automobiles in one-driver households. There are no changes being made to this subchapter.

N.J.A.C. 11:3-22 requires the submission of data concerning policyholder selection of the various options provided pursuant to the New Jersey Automobile Insurance Freedom of Choice and Cost Containment Act of 1984 (N.J.S.A. 17:28-1.1) in order to monitor the implementation and effectiveness of the Act. There are no changes being made to this subchapter.

N.J.A.C. 11:3-23 is reserved.

N.J.A.C. 11:3-24 establishes procedures for defensive driving rate reductions as required at N.J.S.A. 17:33B-45.1. The Department is updating the definitions at N.J.A.C. 11:3-24.2 to change all references of "the New Jersey Division of Motor Vehicles" or "DMV" to "the New Jersey Motor Vehicle Commission" or "MVC."

N.J.A.C. 11:3-25 implements N.J.S.A. 39:6A-5, as amended by P.L. 1995, c. 407, by establishing procedures to be followed by treating medical providers to give timely notification of the commencement of medical treatment for injuries sustained in automobile accidents. The Department is correcting an obsolete reference to N.J.A.C. 11:3-29.6 regarding the medical fee schedule, which is now located at N.J.A.C. 11:3-29 Appendix. Additionally, the current definition for "personal injury protection coverage" found at N.J.A.C. 11:3-25.2, refers to section 45 of P.L. 2003, c. 89, which was codified as N.J.S.A. 39:6A-3.3. The Department is updating the statutory citation, accordingly.

N.J.A.C. 11:3-26 sets forth requirements regarding the form and information that must be included in a notice of intention to make a claim pursuant to N.J.S.A. 39:6-65. There are no changes being made to this subchapter.

N.J.A.C. 11:3-27 addresses requests for the submission of a statement of current financial status for an uninsured, in connection with the determination of reasonableness for an installment payment by the designee for the Unsatisfied Claim and Judgment Fund Board; and sets forth penalties for noncompliance with the request. There are no changes being made to this subchapter.

N.J.A.C. 11:3-28 establishes procedures to ensure that only appropriate, reimbursable claims are submitted to the Fund by insurers, by requiring investigation of the medical necessity for certain claims; requiring the audit of claims of \$10,000 or more submitted by licensed providers of health care services or claims of \$25,000 or more by health

care facilities; and requiring prior approval of claims for alterations to vehicles and residences. This subchapter also requires insurers to pursue the proper, alternative sources for reimbursement where such other sources of funds are available. There are no changes being made to this subchapter.

N.J.A.C. 11:3-28A is reserved.

N.J.A.C. 11:3-29 implements the provisions at N.J.S.A. 39:6A-4.6 to establish medical fee schedules on a regional basis for the reimbursement of health care providers providing services or equipment for medical expense benefits for which payment is required to be made by automobile insurers under PIP coverage and by motor bus insurers under medical expense benefits coverage. The Department is updating two web addresses for the Centers for Medicare and Medicaid Services (CMS) Medicare Claims Processing Manual listed at N.J.A.C. 11:3-29.4(c) and (g).

N.J.A.C. 11:3-30 sets forth the filing requirements for motor vehicle self-insurers pursuant to N.J.S.A. 39:6-50.1 and 39:6-52, 53, and 54. There are no changes being made to this subchapter.

N.J.A.C. 11:3-31 is reserved.

N.J.A.C. 11:3-32 establishes the procedures and requirements for automobile or motor vehicle insurers to certify that automotive or motor vehicle insurance liability policies issued outside of New Jersey provide coverage pursuant to N.J.S.A. 39:6A-3, 39:6A-4, 39:6B-1a, 17:28-1.3, and 17:28-1.1, as required pursuant to N.J.S.A. 17:28-1.4, whenever the automotive or motor vehicle insured under such a policy is used or operated in this State. There are no changes being made to this subchapter.

N.J.A.C. 11:3-33 sets forth an appeal procedure for a person who has been either denied personal private passenger automobile insurance or nonrenewed in the voluntary market by an insurer on the basis that they are not an eligible person as defined at N.J.A.C. 11:3-34.4. This subchapter applies to such persons, agents, and insurers required to write personal private passenger automobile insurance pursuant to State statutes and rules. The Department is updating the mailing address for the Office of Consumer Protection Services and the Department website address listed at N.J.A.C. 11:3-33.5(a) and 11:3-33 Appendix B. The Department is also updating the reference of "DMV" to "MVC" at N.J.A.C. 11:3-33 Appendix B, as discussed above.

N.J.A.C. 11:3-34 sets forth the requirements for determining who can qualify as an "eligible person," and to provide the schedule for "automobile insurance eligibility points" pursuant to N.J.S.A. 17:33B-13 and 14. There are no changes being made to this subchapter.

N.J.A.C. 11:3-35 through 35A are reserved.

N.J.A.C. 11:3-36 provides rules for the inspection of automobiles in connection with the issuance of physical damage insurance coverage by insurers pursuant to N.J.S.A. 17:33B-33 through 40. There are no changes being made to this subchapter.

N.J.A.C. 11:3-37 establishes guidelines for the order of benefit determination between a plan of health insurance and PIP provided through an automobile policy pursuant to N.J.S.A. 39:6A-4, when a named insured elects to have his or her PIP become secondary coverage for the provision of benefits for medical expenses incurred due to injuries sustained in an automobile accident. This subchapter also sets forth the requirements for the order of benefit determination between a plan of health insurance and PIP provided pursuant to N.J.S.A. 39:6A-4 or 39:6A-3.1, when PIP is primary coverage. There are no changes being made to this subchapter.

N.J.A.C. 11:3-38 is reserved.

N.J.A.C. 11:3-39 encourages consumers to invest in and use anti-theft and vehicle recovery devices and safety features in private passenger automobiles by providing that there shall be a reduction in the base rates applicable to automobile physical damage coverage, in accordance with N.J.S.A. 17:33B-44, for those private passenger automobiles equipped with anti-theft and vehicle recovery devices and safety features. There are no changes being made to this subchapter.

N.J.A.C. 11:3-40 through 45 are reserved.

N.J.A.C. 11:3-46 provides for the establishment of a private passenger automobile insurance urban enterprise zone program pursuant to N.J.S.A. 17:33C-1 et seq., and for the voluntary rating tier of the PAIP pursuant to N.J.S.A. 17:29D-1i; and encourages greater availability of private passenger automobile insurance in certain urban areas of this State as

designated by the Commissioner pursuant to N.J.S.A. 17:33C-2b and this subchapter. There are no changes being made to this subchapter.

N.J.A.C. 11:3-47 is reserved.

Full text of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 3. BASIC AUTOMOBILE INSURANCE POLICY

11:3-3.6 Filing requirements

(a) Insurers initially filing basic policy rating systems shall include the following:

1.-5. (No change.)

6. The personal lines filing forms as set forth [in] **at** N.J.A.C. 11:3-16.3(f) and (g) **16.3(d)**.

(b) (No change.)

SUBCHAPTER 3A. REPORTING REQUIREMENTS AND FILING DEADLINES

11:3-3A.3 Report requirements

(a) All private passenger automobile insurers are required to file the following reports on a semi-annual basis, reflecting data from the last 12 months, and showing the residual market separately from the voluntary data, for the evaluation dates of December 31 and June 30 of each year:

1. The [Consolidated] **Private Passenger Semi-Annual** Reports;

2.-4. (No change.)

(b) The [Consolidated] **Private Passenger Semi-Annual** Reports shall be filed in accordance with the template found at <http://www.state.nj.us/dobi>. The [Consolidated] **Private Passenger Semi-Annual** Reports forms shall be filed for the following five subheadings:

1.-5. (No change.)

(c)-(g) (No change.)

(h) Reports shall be submitted using the Excel templates, available on the Department's website at <http://www.state.nj.us/dobi> on one of the following media:

1. E-mail (preferred media) to [reports@dobi.state.nj.us] **reports@dobi.nj.gov**; or

2. (No change.)

(i) (No change.)

SUBCHAPTER 4. PERSONAL INJURY PROTECTION BENEFITS; MEDICAL PROTOCOLS; DIAGNOSTIC TESTS

11:3-4.2 Definitions

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

...
 "Eligible charge" means the treating health care provider's usual, customary, and reasonable charge or the upper limit of the medical fee schedule as found [in] **at** N.J.A.C. 11:3-[29.6] **29 Appendix**, whichever is lower.

...
 "Emergency personal injury protection coverage" means the coverage provided by a Special Automobile Insurance Policy pursuant to [section 45 of P.L. 2003, c.89] **N.J.S.A. 39:6A-3.3**.

...

SUBCHAPTER 5. PERSONAL INJURY PROTECTION DISPUTE RESOLUTION

11:3-5.2 Definitions

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

...
 "Personal injury protection" or "PIP" means the coverage provided by a policy of automobile insurance pursuant to N.J.S.A. 39:6A-3.1, 39:6A-4, or the emergency personal injury protection coverage provided by a Special Automobile Insurance Policy pursuant to [section 45 of P.L. 2003, c.89] **N.J.S.A. 39:6A-3.3**.

...

11:3-5.6 Conduct of PIP dispute resolution proceedings

(a)-(d) (No change.)

(e) Pursuant to N.J.S.A. 39:6A-5.2(g), the costs of the proceedings shall be apportioned by the DRP and the award may include reasonable attorney's fees for a successful claimant in an amount consonant with the award. Where attorney's fees for a successful claimant are requested, the DRP shall make the following analysis consistent with the jurisprudence of this State to determine reasonable attorney's fees, and shall address each item below in the award:

1. Calculate the "lodestar," which is the number of hours reasonably expended by the successful claimant's counsel in the arbitration multiplied by a reasonable hourly rate in accordance with the standards in Rule 1.5 of the Supreme Court's Rules of Professional Conduct (http://www.judiciary.state.nj.us/rules/appendices/rpc.htm#P65_6482) <https://www.njcourts.gov/attorneys/assets/rules/rpc.pdf>.

i.-iii. (No change.)

2. (No change.)

SUBCHAPTER 8. ACCEPTANCE, RENEWAL, NONRENEWAL, AND CANCELLATION OF AUTOMOBILE INSURANCE POLICIES

11:3-8.6 Issuance of nonrenewal notices

(a) (No change.)

(b) Notices of nonrenewal shall include or be accompanied by the statement prescribed [in] **at** (b)1 below, which shall be clearly and prominently set out in boldface type or other manner, which draws the reader's attention.

1. "If you have reason to believe that our decision to nonrenew your policy is not in compliance with New Jersey Regulation N.J.A.C. 11:3-8, you may file a written complaint with the New Jersey Department of Banking and Insurance, Office of Consumer Protection Services, PO Box [329] **471**, Trenton, NJ [08625-0329] **08625-0471**, or electronically at [www.njdobi.org] www.dobi.nj.gov. Your written complaint should indicate the facts on which you are basing your complaint."

(c) (No change.)

SUBCHAPTER 15. BUYER'S GUIDE, COVERAGE SELECTION FORM, AND AUTOMOBILE INSURANCE CONSUMER BILL OF RIGHTS FOR STANDARD AND BASIC POLICIES

11:3-15.5 New Jersey Auto Insurance Buyer's Guide

(a) There are established two Buyer's Guides for use by insurers: a personal lines Buyer's Guide and a commercial lines Buyer's Guide for individually owned vehicles written on commercial policies. The Buyer's Guides shall be available on the Department's website.

1. The personal lines Buyer's Guide can be found at [http://www.state.nj.us/dobi/division_insurance/bvguide.doc] <https://www.state.nj.us/dobi/siteindex.htm#IIS>.

2. The commercial Buyer's Guide can be found at [http://www.state.nj.us/dobi/division_insurance/commbyguide.doc] <https://www.state.nj.us/dobi/siteindex.htm#IIS>.

(b)-(f) (No change.)

11:3-15.8 New Jersey Automobile Insurance Consumer Bill of Rights

(a) The insurer shall produce a Consumer Bill of Rights by reproducing the New Jersey Automobile Insurance Consumer Bill of Rights available on the Department's website at [<http://www.state.nj.us/dobi/autorigths.pdf>] <https://www.state.nj.us/dobi/siteindex.htm#IIS>. The Department shall notify insurers of any changes to the Consumer Bill of Rights by Bulletin. Insurers shall provide the Consumer Bill of Rights, as revised, with new and renewal business 60 days after the date of the Bulletin.

(b)-(c) (No change.)

SUBCHAPTER 16. RATE FILING REQUIREMENTS: VOLUNTARY MARKET PRIVATE PASSENGER AUTOMOBILE INSURANCE

- 11:3-16.6 Filings for rates requiring prior approval
(a) Any filer that desires to modify its rates or rating systems in a manner other than that provided [by] at N.J.S.A. 17:29A-46.6 shall provide the following standard information in support of its application:
1.-9. (No change.)
10. Data described [in] at N.J.A.C. 11:3-16.8, 16.9, and 16.10 shall be submitted through the use of the NAIC electronic filing system SERFF (System for Electronic Rate and Form Filing). The information shall be provided in a Microsoft Excel [2003] or compatible spreadsheet. All calculated values shall be given as a formula in the spreadsheet; and
11. (No change.)

EXHIBIT A

PRIOR APPROVAL FILINGS

Company/Group: _____

Company File No.: _____

Table with 3 columns: Section, Item, Page #. Row 1: 1) Filing Requirements Yes / No. Row 2: 16.6(a)10 Data in Microsoft Excel [2003] or compatible spreadsheet Yes / No.

SUBCHAPTER 16B. RATE PROCESS FOR LIMITED RATE CHANGES; CALCULATIONS FOR PRIVATE PASSENGER AUTOMOBILE INSURANCE RATE CHANGES

- 11:3-16B.4 Rate process for limited rate changes
(a)-(c) (No change.)
(d) Expenses shall be determined by group of coverages (liability versus physical damage) from the total of:
1.-2. (No change.)
3. The sum of (d)1 and 2 above are subject to the expense limitations found [in] at N.J.A.C. 11:3-16.9(c) and shall not include any of the expenses listed [in] at N.J.A.C. 11:3-16.9(d). Current expense limitations by type of insurer will be posted annually on the Department's website [www.njdobi.org] http://www.state.nj.us/dobi, by group of coverages (liability versus physical damage).
4.-6. (No change.)
(e)-(k) (No change.)
(l) Data described above in this section shall be submitted through the use of the NAIC electronic filing system SERFF (System for Electronic Rate and Form Filing). The information shall be provided in a Microsoft Excel [2003] or compatible worksheet. All calculated values shall be given as a formula in the spreadsheet.

SUBCHAPTER 18. PRIVATE PASSENGER AUTOMOBILE INSURANCE: RATE FILING REVIEW PROCEDURES

- 11:3-18.3 General provisions applicable to all filings
(a)-(f) (No change.)
(g) Any filing or other item which is required to be provided to the Division of Rate Counsel shall be sent to the Division of Rate Counsel at the following address:
Division of Rate Counsel
[31 Clinton Street, 11th Floor
P.O. Box 46005
Newark, NJ 07101]
140 East Front Street
PO Box 003
Trenton, NJ 08625

SUBCHAPTER 24. DEFENSIVE DRIVING RATE REDUCTIONS

- 11:3-24.2 Definitions
The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:
...
"Defensive driving course" means a course approved by [DMV] MVC pursuant to N.J.S.A. 17:33B-45 and N.J.A.C. 13:21-24
["DMV" means the New Jersey Division of Motor Vehicles.]
...
"MVC" means the New Jersey Motor Vehicle Commission.

SUBCHAPTER 25. PRIVATE PASSENGER AUTOMOBILE INSURANCE: NOTIFICATION BY TREATING HEALTH CARE PROVIDERS

- 11:3-25.2 Definitions
The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.
...
"Eligible charge" means the treating medical provider's usual, customary and reasonable charge or the upper limit on the medical fee schedule as found [in] at N.J.A.C. 11:3-[29.6]29 Appendix, whichever is lower subject to provisions [of] at N.J.A.C. 11:3-29.4.
...
"Personal injury protection" or "PIP" means the coverage set forth at N.J.S.A. 39:6A-4, 39:6A-3.1 or the emergency personal injury protection coverage provided by a Special Automobile Insurance Policy pursuant to [section 45 of P.L. 2003, c.89] N.J.S.A. 39:6A-3.3.
...

SUBCHAPTER 29. MEDICAL FEE SCHEDULES: AUTOMOBILE INSURANCE PERSONAL INJURY PROTECTION AND MOTOR BUS MEDICAL EXPENSE INSURANCE COVERAGE

- 11:3-29.4 Application of medical fee schedules
(a)-(b) (No change.)
(c) The fees set forth in the schedule for durable medical equipment, subchapter Appendix, Exhibit 5, are retail prices, which may include purchase prices for both new and used equipment, and/or monthly rentals. New equipment shall be distinguished with the use of modifier-NU, used equipment with modifier-UE and rental equipment with modifier-RR.
1. (No change.)
2. For the provision and billing of durable medical equipment, payors shall follow the relevant provisions of Chapter 20 of the Medicare Claims Processing Manual, updated periodically by CMS and incorporated by reference, that were in effect at the time the service was provided ([http://www.cms.gov/manuals/downloads/clm104c20.pdf] https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/clm104c20.pdf).
(d)-(f) (No change.)
(g) Except as specifically stated to the contrary in this subchapter, the fee schedules shall be interpreted in accordance with the following, incorporated hererin by reference, as amended and supplemented: the relevant chapters of the Medicare Claims Processing Manual, updated periodically by CMS, that were in effect at the time the service was provided. The Medicare Claims Processing Manual is available at [https://www.cms.gov/Manuals/IOM/itemdetail.asp?itemID=CMS018912] https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Internet-Only-Manuals-IOMs-Items/CMS018912.html; the NCCI Policy Manual for Medicare Services, as updated periodically by CMS and available at http://www.cms.gov/NationalCorrectCodInitEd/Downloads/NCCI_Policy_Manual.zip; Modifier 59 Article: Proper Usage Regarding Distinct Procedural Service, available from CMS at https://www.cms.gov/NationalCorrectCodInitEd/Downloads/modifier59.pdf; and the CPT Assistant available from the American Medical Association (www.AMAbookstore.com).
1.-13. (No change.)

(h)-(p) (No change.)

SUBCHAPTER 33. APPEALS FROM DENIAL OF AUTOMOBILE INSURANCE

11:3-33.5 Procedure for filing an appeal

(a) Appeals from a denial of automobile insurance in the voluntary market shall be submitted to the Department, on a form prescribed by the Department (Appendix B to this subchapter, which is incorporated herein by reference as part of this rule), within 90 days of the date of a written denial from an insurer or insurance agent. Notwithstanding an insurer's or agent's obligation to provide a person with this form upon a denial of initial coverage (see N.J.A.C. 11:3-33.4(c)), copies can also be obtained by contacting the Department by telephone (609) 984-2426 or by mail at the address below:

Department of Banking and Insurance
Division of Enforcement and Consumer Protection
Attn: Auto Insurance Denial
20 West State Street
PO Box [329] 471
Trenton, New Jersey [08625-0329] 08625-0471
(b) (No change.)

APPENDIX B

NOTE: YOU HAVE 90 DAYS FROM THE DATE ON WHICH A WRITTEN DENIAL OF AUTOMOBILE INSURANCE IS MADE TO FILE THIS APPEAL.

NEW JERSEY DEPARTMENT OF BANKING AND INSURANCE
AUTOMOBILE DECLINATION APPEAL

BASIS FOR YOUR APPEAL (Please indicate with an "X" those statements or reasons that apply and attach a copy of pertinent documentation supporting your appeal. Such documentation should include a certified motor vehicle driver "abstract," where appropriate, available from the Motor Vehicle Commission. To obtain a certified copy of your driving record:

- 1.-2. (No change.)
3. Mail the application, a copy of your driver's license (or other form of acceptable ID) and a check or money order for \$ 10.00 payable to the New Jersey Motor Vehicle Commission to:
Motor Vehicle Commission
Abstract Unit
225 East State Street
PO Box 142
Trenton, New Jersey 08666-0142
There is a \$ 10.00 fee for each copy of the [DMV] MVC abstract.)

CERTIFICATION OF APPEAL

The information contained in this appeal is true and complete to the best of my knowledge and belief.

I UNDERSTAND THAT FILING THIS APPEAL DOES NOT PROVIDE ME WITH AUTOMOBILE INSURANCE. IF MY AUTO IS REGISTERED IN NEW JERSEY OR IS BEING DRIVEN, I HAVE OBTAINED OTHER AUTO INSURANCE.

Your Signature: _____ Date: _____
MAIL THIS COMPLETED FORM AND NECESSARY DOCUMENTATION TO:

New Jersey Department of Banking and Insurance
Division of Enforcement and Consumer Protection
PO Box [329] 471
Trenton, New Jersey [08625-0329] 08625-0471
Attn: Auto Insurance Denial

(a)

DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE

Notice of Readoption
Persons Employed in the Business of Insurance
Readoption with Technical Changes: N.J.A.C. 11:17E

Authority: N.J.S.A. 2A:168A-1 et seq., 17:1-8.1, 17:1-15.e, and 17:22A-26 et seq.; and 18 U.S.C. §§ 1033 and 1034.

Authorized By: Marlene Caride, Commissioner, Department of Banking and Insurance.

Effective Dates: November 30, 2021, Readoption;
January 3, 2022, Technical Changes.

New Expiration Date: November 30, 2028.

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:17E were scheduled to expire on August 6, 2021. Pursuant to Executive Order Nos. 127 (2020) and 244 (2021) and P.L. 2021, c. 103, any chapter of the New Jersey Administrative Code that would otherwise have expired during the Public Health Emergency originally declared in Executive Order No. 103 (2020) is extended through January 1, 2022. Therefore, this chapter has not yet expired and the 30-day filing date pursuant to N.J.S.A. 52:14B-5.1.c has not yet occurred, therefore, pursuant to Executive Order No. 244 (2021), and P.L. 2021, c. 103, this notice of readoption is timely filed.

Chapter 17E, Persons Employed in the Business of Insurance, implements 18 U.S.C. § 1033 and § 1034, Federal statutes that provide that no person having been convicted of a felony involving dishonesty or breach of trust or an offense under 18 U.S.C. § 1033 shall engage in the business of insurance without having first obtained the written consent of the Commissioner of Banking and Insurance (Commissioner), or his or her designee. This chapter applies to all insurers doing business in this State pursuant to Title 17, 17B, or 26 of the New Jersey Statutes, or any risk retention group or purchasing group operating pursuant to the Liability Risk Retention Act of 1986, 15 U.S.C. § 3901-3906, or other similar risk retention organization organized pursuant to State law. 18 U.S.C. § 1033 also prohibits any person from employing a prohibited person in the business of insurance in any capacity without first obtaining a waiver. Both the prohibited person and the employer risk Federal criminal charges for a violation of these provisions.

This chapter contains the following subchapters:

N.J.A.C. 11:17E-1.1 sets forth the purpose and scope of the convicted persons waiver approval process.

N.J.A.C. 11:17E-1.2 supplies the definitions of key terms used within the chapter.

N.J.A.C. 11:17E-1.3 defines the prohibited activities that compel a convicted person to obtain a waiver and sets the requirements for a determination that the waiver should be from New Jersey (and not another state).

N.J.A.C. 11:17E-1.4 addresses the application process and those applicants who qualify for use of either the "short form" or "comprehensive form" waiver application.

N.J.A.C. 11:17E-1.5 sets forth the scope of actions available to the Commissioner following the consideration and review of a waiver application.

N.J.A.C. 11:17E-1.6 involves the maintenance of the confidentiality of the information submitted to the Department of Banking and Insurance (Department) by waiver applicants.

N.J.A.C. 11:17E-1.7 refers to the available penalties imposed by law for the failure to comply with the requirements of the subchapter.

N.J.A.C. 11:17E Appendix, which contains Exhibit A, the Initial Application for Written Consent to Engage In The Business Of Insurance, pursuant to 18 U.S.C. §§ 1033 and 1034 and Exhibit B, the Comprehensive Application for Written Consent to Engage in the Business of Insurance, pursuant to 18 U.S.C. §§ 1033 and 1034.

The Department has reviewed N.J.A.C. 11:17E and has determined that the existing rules continue to be necessary, reasonable, and proper for