

responsibility of the applicant/recipient to provide all new and necessary information, such that the CWA/CSU can assist with parentage determinations and obtain collection of support money. In addition, the subchapter includes how cases requesting good cause exceptions to cooperation with the child support requirements are handled.

N.J.A.C. 10:110-10 sets forth the requirements for the service of process in child support proceedings to establish, modify, and enforce support orders. The subchapter sets forth methods of service and the meaning of diligent efforts to serve process, including, but not limited to, inquires of government agencies, such as the United States Postal Service, the New Jersey Motor Vehicle Commission, the New Jersey Department of Labor and Workforce Development, the New Jersey Department of Corrections, and the Division of Taxation within the New Jersey Department of the Treasury, to obtain necessary information to attempt service of process.

N.J.A.C. 10:110-11 sets forth the timeframes for conducting location efforts in pursuing non-custodial parents and/or their assets. The subchapter provides that all available local, State, and Federal resources shall be utilized during location investigations. In addition, the subchapter provides that when location attempts fail, that repeat attempts shall be made upon the receipt of any new location information, or quarterly through automated sources. The subchapter further delineates location sources and the access of OCSS to location records.

N.J.A.C. 10:110-12 sets forth paternity establishment policies, such as the timeframes for commencing a paternity establishment action. Before initiating proceedings to establish paternity, an allegation of paternity shall be made. Further, the subchapter provides for the voluntary establishment of paternity through the Certificate of Parentage. If paternity is not voluntarily established, a complaint shall be filed in a court of competent jurisdiction. If genetic testing is warranted, such testing shall be scheduled with a State-approved facility. If genetic test results show the alleged father meets the 95 percent or higher threshold of probability, a rebuttable presumption of paternity is created, and is the basis for entry of a judgment of paternity. In addition, the subchapter provides for paternity establishment policies regarding intergovernmental cases, adoptions, artificial insemination, and other special circumstances.

N.J.A.C. 10:110-13 provides for the establishment and amount determination of child support obligations in accordance with the New Jersey Child Support Guidelines. The subchapter provides timeframes for establishing child and medical support obligations in cases where parentage has been legally established, but where a support order does not exist. The Child Support Guidelines of the New Jersey Supreme Court, Rule 5:6A, are incorporated by reference into this subchapter for use both in the establishment and modification of child support orders. Further, the subchapter sets forth that the court may only deviate from the Child Support Guidelines when good cause is demonstrated.

N.J.A.C. 10:110-14 sets forth the requirement for a triennial review by the CWA/CSU for the possible adjustment or modification of child support orders for all WFNJ/TANF, foster care, and Medicaid cases in which a support order has been established, or which were last reviewed or adjusted in the prior three-year period. Further, for non-public assistance cases, the subchapter sets forth a triennial notification of the right to request a review for possible adjustment or modification of the child support order. In addition, the subchapter identifies situations in which a review shall not be initiated, as well as describing the review process and appropriate notices concerning the review of the support order.

N.J.A.C. 10:110-15 sets forth enforcement of support obligations including the timeframes for enforcing support obligations, available enforcement remedies, and collection practices.

N.J.A.C. 10:110-16 provides for the distribution of excess child support payments and the timeframes for distribution of any amounts collected.

N.J.A.C. 10:110-17 sets forth how payments on past due child support amounts (known as arrearage payments) shall be used to satisfy claims after payment. Arrearage payments are to be distributed in accordance with 42 U.S.C. § 657(a)(2)(B). Exceptions to the Federal provisions are payments from Federal tax intercepts.

N.J.A.C. 10:110-18 sets forth how incentive payments received by the IV-D Program of the State pursuant to 42 U.S.C. § 458(f) of the Social

Security Act and 45 CFR 304.12 are to be distributed. These payments supplement funds spent on the State IV-D Program. The subchapter describes the methodology for distribution of incentive funds to improve the effectiveness and efficiency of the State Program, as well as when reduction or reinvestment of incentives is required.

N.J.A.C. 10:110-19 sets forth the requirement for a State Case Registry, which shall be maintained in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P.L. 104-193) and the New Jersey Child Support Program Improvement Act, P.L. 1998, c. 1.

N.J.A.C. 10:110-20 sets forth all Federal requirements and timeframes for closure of IV-D cases in accordance with 45 CFR 303.11. Details are provided as to when child support cases should be administratively closed to maintain a caseload that includes only cases for which adequate information is available and which have a greater likelihood of resulting in provision of support to children. Procedures in the subchapter enable the Child Support Program to be more responsive to those individuals and children it can assist, while being administratively efficient in establishing parentage and securing monetary support. In addition, the subchapter focuses on retention of case records including retention periods, processes for destruction of records, and criteria for case closure and the reopening of a closed case.

## INSURANCE

### (a)

#### REAL ESTATE COMMISSION

##### Notice of Readoption Real Estate Commission

##### Readoption with Technical Changes: N.J.A.C. 11:5

Authority: N.J.S.A. 45:15-6, 45:15-10.4, 45:15-16.2g, 45:15-16.49, 45:15-16.82, 45:15-17(t), 45:15-17.4, and 45:15-42.

Authorized By: Real Estate Commission, Aurelio Romero,  
Executive Director.

Effective Dates: January 24, 2023, Readoption;  
February 21, 2023, Technical Changes.

New Expiration Date: January 24, 2030.

**Take notice** that pursuant to N.J.S.A. 52:14B-5.1, the rules at N.J.A.C. 11:5 were scheduled to expire on February 24, 2023. The rules in this chapter implement and interpret the Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq., the Real Estate Sales Full Disclosure Act, N.J.S.A. 45:15-16.27 et seq., and the Real Estate Timeshare Act, N.J.S.A. 45:15-16.50 et seq.

Subchapter 1 sets forth the responsibilities, organization, and functions of the Real Estate Commission (Commission). It also sets forth Commission information available to the public, and those Commission records that are not open to public inspection.

Subchapter 2 provides the educational requirements for licensure as a real estate broker, salesperson, or referral agent, and the criteria for the issuance of waivers of the educational requirement. It also sets forth the license qualifications and procedures, license renewal procedures, and operating standards for real estate brokerage schools and instructors. The rules summarize the types of applications and forms processed by the Commission Education Bureau, and the fees and processing times for such transactions.

Subchapter 3 sets forth the terms of real estate licenses, the application procedures and qualifications for licensure as a real estate broker, broker-salesperson, salesperson, referral agent, and branch office. It also sets forth the method of payment of fees, as prescribed by statute and includes provisions governing criminal history record checks and the broker, salesperson, and referral agent licensing examinations. Subchapter 3 also sets forth a rule governing Commission requests for disclosure of Social Security numbers and electronic mailing addresses. The rules also provide requirements for when a broker ceases to be active, closes an office, or changes the broker of record. The rules further provide who may sponsor

license applications or the transfer of a license, as well as the license transfer and termination procedures. Subchapter 3 also contains rules summarizing the types of applications and forms processed by the Real Estate Section of the Department of Banking and Insurance (Department) Licensing Services Bureau, as well as instructions, processing times, licensing fees, and deadlines. Finally, Subchapter 3 sets forth the requirements to change license types from referral agent to salesperson or broker-salesperson.

Subchapter 4 contains rules governing employment practices and requirements concerning office and licensee supervision. The subchapter sets forth requirements for employment agreements, issues related to payment of commissions and accounting, and actions for collection of compensation. Subchapter 4 also provides the requirements for broker supervision, office operations, and escrow money. It further sets forth a prohibition on the use of a license for the benefit of others and provides main office and branch office requirements.

Subchapter 5 provides rules governing trust accounts and records of brokerage activity. The subchapter sets forth requirements related to special accounts, safeguarding the funds of others, and a prohibition against commingling funds. The rules also provide requirements related to advance fees and the records licensees must maintain and make available for Commission inspection.

Subchapter 6 provides rules governing the conduct of brokerage business. The rules set forth the standards concerning advertising, contracts of sale or lease, brokerage agreements, and disclosure requirements applicable to licensees. Subchapter 6 also sets forth requirements regarding residential rental referral agencies, as well as participation in trade associations or listing services. The rules further set forth disclosures by licensees: (1) providing mortgage financing services to buyers for a fee; or (2) affiliated with a mortgage lender or mortgage broker to whom the licensee refers buyers. Subchapter 6 also sets forth requirements for the Consumer Information Statement and requirements applicable to the brokerage activity of referral agents.

Subchapter 7 governs prohibited activities. The rules set forth certain prohibited activities and conduct by licensees, such as receiving compensation for dual representation, receiving kickbacks for related business referrals, excluding all outside mortgage providers in favor of an in-house service, price-fixing with another licensee, blockbusting, discriminatory commission splits, and pressuring the media.

Subchapter 8 provides rules concerning disciplinary actions for violations of the rules in the chapter, as well as rules implementing the real estate guaranty fund.

Subchapter 9 provides the rules implementing the Real Estate Sales Full Disclosure Act, N.J.S.A. 45:15-16.27 et seq.

Subchapter 9A provides the rules implementing the Real Estate Timeshare Act, N.J.S.A. 45:15-16.50 et seq.

Subchapter 10 provides the rules governing rulemaking and petitions for rulemaking.

Subchapter 11 provides the rules concerning procedures applicable to disciplinary actions, contested applications, and declaratory ruling requests. The subchapter defines pleadings before the Commission and answers. It also sets forth standards regarding adversarial hearing determinations by the Commission, motions, hearing procedures, sanctions, failure to answer or appear, and settlements. The subchapter further sets forth rules regarding decisions in enforcement actions, motions for reconsideration, and applications for temporary suspension of a license. Finally, it sets forth the procedures applicable to license application appeals to the Commission.

Subchapter 12 provides the rules concerning continuing education. The subchapter sets forth its purpose and scope and provides definitions for terms. It states the continuing education requirements, the required curricula, and the standards for the waiver of continuing education requirements. It further provides the standards, application process, and fees for approval as a continuing education provider, instructor, or course. The subchapter also sets forth the responsibilities of continuing education providers, including reporting and recordkeeping requirements and advertising rules. It sets forth topics for elective courses, as well as specific requirements applicable to distance learning courses. Furthermore, the subchapter sets forth standards for the denial, suspension, or revocation of approval as a continuing education provider,

instructor, or course. It also provides the appeal procedures for the denial of an application for approval of a continuing education course, instructor, and provider, and continuing education waiver applications. Finally, the subchapter provides rules governing the Volunteer Advisory Committee.

These rules implement essential provisions of the Real Estate Brokers and Salesmen Act, N.J.S.A. 45:15-1 et seq., the Real Estate Sales Full Disclosure Act, N.J.S.A. 45:15-16.27 et seq., and the Real Estate Timeshare Act, N.J.S.A. 45:15-16.50 et seq. The Commission has undertaken a review of these rules to determine their current effectiveness and viability. The Commission examined the continuing relevance of the rules and considered whether they require unnecessary time and expense. The Commission finds and has determined the existing rules at Chapter 5 continue to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Accordingly, 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, with the following technical changes:

The current organizational chart of the Commission found at N.J.A.C. 11:5-1.2 is deleted and replaced by a new organizational chart that reflects changes in the structure of the Commission staff including the addition of the Licensing Bureau, and the addition of such in the functions of the Commission at N.J.A.C. 11:5-1.3.

N.J.A.C. 11:5-1.5 is changed to reference N.J.S.A. 47:1A-5, instead of N.J.S.A. 47:1A-2, as the referenced cross-reference was repealed, effective 2002.

The language at N.J.A.C. 11:5-2.2(x)1, wherein students are instructed to contact the Commission, in writing, has been updated in accordance with changes made to the organizational chart appearing at N.J.A.C. 11:5-1.2.

References to the "Department of Banking and Insurance Licensing Service Bureau, Real Estate Section" are replaced with "Licensing Bureau" at N.J.A.C. 11:5-3.12, 3.13, and 3.14. A typographical error appearing at N.J.A.C. 11:5-3.13(d)2 has been corrected.

A typographical error appearing at N.J.A.C. 11:5-6.4(c)3ii(2) has been corrected. Subsection (l) has also been changed to reference N.J.S.A. 46:8C-2, as the referenced cross-reference was repealed, effective 1974.

N.J.A.C. 11:5-7.1(f)1 has been changed to refer to the proper short title of the Consumer Finance Licensing Act.

A typographical error at N.J.A.C. 11:5-9A.5(b) has been corrected.

N.J.A.C. 11:5-10.2 has been updated to remove a defunct website.

References to the "Director" of the New Jersey Real Estate Commission have been updated to the title of "Executive Director" at N.J.A.C. 11:5-11.1, 11.4, and 11.5.

Citations appearing at N.J.A.C. 11:5-11.5 are corrected to include parentheticals around statutory subparts.

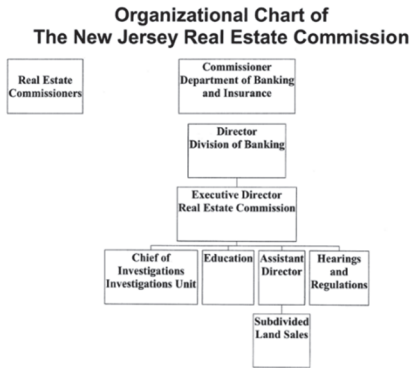
**Full text** of the technical changes follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

#### SUBCHAPTER 1. ORGANIZATIONAL RULES

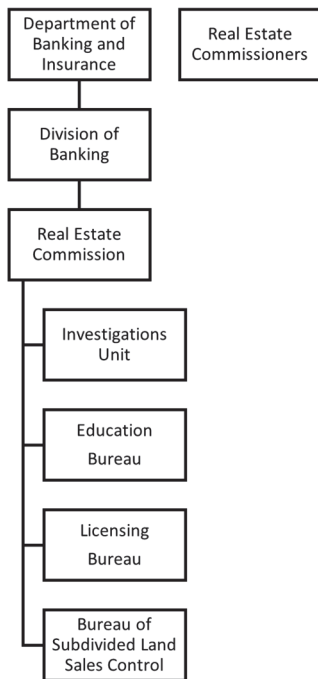
##### 11:5-1.2 Organization of the Commission

The organizational chart of the [Division of the] Real Estate Commission is as follows:

[



Organizational Chart of the New Jersey Real Estate Commission



11:5-1.3 Functions of the Commission

(a) The Commission is comprised of four sections whose functions are as follows:

1. The Investigations [Section] **Unit** is responsible for investigating the qualifications of applicants for licensure[,] and for investigating complaints against licensed brokers, broker-salespersons, salespersons, [or] referral agents, or individuals who have allegedly engaged in the business of a real estate broker, salesperson, or referral agent without being licensed to do so.

2. The [Real Estate] Education [Section] **Bureau** is responsible for reviewing the qualifications of real estate school and instructor applicants; **reviewing the qualifications of continuing education provider, course, and instructor applicants**; and for regulating their activities [as such through the Education Subsection].

3. (No change.)

[4. The Hearings and Regulatory Affairs Section is responsible for processing the rulemaking activity of the Commission, the scheduling and processing of contested cases, the prosecution of certain contested matters, and other functions.]

**4. The Licensing Bureau issues licenses to real estate brokers and salespersons, real estate schools, and course instructors, as well as**

**establishes standards of practice for the real estate brokerage profession.**

11:5-1.5 Commission records open to public inspection; investigative files not open to the public

(a) (No change.)

(b) Current and computerized public licensing records are available at the Commission's office for inspection and copying during normal business hours upon sufficient notice to the Commission staff. The Commission staff may require several weeks notice to locate records other than computerized records. Except as otherwise noted in this section, records are maintained for a minimum of three years. Older records may be unavailable. Copies of records can be purchased from the Commission at the fees established in the [Right to Know Law, N.J.S.A. 47:1A-2] **Open Public Records Act at N.J.S.A. 47:1A-5.**

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

SUBCHAPTER 2. EDUCATION

11:5-2.2 Licensed schools and instructors; requirements

(a)-(w) (No change.)

(x) The purpose of this subsection is to [assure] **ensure** that there is a total separation between instructional activity conducted by licensed schools and any solicitation of students, which, as defined [in] **at** (x)2ii below, means any recruiting efforts or brokerage activity directed at students. These provisions will be construed in a manner consistent with that regulatory objective. A violation of any of these provisions will be considered by the Commission as conduct demonstrating unworthiness for licensure, thereby subjecting the offending licensee to sanctions pursuant to N.J.S.A. 45:15-17(e) and (t). The Commission may also impose sanctions for a violation of these provisions pursuant to N.J.S.A. 45:15-10.11 and N.J.A.C. 11:5-12.15. Requirements regulating the involvement of licensed schools in soliciting students to become salespersons or referral agents for particular real estate brokers are as follows:

1. At the beginning of the first class session of all salesperson or referral agent prelicensure courses, all licensed schools shall distribute to all students in writing the following:

NOTICE

TO: ALL SALESPERSON/REFERRAL AGENT COURSE STUDENTS

FROM: NEW JERSEY REAL ESTATE COMMISSION

RE: SOLICITATION OF SALESPERSON OR REFERRAL AGENT LICENSE CANDIDATES AT PRELICENSURE SCHOOLS

...

New Jersey Real Estate Commission  
20 West State Street  
PO Box 328  
Trenton, New Jersey 08625-0328  
Attn: [Director, Real Estate] Education **Bureau**

...

2.-9. (No change.)

(y) (No change.)

SUBCHAPTER 3. LICENSING

11:5-3.12 License applications processed by the [Real Estate Section of the Department of Banking and Insurance] Licensing [Services] Bureau

(a) Applications for the following license types are processed by the [Department of Banking and Insurance] Licensing [Services] Bureau[, Real Estate Section]:

1.-7. (No change.)

11:5-3.13 Licensing [Services] Bureau[, Real Estate Section] forms, instructions, processing times, deadlines

(a) The following forms are utilized by the [Real Estate Section of the Department of Banking and Insurance] Licensing [Services] Bureau:

1.-33. (No change.)

(b) In addition to the instructions that are contained on the forms themselves, separate instructions for the licensing forms related to broker

]

licenses and branch offices are available from the Licensing [Services] Bureau[, Real Estate Section].

(c) (No change.)

(d) Deadlines for the submission of license applications and other required forms are as follows:

1. (No change.)

2. Applications for the reinstatement of a salesperson, referral agent, broker-salesperson, or broker[s] license: two years from the expiration date of the last license held unless exempted as provided [in] at N.J.S.A. 45:15-9;

3.-6. (No change.)

(e) (No change.)

#### 11:5-3.14 Licensing fees

The fees applicable to transactions processed by the [Department of Banking and Insurance] Licensing [Services] Bureau[, Real Estate Section] are listed in the table below. Renewal fees are assessed biennially for the renewal of licenses for a two-year term pursuant to N.J.S.A. 45:15-15. All other fees are payable in full regardless of when during a license term the application to which the fee pertains is submitted.

#### LICENSE FEES

...

### SUBCHAPTER 6. CONDUCT OF BUSINESS

#### 11:5-6.4 Obligations of licensees to public and to each other

(a)-(b) (No change.)

(c) Licensees shall disclose all information material to the physical condition of any property which they know or which a reasonable effort to ascertain such information would have revealed to their client or principal and when appropriate to any other party to a transaction. Licensees shall also disclose any actual or potential conflicts of interest [which] **that** the licensee may reasonably anticipate.

1.-2. (No change.)

3. As used in this subsection, the following words and terms shall have the following meanings:

i. (No change.)

ii. "Off-site conditions" refers to the following conditions as set forth in the New Residential Construction Off-Site Conditions Disclosure Act, N.J.S.A. 46:3C-3 (P.L. 1995 [c.253] c. 253), or as amended:

(1) (No change.)

(2) The latest sites known to and confirmed by the Department of Environmental Protection and included on the New Jersey master list of known hazardous discharge sites, prepared pursuant to P.L. 1982, [c.202] c. 202 (N.J.S.A. [58.10]58:10-23.15 et seq.);

(3)-(9) (No change.)

iii. (No change.)

(d)-(k) (No change.)

(l) Licensees may engage in brokerage activity in transactions involving the resale of mobile and manufactured homes as provided [in] at N.J.S.A. 39:10-19. Licensees who do so shall be familiar with all laws applicable to such transactions. These laws include N.J.S.A. 39:1-1 et seq., as it applies to the resale of and the transfer of the titles to such motor vehicle units, N.J.S.A. 46:8C-[1]2 et seq., as it applies to the resale of such units when situated in Mobile Home Parks, N.J.S.A. 17:16C-1 et seq., as it applies to the financing of purchases of personal property, and New Jersey's Truth in Renting Act, N.J.S.A. 46:8-43 et seq. Licensees who, when involved in transactions of this type, evidence a lack of familiarity with these laws either through acts of omission or commission shall be subject to sanctions by the Commission for having engaged in conduct demonstrating incompetency, in violation of N.J.S.A. 45:15-17(e).

### SUBCHAPTER 7. PROHIBITED ACTIVITIES

#### 11:5-7.1 Prohibition against licensees receiving dual compensation for dual representation in the sale or rental transaction

(a)-(e) (No change.)

(f) Except as provided [in] at (g) below, when providing mortgage financing services related to the purchase or sale of a one to six family residential dwelling, a portion of which may be used for non-residential purposes, located in New Jersey:

1. A real estate broker shall not solicit or receive compensation or reimbursement pursuant to (e) above greater than the expense amount permitted at closing by rule of the Department of Banking and Insurance unless licensed as a mortgage broker or mortgage banker by the Department of Banking and Insurance pursuant to the [New Jersey Licensed Lenders] Consumer Finance Licensing Act, N.J.S.A. 17:11C-1 et seq.; and

2. (No change.)

(g) (No change.)

### SUBCHAPTER 9A. RULES INTERPRETING AND IMPLEMENTING THE NEW JERSEY REAL ESTATE TIMESHARE ACT, N.J.S.A. 45:15-16.50 ET SEQ.

#### 11:5-9A.5 Amendments to registrations and to public offering statements

(a) (No change.)

(b) Material change means any significant change, whether beneficial or adverse, in the size or character of the interest being offered or anything having a significant [affect] **effect** on the regular duties or obligations of the registrant, developer, or purchaser.

1. (No change.)

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

### SUBCHAPTER 10. RULEMAKING AND PETITIONS FOR RULEMAKING

#### 11:5-10.2 Notice of proposed adoption of new rule, or proposed amendment or repeal of existing rule

(a) (No change.)

(b) With the exception of rules [which] **that**, pursuant to N.J.S.A. 52:14B-4, may be adopted without prior notice, in addition to the primary notice described [in] at (a) above in all circumstances the Commission shall provide secondary notice of proposals to adopt a new rule, or amend or repeal an existing rule, through the following methods:

1.-2. (No change.)

3. Notice posted on the website of the New Jersey Real Estate Commission at [<http://www.naic.org/nj/realcom.htm>] [www.nj.gov/dobi/division\\_rec/index.htm](http://www.nj.gov/dobi/division_rec/index.htm); and

4. (No change.)

(c)-(d) (No change.)

### SUBCHAPTER 11. PROCEDURES ON DISCIPLINARY ACTIONS, CONTESTED APPLICATIONS, DECLARATORY RULING REQUESTS

#### 11:5-11.1 Pleadings enumerated and defined

(a) Pleadings before the Commission shall be orders to show cause, complaints, answers, petitions, and motions, which for purposes of these rules are defined as follows:

1. "Orders to show cause" means orders issued by the **Executive** Director on behalf of the New Jersey Real Estate Commission compelling the persons to whom the order is directed to appear and show cause before the Commission why certain actions, including, but not limited to, the imposition of sanctions, should not be taken by the Commission pursuant to the Real Estate Licensing Act, N.J.S.A. 45:15-1 et seq., and the rules promulgated thereunder.

2.-5. (No change.)

(b) (No change.)

#### 11:5-11.2 Answers

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

(e) Filing of an Answer shall be made by forwarding an original and two copies to the **Executive** Director of the Commission and a copy to the deputy attorney general or staff member who is representing the complainant in the matter.

#### 11:5-11.4 Motions

(a) (No change.)

(b) Filing of a motion or reply shall be made by forwarding an original and 15 copies to the **Executive** Director of the Commission and a copy to all other attorneys and pro se parties, if any, in the matter.

(c)-(e) (No change.)

#### 11:5-11.5 Hearing procedure

The **Executive** Director may, on behalf of the Commission, issue an Order to Show Cause requiring a licensee or other person to appear before the Commission for a hearing, pursuant to the rules of the Office of Administrative Law, in circumstances where violations of N.J.S.A. 45:15-[17d, 17n, 17o] **17(d), 17(n), 17(o)** and/or 19.1 are alleged to have occurred or where there is danger of imminent harm to the public.

## LABOR AND WORKFORCE DEVELOPMENT

### (a)

#### DIVISION OF TEMPORARY DISABILITY INSURANCE

##### Temporary Disability Benefits

**Readoption with Amendments: N.J.A.C. 12:18**

**Adopted Repeal and New Rule: N.J.A.C. 12:18-2.11**

**Adopted New Rules: N.J.A.C. 12:18-2.38 and 3.12**

Proposed: September 19, 2022, at 54 N.J.R. 1766(a).

Adopted: January 27, 2023, by Robert Asaro-Angelo,

Commissioner, Department of Labor and Workforce Development.

Filed: January 27, 2023, as R.2023 d.023, **without change**.

Authority: N.J.S.A. 43:21-25 et seq.

Effective Dates: January 27, 2023, Readoption;  
February 21, 2023, Amendments, New Rules,  
and Repeal.

Expiration Date: January 27, 2030.

#### Summary of Public Comment and Agency Response:

**No comments were received.**

#### Federal Standards Analysis

The rules readopted with amendments, a repeal, and new rules are governed by N.J.S.A. 43:21-25 et seq., and are not subject to any Federal standards or requirements. Therefore, a Federal standards analysis is not required.

**Full text** of the readopted rules can be found in the New Jersey Administrative Code at N.J.A.C. 12:18.

**Full text** of the adopted amendments and new rules follows:

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 12:18-1.1 Definitions

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

... “Base year” with respect to a period of disability means the first four of the last five completed calendar quarters immediately preceding the period of disability, except that, if the individual does not have sufficient qualifying weeks or wages in the individual’s base year to qualify for benefits, the individual shall have the option of designating that the individual’s base year shall be the “alternate base year,” which means the last four completed calendar quarters immediately preceding the period of disability; and except that if the individual also does not have sufficient qualifying weeks or wages in the last four completed calendar quarters immediately preceding the period of disability, “alternate base year” means the last three completed calendar quarters immediately preceding the individual’s benefit year and, of the calendar quarter in which the period of disability commences, the portion of the quarter which occurs before the commencing of the period of disability.

...

“Disability” or “disabled” means such disability as is compensable pursuant to N.J.S.A. 43:21-29.

1. Disability shall, in the event of a state of emergency declared by the Governor, or when indicated to be needed by the Commissioner of Health or other public health authority, also includes an illness caused by an epidemic of a communicable disease, a known or suspected exposure to the communicable disease, or efforts to prevent the spread of the communicable disease, which requires in-home care or treatment of the employee due to:

i. The issuance by a healthcare provider, the Commissioner of Health, or other public health authority of a determination that the presence in the community of the employee may jeopardize the health of others; and

ii. The recommendation, direction, or order of the provider or authority that the employee be isolated or quarantined, as a result of suspected exposure to a communicable disease.

...

##### 12:18-1.3 Service of papers

(a) Any and all written communications issued by the Division may be served personally or by registered or certified mail. A copy of the notice may be left at the principal office or place of business in New Jersey of the person required to be served.

(b) (No change.)

(c) The verification by the individual who served the notice, or the return post office receipt of the registered or certified mail shall be proof that the notice was served.

##### 12:18-2.8 Application for approval

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

(e) The Division shall permit any application for approval by the Division of a private plan to be submitted to the Division by means of electronic communication and permit the use of an electronic signature for any signature required in the application, as the term electronic signature is defined at N.J.S.A. 12A:12-2.

##### 12:18-2.11 Employee consent

(a) If employees who are subject to the provisions of a collective bargaining agreement are required to contribute toward the cost of benefits under a private plan, such plan shall not become effective, unless prior to the effective date, a majority of the employees in the class or classes to be covered by the private plan have agreed to the private plan by written election, unless the collective bargaining agreement expressly waives the employees’ right to a majority election as a condition for the private plan.

(b) In the case of employees not subject to a collective bargaining agreement, no employee consent or written election is required for the withdrawal from the State plan or the establishment of a private plan.

(c) Written elections held pursuant to this section may be conducted by electronic communications evidenced by the electronic signature of the employee, as the term electronic signature is defined at N.J.S.A. 12A:12-2, but shall not be conducted in a manner inconsistent with any applicable terms of a collective bargaining agreement.

##### 12:18-2.12 Evidence of consent

(a) Where employee consent is required pursuant to N.J.A.C. 12:18-2.11, there shall be submitted on the application for approval a statement showing the total number of eligible employees in employment by the employer and the number of employees who agreed to the plan, together with the individual ballots or documents bearing the employees’ signatures of consent. The ballots or documents of consent, after review by the Division, shall be returned to the employer.

(b) (No change.)

##### 12:18-2.27 Exchange of information

(a) (No change.)

(b) If such recomputed weekly benefit amount is less than the maximum weekly benefit amount payable under the State plan and the computation of the “average weekly wage” for such recomputation yields a result which is less than the individual’s average weekly earnings in employment, with all covered employers, during the base weeks in such base year, then the insurer which has undertaken to pay the benefits