

INSURANCE
DEPARTMENT OF BANKING AND INSURANCE
OFFICE OF PROPERTY AND LIABILITY

Automobile Insurance

Certification of Compliance: Mandatory Liability Coverages

Adopted Amendments: N.J.A.C. 11:3-32.1 and 32.3

Proposed: September 4, 2007 at 39 N.J.R. 3707(a)

Adopted: January 31, 2008 by Steven M. Goldman, Commissioner, Department of Banking and Insurance

Filed: February 1, 2008 as R. 2008 d.47, with technical 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, 17:1-15e and 17:28-1.4

Effective Date: March 3, 2008

Expiration Date: June 7, 2011.

Summary of Public Comment and Agency Response:

The Department of Banking and Insurance (Department) timely received one written comment from Richard Stokes of the Property Casualty Insurers Association of America.

COMMENT: The commenter questioned whether the proposed amendments apply to commercial or personal automobile insurance, or to both commercial and personal automobile insurance.

RESPONSE: The amendment applies to both personal and commercial automobile insurance. The Department notes that the rule reflects the certification of compliance provisions set forth in N.J.S.A. 17:28-1.4, which requires automobile or motor vehicle insurers to certify that

automobile 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, 17:28-1.1 and 17:28-1.3. These provisions relate to both personal and commercial automobile liability policies.

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 brackets with asterisks *[thus]*):

11:3-32.3 Certification compliance requirements

(a) – (c) (No change.)

(d) Any insurer subject to this subchapter shall file a certification of compliance as set forth in this section within 30 days of becoming authorized to transact automobile or motor vehicle insurance in this State. Any insurer authorized as of *[(the effective date of this amendment)]* **March 3, 2008*** to transact automobile or motor vehicle insurance in this State and subject to the provisions of this subchapter that has not filed a certification of compliance shall do so no later than *[(30 days from the effective date of this amendment)]* **April 2, 2008***. Any insurer subject to this subchapter shall file a new certification of compliance if any information set forth in a previously filed certification changes. The new certification shall be filed within 30 days of any such change.

(e) (No change.)