

INSURANCE
DEPARTMENT OF BANKING AND INSURANCE
OFFICE OF PROPERTY AND CASUALTY

Orderly Withdrawal of Insurance Business

Proposed Amendment: N.J.A.C. 11:2-29.1

Proposal Repeals: N.J.A.C. 11:2-29.3 through 29.8

Proposed New Rules: N.J.A.C. 11:2-29.3 through 29.7

Authorized By: Steven M. Goldman, Commissioner, Department of Banking and Insurance

Authority: N.J.S.A. 17:1-8.1, 17:1-15e, 17:17-10 and 17:33B-30

Calendar Reference: See Summary below for explanation of exception to calendar requirement

Proposal Number: PRN 2008-44

Submit written comments by May 2, 2008 to:

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The agency proposal follows:

Summary

N.J.A.C. 11:2-29 was originally adopted by the Department of Banking and Insurance (Department) effective May 20, 1991 to implement N.J.S.A. 17:17-10 and 17:33B-30 and prescribe the procedures and requirements for companies to discontinue the transaction of one or more property/casualty lines of business in this State. The Department adopted amendments to these rules effective April 4, 2005 to address changes to the afore-referenced statutes pursuant to P.L. 2003, c. 89. See 36 N.J.R. 4358(a) and 37 N.J.R. 1069(a). These adopted amendments

provide specific requirements related to informational withdrawal filings and requests for waivers of the timeframes set forth in the statutes as amended, and provide that numerous sections of the rules do not apply to informational filing withdrawals with respect to plans submitted or to become effective on or after January 1, 2007. Based upon experience since that date, the Department has become aware that additional guidance should be provided in the rules with respect to the information to be included in informational withdrawal filings, and the information to be included in the notices to policyholders otherwise required by law. In addition, the Department proposes to repeal existing sections to the rules that are no longer applicable, and to recodify other sections as a matter of form.

A summary of the proposed amendment, repeals and new rules follows.

N.J.A.C. 11:2-29.1(c) is proposed to be deleted as it is no longer necessary. This subsection provides that informational filing withdrawals filed on or after January 1, 2007, or with a commencement date on or after January 1, 2007, shall be subject to N.J.S.A. 17:17-10 and 17:33B-30, as amended by P.L. 2003, c. 89 and N.J.A.C. 11:2-29.8. All withdrawals are now subject to these statutes and N.J.A.C. 11:2-29 in its entirety.

Existing N.J.A.C. 11:2-29.3 through 29.8 are proposed to be repealed. N.J.A.C. 11:2-29.3 sets forth general provisions for notification by an insurer to the Commissioner of Banking and Insurance (Commissioner) regarding its intent to withdraw, the ability of the Commissioner to determine whether a plan of orderly withdrawal is required to be filed pursuant to the rules, determination of whether deposits may be required of insurers to cover their potential liabilities, and other conditions that may be imposed by the Commissioner with respect to approving a plan of orderly withdrawal. N.J.A.C. 11:2-29.4 sets forth the elements of a proposed plan of orderly withdrawal. N.J.A.C. 11:2-29.5 sets forth specific requirements for the timeframe within which

an insurer must seek to have its business transferred to a replacement carrier, and the requirements for such replacement carrier to be deemed acceptable. These rules have not applied since January 1, 2007 and, thus, are no longer necessary.

N.J.A.C. 11:2-29.6 implements N.J.S.A. 17:22-6.14a(n) regarding the rights of agents of record of an insurer that transfers its business to another insurer. This provision similarly has not applied since January 1, 2007, as its provisions were incorporated in N.J.A.C. 11:2-29.8(d)3, which, although proposed for repeal, is proposed to be relocated to N.J.A.C. 11:2-29.5(a)3 as discussed below.

Currently, N.J.A.C. 11:2-29.7 relates to the confidentiality of data in plans of orderly withdrawal and identifies specific information that shall be deemed public. This version is no longer applicable to filings made on or after January 1, 2007 for the reasons set forth above. Accordingly, as set forth below, the Department is proposing a new N.J.A.C. 11:2-29.7 to address confidentiality of information filing withdrawals submitted on or after January 1, 2007. The Department will utilize the former version of N.J.A.C. 11:2-29.7 for purposes of determining the confidentiality of withdrawal plans and documents filed under the rules prior to January 1, 2007.

Finally, N.J.A.C. 11:2-29.8 sets forth specific requirements related to informational filing withdrawals. This section is proposed to be repealed, with the substantive provisions recodified and expanded at N.J.A.C. 11:2-29.3 through 29.5 as discussed below.

Proposed new N.J.A.C. 11:2-29.3 provides that any insurer seeking to withdraw shall file the information referenced in and otherwise comply with the requirements of N.J.S.A. 17:17-10 or 17:33B-30, as applicable. This reflects the requirements in existing N.J.A.C. 11:2-29.8(b). In addition, the proposed new rule sets forth the specific information that an informational filing

shall contain in order to permit the Department to determine compliance with N.J.S.A. 17:17-10 and 17:33B-30, as applicable, as required by those statutes. The proposed new rule provides that the failure to provide all of the information shall result in a determination that the informational filing is non-compliant, and that the filing shall be disapproved by the Commissioner on that basis. The Department shall notify a filer within 10 days of the Department's receipt of the informational filing if it is non-compliant. The insurer may resubmit the informational filing as a new submission when the deficiencies have been corrected. Specific information that must be included in a filing includes: the reason for the insurer's withdrawal; copies of specified notices to policyholders and producers; the lines of insurance to be withdrawn; the number of exposures and number of policies to be non-renewed; the insurer's market share by line; and the proposed duration of the non-renewal of the company's book of business.

The proposed new rule also reflects the existing requirements in N.J.S.A. 17:17-10 and 17:33B-30 that the insurer send a notice to its policyholders of the proposed withdrawal no later than 30 days following the submission of a compliant informational filing to the Commissioner; that non-renewals shall not commence prior to one calendar year and 90 days following the submission of the compliant informational filing, unless a waiver is requested and approved by the Commissioner; that the insurer shall send a notice of non-renewal to every policyholder no later than one calendar year preceding the date of the non-renewal, unless a waiver is requested and approved by the Commissioner; and a subsequent notice of non-renewal shall be provided to policyholders in accordance with the time limit established pursuant to applicable law. In addition, the proposed new rule reflects the statutory requirement that non-renewals shall take place in a manner so as to be applicable to all insureds on an equitable basis with respect to risk classification and territorial or other form of rating factor, shall be effectuated in a uniform rate

over a period not exceeding three years, unless such timeframe is otherwise waived by the Commissioner. Moreover, the proposed new rule reflects the statutory provision that if more than one company files for withdrawal from the same line of business and the companies, in the aggregate, write more than 25 percent of the market share for that line of business, the Commissioner may extend the period of withdrawal to five years.

The proposed new rule also sets forth the minimum requirements for all notices to be provided to insureds in order to provide guidance to insurers, and help ensure uniformity with respect to the information provided to insureds by insurers seeking to withdraw. The proposed new rule also advises that the Department will post several forms of notice on its website that insurers may utilize as guides in developing forms that are appropriate to their transaction.

Proposed new N.J.A.C. 11:2-29.4 sets forth the requirements for a request for a waiver of the one-year and 90-day waiting period for commencement of non-renewals pursuant to N.J.S.A. 17:17-10b(2) or 17:33B-30a(2), a waiver of the requirement to send non-renewal notices no later than one year prior to the dates of the non-renewal set forth in N.J.S.A. 17:17-10b(3) and 17:33B-30a(3), and a waiver of the maximum three-year non-renewal period set forth in N.J.S.A. 17:17-10b(4) and 17:33B-30a(4). These provisions essentially are identical to existing N.J.A.C. 11:2-29.8(c), and are proposed to be relocated as a new rule as a matter of form.

Proposed new N.J.A.C. 11:2-29.5 sets forth the requirements for the use of replacement carriers identical to those set forth in existing N.J.A.C. 11:2-29.8(d). The proposed new rule additionally provides that the Commissioner shall notify the insurer whether the replacement carrier is approved within 60 days of either: the date of the filing by the withdrawing insurer requesting approval of a replacement carrier or carriers; or the filing by the replacement carrier or carriers requesting to be a replacement carrier, whichever is later. This proposed provision

adds a procedure to the filing process for the approval by the Commissioner of the use of a replacement carrier. In addition, the proposed new rule provides that if a replacement carrier is approved, the notices to be sent within the time periods set forth in N.J.A.C. 11:2-29.3(d) and (f)1, as well as the time period before which withdrawal may commence as set forth in N.J.A.C. 11:2-29.3(e), shall not apply or be required. A non-renewal notice shall, however, be provided within the time period set forth in N.J.A.C. 11:2-29.3(f)2. This reflects the applicable statutory timeframes regarding notices and other requirements when an approved replacement carrier is utilized pursuant to N.J.S.A. 17:17-10d and 17:33B-30c.

Proposed new N.J.A.C. 11:2-29.6 provides that a senior official of the company withdrawing shall notify the Department in advance of the date certain that the first non-renewal notices will be mailed; shall specify the effective date of the first policies to be non-renewed; and shall provide notification to the Department within 15 days of the expiration of the last New Jersey insurance policy indicating the expiration date of the last policy non-renewed. These requirements reflect provisions that the Department has included in all orders approving withdrawals of insurers and codifies current practice.

Proposed new N.J.A.C. 11:2-29.7 provides a confidentiality provision to replace the existing confidentiality provision that is no longer applicable. The rule provides that all information set forth in an informational filing shall be deemed confidential and shall not be considered a public record for purposes of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. The proposed new rule also sets forth the documents that shall be considered public documents as follows: the cover letter; the acknowledgement/approval letter or order; the list of producer names and addresses; the total number of exposures affected; market share information; and copies of notices to policyholders.

Finally, existing N.J.A.C. 11:2-29.9 and 29.10 are proposed to be recodified as N.J.A.C. 11:2-29.8 and 29.9 without amendment.

A 60-day comment period is provided for this notice of proposal, and, therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, the proposal is not subject to the provisions of N.J.A.C. 1:30-3.1 and 3.2 governing rulemaking calendars.

Social Impact

As discussed above, the proposed amendment, repeals and new rules will provide further guidance to insurers submitting informational filing withdrawals as to the information to be included, as well as information to be provided to policyholders in various notices, and will delete rules no longer applicable, thereby avoiding confusion and streamlining the filing process. This, in turn, will benefit filers, insureds and the Department.

Economic Impact

Insurers seeking to withdraw will be required to incur any costs associated with filing the information to be included in an informational filing and providing the required notices to policyholders. However, many of these requirements and resulting costs are imposed by statute. Further, the Department believes that little, if any, additional costs should be imposed on insurers in that the information to be provided should be readily available and involve filing copies of existing documents with the Department. Professional services that may be required include underwriting and information technology services. The Department does not believe that any additional professional services will be required in order to comply with the proposed new rules.

Moreover, as set forth in the Summary above, the proposed requirements are intended to provide further guidance to insurers regarding the information to be included in an informational filing to streamline the filing and review process, thereby avoiding multiple filings and costs associated thereto. Similarly, the specified requirements regarding notices to policyholders will help ensure uniformity in the provision of information to policyholders regarding the actions of the insurer, and will help ensure that policyholders are aware of the actions to be taken by the insurer in a timely manner so that they may be better positioned to obtain replacement coverage or to evaluate the suitability of any replacement coverage offered as part of the plan of the insurer to withdraw. This, in turn, will benefit insureds and the market generally. All of the informational requirements are intended to enable the Commissioner to determine compliance with N.J.S.A. 17:17-10 and 17:33B-30, as required by those statutes.

Further, to the extent that the proposed amendments provide additional certainty to the process for exiting the market, insurers not currently authorized or admitted may be encouraged to enter the New Jersey property/casualty insurance market. This, in turn, would increase competition, thus benefiting the public and the market, and contribute to a healthy business climate in this State.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment, repeals and new rules are not subject to any Federal requirements or standards.

Jobs Impact

The Department does not anticipate that any jobs will be generated or lost as a result of the proposed amendment, repeals and new rules. However, as noted in the Economic Impact above, to the extent that the proposed new rules provide additional certainty to the market and encourage additional insurers to enter the New Jersey property/casualty insurance market, they may have a positive effect on the business climate in New Jersey.

The Department invites commenters to submit any data or studies concerning the jobs impact of the proposal together with their comments on other aspects of the proposal.

Agriculture Industry Impact

The proposed amendment, repeals and new rules will not have any impact on the agriculture industry in New Jersey.

Regulatory Flexibility Analysis

The proposed amendment and repeals impose no new reporting, recordkeeping or other compliance requirements on “small businesses,” as that term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed new rules will impose new reporting and compliance requirements on small businesses. To the extent that the proposed new rules apply to small businesses, they will apply to New Jersey domestic insurers seeking to withdraw from transacting property/casualty insurance in this State. However, as noted in the Economic Impact above, the Department does not believe that any undue burden will be imposed by the proposed new rules. The proposed new rules provide no differentiation in compliance requirements based on business size. As noted above, the proposed new rules provide guidance

for insurers making informational filing withdrawals to enable the Commissioner to determine compliance with applicable statutes. The Department does not believe that any additional professional services will be required in order to comply with the proposed new rules. The information required to be filed should be readily available to insurers. Similarly, the notice requirements to the Department regarding the commencement and cessation of the withdrawal process, as well as information to be included in notices to policyholders, codifies existing practice and helps ensure uniformity in the provision of information to insureds regarding the actions of insurers ceasing the transaction of business in this State. These goals do not vary based on business size.

Smart Growth Impact

The proposed amendment, repeals and new rules will not have an impact on the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

Full text of the proposed repeals may be found in the New Jersey Administrative Code at N.J.A.C. 11:2-29.3 through 29.8.

Full text of the amendment and new rules follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

SUBCHAPTER 29. ORDERLY WITHDRAWAL OF INSURANCE BUSINESS

11:2-29.1 Purpose and scope

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

[(c) Withdrawal informational filings filed on or after January 1, 2007, or with a commencement date on or after January 1, 2007, shall be subject to N.J.S.A. 17:17-10 and 17:33B-30, as amended by P.L. 2003, c.89, and N.J.A.C. 11:2-29.8.]

11:2-29.3 Informational filing withdrawals

(a) Any insurer seeking to withdraw shall file the informational filing and otherwise comply with the requirements set forth in N.J.S.A. 17:17-10 or 17:33B-30, as applicable.

(b) Any insurer seeking to withdraw shall, as part of the informational filing required pursuant to N.J.S.A. 17:17-10 or 17:33B-30, as applicable, provide the information listed in (c) below. Failure to provide all of the information shall result in a determination that the informational filing is non-compliant, and it shall be disapproved by the Commissioner. The Department shall notify a filer within 10 days of the Department's receipt of the informational filing if it is non-compliant. The insurer may resubmit the informational filing when the deficiencies have been corrected, which shall be considered a new submission.

(c) An informational filing shall contain the following:

- 1. The reason for the insurer's withdrawal;**
- 2. Copies of the following notifications:**

i. The Policyholder Notice of Intent to Withdraw required pursuant to N.J.S.A. 17:17-10b(1) and 17:33B-30a(1);

ii. The one-year non-renewal notice required pursuant to N.J.S.A. 17:17-10b(3) and 17:33B-30a(3);

iii. The producer notice by which the insurer advises its producers of its intent to withdraw (Producer Notice), where applicable; and

iv. The non-renewal notice to be provided to insureds within the timeframes set forth in N.J.A.C. 11:3-8, 11:1-20 or 11:1-5.2, as applicable;

3. The lines of insurance and/or program(s) to be withdrawn;

4. The number of exposures and number of policies to be non-renewed;

5. The insurer's market share by line and, in addition, for private passenger automobile insurance, exposures by territory, and for homeowners' insurance, exposures by Windstorm Market Survey Report and, separately, any additional zip codes that fall within the insurer's definition of "coastal area";

6. A list of the insurer's producers and their current business addresses;

and

7. The proposed duration of the non-renewal of the company's book of business.

(d) The insurer shall send a notice to its policyholders of the proposed withdrawal no later than 30 days following the submission of an informational filing to the Commissioner that has not been disapproved as non-compliant.

(e) Non-renewals shall not commence prior to one calendar year and 90 days following the submission of the compliant informational filing, unless a waiver is requested and approved by the Commissioner pursuant to N.J.A.C. 11:2-29.4.

(f) The insurer shall send to every policyholder:

1. A notice of non-renewal no later than one calendar year preceding the date of non-renewal, unless a waiver is requested and approved by the Commissioner pursuant to N.J.A.C. 11:2-29.4; and

2. A final notice of non-renewal in accordance with the time limit established pursuant to N.J.A.C. 11:3-8, 11:1-20 and 11:1-5.2, as applicable.

(g) Non-renewals shall take place in a manner so as to be applicable to all insureds on an equitable basis with respect to risk classification and territorial or other form of rating factor, and shall be effectuated at a uniform rate over a period not exceeding three calendar years, commencing with the date established in (e) above, unless the three-year timeframe is otherwise waived; provided, however, that if more than one company files for withdrawal for the same line of business and the companies, in the aggregate, write more than 25 percent of the market share for that line of business, the Commissioner may extend the period of withdrawal to five years.

(h) The minimum requirements for the Notice of Intent to Withdraw and non-renewal notices referenced above are set forth below. A sample of the notices shall be posted on the Department's web site at www.njdobi.org, as may be modified from time to time.

1. The Notice of Intent to Withdraw shall:

i. Include a prominent heading, in boldface 14-point type or other conspicuous manner which draws the reader's attention;

ii. State that the purpose of the notification is to advise the insured that the insurer intends to withdraw from the applicable line(s) and/or program(s) of insurance in New Jersey;

iii. State that, as required by law, the insurer has submitted an informational filing withdrawal to the New Jersey Department of Banking and Insurance advising of its intent to withdraw;

iv. Explain the terms of the withdrawal, including the date of the proposed commencement of the non-renewal of policies and the proposed duration of the company's non-renewal of policies;

v. If applicable, such as in a case where a waiver has not been requested or approved, advise the insured that the company will send a notice of non-renewal no later than one calendar year preceding the date of non-renewal; and

vi. Advise the insured that a notice of non-renewal will be sent in accordance with the time limits established by law for that line of coverage.

2. The one-year non-renewal notice and final notices of non-renewal shall:

i. Advise the insured that the non-renewal is based on an informational filing withdrawal submitted by the insurer to the New Jersey Department of Banking and Insurance;

ii. Explain the general terms of the withdrawal and, where the informational filing provides for a replacement carrier(s), indicate that replacement coverage is being made available, and through whom such coverage is available;

iii. Advise that the non-renewal is based on a business decision of the insurer and is not intended as a negative reflection on the policyholder's insurability;

iv. Where applicable, include the name, address and telephone number of the appropriate residual market mechanism where the policyholder may seek coverage in the event that the insured is not eligible for or coverage is otherwise not available in the voluntary market;

v. Include the following statement: "For information that will assist you in shopping for coverage, you may contact the New Jersey Department of Banking and Insurance at 1-800-446-SHOP (7467) or visit the Department on the web at www.njdobi.org"; and

vi. If the insurer is sending a one-year non-renewal notice, state that a final notice of non-renewal will be sent in accordance with applicable timeframes for that line (for example, not less than X days prior to the expiration of the policy);

3. If a replacement carrier is utilized, in addition to the requirements set forth in (h)2 above, where an offer of replacement coverage is sent separately, the final non-renewal notice shall either include or be accompanied by further information about the replacement carrier and the process to be followed for securing coverage with the new carrier.

(i) The one-year non-renewal notice, unless waived pursuant to N.J.A.C. 11:2-29.4, and the final non-renewal notice shall be sent within the timeframes for such notices

as provided by N.J.S.A. 17:17-10 or 17:33B-30, as applicable, and N.J.A.C. 11:3-8, for private passenger automobile insurance, and N.J.A.C. 11:1-20 or 5.2, as applicable, for all other lines. The notice(s) shall contain the information required for such notices set forth in applicable law. Except as set forth in this section, the notice(s) shall not include the statements otherwise required pursuant to N.J.A.C. 11:1-20.2(h) and 11:3-8.3(e)2i, as applicable, related to filing complaints with the Department concerning the non-renewal.

(j) Insurers may include additional information in the notice to policyholders or provide additional notices to policyholders containing such information that the insurer deems appropriate, provided such notices or information are filed as set forth above in this section, and the information or notices are not inconsistent with the requirements of this subchapter.

11:2-29.4 Requests for waivers

(a) An insurer may request a waiver of the one-year and 90-day waiting period for commencement of nonrenewals pursuant to N.J.S.A. 17:17-10b(2) or 17:33B-30a(2), a waiver of the requirement to send non-renewal notices no later than one year prior to the dates of the non-renewals set forth in N.J.S.A. 17:17-10b(3) and 17:33B-30a(3), and a waiver of the maximum three-year non-renewal period set forth in N.J.S.A. 17:17-10b(4) and 17:33B-30a(4). A request shall include a list of the insurer's producers and their current business addresses, the proposed commencement date of the withdrawal, the name(s) of any replacement carrier(s) proposed to be utilized, the number of policies to be non-renewed, and the insurer's market share in this State with respect to the type of

policies to be non-renewed. The decision regarding the request for a waiver pursuant to this section shall constitute a final agency decision.

1. The Commissioner shall approve a request for waiver for any line(s), other than private passenger automobile, homeowners', workers' compensation, or medical malpractice liability, provided:

i. The insurer files the informational filing with the Commissioner at least 120 days prior to the proposed date of initial non-renewal, and provides notice to policyholders no later than 30 days following the submission of the compliant informational filing to the Commissioner;

ii. Non-renewals shall take place over a period not less than one policy cycle, there are no mid-term cancellations, except as otherwise specifically provided by law for the reason(s) set forth therein, and are performed on a random, equitable basis; and

iii. The Commissioner does not find that the waiver will adversely affect the market. In making this determination, the Commissioner shall consider, without limitation, the number of policies to be non-renewed, whether there are other insurers writing the line or lines of business from which the company seeks to withdraw, and whether there is sufficient capacity in the voluntary market with respect to the particular coverage involved.

2. With respect to private passenger automobile, homeowners', workers' compensation, and medical malpractice liability coverages, the Commissioner shall approve a request for a waiver if the company will non-renew no more than 9.5 percent of the total market per year for the particular coverage(s) involved, as of the date of the

request, based on the most recent reported data available, or the Commissioner concludes that granting the waiver will not adversely affect the market after considering the standards set forth in (a)1iii above. If a waiver is granted, the insurer shall comply with the requirements in (a)1i and ii above. For purposes of this paragraph, for private passenger automobile insurance, the total market shall be determined by the number of exposures, based on the most recent year-end consolidated report filed pursuant to N.J.A.C. 11:3-3A. For all other lines, the total market shall be determined by premium volume, based on the most recent annual statement filed pursuant to N.J.S.A. 17:23-1.

3. For all lines, in addition to the (a)1 and 2 above, the Commissioner shall grant a waiver if he or she finds that the insurer is or would be in a hazardous financial condition absent provision of the waiver.

11:2-29.5 Replacement carrier

(a) An insurer may utilize a replacement carrier for the business that will not be renewed, pursuant to N.J.S.A. 17:17-10d or 17:33B-30d, as applicable, subject to approval by the Commissioner. The Commissioner shall notify the insurer whether the replacement carrier is approved within 60 days of either: the filing by the withdrawing insurer of a request for approval of a replacement carrier or carriers; or the filing by the prospective replacement carrier or carriers of a request to be approved as a replacement carrier, whichever is later. The Commissioner shall approve an insurer as a replacement carrier:

1. If the replacement is authorized to transact the line or lines of business being transferred;

2. The replacement carrier demonstrates to the satisfaction of the Department that it will be able to maintain a net premium-to-surplus ratio of not more than 2.5 to one for five years after the transfer;

3. The replacement carrier certifies that it will comply with N.J.S.A. 17:22-6.14a(n) with respect to agents' rights;

4. If the replacement carrier has not transacted the particular line involved in the transfer in this State, the replacement carrier demonstrates that it possesses the requisite services and experience such that its methods of operation will not be hazardous to the policyholders of this State; and

5. If the replacement carrier is not domiciled in this State, the replacement carrier provides evidence that it has notified its domiciliary regulator of its intent to assume the business, and the domiciliary regulator does not object to such action.

(b) If a replacement carrier is approved pursuant to this section, the notices to be sent pursuant to N.J.A.C. 11:2-29.3(d) and (f)1 within the time periods set forth therein shall not be required, and the time period before which non-renewal may commence set forth in N.J.A.C. 11:2-29.3(e) shall not apply. A notice of non-renewal shall, however, be provided within the time period set forth in N.J.A.C. 11:2-29.3(f)2.

11:2-29.6 Notifications to the Department

(a) A senior official of the company shall notify the Assistant Commissioner of the Office of Property and Casualty of the Department, in writing, in advance of the date certain that the first non-renewal notices will be mailed and specify therein the effective dates of the first policies to be non-renewed.

(b) Within 15 days of the expiration of the last New Jersey insurance policy, a senior official of the company shall submit to the Assistant Commissioner in the Office of Property and Casualty of the Department a written certification indicating the expiration date of the last policy non-renewed.

11:2-29.7 Confidentiality of informational filing withdrawal

(a) All data or information contained in the informational filing shall be confidential and shall not be considered a public record for purposes of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., with the exception of the following information, which are public records:

- 1. The cover letter;**
- 2. The Acknowledgement/Approval Letter or Order;**
- 3. The list of producer names and business addresses;**
- 4. The total number of exposures affected;**
- 5. The market share information set forth in N.J.A.C. 11:2-29.3(c)5; and**
- 6. Copies of notices to policyholder (notice of intent to withdraw and non-renewal notices).**

Recodify existing N.J.A.C. 11:2-29.9 and 29.10 as **29.8 and 29.9** (No change in text).