

a gasoline dispensing facility installed **after** (the operative date of the amendment)" (49 N.J.R. 1777 (emphasis added)). As a result, the rule exempts new facilities, instead of existing facilities, from the requirements concerning unihose, CARB-certified Phase I EVR pressure/vacuum valve and system, and CARB-certified ECO nozzles and low permeation hoses. This is both logically inconsistent and the opposite of the Department's stated intention. This administrative correction to replace the word "after" with the word "before" is necessary to achieve the Department's express intention to exempt existing facilities from the new requirements unless the existing equipment is being replaced.

This notice of administrative correction is published pursuant to N.J.A.C. 1:30-2.7.

**Full text** of the corrected rule follows (addition indicated in boldface **thus**; deletion indicated in brackets [thus]):

SUBCHAPTER 16. CONTROL AND PROHIBITION OF AIR POLLUTION BY VOLATILE ORGANIC COMPOUNDS

7:27-16.3 Gasoline transfer operations

(a)-(h) (No change.)

(i) The provisions of (d)3 and 4 and (g)2, 3, and 4 above do not apply to a gasoline dispensing facility installed [after] **before** December 23, 2017, if:

1.-2. (No change.)

(j)-(u) (No change.)

## HUMAN SERVICES

### (a)

#### DIVISION OF DEVELOPMENTAL DISABILITIES

##### Notice of Administrative Changes

##### Contribution to Care and Maintenance Requirements

##### Notice of Family Maintenance Standard, Medical Cost Standard, Tuition Deduction, and the Cost of Care and Maintenance Rates

##### N.J.A.C. 10:46D-3.2

**Take notice** that, in accordance with N.J.A.C. 10:46D-3.2, the Department of Human Services announces that the following family maintenance standard (N.J.A.C. 10:46D-3.2(a)), medical cost standard (N.J.A.C. 10:46D-3.2(a)), tuition deduction standard (N.J.A.C. 10:46D-3.2(a) and (f)), and the cost of care and maintenance rates shall be utilized in the determination of eligibility and the contribution to care and maintenance of individuals residentially placed by the Division of Developmental Disabilities and their legally responsible relatives for the period beginning January 1, 2018. The approved calendar year 2018 patient payment per diem rate for State developmental centers is \$843.00. The approved calendar year 2018 patient payment per diem rate for residential functional services is \$293.00. These changes are effective January 1, 2018. This notice of administrative changes is published pursuant to N.J.A.C. 1:30-2.7.

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

SUBCHAPTER 3. TREASURY FORMULA-DDD

10:46D-3.2 DDD Formula B-DDD(B) for individuals under age 18

(a) This section shall apply to the individual under age 18 being served, LRR(s), or any other person responsible for the estate of such individual and/or LRR(s). The family maintenance standard for a family of four, for calendar year [2017] **2018**, is [\$32,296] **\$32,777**, the medical cost standard [(for a family of four is [\$8,482])] **\$8,543**, and the tuition deduction shall be revised annually, using the Consumer Price Index

figures then applicable and the cost for in-State tuition at Rutgers, the State University, ([\$11,408] **\$11,619** for school year [2016-17] **2017-18**). These revisions shall be published annually by the Department as public notices in the New Jersey Register. Additionally, the Department shall publish in the New Jersey Register, the cost of care and maintenance rates as established by the Commissioner.

(b)-(e) (No change.)

(f) The deduction for college tuition shall be the actual college tuition cost paid, but shall not exceed the maximum of the annual in-State tuition expenses for Rutgers University. The deduction shall be the net of any scholarships, awards, or grants, and shall cover tuition paid, but shall not cover such items as room, board, books, and lab fees. The maximum college tuition deduction for school year [2016-2017] **2017-2018** is [\$11,408] **\$11,619**. This shall be revised annually as required by (a) above.

(g)-(j) (No change.)

## INSURANCE

### (b)

#### DEPARTMENT OF BANKING AND INSURANCE OFFICE OF PROPERTY AND CASUALTY

#### Homeowners Insurance: Standard Hurricane Deductibles and Expedited Process for Homeowners Insurance Rate Changes

#### Adopted Repeals and New Rules: N.J.A.C. 11:2-42.4 and Appendix

#### Adopted Amendments: N.J.A.C. 11:2-42.1, 42.2, and 42.3

Proposed: April 3, 2017, at 49 N.J.R. 624(a).

Adopted: January 11, 2018, by Richard J. Badolato, Commissioner, Department of Banking and Insurance.

Filed: January 11, 2018, as R.2018 d.081, **without change**.

Authority: N.J.S.A. 17:1-8.1, 17:1-15.e, and 17:36-5.35.

Effective Date: February 20, 2018.

Expiration Date: July 5, 2018.

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

The Department of Banking and Insurance (Department) timely received written comments from the following:

1. The Insurance Council of New Jersey;
2. The American Insurance Association; and
3. The Property Casualty Insurers Association of America.

1. COMMENT: Two of the commenters expressed concern with N.J.A.C. 11:2-42.1(c). The commenters noted that this rule currently states that it applies to "other factors and credits," which has been proposed to be deleted. The commenters believed that the exclusion of "other factors and credits" greatly limits the flexibility of filers and the types of changes allowed under an expedited rate filing. One commenter further stated that the current flexibility contributes to greater accuracy, more efficient information flow, and greater reliability, which is in line with the Department's efforts to improve efficiency and streamline the existing process.

The commenters also believed that the elimination of this language could impact the timely changes to predictive modeling, advance quotes, employee discounts, and other consumer friendly discounts.

RESPONSE: Upon review, the Department has determined that no change is required. Rating systems have become more sophisticated. The number and variety of "other factors and credits" has increased significantly, which impacts the ability of the Department to review proposed changes to homeowners insurer rating systems within the required timeframes. The Department also notes that filers may make filings affecting "other factors and credits" pursuant to N.J.S.A. 17:29A-1 et seq., and N.J.A.C. 11:1-2.1. Further, the exclusion of "other factors and credits" is consistent with the provision for review of limited rate