

Subchapter 4, Personal Injury Protection Benefits; Medical Protocols; Diagnostic Tests, was adopted as new rules by R.1998 d.597, effective December 21, 1998, operative March 22, 1999. See: 30 N.J.R. 3211(a), 30 N.J.R. 3748(a), 30 N.J.R. 4401(a).

Subchapter 38, Towing and Storage Fee Schedule, was repealed by R.1999 d.1, effective January 4, 1999. See: 30 N.J.R. 2813(a), 31 N.J.R. 54(c).

Pursuant to Executive Order No. 66(1978), Chapter 3, Automobile Insurance, was readopted as R.2001 d.44, effective January 4, 2001, and Subchapter 2B, Market Transition Facility of New Jersey Payment Prioritization and Claims Payment Deferral, Subchapter 16A, Flex Rate Percentage Calculations for Private Passenger Automobile Insurance, Subchapter 19, Standard/Nonstandard Rating Plans, and Subchapter 42, Producer Assignment Program, were repealed by R.2001 d.44, effective January 4, 2001. See: 32 N.J.R. 3891(a), 33 N.J.R. 573(a).

Subchapter 17, Rate Intervenor Rules, was adopted as new rules by R.2001 d.270, effective August 6, 2001. See: 33 N.J.R. 1305(a), 33 N.J.R. 2694(a).

Subchapter 16B, Rate Process For Limited Rate Changes; Calculations for Private Passenger Automobile Insurance Rate Changes, was adopted as new rules, by R.2001 d.481, effective December 17, 2001. See: 33 N.J.R. 2574(a), 33 N.J.R. 4371(a).

Subchapter 3A, Reporting Requirements and Filing Deadlines, was adopted as new rules, by R.2003 d.95, effective March 3, 2003. See: 34 N.J.R. 3470(a), 35 N.J.R. 1289(a).

Subchapter 2A, Special Automobile Insurance Policy, was adopted as new rules, by R.2003 d.497, effective December 15, 2003. See: 35 N.J.R. 3519(b), 35 N.J.R. 5599(a).

Subchapter 47, Insurance Scenarios, was adopted as new rules, by R.2004 d.118, effective March 15, 2004. See: 35 N.J.R. 4434(a), 36 N.J.R. 1587(a).

Subchapter 35A, Private Passenger Automobile Insurance—Use of Alternate Underwriting Rules, was adopted as new rules, by R.2004 d.165, effective April 19, 2004. See: 35 N.J.R. 4429(a), 36 N.J.R. 1929(a).

Subchapter 16A, Private Passenger Automobile Insurance Territorial Rating Plans, was adopted as new rules, by R.2005 d.126, effective April 18, 2005. See: 36 N.J.R. 3979(a), 37 N.J.R. 1197(a).

Chapter 3, Automobile Insurance, was readopted by R.2006 d.243, effective June 7, 2006. See: Source and Effective Date. See, also, section annotations.

Subchapter 12, Automobile Rate Filers: Flattening of Premium Taxes and Assessments Made for Unsatisfied Claim and Judgment Fund, was renamed Automobile Rate Filers: Flattening of Premium Taxes, by R.2006 d.243, effective July 3, 2006. See: 37 N.J.R. 4162(a), 38 N.J.R. 2828(c).

Subchapter 17, Rate Intervenor Rules, was repealed by R.2006 d.243, effective July 3, 2006 (operative July 16, 2006). See: 37 N.J.R. 4162(a), 38 N.J.R. 2828(c).

Subchapter 8, Renewal and Nonrenewal of Automobile Insurance Policies, was renamed Acceptance, Renewal, Nonrenewal and Cancellation of Automobile Insurance Policies; Subchapter 19A, Tier Rating Plans and Underwriting Rules, was renamed Tier Rating Plans and Tier Placement Criteria; and Subchapter 35, Private Passenger Automobile Insurance Underwriting Rules, Subchapter 35A, Private Passenger Automobile Insurance—Use of Alternate Underwriting Rules, Subchapter 40, Insurers Required to Provide Automobile Insurance Coverage to Eligible Persons, Subchapter 44, Special Rules for Effecting Coverage for Private Passenger Automobile Insurance and Subchapter 47, Insurance Scenarios, were repealed by R.2008 d.380, effective December 15, 2008 (operative January 1, 2009). See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

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**11:3-8.7 Limitations on nonrenewal**

(a) No insurer shall nonrenew a policy based on N.J.A.C. 11:3-8.4(a)1i without having first conducted an investigation and reported the matter in accordance with the insurer's Fraud Detection and Prevention Plan.

(b) No insurer shall nonrenew a policy for failure to complete and return a renewal questionnaire without having first given written notice to the policyholder one full policy cycle prior to the issuance of the notice of nonrenewal that:

1. At the next renewal, the insurer shall send the policyholder a renewal questionnaire, which must be completed and returned; and
2. Failure to complete and return that renewal questionnaire may result in the nonrenewal of the policy.

(c) No insurer shall nonrenew a policy pursuant to N.J.A.C. 11:3-8.4(a)2 and 3:

1. In an amount in excess of 20 percent of the entire private passenger automobile insurance book of business of any one producer in force with the insurer at the end of the previous calendar year; and
2. Unless the insured or any other operator insured under the policy has individually, within five years prior to the expiration of the policy, two or more of the following events:
  - i. An at-fault accident as defined by N.J.A.C. 11:3-34.3;
  - ii. A motor vehicle violation for which four or more automobile insurance eligibility points accumulate under N.J.A.C. 11:3-34.5; or
  - iii. Had been required, but failed, to maintain the coverage required by N.J.S.A. 39:6A-3, without lapse.

(d) Nothing in these rules or their application shall be construed to authorize insurers to act in contravention of any applicable State or Federal law prohibiting discrimination on impermissible bases.

New Rule, R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

Former N.J.A.C. 11:3-8.6, Suspension of nonrenewals, recodified to N.J.A.C. 11:3-8.7.

Administrative correction.

See: 32 N.J.R. 809(b).

Amended by R.2008 d.380, effective December 15, 2008 (operative January 1, 2009).

See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

Updated the N.J.A.C. references throughout; and in (b)2, inserted a period at the end;

Recodified from N.J.A.C. 11:3-8.6 and amended by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

Rewrote (c)2iii; deleted former (d) through (e); and recodified former (f) as (d). Former N.J.A.C. 11:3-8.7, Suspension of renewals, recodified to N.J.A.C. 11:3-8.8.

**11:3-8.8 Suspension of nonrenewals**

Notwithstanding the provisions of this subchapter, if the plan for automobile insurance established pursuant to N.J.S.A. 17:29D-1 is not accepting new applications for coverage pursuant to N.J.S.A. 17:29D-1(d), no insurer transacting automobile insurance in this State shall refuse to renew any private passenger automobile insurance policy in this State.

Emergency New Rule, R.1990 d.626, effective November 26, 1990, operative April 1, 1991 (expired January 25, 1991).

See: 22 N.J.R. 3766(b).

Adopted Concurrent Proposal, R.1991 d.89, effective January 25, 1991, operative April 1, 1991.

See: 22 N.J.R. 3766(a), 23 N.J.R. 507(a).

Provisions of emergency new rule readopted without change.

Recodified from N.J.A.C. 11:3-8.6 by R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

Former N.J.A.C. 11:3-8.7, Reporting requirements, recodified to N.J.A.C. 11:3-8.8.

Recodified from N.J.A.C. 11:3-8.7 by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

Former N.J.A.C. 11:3-8.8, Records, recodified to N.J.A.C. 11:3-8.9.

**11:3-8.9 Records**

Insurance companies shall maintain records of nonrenewals for not less than five years which shall include a copy of the notice of nonrenewal, data concerning the allowable number of nonrenewals in each territory computed in accordance with N.J.A.C. 11:3-8.4(a)2 and 8.5(c), and data concerning the actual number of newly insured automobiles and nonrenewals in each territory for each category, computed in accordance with N.J.A.C. 11:3-8.4(a)3. Such records and data shall be made available to the Department upon request.

New Rule, R.1986 d.418, effective October 6, 1986.

See: 18 N.J.R. 1079(a), 18 N.J.R. 2039(a).

Emergency Repeal and New Rule, R.1990 d.626, effective November 26, 1990, operative April 1, 1991 (expired January 25, 1991).

See: 22 N.J.R. 3766(b).

Recodified from 11:3-8.5.

Adopted Concurrent Proposal, R.1991 d.89, effective January 25, 1991, operative April 1, 1991.

See: 22 N.J.R. 3766(a), 23 N.J.R. 507(a).

Provisions of emergency repeal and new rule, R.1990 d.626 readopted without change.

Recodified from N.J.A.C. 11:3-8.7 and amended by R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

Rewrote the section. Former N.J.A.C. 11:3-8.8, Separability, recodified to N.J.A.C. 11:3-8.9.

Amended by R.2001 d.44, effective February 5, 2001.

See: 32 N.J.R. 3891(a), 33 N.J.R. 573(a).

Rewrote the section.

Recodified from N.J.A.C. 11:3-8.8 and amended by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

Updated the N.J.A.C. references throughout. Former N.J.A.C. 11:3-8.9, Standards for cancellation, recodified to N.J.A.C. 11:3-8.10.

**11:3-8.10 Standards for cancellation**

(a) Pursuant to N.J.S.A. 17:29C-7, a notice of cancellation shall be effective only when based on one or more of the following reasons:

1. Nonpayment of premium;
2. The driver's license or motor vehicle registration of the named insured has been suspended or revoked during the policy period;
3. The driver's license or motor vehicle registration of another named insured or person insured under the policy who either resides in the same household or customarily operates an automobile insured under the policy has been suspended or revoked during the policy term for one or more of the following reasons:
  - i. Conviction of operating a motor vehicle under the influence of alcohol or drugs (N.J.S.A. 39:4-50);
  - ii. Conviction of refusal to submit to a chemical test (N.J.S.A. 39:4-50.4a);
  - iii. Conviction of vehicular homicide (N.J.S.A. 2C:11-2);
  - iv. Conviction of operating a motor vehicle while driving privilege is suspended (N.J.S.A. 39:3-40), except for convictions under N.J.S.A. 39:3-40i;
  - v. Conviction of operating a motor vehicle without liability insurance (N.J.S.A. 39:6B-2);
  - vi. Conviction of misrepresentation of insurance coverage (N.J.S.A. 39:6A-15);
  - vii. Accumulation of motor vehicle penalty points pursuant to N.J.S.A. 39:5-30.5;
  - viii. By a court upon conviction of one of the following motor vehicle violations: racing on a highway (N.J.S.A. 39:5C-1); failure to pass to right of vehicle proceeding in opposite direction (N.J.S.A. 39:4-84); tailgating (N.J.S.A. 39:4-89); reckless driving (N.J.S.A. 39:4-96); exceeding a speed limit by 30 MPH or more (N.J.S.A. 39:4-99); improperly passing a school bus (N.J.S.A. 39:4-128.1); or leaving the scene of an accident in which personal injury occurred (N.J.S.A. 39:4-129); or
  - ix. Where evidence exists that the suspended or revoked operator has been driving the vehicle during the period of suspension or revocation;
4. The named insured knowingly provided materially false or misleading information in connection with any application for insurance, renewal of insurance, or in connection with the filing of a claim for benefits under an insurance policy; or
5. An insurer determines, within 60 days of issuance of the policy, that the named insured does not meet the

acceptance criteria of the insurer in effect on the date of application.

New Rule, R.2008 d.380, effective December 15, 2008 (operative January 1, 2009).

See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

Former N.J.A.C. 11:3-8.9, Separability, recodified to N.J.A.C. 11:3-8.12.

Recodified from N.J.A.C. 11:3-8.9 by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

Former N.J.A.C. 11:3-8.10, Issuance of cancellation notices, recodified to N.J.A.C. 11:3-8.11.

**11:3-8.11 Issuance of cancellation notices**

(a) No notice of cancellation issued pursuant to N.J.A.C. 11:3-8.9(a)1, non-payment of premium, shall be effective unless it is mailed or delivered by the insurer in accordance with N.J.S.A. 17:29C-8 to the named insured at least 15 days prior to the effective date of the cancellation.

(b) No notice of cancellation issued pursuant to N.J.A.C. 11:3-8.9(a)2 through 5 shall be effective unless it is mailed or delivered by the insurer in accordance with N.J.S.A. 17:29C-8 to the named insured at least 20 days prior to the effective date of the cancellation.

(c) All cancellation notices shall include the reason for the cancellation or shall state or be accompanied by a statement that upon written request of the named insured, mailed or delivered to the insurer not less than 15 days prior to the effective date of the cancellation, the insurer will specify the reason for the cancellation.

(d) No cancellation notice shall be effective unless (d)3 below and either (d)1 or 2 below are satisfied:

1. The notice is sent by certified mail; or
2. The notice is sent by regular mail and at the time of the mailing of the notice, the insurer has obtained from the U.S. Postal Service a date-stamped proof of mailing showing the name and address of the insured; and
3. The insurer retains a duplicate copy of the mailed cancellation notice that is certified to be a true copy.

New Rule, R.2008 d.380, effective December 15, 2008 (operative January 1, 2009).

See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

Former N.J.A.C. 11:3-8.10, Penalties, recodified to N.J.A.C. 11:3-8.13.

Recodified from N.J.A.C. 11:3-8.10 by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

Former N.J.A.C. 11:3-8.11, Acceptance criteria, recodified to N.J.A.C. 11:3-8.12.

**11:3-8.12 Acceptance criteria**

(a) Acceptance criteria are the written standards by which an insurer accepts or rejects new business, and/or renews or nonrenews existing business. An insurer shall have separate acceptance criteria for new and renewal business.

(b) An insurer is prohibited from using any of the following in its acceptance criteria:

1. Any factor set forth in the New Jersey Law Against Discrimination, N.J.S.A. 10:5-12(l), except in the case of disability set forth in (b)4 below;
2. The territory in which the applicant or insured resides;
3. The occupation, education or insurance score of the applicant or insured; provided that, as it relates to occupation, this paragraph shall not be construed to prohibit the operation of an insurer that has been approved by the Department to limit coverage to persons who are members or employees of members of certain groups, clubs or organizations, such as trade associations or the military (so-called membership companies) when membership is a condition for insurance and is uniformly and consistently applied on a Statewide basis;
4. Any mental or physical impairment of the insured unless such disability impairs the ability to operate an automobile safely;
5. Criteria based on whether the insured or a member of the insured's household purchases or continues to purchase other insurance or services from the insurer or its affiliates, agents or other companies under common management or ownership, except that this provision shall not prohibit a rate discount; and
6. Criteria based upon a policyholder's application for coverage required to be provided by law, such as minimum limits of liability set forth in N.J.S.A. 17:28-1.1, or criteria requiring the purchase of coverage not otherwise required by law, such as physical damage coverage.

(c) An insurer's acceptance criteria shall be maintained by the insurer in writing and shall indicate the effective date thereof. An insurer's acceptance criteria shall be made available to the Department upon request.

(d) The only acceptance criteria that may be used to non-renew a policy are those that were in effect at the initiation of the policy period during which a notice of non-renewal is issued.

1. The requirement in (d) above shall not be construed to limit an insurer's ability to modify its acceptance criteria from time to time. However, the modified guidelines may only be applied to policies issued or renewed subsequent to the effective date of such modification as set forth in (d) above.

2. The requirement in (d) above does not apply to the first policy period following November 18, 2011, except for amendments to the acceptance criteria made after November 18, 2011.

3. The operative date of this subsection is November 18, 2011.

(e) If the Department finds that one or more of an insurer's acceptance criteria violates the requirements of (b) above, the Department may order the insurer to cease using such acceptance criteria in accordance with the process in N.J.A.C. 11:17D.

(f) Every insurer shall file a certification with the Department in the form set forth in the subchapter Appendix, incorporated herein by reference, signed by an individual authorized to sign such a certification on behalf of the insurer. The certification shall state that the insurer is not using any of the prohibited acceptance criteria set forth in (b) above.

(g) All certifications shall be submitted to the Department at the following address:

New Jersey Department of Banking and Insurance  
Office of Property/Casualty  
20 West State Street  
PO Box 325  
Trenton, NJ 08625-0325

New Rule, R.2008 d.380, effective December 15, 2008 (operative January 1, 2009).

See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

Recodified from N.J.A.C. 11:3-8.11 and amended by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

Rewrote the section. Former N.J.A.C. 11:3-8.12, Separability, recodified to N.J.A.C. 11:3-8.13.

### **11:3-8.13 Separability**

If any provision of this subchapter or its application to any person or circumstances is held invalid, the remainder of this subchapter and its application to other persons or circumstances shall not be affected.

New Rule, R.1986 d.418, effective October 6, 1986.

See: 18 N.J.R. 1079(a), 18 N.J.R. 2039(a).

Recodified from 11:3-8.6 as part of Emergency Amendments filed as R.1990 d.626, effective November 26, 1990, operative April 1, 1991.

See: 22 N.J.R. 3766(b).

Adopted Concurrent Proposal, R.1991 d.89, effective January 25, 1991, operative April 1, 1991.

See: 22 N.J.R. 3766(a), 23 N.J.R. 507(a).

Recodified from N.J.A.C. 11:3-8.8 by R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

Former N.J.A.C. 11:3-8.9, Penalties, recodified to N.J.A.C. 11:3-8.10. Recodified from N.J.A.C. 11:3-8.9 by R.2008 d.380, effective December 15, 2008 (operative January 1, 2009).

See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

Recodified from N.J.A.C. 11:3-8.12 by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

Former N.J.A.C. 11:3-8.13, Penalties, recodified to N.J.A.C. 11:3-8.14.

### **11:3-8.14 Penalties**

(a) Any person violating the provisions of this subchapter shall be subject to such penalties as may be authorized by law.

(b) In addition to any such penalties, the Commissioner may, after notice and hearing, suspend or revoke the rights of any insurer or group of insurers under N.J.A.C. 11:3-8.4.

New Rule, R.1986 d.418, effective October 6, 1986.

See: 18 N.J.R. 1079(a), 18 N.J.R. 2039(a).

Recodified from 11:3-8.7 as part of Emergency Amendments filed as R.1990 d.626, effective November 26, 1990, operative April 1, 1991.

See: 22 N.J.R. 3766(b).

Adopted Concurrent Proposal, R.1991 d.89, effective January 25, 1991, operative April 1, 1991.

See: 22 N.J.R. 3766(a), 23 N.J.R. 507(a).

Recodified from N.J.A.C. 11:3-8.9 by R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

Recodified from N.J.A.C. 11:3-8.10 by R.2008 d.380, effective December 15, 2008 (operative January 1, 2009).

See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

Recodified from N.J.A.C. 11:3-8.13 by R.2011 d.242, effective September 19, 2011.

See: 42 N.J.R. 1984(a), 43 N.J.R. 2525(a).

## APPENDIX

### CERTIFICATION OF COMPLIANCE WITH N.J.A.C. 11:3-8.11

I hereby certify \_\_\_\_\_ (Name of Insurance Company) \_\_\_\_\_ is in compliance with the above-captioned rule and is not using any of the prohibited "Acceptance Criteria" as set forth in N.J.A.C. 11:3-8.11(a).

Signature

Print Name

Title

Telephone Number

Date

New Rule, R.1998 d.43, effective January 20, 1998.

See: 29 N.J.R. 3107(a), 30 N.J.R. 366(b).

Recodified from N.J.A.C. 11:3-8 Appendix Exhibit C by R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

Former N.J.A.C. 11:3-8 Appendix Exhibit A, Nonrenewal report—A, repealed.

Amended by R.2001 d.44, effective February 5, 2001.

See: 32 N.J.R. 3891(a), 33 N.J.R. 573(a).

Amended by R.2006 d.243, effective July 3, 2006.

See: 37 N.J.R. 4162(a), 38 N.J.R. 2828(c).

Substituted "Motor Vehicle Commission" for "Division of Motor Vehicles".

Repeal and New Rule, R.2008 d.380, effective December 15, 2008 (operative January 1, 2009).

See: 40 N.J.R. 3572(a), 40 N.J.R. 6970(b).

Section was "Appendix".

## EXHIBIT B (RESERVED)

Repealed by R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

Exhibit was "Nonrenewal report—B".

## EXHIBIT C (RESERVED)

Recodified to N.J.A.C. 11:3-8 Appendix Exhibit A by R.1999 d.270, effective August 16, 1999.

See: 30 N.J.R. 2564(a), 31 N.J.R. 2383(b).

## SUBCHAPTER 9. RATING INFORMATION; AUTOMOBILE INSURANCE ON PRIVATE PASSENGER CARS

### 11:3-9.1 Rating information; private passenger cars; automobile insurance

(a) Every automobile insurance policy subject to New Jersey rates and providing coverage for an individually owned (or jointly owned by husband and wife; or two or more relatives resident of the household) private passenger automobile and/or any motor vehicle rates as a private passenger automobile shall be accompanied by rating information applicable to the premium determination. Such information must include the criteria pertaining to any individual driver classification plan used by the company and shall recite any rules that apply to the chargeability of accidents and convictions.

(b) If the declaration page or extension certificate or similar documents to the insured identifies the insured's car by a code, or other abbreviation, the rating information may be supplied by a rating information form that interprets the code number or abbreviation.

(c) Every company shall develop a rating information format adapted to the classification system approved for and used by the company in this State. Such format shall be submitted to the Commissioner of Banking and Insurance for approval initially within 30 days of the effective date of this regulation, and subsequently within 15 days of any revision of the classification system approved for the company. Filings of the rating information format by a rating organization shall be applicable to members and subscribers of such organization unless such companies deviate from the rating organization's classification system.

(d) This regulation shall be effective August 31, 1973. Use of approved forms will be required on all new and renewal business with effective dates January 1, 1974 and thereafter.

R.1973 d.206, effective August 31, 1973.

See: 5 N.J.R. 150(b), 5 N.J.R. 282(b).

Amended by R.1991 d.45, effective February 4, 1991.

See: 22 N.J.R. 1678(a), 23 N.J.R. 306(b).

Deleted subsection (b) regarding New Jersey Automobile Insurance Plan and recodified existing (c)-(e) as (b)-(d) with no change in text.

Amended by R.2001 d.44, effective February 5, 2001.

See: 32 N.J.R. 3891(a), 33 N.J.R. 573(a).

### 11:3-9.2 (Reserved)

R.1975 d.130, eff. July 1, 1975.

See: 7 N.J.R. 113(a), 7 N.J.R. 276(d).