

(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. 11:3-8.12**

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. 11:3-8.12(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".
 Administrative correction.
 See: 43 N.J.R. 2670(a).

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).