

**CHAPTER 88****OFFICE OF INSURANCE FRAUD PROSECUTOR****Authority**

N.J.S.A. 2C:21-4.7, 17:33A-1 et seq., 47:1A-1 and 52:14B-1;  
Executive Reorganization Plan No. 7 (1998);  
and Executive Order No. 9 (Hughes).

**Source and Effective Date**

R.2009 d.354, effective October 30, 2009.  
See: 41 N.J.R. 2630(a), 41 N.J.R. 4454(a).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 88, Office of Insurance Fraud Prosecutor, expires on October 30, 2016. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Chapter 88, Office of Insurance Fraud Prosecutor, was adopted as R.2004 d.173, effective May 3, 2004. See: 35 N.J.R. 2572(a), 36 N.J.R. 17(a), 36 N.J.R. 2201(a).

Subchapter 3, Insurance Fraud Detection Reward Program, was adopted as new rules by R.2004 d.262, effective July 6, 2004. See: 36 N.J.R. 917(a), 36 N.J.R. 3297(b).

Subchapter 2, Insurer Reporting Requirements, was adopted as new rules by R.2004 d.445, effective December 6, 2004. See: 36 N.J.R. 1731(a), 36 N.J.R. 5368(a).

Chapter 88, Office of Insurance Fraud Prosecutor, was readopted as R.2009 d.354, effective October 30, 2009. See: Source and Effective Date. See, also, section annotations.

Pursuant to the transfer of authority under P.L. 2010, c. 32, and by notice of administrative change, Subchapter 1 of Chapter 88 of Title 13, Administrative Procedures and Penalties, was recodified as Subchapter 7 of Chapter 16 of Title 11, effective June 2, 2011. See: 43 N.J.R. 1536(a).

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**APPENDIX****SUBCHAPTER 1. (RESERVED)****SUBCHAPTER 2. INSURER REPORTING REQUIREMENTS****13:88-2.1 Scope**

This subchapter applies to all insurers in the State of New Jersey.

**13:88-2.2 Definitions**

For purposes of this subchapter, the following terms have the following meanings, unless the context clearly indicates otherwise:

“Insurer” means any insurance company as defined in N.J.S.A. 17:33A-3, which writes at least \$2,000,000 in direct automobile insurance premiums in any given calendar year.

“ISO” means the Insurance Services Office, Incorporated.

“OIFP” means the Office of the Insurance Fraud Prosecutor in the Division of Criminal Justice in the Department of Law and Public Safety.

“OIFP database” means that claims information database maintained by the OIFP pursuant to N.J.S.A. 17:33A-22.

“Person” means a person as defined in N.J.S.A. 17:33A-3.

“Universal Format” means that particular ISO database format by which insurers electronically transmit automobile insurance claims information to ISO.

Administrative change.  
See: 43 N.J.R. 1536(a).

**13:88-2.3 Construction**

(a) These rules shall be liberally construed to permit the OIFP to discharge its statutory function.

(b) Upon notice to all parties, these rules may be relaxed by the OIFP for good cause in a particular situation in order to effectuate the purposes of the New Jersey Insurance Fraud Prevention Act. Statutory time limits shall not be relaxed.

**13:88-2.4 Claims reporting**

(a) Insurers shall report to the OIFP or, in the alternative, to ISO using the ISO Universal Format (incorporated herein by reference in the subchapter Appendix), all motor vehicle losses closed with payment and all motor vehicle losses closed without payment as follows:

1. Information collected during the normal course of business on stolen vehicles including, but not limited to, the owner's name and address, the insured's name and address, policy number, claim number, coverage type, year and make of vehicle, vehicle identification number, date of loss, and location of loss; and

2. Information collected during the normal course of business on automobile accidents including, but not limited to, insured's name and address, policy number, coverage type, claimants' names and addresses, year and make of involved vehicles, the date and location of the accident, persons involved in the accident, alleged injuries, and treating health care providers. Automobile accident information need not include glass only claims or accident claims for amounts less than \$2,000 if there are neither bodily injury or personal injury protection components of the accident claim.

(b) Each insurer shall notify the OIFP of its intention to comply with this chapter by reporting directly to the OIFP or providing the information through ISO and the ISO Universal Format. Insurers shall also indicate which of the data elements listed in the Appendix they collect during the normal course of business on stolen vehicle and automobile accident claims. Notice need only be made once, unless a carrier changes its method of compliance, in which case it shall submit an updated notice. Any carrier, which newly becomes subject to this reporting requirement, shall submit its notice within 30 days of becoming subject to this chapter. Notice shall be in writing and directed to: All Claims Database Unit, OIFP, PO Box 094, Trenton, NJ 08625-0094.

(c) Once reporting under (a) above has begun, insurers shall submit the data referenced in (a) above within 30 days of the closing of the claim.

(d) Insurers unable to meet the reporting deadlines established in these rules may apply in writing to the OIFP for an extension of the reporting deadlines. The OIFP shall grant reasonable extensions of time for good cause.

Amended by R.2009 d.354, effective December 7, 2009.  
See: 41 N.J.R. 2630(a), 41 N.J.R. 4454(a).

In the introductory paragraph of (a), substituted "Insurers" for "By June 4, 2005, insurers"; and rewrote (b).

**13:88-2.5 Insurer cooperation with ISO**

Insurers shall cooperate with ISO and shall release information in their possession to ISO upon ISO's reasonable request.

**13:88-2.6 ISO cooperation with insurers**

ISO shall cooperate with insurers in the resolution of errors in reporting motor vehicle loss information required under this subchapter.

**13:88-2.7 ISO record retention**

ISO shall retain all information required to be reported to it under this subchapter for a period of at least seven years from the date of entry into the ISO database.

**13:88-2.8 Penalties**

Failure of an insurer to abide by the requirements of this subchapter may lead to the imposition of sanctions or penalties as provided by law.

**13:88-2.9 Severability**

If any rule, sentence, paragraph or section of these rules, or the application thereof to any persons or circumstances, shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any rule shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of these rules.

**13:88-2.10 Confidentiality**

All information and materials accessed by, received by, created by, or maintained by the OIFP pursuant to these rules concerning the possibility of the existence or occurrence of insurance fraud or related to criminal activities are confidential and shall not be subject to public access pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

**APPENDIX****ISO UNIVERSAL FORMAT**

ISO Universal Format Field Name

Insurance Company (ISO assigned code)

Policy Number

Policy Type

Claim Number

Date of Loss

Location of Loss Address (incl. State)

First Name (Choose either Role IN, CI)

Last Name (Choose either Role IN, CI)

Business Name (Choose either Role IN, CI)—required if a Business

Address Information