

[Passed Both Houses]

ASSEMBLY, No. 3306

STATE OF NEW JERSEY

INTRODUCED DECEMBER 11, 1997

By Assemblyman GARRETT and Senator Kyrillos

1 AN ACT concerning insurance for certain out-of-state motor vehicles
2 in this State and amending P.L.1985, c.520.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 18 of P.L.1985, c.520 (C.17:28-1.4) is amended to read
8 as follows:

9 18. Any insurer authorized to transact or transacting automobile or
10 motor vehicle insurance business in this State, or controlling or
11 controlled by, or under common control by, or with, an insurer
12 authorized to transact or transacting insurance business in this State,
13 which sells a policy providing automobile or motor vehicle liability
14 insurance coverage, or any similar coverage, in any other state or in
15 any province of Canada, shall include in each policy coverage to
16 satisfy at least the personal injury protection benefits coverage
17 pursuant to section 4 of P.L.1972, c.70 (C.39:6A-4) or section 19 of
18 P.L.1983, c.362 (C.17:28-1.3) for any New Jersey resident who is not
19 required to maintain personal injury protection coverage pursuant to
20 section 4 of P.L.1972, c.70 (C.39:6A-4) and who is not otherwise
21 eligible for such benefits, whenever the automobile or motor vehicle
22 insured under the policy is used or operated in this State. In addition,
23 any insurer authorized to transact or transacting automobile or motor
24 vehicle insurance business in this State, or controlling or controlled by,
25 or under common control by, or with, an insurer authorized to transact
26 or transacting automobile or motor vehicle insurance business in this
27 State, which sells a policy providing automobile or motor vehicle
28 liability insurance coverage, or any similar coverage, in any other state
29 or in any province of Canada, shall include in each policy coverage to
30 satisfy at least the liability insurance requirements of section 1 of
31 P.L.1972, c.197 (C.39:6B-1) or section 3 of P.L.1972, c.70

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 (C.39:6A-3), the uninsured motorist insurance requirements of
2 subsection a. of section 2 of P.L.1968, c.385 (C.17:28-1.1), and
3 personal injury protection benefits coverage pursuant to section 4 of
4 P.L.1972, c.70 (C.39:6A-4) or of section 19 of P.L.1983, c.362
5 (C.17:28-1.3), whenever the automobile or motor vehicle insured
6 under the policy is used or operated in this State.

7 Any liability insurance policy subject to this section shall be
8 construed as providing the coverage required herein, and any named
9 insured, and any immediate family member as defined in section 14.1
10 of P.L.1983, c.362 (C.39:6A-8.1), under that policy, shall be subject
11 to the tort option specified in subsection a. of section 8 of P.L.1972,
12 c.70 (C.39:6A-8).

13 Each insurer authorized to transact or transacting automobile or
14 motor vehicle insurance business in this State and subject to the
15 provisions of this section shall [, within 30 days of the effective date
16 of P.L.1985, c.520,] file and maintain with the Department of Banking
17 and Insurance written certification of compliance with the provisions
18 of this section.

19 "Automobile" means an automobile as defined in section 2 of
20 P.L.1972, c.70 (C.39:6A-2).
21 (cf: P.L.1988, c.119, s.1)

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23 2. This act shall take effect immediately.

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STATEMENT

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27 This bill amends the statute which requires insurers authorized to
28 transact or transacting automobile or motor vehicle insurance business
29 in this State, or controlling or controlled by an insurer authorized to
30 transact or transacting insurance business in this State, to provide to
31 the out-of-state insureds who they insure for liability insurance
32 coverage the same automobile or motor vehicle insurance coverage
33 required of New Jersey drivers whenever the automobile or motor
34 vehicle insured under the policy is used or operated in this State. This
35 bill provides that, if the controlling or affiliated insurer is not
36 transacting automobile or motor vehicle insurance business in this
37 State, the insurers' out-of-state insureds must be provided policy
38 coverage to satisfy at least the personal injury protection benefits
39 coverage to any New Jersey resident who is not required to maintain
40 personal injury protection coverage and who is not otherwise eligible
41 for such benefits.

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45 Clarifies insurance coverage compliance requirement for out-of-state
46 automobiles and motor vehicles.