

P.L. 1997, CHAPTER 436, *approved January 19, 1998*

Assembly, No. 3306

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  
32 (C.39:6A-3), the uninsured motorist insurance requirements of  
33 subsection a. of section 2 of P.L.1968, c.385 (C.17:28-1.1), and  
34 personal injury protection benefits coverage pursuant to section 4 of

**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 P.L.1972, c.70 (C.39:6A-4) or of section 19 of P.L.1983, c.362  
2 (C.17:28-1.3), whenever the automobile or motor vehicle insured  
3 under the policy is used or operated in this State.

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

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

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

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20 2. This act shall take effect immediately.

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#### STATEMENT

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

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