

INSURANCE
DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF INSURANCE

Official Department Mailing List: Address Information

Adopted Amendments: N.J.A.C. 11:1-25.1 through 25.3

Proposed: March 1, 2004 at 36 N.J.R. 1169(a)

Adopted: June 11, 2004 by Holly C. Bakke, Commissioner, Department of Banking and Insurance

Filed: June 11, 2004 as R. 2004 d. 264, with a technical change not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 17:1-8.1 and 15e

Effective Date: July 6, 2004

Expiration Date: January 31, 2006

Summary of Public Comments and Agency Responses:

The Department of Banking and Insurance (Department) received written comments from the following: Jeanne M. Heisler, Government Affairs Representative, Independent Insurance Agents of New Jersey and Chuck Leitgeb, Vice President, Insurance Council of New Jersey.

COMMENT: One commenter supported the proposed amendment and believes it is cost-effective and timely to issue bulletins, notices, orders, and other regulatory documents by e-mail to insurance companies and other regulated entities.

RESPONSE: The Department appreciates the support for the proposal.

COMMENT: Both commenters requested that the Department consider permitting companies or other regulated entities to list more than one e-mail address to receive documents, in order to address the possibility of nonreceipt due to technical problems and/or non-availability of the designated individual.

RESPONSE: The Department understands that companies or other regulated entities may not receive an e-mail from the Department because of a technical problem in their designated e-mail address. To address this possibility, the Department's transmitting system will provide electronic proof of receipt of each e-mail by all designated email addresses. These notifications of incomplete deliveries will be reviewed, and the Department will send the documents to all affected entities by regular mail.

In addition, to address the possible non-availability of the official company designee, the Department will allow companies to designate up to two e-mail addresses for inclusion on a separate list of interested parties to whom the same documents will be e-mailed. A form on which to make such designations appears on the Department's webpage at <http://www.njdobi.org/ORDERS/emaildesigta.pdf>. Consistent with N.J.A.C. 11:1-25.3(e) as proposed, the Department will in all cases send the documents to the primarily designated e-mail address.

COMMENT: One commenter suggested that the Department consider an amendment to the proposed regulation to provide that notices of rule adoptions be e-mailed on the date of signature by the Commissioner, rather than on the date of publication of the notice of adoption in the New Jersey Register. The commenter stated that many times the adoption is effective on the date of publication in the New Jersey Register and that by providing the adoption notice on the date it is signed by the Commissioner by e-mail, insurance companies and other regulated entities can begin preparation to comply with the adopted new or amended rules.

RESPONSE: This comment is beyond the scope of these rules. N.J.A.C. 11:1-25.3(e) applies only to public notices, bulletins and orders of general application and interest to insurers. In accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., the Department maintains a separate list of interested parties to whom notices of proposed rulemaking actions by the Department are sent. Many companies are currently on that list. Companies that wish to be added to that list may submit a request to that effect to the Department to the attention of the Office of Legislative and Regulatory Affairs. The Department is not required to and

currently does not distribute copies of rule adoptions to insurers and other regulated entities. Although the Department appreciates the efficiency of electronic mail, widespread e-mailing of the numerous rules adopted by the Department would be a large and expensive undertaking. The Department suggests that those interested in receiving copies of adopted rules regularly check the Department's website at <http://www.njdobi.org/legsregs.htm>. Adoptions are posted at this location on or shortly after the day they appear in the New Jersey Register.

COMMENT: One commenter requested that the Department clarify that companies that have already filed this information pursuant to Order No. A04-104 dated January 26, 2004 and Order No. A03-138 dated July 14, 2003 need not refile the same information again.

RESPONSE: The Department agrees that companies that have previously filed this information regarding their e-mail address with the Department need not refile the same information again. The Department notes that a large number of companies have complied with the requests and thanks them for their prompt attention to this matter. Subsequent to the adoption of these amendments, the Department will notify all entities of their responsibility, pursuant to N.J.A.C. 11:1-25, to supply their e-mail address to the Department if they have not already done so.

Federal Standards Statement

The adopted amendments are not subject to any Federal standards or requirements. Therefore a Federal standards analysis is not required.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks ***thus***; deletions from proposal indicated in brackets with asterisks *[thus]*):

11:1-25.3 Official mailing and electronic mailings lists; change in address information
 (a) – (d) (No change from proposal.)

