

**ADOPTION SECTION**

**INSURANCE**

**DEPARTMENT OF BANKING AND INSURANCE**

**DIVISION OF INSURANCE**

**Notice of Administrative Changes**

**Office of the Insurance Fraud Prosecutor**

**Administrative Procedures and Penalties**

**Recodification of N.J.A.C. 13:88-1 as 11:16-7**

**Take notice** that the rules at N.J.A.C. 13:88-1 set forth the procedures that govern the conduct of administrative hearings for the imposition of civil, and administrative penalties for violations of the New Jersey Insurance Fraud Protection Act, N.J.S.A. 17:33A-1 et seq. Effective June 29, 2010, that act was amended by P.L. 2010, c. 32 to, among other things, create in the Department of Banking and Insurance (DOBI) the Bureau of Fraud Deterrence and transfer from the Department of Law and Public Safety (DLPS) to DOBI the authority to investigate and bring enforcement actions on civil insurance fraud matters. (See N.J.S.A. 17:33A-8 and 9, as amended.) In accordance with this transfer of authority, the Department of Banking and Insurance has requested, and the Office of Administrative Law has agreed to permit, the recodification of N.J.A.C. 13:88-1 as 11:16-7. This recodification, along with attendant technical changes to the rule text concerning cross-references, agency names, titles of responsible officials, etc., are effective June 2, 2011 and shall be manifested in the New Jersey Administrative Code in the July 5, 2011 Code update.

**Take further notice** that the definitions of “Attorney General,” “OIFP” and “person” in N.J.A.C. 13:88-1.3, no longer applicable to the rules being recodified, are applicable to all of N.J.A.C. 13:88. While N.J.A.C. 13:8-2.2 defines “OIFP” for the purposes of that subchapter, and

the term “Attorney General” is not used in the subchapter, both appear in N.J.A.C. 13:88-3 but are not defined on the subchapter definitions section. The term “person” appears in both subchapters, but is not defined in either. In order to retain these definitions currently applicable to N.J.A.C. 13:88-2 and 3, the definition of “person” is administratively duplicated in N.J.A.C. 13:88-2.2 and 3.2, and the definitions of “Attorney General” and “OIFP” administratively relocated from N.J.A.C. 13:88-1.3 to N.J.A.C. 13:88-3.2.

This notice of administrative changes is published in accordance with N.J.A.C. 1:30-2.7.

**Full text** of the duplication and relocation of the definitions to N.J.A.C. 13:88-2.2 and 3.2 follows (additions indicated in boldface **thus**):

## SUBCHAPTER 2. INSURER REPORTING REQUIREMENTS

### 13:88-2.2 Definitions

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

...

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

...

## SUBCHAPTER 3. INSURANCE FRAUD DETECTION REWARD PROGRAM

### 13:88-3.2 Definitions

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

**“Attorney General” means the Attorney General of the State of New Jersey or designated representatives.**

...

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

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

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