17:16BB-5 & 17:16BB-6 LEGISLATIVE HISTORY CHECKLIST

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LAWS OF:	2019	CHAP	TER:	181		
NJSA:	17:16BB-5 & 17:16BB-6 (Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.)					
BILL NO:	S2994	(Subst	ituted for	A4987)		
SPONSOR(S)	M. Teresa Ruiz and others					
DATE INTRODUCED: 9/27/2018						
COMMITTEE:		ASSEMBLY:	Financ	ial Institutions & Insur	Irance	
		SENATE:	Comm	erce		
AMENDED DURING PASSAGE: No			No			
DATE OF PASSAGE: ASSEMBL			MBLY:	6/20/2019		
		SENA	TE:	5/30/2019		
DATE OF APP	ROVAL:	7/19/20	019			
FOLLOWING ARE ATTACHED IF AVAILABLE:						
FINAL	техт о	F BILL (Introduc	ed versi	on of bill enacted)		Yes
S2994 SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes						
	СОММ	ITTEE STATEM	ENT:	AS	SSEMBLY:	No
				SE	ENATE:	Yes
(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, <i>may possibly</i> be found at www.njleg.state.nj.us)						

	FLOOR AMENDMENT STATEMENT:		No
	LEGISLATIVE FISCAL ESTIMATE:		No
A4987			
	SPONSOR'S STATEMENT: (Begins on page 4 d	of introduced bill)	Yes
	COMMITTEE STATEMENT:	ASSEMBLY:	Yes
		SENATE:	No
ار مر با دا د		ing to the date of	41

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:		No
LEGISLATIVE FISCAL ESTIMATE:	(continued)	No

Yes

GOVERNOR'S PRESS RELEASE ON SIGNING:

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

RWH/CL

P.L. 2019, CHAPTER 181, *approved July 19, 2019* Senate, No. 2994

1 AN ACT concerning the regulation of guaranteed asset protection 2 waivers and amending P.L.2017, c.82. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. Section 5 of P.L.2017, c.82 (C.17:16BB-5) is amended to 8 read as follows: 9 5. A GAP waiver agreement shall disclose, as applicable, in 10 writing and in clear, understandable language that is easy to read, 11 the following: 12 The name and address of the initial creditor and the a. borrower at the time of sale, and the identity of any administrator if 13 14 different from the creditor. The purchase price and the terms of the GAP waiver, 15 b. 16 including without limitation, the requirements for protection, 17 conditions, or exclusions associated with the GAP waiver. 18 c. That the borrower may cancel the GAP waiver at any time. 19 If cancelled within [a] the free look period as specified in the 20 waiver, [and will] the borrower shall be entitled to a full refund of 21 the purchase price, so long as no benefits have been provided; or if 22 benefits have been provided, the borrower may receive a full or 23 partial refund pursuant to the terms of the waiver. If cancelled after 24 the free look period and no benefits have been provided, the 25 borrower shall receive a pro rata refund less a cancellation fee no 26 greater than \$50, in accordance with the terms of the waiver. 27 The procedure the borrower shall follow, if any, to obtain d. 28 GAP waiver benefits under the terms and conditions of the waiver, 29 including a telephone number and address where the borrower may 30 apply for waiver benefits. [Whether the GAP waiver is cancellable after the free look 31 e. 32 period and the conditions under which it may be cancelled or 33 terminated, including the procedures for requesting any refund 34 due.] Deleted by amendment (P.L., c. (C.) (pending before 35 the Legislature as this bill) 36 f. That in order to receive any refund due in the event of a 37 borrower's cancellation of the GAP waiver agreement or early 38 termination of the finance agreement after the free look period of 39 the GAP waiver, the borrower, in accordance with terms of the waiver, shall provide a written request to cancel to the creditor, 40 administrator or such other party, within 90 days of the occurrence 41 EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined <u>thus</u> is new matter.

1 of the event terminating the finance agreement.] The procedures for 2 cancelling the GAP waiver agreement and receiving any refund due pursuant to section 6 of P.L.2017, c.82 (C.17:16BB-6). 3 4 g. The methodology for calculating any refund of the unearned 5 purchase price of the GAP waiver due in the event of cancellation 6 of the GAP waiver or early termination of the finance agreement. 7 That neither the extension of credit, the terms of the credit, h. 8 nor the terms of the related motor vehicle sale or lease, may be 9 conditioned upon the purchase of the GAP waiver. 10 (cf: P.L.2017, c.82, s.5) 11 12 2. Section 6 of P.L.2017, c.82 (C.17:16BB-6) is amended to 13 read as follows: 14 6. a. GAP waiver agreements [may] shall be cancellable [or 15 non-cancellable after the free look period]. A GAP waiver shall 16 provide that if a borrower cancels a waiver within the free look 17 period, the borrower will be entitled to a full refund of the purchase 18 price, so long as no benefits have been provided; or if benefits have 19 been provided, the borrower may receive a full or partial refund 20 pursuant to the terms of the waiver. In the event a borrower cancels 21 the waiver after the free look period and no benefits have been 22 provided, the borrower will be entitled to a pro rata refund of the 23 purchase price, less any cancellation fee no greater than \$50 in 24 accordance with the terms of the waiver. 25 b. In the event of a borrower's cancellation of the GAP waiver 26 or early termination of the finance agreement after the agreement has been in effect beyond the free look period, the borrower [may] 27 28 shall be entitled to receive a pro rata refund of any unearned portion 29 of the purchase price of the waiver [unless the waiver provides 30 In order to receive a refund, the borrower, in otherwise]. 31 accordance with any applicable terms of the waiver,] <u>The creditor</u> 32 shall provide [a written request to the creditor], or cause the administrator or [other party] retail seller to provide, the borrower 33 any refund due pursuant to this section within [90] 60 days of the 34 35 event terminating the finance agreement, without requiring the 36 borrower to request the refund, or within 60 days of the receipt of a 37 borrower's cancellation of the GAP waiver. 38 c. If the cancellation of a GAP waiver occurs as a result of a 39 default under the finance agreement or the repossession of the 40 motor vehicle associated with the finance agreement, or any other 41 termination of the finance agreement, any refund due may be paid 42 directly to the creditor or administrator and applied as set forth in 43 subsection d. of this section. 44 d. Any cancellation refund under subsection a., b. or c. of this 45 section may be applied by the creditor as a reduction of the amount 46 owed under the finance agreement, unless the borrower can show

1 that the finance agreement has been paid in full. 2 (cf: P.L.2017, c.82, s.6) 3 3. This act shall take effect on the 90th day next following 4 5 enactment. 6 7 8 **STATEMENT** 9 10 This bill requires creditors to provide borrowers with a pro rata 11 refund of the purchase price following the termination or 12 cancellation of a guaranteed asset protection waiver. Guaranteed asset protection waivers, or "GAP Waivers," are 13 contractual agreements entered into directly between a borrower 14 15 and a finance company, and commonly used in the motor vehicle 16 GAP waivers are classified as addenda to traditional industry. 17 finance contracts, and are meant to protect borrowers from having 18 to make a large lump sum payment to the lender if their vehicles are 19 deemed a total loss and there is a gap between the amount of money 20 owed to the lender and the amount of money at which the insurance 21 company values the "totaled" vehicle. 22 Under current law, GAP waiver agreements may be cancellable 23 or non-cancellable after a free look period. This bill requires GAP 24 waivers to be cancellable. The bill provides that, in the event that a 25 borrower cancels the waiver after the free look period and no 26 benefits have been provided, the borrower is entitled to a pro rata 27 refund of the purchase price, less any cancellation fee no greater than \$50 in accordance with the terms of the waiver. The bill also 28 29 requires any refund due to cancellation or early termination of a 30 waiver to be received within 60 days of the event terminating the 31 finance agreement, without requiring the borrower to request the 32 refund or within 60 days of the receipt of a borrower's cancellation 33 of the GAP waiver. 34 The bill also changes the provisions of current law regarding 35 GAP waiver agreement disclosures to reflect the requirement that GAP waivers must be cancellable, and that refunds must be 36 37 provided. 38 39 40 41 42 Concerns refunds following terminations or cancellations of

43 guaranteed asset protection waivers.

S2994 3

SENATE, No. 2994 STATE OF NEW JERSEY 218th LEGISLATURE

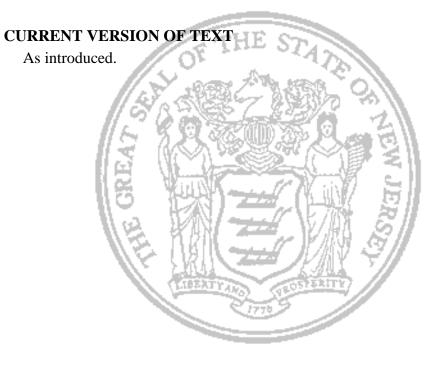
INTRODUCED SEPTEMBER 27, 2018

Sponsored by: Senator M. TERESA RUIZ District 29 (Essex) Assemblyman ROY FREIMAN District 16 (Hunterdon, Mercer, Middlesex and Somerset) Assemblyman JOHN F. MCKEON District 27 (Essex and Morris) Assemblyman GARY S. SCHAER District 36 (Bergen and Passaic)

Co-Sponsored by: Assemblyman Karabinchak

SYNOPSIS

Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.



(Sponsorship Updated As Of: 6/21/2019)

2

1 AN ACT concerning the regulation of guaranteed asset protection 2 waivers and amending P.L.2017, c.82. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. Section 5 of P.L.2017, c.82 (C.17:16BB-5) is amended to 8 read as follows: 9 5. A GAP waiver agreement shall disclose, as applicable, in 10 writing and in clear, understandable language that is easy to read, 11 the following: 12 The name and address of the initial creditor and the a 13 borrower at the time of sale, and the identity of any administrator if different from the creditor. 14 15 b. The purchase price and the terms of the GAP waiver, including without limitation, the requirements for protection, 16 17 conditions, or exclusions associated with the GAP waiver. 18 That the borrower may cancel the GAP waiver at any time. c. 19 If cancelled within [a] the free look period as specified in the 20 waiver, [and will] the borrower shall be entitled to a full refund of 21 the purchase price, so long as no benefits have been provided; or if 22 benefits have been provided, the borrower may receive a full or 23 partial refund pursuant to the terms of the waiver. If cancelled after 24 the free look period and no benefits have been provided, the 25 borrower shall receive a pro rata refund less a cancellation fee no 26 greater than \$50, in accordance with the terms of the waiver. 27 d. The procedure the borrower shall follow, if any, to obtain 28 GAP waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may 29 30 apply for waiver benefits. 31 e. [Whether the GAP waiver is cancellable after the free look 32 period and the conditions under which it may be cancelled or 33 terminated, including the procedures for requesting any refund 34 due.] Deleted by amendment (P.L., c. (C.) (pending before 35 the Legislature as this bill) 36 f. That in order to receive any refund due in the event of a 37 borrower's cancellation of the GAP waiver agreement or early 38 termination of the finance agreement after the free look period of 39 the GAP waiver, the borrower, in accordance with terms of the 40 waiver, shall provide a written request to cancel to the creditor, 41 administrator or such other party, within 90 days of the occurrence 42 of the event terminating the finance agreement.] The procedures for 43 cancelling the GAP waiver agreement and receiving any refund due 44 pursuant to section 6 of P.L.2017, c.82 (C.17:16BB-6).

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

Matter underlined <u>thus</u> is new matter.

S2994 RUIZ

3

1 The methodology for calculating any refund of the unearned g. 2 purchase price of the GAP waiver due in the event of cancellation 3 of the GAP waiver or early termination of the finance agreement. 4 That neither the extension of credit, the terms of the credit, 5 nor the terms of the related motor vehicle sale or lease, may be 6 conditioned upon the purchase of the GAP waiver. 7 (cf: P.L.2017, c.82, s.5) 8 9 2. Section 6 of P.L.2017, c.82 (C.17:16BB-6) is amended to 10 read as follows: 6. a. GAP waiver agreements [may] shall be cancellable [or 11 non-cancellable after the free look period]. A GAP waiver shall 12 13 provide that if a borrower cancels a waiver within the free look 14 period, the borrower will be entitled to a full refund of the purchase 15 price, so long as no benefits have been provided; or if benefits have been provided, the borrower may receive a full or partial refund 16 17 pursuant to the terms of the waiver. In the event a borrower cancels 18 the waiver after the free look period and no benefits have been 19 provided, the borrower will be entitled to a pro rata refund of the 20 purchase price, less any cancellation fee no greater than \$50 in 21 accordance with the terms of the waiver. 22 b. In the event of a borrower's cancellation of the GAP waiver 23 or early termination of the finance agreement after the agreement 24 has been in effect beyond the free look period, the borrower [may] 25 shall be entitled to receive a pro rata refund of any unearned portion of the purchase price of the waiver [unless the waiver provides 26 27 otherwise]. In order to receive a refund, the borrower, in 28 accordance with any applicable terms of the waiver, <u>The creditor</u> 29 shall provide [a written request to the creditor], or cause the administrator or other party retail seller to provide, the borrower 30 31 any refund due pursuant to this section within [90] 60 days of the 32 event terminating the finance agreement, without requiring the 33 borrower to request the refund, or within 60 days of the receipt of a 34 borrower's cancellation of the GAP waiver. If the cancellation of a GAP waiver occurs as a result of a 35 c. default under the finance agreement or the repossession of the 36 37 motor vehicle associated with the finance agreement, or any other 38 termination of the finance agreement, any refund due may be paid 39 directly to the creditor or administrator and applied as set forth in 40 subsection d. of this section. d. Any cancellation refund under subsection a., b. or c. of this

d. Any cancellation refund under subsection a., b. or c. of this
section may be applied by the creditor as a reduction of the amount
owed under the finance agreement, unless the borrower can show
that the finance agreement has been paid in full.

45 (cf: P.L.2017, c.82, s.6)

1	3. This act shall take effect on the 90th day next following
2	enactment.
3	
4	
5	STATEMENT
6	
7	This bill requires creditors to provide borrowers with a pro rata
8	refund of the purchase price following the termination or
9	cancellation of a guaranteed asset protection waiver.
10	Guaranteed asset protection waivers, or "GAP Waivers," are
11	contractual agreements entered into directly between a borrower
12	and a finance company, and commonly used in the motor vehicle
13	industry. GAP waivers are classified as addenda to traditional
14	finance contracts, and are meant to protect borrowers from having
15	to make a large lump sum payment to the lender if their vehicles are
16	deemed a total loss and there is a gap between the amount of money
17	owed to the lender and the amount of money at which the insurance
18	company values the "totaled" vehicle.
19	Under current law, GAP waiver agreements may be cancellable
20	or non-cancellable after a free look period. This bill requires GAP
21	waivers to be cancellable. The bill provides that, in the event that a
22	borrower cancels the waiver after the free look period and no
23	benefits have been provided, the borrower is entitled to a pro rata
24	refund of the purchase price, less any cancellation fee no greater
25	than \$50 in accordance with the terms of the waiver. The bill also
26	requires any refund due to cancellation or early termination of a
27	waiver to be received within 60 days of the event terminating the
28	finance agreement, without requiring the borrower to request the
29	refund or within 60 days of the receipt of a borrower's cancellation
30	of the GAP waiver.
31	The bill also changes the provisions of current law regarding
32	GAP waiver agreement disclosures to reflect the requirement that
33	GAP waivers must be cancellable, and that refunds must be
34	provided.

STATEMENT TO

SENATE, No. 2994

STATE OF NEW JERSEY

DATED: DECEMBER 3, 2018

The Senate Commerce Committee reports favorably Senate Bill No. 2994.

This bill requires creditors to provide borrowers with a pro rata refund of the purchase price following the termination or cancellation of a guaranteed asset protection waiver.

Guaranteed asset protection waivers, or "GAP Waivers," are contractual agreements entered into directly between a borrower and a finance company, and commonly used in the motor vehicle industry. GAP waivers are classified as addenda to traditional finance contracts, and are meant to protect borrowers from having to make a large lump sum payment to the lender if their vehicles are deemed a total loss and there is a gap between the amount of money owed to the lender and the amount of money at which the insurance company values the "totaled" vehicle.

Under current law, GAP waiver agreements may be cancellable or non-cancellable after a free look period. This bill requires GAP waivers to be cancellable. The bill provides that, in the event that a borrower cancels the waiver after the free look period and no benefits have been provided, the borrower is entitled to a pro rata refund of the purchase price, less any cancellation fee no greater than \$50 in accordance with the terms of the waiver. The bill also requires any refund due to cancellation or early termination of a waiver to be received within 60 days of the event terminating the finance agreement, without requiring the borrower to request the refund or within 60 days of the receipt of a borrower's cancellation of the GAP waiver.

The bill also changes the provisions of current law regarding GAP waiver agreement disclosures to reflect the requirement that GAP waivers must be cancellable, and that refunds must be provided.

ASSEMBLY, No. 4987 **STATE OF NEW JERSEY** 218th LEGISLATURE

INTRODUCED FEBRUARY 7, 2019

Sponsored by: Assemblyman ROY FREIMAN District 16 (Hunterdon, Mercer, Middlesex and Somerset) Assemblyman JOHN F. MCKEON District 27 (Essex and Morris) Assemblyman GARY S. SCHAER District 36 (Bergen and Passaic)

Co-Sponsored by: Assemblyman Karabinchak

SYNOPSIS

Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/26/2019)

2

1 AN ACT concerning the regulation of guaranteed asset protection 2 waivers and amending P.L.2017, c.82. 3 4 **BE IT ENACTED** by the Senate and General Assembly of the State 5 of New Jersey: 6 7 1. Section 5 of P.L.2017, c.82 (C.17:16BB-5) is amended to 8 read as follows: 9 5. A GAP waiver agreement shall disclose, as applicable, in 10 writing and in clear, understandable language that is easy to read, 11 the following: 12 The name and address of the initial creditor and the a 13 borrower at the time of sale, and the identity of any administrator if different from the creditor. 14 15 b. The purchase price and the terms of the GAP waiver, including without limitation, the requirements for protection, 16 17 conditions, or exclusions associated with the GAP waiver. 18 That the borrower may cancel the GAP waiver at any time. c. 19 If cancelled within [a] the free look period as specified in the 20 waiver, [and will] the borrower shall be entitled to a full refund of 21 the purchase price, so long as no benefits have been provided; or if 22 benefits have been provided, the borrower may receive a full or 23 partial refund pursuant to the terms of the waiver. If cancelled after 24 the free look period and no benefits have been provided, the 25 borrower shall receive a pro rata refund less a cancellation fee no 26 greater than \$50, in accordance with the terms of the waiver. 27 d. The procedure the borrower shall follow, if any, to obtain 28 GAP waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may 29 30 apply for waiver benefits. 31 e. [Whether the GAP waiver is cancellable after the free look 32 period and the conditions under which it may be cancelled or 33 terminated, including the procedures for requesting any refund 34 due.] Deleted by amendment (P.L., c. (C.) (pending before 35 the Legislature as this bill) 36 f. That in order to receive any refund due in the event of a 37 borrower's cancellation of the GAP waiver agreement or early 38 termination of the finance agreement after the free look period of 39 the GAP waiver, the borrower, in accordance with terms of the 40 waiver, shall provide a written request to cancel to the creditor, 41 administrator or such other party, within 90 days of the occurrence 42 of the event terminating the finance agreement.] The procedures for 43 cancelling the GAP waiver agreement and receiving any refund due 44 pursuant to section 6 of P.L.2017, c.82 (C.17:16BB-6).

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

Matter underlined <u>thus</u> is new matter.

3

1 g. The methodology for calculating any refund of the unearned 2 purchase price of the GAP waiver due in the event of cancellation 3 of the GAP waiver or early termination of the finance agreement. 4 That neither the extension of credit, the terms of the credit, h. 5 nor the terms of the related motor vehicle sale or lease, may be 6 conditioned upon the purchase of the GAP waiver. 7 (cf: P.L.2017, c.82, s.5) 8 9 2. Section 6 of P.L.2017, c.82 (C.17:16BB-6) is amended to 10 read as follows: 6. a. GAP waiver agreements [may] shall be cancellable [or 11 non-cancellable after the free look period]. A GAP waiver shall 12 13 provide that if a borrower cancels a waiver within the free look 14 period, the borrower will be entitled to a full refund of the purchase 15 price, so long as no benefits have been provided; or if benefits have been provided, the borrower may receive a full or partial refund 16 17 pursuant to the terms of the waiver. In the event a borrower cancels 18 the waiver after the free look period and no benefits have been 19 provided, the borrower will be entitled to a pro rata refund of the 20 purchase price, less any cancellation fee no greater than \$50 in 21 accordance with the terms of the waiver. 22 b. In the event of a borrower's cancellation of the GAP waiver 23 or early termination of the finance agreement after the agreement 24 has been in effect beyond the free look period, the borrower [may] 25 shall be entitled to receive a pro rata refund of any unearned portion of the purchase price of the waiver [unless the waiver provides 26 27 otherwise]. [In order to receive a refund, the borrower, in 28 accordance with any applicable terms of the waiver, **]** <u>The creditor</u> 29 shall provide [a written request to the creditor], or cause the administrator or other party retail seller to provide, the borrower 30 31 any refund due pursuant to this section within [90] 60 days of the 32 event terminating the finance agreement, without requiring the 33 borrower to request the refund, or within 60 days of the receipt of a 34 borrower's cancellation of the GAP waiver. If the cancellation of a GAP waiver occurs as a result of a 35 c. default under the finance agreement or the repossession of the 36 37 motor vehicle associated with the finance agreement, or any other 38 termination of the finance agreement, any refund due may be paid 39 directly to the creditor or administrator and applied as set forth in 40 subsection d. of this section. 41 d. Any cancellation refund under subsection a., b. or c. of this 42 section may be applied by the creditor as a reduction of the amount 43 owed under the finance agreement, unless the borrower can show 44 that the finance agreement has been paid in full. 45 (cf: P.L.2017, c.82, s.6) 46 47 3. This act shall take effect on the 90th day next following 48 enactment.

STATEMENT

This bill requires creditors to provide borrowers with a pro rata refund of the purchase price following the termination or cancellation of a guaranteed asset protection waiver.

6 Guaranteed asset protection waivers, or "GAP Waivers," are 7 contractual agreements entered into directly between a borrower 8 and a finance company, and commonly used in the motor vehicle 9 industry. GAP waivers are classified as addenda to traditional 10 finance contracts, and are meant to protect borrowers from having 11 to make a large lump sum payment to the lender if their vehicles are 12 deemed a total loss and there is a gap between the amount of money 13 owed to the lender and the amount of money at which the insurance 14 company values the "totaled" vehicle.

15 Under current law, GAP waiver agreements may be cancellable 16 or non-cancellable after a free look period. This bill requires GAP 17 waivers to be cancellable. The bill provides that, in the event that a 18 borrower cancels the waiver after the free look period and no 19 benefits have been provided, the borrower is entitled to a pro rata 20 refund of the purchase price, less any cancellation fee no greater 21 than \$50 in accordance with the terms of the waiver. The bill also 22 requires any refund due to cancellation or early termination of a 23 waiver to be received within 60 days of the event terminating the 24 finance agreement, without requiring the borrower to request the 25 refund or within 60 days of the receipt of a borrower's cancellation 26 of the GAP waiver.

The bill also changes the provisions of current law regarding GAP waiver agreement disclosures to reflect the requirement that GAP waivers must be cancellable, and that refunds must be provided.

1 2

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4987

STATE OF NEW JERSEY

DATED: MARCH 18, 2019

The Assembly Financial Institutions and Insurance Committee reports favorably Assembly Bill No. 4987.

This bill requires creditors to provide borrowers with a pro rata refund of the purchase price following the termination or cancellation of a guaranteed asset protection waiver.

Guaranteed asset protection waivers, or "GAP Waivers," are contractual agreements entered into directly between a borrower and a finance company, and commonly used in the motor vehicle industry. GAP waivers are classified as addenda to traditional finance contracts, and are meant to protect borrowers from having to make a large lump sum payment to the lender if their vehicles are deemed a total loss and there is a gap between the amount of money owed to the lender and the amount of money at which the insurance company values the "totaled" vehicle.

Under current law, GAP waiver agreements may be cancellable or non-cancellable after a free look period. This bill requires GAP waivers to be cancellable at any time. The bill provides that, in the event that a borrower cancels the waiver after the free look period and no benefits have been provided, the borrower is entitled to a pro rata refund of the purchase price, less any cancellation fee no greater than \$50 in accordance with the terms of the waiver. The bill also requires any refund due to cancellation or early termination of a waiver to be received within 60 days of the event terminating the finance agreement, without requiring the borrower to request the refund or within 60 days of the receipt of a borrower's cancellation of the GAP waiver.

The bill also changes the provisions of current law regarding GAP waiver agreement disclosures to reflect the requirement that GAP waivers must be cancellable, and that refunds must be provided.

Governor Murphy Takes Action on Legislation

07/19/2019

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law:

AJR26 (Downey, Houghtaling, Quijano, Mosquera, Vainieri Huttle, Benson, Jasey, McKnight/Pou, Codey) - Designates September of each year as "Youth Suicide Prevention Awareness Month" in New Jersey.

AJR87 (Murphy, Mosquera, Pinkin/Singleton, Addiego) - Designates January 11 of each year as "Alice Paul Day" in New Jersey.

A769 (Caputo, Giblin, Vainieri Huttle/A.R. Bucco, Ruiz) - Requires school districts to incorporate age-appropriate sexual abuse and assault awareness and prevention education in grades preschool through 12 as part of New Jersey Student Learning Standards in Comprehensive Health and Physical Education.

A1048 (Houghtaling, Downey, Mukherji, Holley/Turner, Stack) - Requires property tax bills to contain eligibility information on State tax relief programs.

A1190 (Jones, Giblin, Mukherji/Beach, Cruz-Perez) - Concerns appointment of person to control funeral and disposition of human remains.

A1369 (Kennedy, DeAngelo, Vainieri Huttle, Benson, Quijano/Greenstein, Addiego) - Allows for cancellation of certain service contracts without paying early termination fee if customer becomes deceased prior to end of service contract.

A1428 (McKnight, Chaparro, Chiaravalloti, Vainieri Huttle/Ruiz, Cunningham) - Requires Department of Education to develop guidelines for school districts concerning child trafficking awareness and prevention.

A3766 (Armato, Houghtaling, Murphy, Jones/Corrado) - Requires public officer or employee to forfeit pension upon conviction for corruption of public resources, sexual contact, lewdness, or sexual assault when offense involves or touches upon public office or employment.

A5162 (Speight, Reynolds-Jackson/Beach) - Permits county board of chosen freeholders to increase membership of county board of elections.

A5456 (Armato, Kennedy, Speight/Greenstein, Bateman) - Authorizes NJ Infrastructure Bank to expend certain sums to make loans for environmental infrastructure projects for FY2020.

A5457 (Danielsen, Swain, Milam/Codey) - Appropriates funds to DEP for environmental infrastructure projects for FY2020.

A5462 (Milam, Speight, Murphy/Smith) - Modifies powers and duties of New Jersey Infrastructure Bank.

S692 (Ruiz, Sarlo/Jasey, Caputo, Holley) - Prohibits the DOE from regulating maximum salary amount school district may pay its superintendent of schools and codifies standards for contract review.

S756 (Diegnan, Turner/Calabrese, Sumter, Pinkin) - Updates notice of elections requirements to include information for voter to obtain polling place locations.

S858 (Turner, Diegnan/Jasey, Caputo) - Requires teachers of health and physical education in grades kindergarten through six in public schools to possess appropriate endorsement to instructional certificate.

S954 (Vitale, Singleton, Madden/Conaway, Moriarty, Sumter, McKnight, Mukherji, Downey) - Enters New Jersey in enhanced multistate Nurse Licensure Compact.

S1373 (Andrzejczak/Land, Milam) - Expands option of governmental home health care agency to partner with non-governmental providers to deliver health care services.

S1707 (Oroho, Bateman, Andrzejczak/Space, Wirths) - Exempts governmental entities acquiring lands for open space located in a deed-authorized common interest community from paying community fees if, at time of acquisition, community has never been formed or has been dissolved or discontinued.

S1761 (Weinberg, Singleton/Pintor Marin, Lampitt, Pinkin, Munoz, McKeon) - Expands the Address Confidentiality Program to include victims of sexual assault and stalking; and reproductive health service patients and providers.

Office of the Governor | Governor Murphy Takes Action on Legislation

S1799 (A.R. Bucco/A.M. Bucco, Murphy, Caputo) - Increases membership of fire safety commission in DCA.

S2472 (Singleton, Murphy/Conaway, Timberlake) - Requires certain real estate licensees to complete courses of study concerning fair housing and housing discrimination.

S2489 (Cruz-Perez, Turner/Mosquera, Jones, Holley, McKnight, Downey) - Requires board of education to post information about child abuse hotline in each school.

S2575 (Diegnan, Greenstein/Karabinchak, Reynolds-Jackson) - Establishes task force to examine and make recommendations regarding implementation of "Anti-Bullying Bill of Rights Act."

S2944 (Ruiz, Cunningham/Pintor Marin, McKnight, Chiaravalloti) - Permits certain council members to appoint up to four fulltime equivalent aides; allows these aide positions to be divided into part-time positions.

S2994 (Ruiz/Freiman, McKeon, Schaer) – Concerns refunds following terminations or cancellations of guaranteed asset protection waivers.

S3043 (Madden, Oroho/Mosquera, Pintor Marin) - Clarifies that family day care providers or other persons who are subjects of criminal history record back checks have access to disqualifying information.

S3452 (Ruiz, Pou/Lopez, Holley, Schaer) - Requires certain consumer reporting agencies to make consumer reports available to consumers in Spanish and certain other languages.

S3899 (Ruiz/Burzichelli) - Allows TPAF retiree to be employed, without TPAF reenrollment, by school district as certificated superintendent or administrator for more than two years when in best interests of school district.