

17:16V-3, 17:16V-5 and 17:16V-7
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2019 **CHAPTER:** 312

NJSA: 17:16V-3, 17:16V-5 and 17:16V-7 (Requires creditors to make certain disclosures regarding collateral protection insurance to consumer debtors.)

BILL NO: S2998 (Substituted for A5323)

SPONSOR(S) M. Teresa Ruiz and others

DATE INTRODUCED: 9/27/2018

COMMITTEE: **ASSEMBLY:** AFI
 SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 12/16/2019
 SENATE: 2/21/2019

DATE OF APPROVAL: 1/13/2020

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Third Reprint enacted) Yes

S2998

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: Yes

(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: Yes 11/25/2019
 12/16/2019

LEGISLATIVE FISCAL ESTIMATE: No

A5323

SPONSOR'S STATEMENT: (Begins on page 3 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(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:	Yes	11/25/2019
LEGISLATIVE FISCAL ESTIMATE:	No	
VETO MESSAGE:	No	
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes	
FOLLOWING WERE PRINTED:		
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REPORTS:	No	
HEARINGS:	No	
NEWSPAPER ARTICLES:	No	

RWH/JA

P.L. 2019, CHAPTER 312, *approved January 13, 2020*
Senate, No. 2998 (*Third Reprint*)

1 AN ACT concerning ¹**lender-placed motor vehicle insurance**
2 collateral protection insurance¹ and ¹**supplementing P.L.1996,**
3 **c.157 (C.17:11C-1 et al)** amending P.L.1999, c.44¹.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 ¹**1.** a. No consumer lender shall enter into a contract or loan
9 agreement that includes charges on the borrower for lender-placed
10 motor vehicle insurance coverage, unless the following or
11 substantially similar warning is provided on a separate document
12 accompanying the contract or loan agreement and signed by the
13 borrower:
14

WARNING

15 UNLESS YOU PROVIDE US WITH EVIDENCE OF THE
16 INSURANCE COVERAGE AS REQUIRED BY OUR LOAN
17 AGREEMENT, WE MAY PURCHASE INSURANCE AT YOUR
18 EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE
19 MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF
20 THE COLLATERAL BECOMES DAMAGED, THE COVERAGE
21 WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR
22 ANY CLAIM MADE AGAINST YOU. YOU MAY LATER
23 CANCEL THIS COVERAGE BY PROVIDING EVIDENCE
24 THAT YOU HAVE OBTAINED PROPER COVERAGE
25 ELSEWHERE.

26 YOU ARE RESPONSIBLE FOR THE COST OF ANY
27 INSURANCE PURCHASED BY US. THE COST OF THIS
28 INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE. IF
29 THE COST IS ADDED TO THE LOAN BALANCE, THE
30 INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY
31 TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF
32 COVERAGE MAY BE THE DATE YOUR PRIOR COVERAGE
33 LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF
34 OF COVERAGE.

35 THE COVERAGE WE PURCHASE MAY BE CONSIDERABLY
36 MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN
37 ON YOUR OWN AND MAY NOT SATISFY NEW JERSEY'S
38 MANDATORY LIABILITY INSURANCE LAWS.

39 b. A consumer lender that enters into a contract or loan
40 agreement that includes charges on the borrower for lender-placed

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 thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AFI committee amendments adopted May 13, 2019.

²Assembly floor amendments adopted November 25, 2019.

³Senate floor amendments adopted December 16, 2019.

1 motor vehicle insurance shall send the borrower a notice by mail
2 within 30 days of the beginning of the loan agreement that discloses
3 the insurance product that is being added, the insurer, the premium,
4 an estimate of the total amount to be paid for the coverage over the
5 duration of the loan, and the fact that the policy can be terminated if
6 the borrower purchases insurance independently.

7 c. A consumer lender that fails to meet the requirements of
8 subsections a. and b. of this section shall be in violation of the
9 “New Jersey Consumer Finance Licensing Act,” sections 1 through
10 49 of P.L.1996, c.157 (C.17:11C-1 through C.17:11C-49). In
11 addition, if a consumer lender is found to have charged a borrower
12 for insurance coverage on a motor vehicle that was already insured
13 by the borrower, the borrower shall have a civil cause of action in
14 any court of competent jurisdiction for the premium, interest, and
15 all related fees paid by the borrower, including attorney’s fees. If
16 the duplicative charges resulted in the loan being placed in
17 delinquency or the motor vehicle being repossessed, the borrower
18 shall be entitled to treble damages.】¹

19

20 ¹1. Section 3 of P.L.1999, c.44 (C.17:16V-3) is amended to read
21 as follows:

22 3. a. If the terms of the credit agreement require the debtor to
23 obtain and continue to maintain insurance which designates the
24 creditor as loss payee or beneficiary protecting against loss or
25 damage to the collateral and the debtor has not obtained or does not
26 maintain that insurance, a creditor may purchase collateral
27 protection insurance as of the date of the debtor's failure to provide
28 evidence of insurance or failure to maintain insurance covering the
29 collateral, or at a later date at the option of the creditor, with the
30 cost to be paid or reimbursed by the debtor.

31 b. Collateral protection insurance purchased by the creditor
32 shall be effective: as of the date of the initial credit transaction, if
33 insurance designating the creditor as loss payee or beneficiary
34 protecting against loss or damage to the collateral is not purchased
35 by the debtor; as of the date the required coverage lapsed, if
36 purchased initially but not maintained by the debtor; or at a later
37 date as determined by the creditor.

38 c. Within 14 calendar days following the placement of the
39 collateral protection insurance, the creditor shall mail or cause a
40 notice to be mailed to the debtor at the address on file with the
41 creditor, by United States mail, first class, postage prepaid,
42 informing the debtor that:

43 (1) as of (insert date), evidence that you have purchased or
44 maintained the insurance required by the terms of your credit
45 agreement has not been provided to the creditor, (name of creditor);

46 (2) collateral protection insurance has been purchased by the
47 creditor from the following insurer (insert name of insurer), with

- 1 respect to the following credit transaction: (insert type of credit
2 transaction);
- 3 (3) you are responsible for the cost of the collateral protection
4 insurance purchased by the creditor, which cost is
5 \$ ²【annually】 for 12 months²;
- 6 (4) the amount stated under paragraph (3) of this notice has been
7 added to the principal balance in your account as of (indicate date);
8 you will be required to pay interest on this amount at the same rate
9 that is applied pursuant to your credit agreement. We estimate that
10 this coverage will cost you an estimated: (insert total cost of
11 collateral protection insurance and interest paid on that cost, based
12 on the debtor making minimum required payments) over the
13 duration of the loan. This cost is intended as a good faith estimate,
14 and may not be accurate if you repay more quickly or slowly than
15 the estimated term;
- 16 (5) all or part of the cost of the collateral protection insurance
17 stated under paragraph (3) of this notice may be paid by you at any
18 time and amounts paid will be applied to your account;
- 19 (6) the effective date of coverage of the collateral protection
20 insurance purchased by the creditor is the date of the initial credit
21 transaction, if you failed to obtain insurance coverage initially, or
22 the date of the lapse of coverage, if you failed to maintain or renew
23 your coverage, or on (specify date if on a later date as determined
24 by the creditor pursuant to subsection b. of this section);
- 25 (7) the cost of the collateral protection insurance purchased by
26 the creditor may be considerably more expensive than **【the cost of】**
27 insurance you can obtain on your own;
- 28 (8) the amount of coverage will not be greater than the
29 outstanding principal balance in your account as of the effective
30 date of the collateral protection insurance purchased by the creditor,
31 which may be less than the value of your property, and as a result,
32 you may be underinsured;
- 33 (9) the coverage purchased by the creditor will not include any
34 liability coverage for claims made against you and will not satisfy
35 any mandatory liability insurance law or financial responsibility law
36 of this or any other state;
- 37 (10) if you provide us with evidence that you have the required
38 insurance, we shall cause the collateral protection insurance to be
39 canceled as of the effective date of the coverage which you provide
40 (as shown on the policy or other evidence of coverage sent to us),
41 and any unearned premium, costs and interest applicable to the
42 collateral protection insurance after that date will be applied to the
43 balance of your account, and the excess, if any, will be paid to you;
44 **【and】**
- 45 (11) if you have insurance coverage in place, or if you have
46 replaced the coverage, and it has been in place without any lapse in
47 the coverage but you have failed to provide the creditor with
48 evidence of that coverage, you may, within 30 days after this notice

1 was mailed, provide the creditor evidence of the insurance coverage
2 showing the creditor as loss payee or beneficiary, and the collateral
3 protection insurance coverage placed by the creditor will be
4 canceled and the creditor will deduct from your principal balance
5 all costs of the collateral protection insurance purchased by the
6 creditor, including any interest charged to your account as a result
7 of the costs of that insurance being added to your principal balance;
8 ²~~and~~²

9 (12) to provide us with evidence that you have the required
10 insurance, send a copy of the policy or other evidence to: (insert the
11 physical and electronic address of creditor)²; and

12 (13) the collateral protection insurance purchased on your behalf
13 may be cancelled at any time. In order to cancel the collateral
14 protection insurance without incurring any additional costs, you
15 must provide us with evidence that you have the required insurance
16 within 30 days following the date that this notice was mailed. The
17 creditor-placed collateral protection insurance may be cancelled at
18 any time after the 30 days have elapsed, but you will be required to
19 pay for any period of time in which the creditor-placed collateral
20 protection insurance was in place².

21 d. Paragraph (9) of the notice required in subsection c. of this
22 section shall be in a larger type size than the other paragraphs in
23 that notice, and in bold type.

24 e. The creditor shall inform the debtor, in the notice, that if the
25 debtor has insurance coverage naming the creditor as loss payee or
26 beneficiary in place, or has replaced the insurance coverage,
27 without a lapse in coverage ~~but has failed to notify the creditor, the~~
28 debtor has 30 days from the date the notice required under
29 subsection c. of this section was mailed to provide evidence of that
30 coverage and include the address to which evidence of coverage is
31 to be sent ~~the debtor may provide the creditor with evidence of the~~
32 required insurance at any time and the creditor shall cause the
33 collateral protection insurance to be canceled as of the effective
34 date of the coverage provided by debtor, and any unearned
35 premium, costs and interest applicable to the collateral protection
36 insurance after that date shall be applied to the balance of the
37 debtor's account, and the excess, if any, shall be paid to the debtor.

38 f. If, within 30 days after the notice required by subsection c.
39 of this section was mailed to the debtor, the debtor provides
40 evidence of insurance coverage to the creditor and evidence that the
41 insurance coverage required by the credit agreement ~~was~~ is in
42 place or has been replaced, without any lapse in the coverage, and
43 the only failure to comply with the credit agreement was the failure
44 to provide evidence of that coverage to the creditor in a timely
45 fashion, then the creditor shall cancel the coverage placed by the
46 creditor and, if the costs of purchasing collateral protection
47 insurance have been added to the obligation of the borrower, deduct
48 those costs from the debtor's obligation, including interest, and no

1 costs for the purchase of collateral protection insurance by the
2 lender shall be assessed against the borrower.

3 g. The costs charged to the debtor shall not be excessive or
4 discriminatory. Any cost or element of cost which is approved by
5 the Department of Banking and Insurance or filed with the
6 department and not disapproved, pursuant to P.L.1944, c.27
7 (C.17:29A-1 et seq.) or P.L.1982, c.114 (C.17:29AA-1 et seq.),
8 shall not be deemed to be excessive or discriminatory for the
9 purposes of this act.

10 h. Within ²[five] 60² days of the receipt of evidence of
11 coverage, a creditor shall send the debtor a notice of receipt, a
12 confirmation of cancellation of any creditor-placed insurance, and a
13 revised ²scheduled² payment ²[schedule]² that reflects the
14 requirements of this section.

15 i. No creditor shall enter into a credit agreement that includes
16 charges on the debtor for collateral protection insurance coverage,
17 unless the following or substantially similar warning is provided on
18 a separate document accompanying the credit agreement and signed
19 by the debtor:

20
21 WARNING

22 UNLESS YOU PROVIDE US WITH EVIDENCE OF THE
23 INSURANCE COVERAGE AS REQUIRED BY OUR CREDIT
24 AGREEMENT, WE MAY PURCHASE INSURANCE AT YOUR
25 EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE
26 MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF
27 THE COLLATERAL BECOMES DAMAGED, THE COVERAGE
28 WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR
29 ANY CLAIM MADE AGAINST YOU. YOU MAY LATER
30 CANCEL THIS COVERAGE BY PROVIDING EVIDENCE
31 THAT YOU HAVE OBTAINED PROPER COVERAGE
32 ELSEWHERE.

33 YOU ARE RESPONSIBLE FOR THE COST OF ANY
34 INSURANCE PURCHASED BY US. THE COST OF THIS
35 INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE.
36 IF THE COST IS ADDED TO THE LOAN BALANCE, THE
37 INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY
38 TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF
39 COVERAGE MAY BE THE DATE YOUR PRIOR COVERAGE
40 LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF
41 OF COVERAGE.

42 THE COVERAGE WE PURCHASE MAY BE CONSIDERABLY
43 MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN
44 ON YOUR OWN AND WILL NOT SATISFY NEW JERSEY'S
45 MANDATORY LIABILITY INSURANCE LAWS.¹

46 (cf: P.L.1999, c.44, s.3)

1 ²2. Section 5 of P.L.1999, c.44 (C.17:16V-5) is amended to read
2 as follows:

3 5. a. Collateral protection insurance shall terminate **【or shall**
4 be canceled upon the occurrence of any**】** on the earliest of the
5 following dates:

6 (1) the date **【the creditor is provided with evidence of proper】**
7 other acceptable insurance coverage **【purchased by the debtor as**
8 required by the credit transaction agreement】 becomes effective,
9 subject to the debtor providing evidence of the other insurance to
10 the creditor, without regard to when such evidence is received by
11 the creditor;

12 (2) the date the collateral is subject to the completion of
13 foreclosure, including sale, or repossession or similar event,
14 including sale, unless the property is returned to the debtor within
15 10 days;

16 (3) the date that there is no further balance due from the debtor
17 to the creditor; **【or】**

18 (4) the date specified in the collateral protection insurance
19 policy; or

20 (5) the date the collateral is determined by the insurer to be a
21 total loss.

22 b. If the collateral protection insurance is canceled and there is
23 any unearned premium paid by the debtor which is refunded to the
24 creditor, the creditor shall pay or credit the debtor with the amount
25 of the refund pursuant to paragraph (10) of subsection c. of section
26 3 of **【this act】** P.L.1999, c.44 (C.17:16V-3). All statements of the
27 loan balance and activity provided by the creditor to the debtor shall
28 include all amounts debited or credited to the obligation due to the
29 purchase and cancellation of collateral protection insurance.²
30 (cf: P.L.1999. c. 44, s.5)

31

32 ²**【12.】** ³3.² Section 7 of P.L.1999,c.44 (C.17:16V-7) is amended
33 to read as follows:

34 7. a. ³(1)³ A creditor that places, or a person that receives
35 commissions or fees arising out of, collateral protection insurance
36 shall not be liable to any debtor, guarantor or other party for the
37 placement of collateral protection insurance, except³:

38 (a)³ if the purchase of collateral protection insurance is the result
39 of error by the creditor³; or

40 (b) as provided in subsection f. of this section³.

41 ³(2)³ If the creditor does not substantially comply with the
42 provisions of this act in purchasing collateral protection
43 insurance³**【,】** :

44 (a)³ the sole and exclusive remedy of the debtor is that the
45 debtor does not have to pay for the insurance and any associated
46 creditor fees or costs³**【,】** ;³ and

- 1 ³(b)³ the commissioner may assess an administrative fee as
2 provided in subsection e. of this section.
- 3 ³(3)³ A creditor is not, by virtue of this act, required to purchase
4 collateral protection insurance or otherwise insure collateral.
- 5 b. This act shall not create a cause of action to the debtor or
6 any third party:
- 7 (1) for the purchase or placement of collateral protection
8 insurance in substantial compliance with the terms of this act;
- 9 (2) for not purchasing collateral protection insurance;
- 10 (3) as a result of the amount or level of coverage, geographical
11 scope of coverage or deductible associated with collateral
12 protection insurance purchased by the creditor;
- 13 (4) because the creditor purchases collateral protection
14 insurance that protects only the interest of the creditor or less than
15 all of the interest of the debtor; or
- 16 (5) nondisclosure of commissions or fees included in costs.
- 17 c. The list under subsection b. of this section does not imply
18 that a cause of action is otherwise created by this act.
- 19 d. This act shall not apply to credit transactions involving
20 extensions of credit primarily for business, commercial or
21 agricultural purposes, and shall not be deemed to regulate or limit
22 the rights of the parties to a business, commercial or agricultural
23 transaction to contract for terms and provisions regarding insurance
24 otherwise not prohibited by law.
- 25 e. ³(1)³ A creditor that fails to provide any notice to a debtor
26 required pursuant to section 3 of P.L.1999, c.44 (C.17:16V-3) shall
27 be liable to an administrative penalty not exceeding \$25,000.
- 28 ³(2) A creditor that willfully violates any requirement of
29 P.L.1999, c.44 (C.17:16V-1 et al.) shall be liable to an
30 administrative penalty not exceeding \$50,000.
- 31 (3)³ The administrative penalty authorized pursuant to this
32 section may be recovered in a summary proceeding in accordance
33 with the "Penalty Enforcement Law of 1999," P.L.1999, c.274
34 (C.2A:58-10 et seq.). ³[A ²[willful]² violation of this section shall
35 be considered a crime of the third degree.]³
- 36 f. If a creditor places collateral protection insurance on a
37 debtor or fails to remove collateral protection insurance on a debtor,
38 and the creditor has received evidence of coverage of the debtor as
39 provided in section 3 of P.L.1999, c.44 (C.17:16V-3), the debtor
40 shall have a civil cause of action in a court of competent
41 jurisdiction for the premium, interest, and all related fees paid by
42 the debtor, including attorney's fees. If the duplicative charges
43 result in delinquency of the credit agreement or repossession of the
44 collateral, the debtor shall be entitled to treble damages.¹
45 (cf: P.L.1999, c.44, s.7)

S2998 [3R]

8

1 ¹[2.]²[3.]¹4.² This act shall take effect 90 days after the date
2 of enactment and shall apply to any contract entered into on or after
3 the effective date.

4

5

6

7

8 _____

9 Requires creditors to make certain disclosures regarding
collateral protection insurance to consumer debtors.

SENATE, No. 2998

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED SEPTEMBER 27, 2018

Sponsored by:
Senator M. TERESA RUIZ
District 29 (Essex)

SYNOPSIS

Requires consumer lenders to disclose motor vehicle insurance products to borrowers.

CURRENT VERSION OF TEXT

As introduced.



S2998 RUIZ

2

1 AN ACT concerning lender-placed motor vehicle insurance and
2 supplementing P.L.1996, c.157 (C.17:11C-1 et al).

3

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

6

7 1. a. No consumer lender shall enter into a contract or loan
8 agreement that includes charges on the borrower for lender-placed
9 motor vehicle insurance coverage, unless the following or
10 substantially similar warning is provided on a separate document
11 accompanying the contract or loan agreement and signed by the
12 borrower:

13

WARNING

14 UNLESS YOU PROVIDE US WITH EVIDENCE OF THE
15 INSURANCE COVERAGE AS REQUIRED BY OUR LOAN
16 AGREEMENT, WE MAY PURCHASE INSURANCE AT YOUR
17 EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE
18 MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF
19 THE COLLATERAL BECOMES DAMAGED, THE COVERAGE
20 WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR
21 ANY CLAIM MADE AGAINST YOU. YOU MAY LATER
22 CANCEL THIS COVERAGE BY PROVIDING EVIDENCE
23 THAT YOU HAVE OBTAINED PROPER COVERAGE
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25 YOU ARE RESPONSIBLE FOR THE COST OF ANY
26 INSURANCE PURCHASED BY US. THE COST OF THIS
27 INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE. IF
28 THE COST IS ADDED TO THE LOAN BALANCE, THE
29 INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY
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31 COVERAGE MAY BE THE DATE YOUR PRIOR COVERAGE
32 LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF
33 OF COVERAGE.

34 THE COVERAGE WE PURCHASE MAY BE CONSIDERABLY
35 MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN
36 ON YOUR OWN AND MAY NOT SATISFY NEW JERSEY'S
37 MANDATORY LIABILITY INSURANCE LAWS.

38 b. A consumer lender that enters into a contract or loan
39 agreement that includes charges on the borrower for lender-placed
40 motor vehicle insurance shall send the borrower a notice by mail
41 within 30 days of the beginning of the loan agreement that discloses
42 the insurance product that is being added, the insurer, the premium,
43 an estimate of the total amount to be paid for the coverage over the
44 duration of the loan, and the fact that the policy can be terminated if
45 the borrower purchases insurance independently.

46 c. A consumer lender that fails to meet the requirements of
47 subsections a. and b. of this section shall be in violation of the
48 "New Jersey Consumer Finance Licensing Act," sections 1 through

1 49 of P.L.1996, c.157 (C.17:11C-1 through C.17:11C-49). In
2 addition, if a consumer lender is found to have charged a borrower
3 for insurance coverage on a motor vehicle that was already insured
4 by the borrower, the borrower shall have a civil cause of action in
5 any court of competent jurisdiction for the premium, interest, and
6 all related fees paid by the borrower, including attorney's fees. If
7 the duplicative charges resulted in the loan being placed in
8 delinquency or the motor vehicle being repossessed, the borrower
9 shall be entitled to treble damages.

10

11 2. This act shall take effect 90 days after the date of enactment
12 and shall apply to any contract entered into on or after the effective
13 date.

14

15

16

STATEMENT

17

18 This bill requires consumer lenders to disclose motor vehicle
19 insurance products to borrowers.

20 Under the bill, consumer lenders providing motor vehicle loans
21 that include lender-placed insurance must disclose this fact in the
22 loan agreement. Consumer lenders must also send a second written
23 disclosure in the mail within 30 days of the start of the loan
24 agreement.

25 Consumer lenders that fail to provide these disclosures will face
26 fines of up to \$25,000. Furthermore, if a consumer lender is found
27 to have included lender-placed insurance unnecessarily (because the
28 borrower already had motor vehicle insurance), the borrower will be
29 entitled to a full refund. If the duplicative charges result in default
30 of the loan or the car being repossessed, the borrower will be
31 entitled to treble damages.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO
SENATE, No. 2998

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2019

The Assembly Financial Institutions and Insurance Committee reports favorably and with committee amendments Senate Bill No. 2998.

This bill, which amends the “Collateral Protection Insurance Act,” P.L.1999, c.44 (C.17:16V-1 et seq.), requires consumer lenders to make certain disclosures, and to adhere to certain practices, when providing collateral protection insurance products to debtors under credit agreements.

Under the bill, as amended, consumer lenders providing credit agreements that include lender-placed insurance must disclose this fact in the agreement.

The bill requires creditors to provide debtors with information regarding the name of the insurer that provides the debtor with collateral protection insurance, and estimated costs of that insurance. The bill also requires creditors to provide debtors with a physical and electronic address to which debtors may send evidence of collateral protection insurance coverage.

The bill also allows debtors to cancel creditor-placed collateral protection insurance if they provide evidence of coverage at any time, and debtors will be entitled to certain unearned costs associated with that insurance.

The bill establish procedures for creditors who receive evidence of insurance coverage from debtors for cancelling insurance, and providing debtors with documentation of cancellation and a revised payment schedule.

The bill provides for separate penalties within the context of the “Collateral Protection Insurance Act.” A creditor that fails to provide any notice to a debtor required pursuant to section 3 of P.L.1999, c.44 (C.17:16V-3) is liable to an administrative penalty not exceeding \$25,000, to be assessed by the Commissioner of Banking and Insurance. A creditor’s willful failure to provide the required notice shall be considered a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

Finally, the bill provides that, if a creditor places collateral protection insurance on a debtor or fails to remove collateral protection

insurance on a debtor, and the creditor has received evidence of coverage of the debtor, the debtor shall have a civil cause of action in a court of competent jurisdiction for the premium, interest, and all related fees paid by the debtor, including attorney's fees. If the duplicative charges result in delinquency of the credit agreement or repossession of the collateral, the debtor is entitled to treble damages.

As amended and reported by the committee, this bill is identical to A-5323, as amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) Provide that the bill amends the "Collateral Protection Insurance Act," P.L.1999, c.44 (C.17:16V-1 et seq.), instead of supplementing the "New Jersey Consumer Finance Licensing Act," P.L.1996, c.157 (C.17:11C-1 et seq.).

2) Make certain amendments to the "Collateral Protection Insurance Act" to require creditors to provide debtors with more information regarding the name of the insurer providing the debtor with collateral protection insurance and the costs of that insurance.

3) Require creditors to provide debtors with a physical and electronic address to which debtors may send evidence of collateral protection insurance coverage.

4) Provide that debtors may cancel creditor-placed collateral protection insurance by providing evidence of coverage at any time, and will be entitled to certain unearned costs associated with that insurance.

5) Establish procedures for creditors who receive evidence of insurance coverage from debtors for cancelling insurance, and providing debtors with documentation of cancellation and a revised payment schedule.

6) Provide for separate penalties within the context of the "Collateral Protection Insurance Act." A creditor that fails to provide any notice to a debtor required pursuant to section 3 of P.L.1999, c.44 (C.17:16V-3) is liable to an administrative penalty not exceeding \$25,000, to be assessed by the Commissioner of Banking and Insurance. A creditor's willful failure to provide the required notice shall be considered a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

7) Provide that, if a creditor places collateral protection insurance on a debtor or fails to remove collateral protection insurance on a debtor, and the creditor has received evidence of coverage of the debtor, the debtor shall have a civil cause of action in a court of competent jurisdiction for the premium, interest, and all related fees paid by the debtor, including attorney's fees. If the duplicative charges result in delinquency of the credit agreement or repossession of the collateral, the debtor is entitled to treble damages.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2998

STATE OF NEW JERSEY

DATED: FEBRUARY 7, 2019

The Senate Commerce Committee reports favorably Senate Bill No. 2998.

This bill requires consumer lenders to disclose motor vehicle insurance products to borrowers.

Under the bill, consumer lenders providing motor vehicle loans that include lender-placed insurance must disclose this fact in the loan agreement. Consumer lenders must also send a second written disclosure in the mail within 30 days of the start of the loan agreement.

Consumer lenders that fail to provide these disclosures will face fines of up to \$25,000. Furthermore, if a consumer lender is found to have included lender-placed insurance unnecessarily (because the borrower already had motor vehicle insurance), the borrower will be entitled to a full refund. If the duplicative charges result in default of the loan or the car being repossessed, the borrower will be entitled to treble damages.

STATEMENT TO
[First Reprint]
SENATE, No. 2998

with Assembly Floor Amendments
(Proposed by Assemblyman FREIMAN)

ADOPTED: NOVEMBER 25, 2019

These Assembly amendments clarify that debtors in consumer credit transactions may cancel collateral protection insurance purchased on their behalf at any time, and specify the terms under which that cancellation may occur. The amendments change the time frame in which a creditor must provide a debtor with certain information regarding the cancellation of creditor-placed insurance, from five days to 60 days of the receipt of evidence of coverage. They also change the debtor's payment requirement to encompass only a single revised payment, instead of a full payment schedule.

The amendments also change the language in the notification sent to the debtor by the creditor to reflect the cost of the required collateral insurance over a span of 12 months, instead of its annual cost.

The amendments also remove a requirement that a creditor must be willful in its violation of the notice provisions of the bill in order to be subject to criminal penalties. Pursuant to the amendment, a creditor's failure to provide a debtor with any notice required pursuant to the bill is considered a crime of the third degree.

STATEMENT TO
[Second Reprint]
SENATE, No. 2998

with Senate Floor Amendments
(Proposed by Senator RUIZ)

ADOPTED: DECEMBER 16, 2019

These Senate amendments revise the penalty provisions of the bill. The amendments clarify that a creditor that places, or a person that receives commissions or fees arising out of, collateral protection insurance may be liable to a debtor for failure to remove that insurance after receiving evidence of coverage pursuant to the bill. The amendments also clarify that a creditor that does not substantially comply with the bill in purchasing collateral protection insurance may be subject to an administrative penalty.

The amendments delete a provision of the bill providing that willful violations of the bill are crimes of the third degree. Instead, a creditor that willfully violates any requirement of P.L.1999, c.44 (C.17:16V-1 et al.) is liable to an administrative penalty not exceeding \$50,000.

ASSEMBLY, No. 5323

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 13, 2019

Sponsored by:

Assemblyman ROY FREIMAN

District 16 (Hunterdon, Mercer, Middlesex and Somerset)

Assemblywoman JOANN DOWNEY

District 11 (Monmouth)

SYNOPSIS

Requires consumer lenders to disclose motor vehicle insurance products to borrowers.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning lender-placed motor vehicle insurance and
2 supplementing P.L.1996, c.157 (C.17:11C-1 et al).

3

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

6

7 1. a. No consumer lender shall enter into a contract or loan
8 agreement that includes charges on the borrower for lender-placed
9 motor vehicle insurance coverage, unless the following or
10 substantially similar warning is provided on a separate document
11 accompanying the contract or loan agreement and signed by the
12 borrower:

13

WARNING

14 UNLESS YOU PROVIDE US WITH EVIDENCE OF THE
15 INSURANCE COVERAGE AS REQUIRED BY OUR LOAN
16 AGREEMENT, WE MAY PURCHASE INSURANCE AT YOUR
17 EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE
18 MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF
19 THE COLLATERAL BECOMES DAMAGED, THE COVERAGE
20 WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR
21 ANY CLAIM MADE AGAINST YOU. YOU MAY LATER
22 CANCEL THIS COVERAGE BY PROVIDING EVIDENCE
23 THAT YOU HAVE OBTAINED PROPER COVERAGE
24 ELSEWHERE.

25 YOU ARE RESPONSIBLE FOR THE COST OF ANY
26 INSURANCE PURCHASED BY US. THE COST OF THIS
27 INSURANCE MAY BE ADDED TO YOUR LOAN BALANCE. IF
28 THE COST IS ADDED TO THE LOAN BALANCE, THE
29 INTEREST RATE ON THE UNDERLYING LOAN WILL APPLY
30 TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF
31 COVERAGE MAY BE THE DATE YOUR PRIOR COVERAGE
32 LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF
33 OF COVERAGE.

34 THE COVERAGE WE PURCHASE MAY BE CONSIDERABLY
35 MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN
36 ON YOUR OWN AND MAY NOT SATISFY NEW JERSEY'S
37 MANDATORY LIABILITY INSURANCE LAWS.

38 b. A consumer lender that enters into a contract or loan
39 agreement that includes charges on the borrower for lender-placed
40 motor vehicle insurance shall send the borrower a notice by mail
41 within 30 days of the beginning of the loan agreement that discloses
42 the insurance product that is being added, the insurer, the premium,
43 an estimate of the total amount to be paid for the coverage over the
44 duration of the loan, and the fact that the policy can be terminated if
45 the borrower purchases insurance independently.

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 thus is new matter.

1 c. A consumer lender that fails to meet the requirements of
2 subsections a. and b. of this section shall be in violation of the
3 “New Jersey Consumer Finance Licensing Act,” sections 1 through
4 49 of P.L.1996, c.157 (C.17:11C-1 through C.17:11C-49). In
5 addition, if a consumer lender is found to have charged a borrower
6 for insurance coverage on a motor vehicle that was already insured
7 by the borrower, the borrower shall have a civil cause of action in
8 any court of competent jurisdiction for the premium, interest, and
9 all related fees paid by the borrower, including attorney’s fees. If
10 the duplicative charges resulted in the loan being placed in
11 delinquency or the motor vehicle being repossessed, the borrower
12 shall be entitled to treble damages.

13
14 2. This act shall take effect 90 days after the date of enactment
15 and shall apply to any contract entered into on or after the effective
16 date.

17
18 STATEMENT

19
20 This bill requires consumer lenders to disclose motor vehicle
21 insurance products to borrowers.

22 Under the bill, consumer lenders providing motor vehicle loans
23 that include lender-placed insurance must disclose this fact in the
24 loan agreement. Consumer lenders must also send a second written
25 disclosure in the mail within 30 days of the start of the loan
26 agreement.

27 Consumer lenders that fail to provide these disclosures will face
28 fines of up to \$25,000. Furthermore, if a consumer lender is found
29 to have included lender-placed insurance unnecessarily (because the
30 borrower already had motor vehicle insurance), the borrower will be
31 entitled to a full refund. If the duplicative charges result in default
32 of the loan or the car being repossessed, the borrower will be
33 entitled to treble damages.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 5323

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 13, 2019

The Assembly Financial Institutions and Insurance Committee reports favorably and with committee amendments Assembly Bill No. 5323.

This bill, which amends the “Collateral Protection Insurance Act,” P.L.1999, c.44 (C.17:16V-1 et seq.), requires consumer lenders to make certain disclosures, and to adhere to certain practices, when providing collateral protection insurance products to debtors under credit agreements.

Under the bill, as amended, consumer lenders providing credit agreements that include lender-placed insurance must disclose this fact in the agreement.

The bill requires creditors to provide debtors with information regarding the name of the insurer that provides the debtor with collateral protection insurance, and estimated costs of that insurance. The bill also requires creditors to provide debtors with a physical and electronic address to which debtors may send evidence of collateral protection insurance coverage.

The bill also allows debtors to cancel creditor-placed collateral protection insurance if they provide evidence of coverage at any time, and debtors will be entitled to certain unearned costs associated with that insurance.

The bill establish procedures for creditors who receive evidence of insurance coverage from debtors for cancelling insurance, and providing debtors with documentation of cancellation and a revised payment schedule.

The bill provides for separate penalties within the context of the “Collateral Protection Insurance Act.” A creditor that fails to provide any notice to a debtor required pursuant to section 3 of P.L.1999, c.44 (C.17:16V-3) is liable to an administrative penalty not exceeding \$25,000, to be assessed by the Commissioner of Banking and Insurance. A creditor’s willful failure to provide the required notice shall be considered a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

Finally, the bill provides that, if a creditor places collateral protection insurance on a debtor or fails to remove collateral protection insurance on a debtor, and the creditor has received evidence of

coverage of the debtor, the debtor shall have a civil cause of action in a court of competent jurisdiction for the premium, interest, and all related fees paid by the debtor, including attorney's fees. If the duplicative charges result in delinquency of the credit agreement or repossession of the collateral, the debtor is entitled to treble damages.

As amended and reported by the committee, this bill is identical to S-2998, as amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

1) Provide that the bill amends the "Collateral Protection Insurance Act," P.L.1999, c.44 (C.17:16V-1 et seq.), instead of supplementing the "New Jersey Consumer Finance Licensing Act," P.L.1996, c.157 (C.17:11C-1 et seq.).

2) Make certain amendments to the "Collateral Protection Insurance Act" to require creditors to provide debtors with more information regarding the name of the insurer providing the debtor with collateral protection insurance and the costs of that insurance.

3) Require creditors to provide debtors with a physical and electronic address to which debtors may send evidence of collateral protection insurance coverage.

4) Provide that debtors may cancel creditor-placed collateral protection insurance by providing evidence of coverage at any time, and will be entitled to certain unearned costs associated with that insurance.

5) Establish procedures for creditors who receive evidence of insurance coverage from debtors for cancelling insurance, and providing debtors with documentation of cancellation and a revised payment schedule.

6) Provide for separate penalties within the context of the "Collateral Protection Insurance Act." A creditor that fails to provide any notice to a debtor required pursuant to section 3 of P.L.1999, c.44 (C.17:16V-3) is liable to an administrative penalty not exceeding \$25,000, to be assessed by the Commissioner of Banking and Insurance. A creditor's willful failure to provide the required notice shall be considered a crime of the third degree. A crime of the third degree is ordinarily punishable by a term of imprisonment of three to five years or a fine of up to \$15,000, or both.

7) Provide that, if a creditor places collateral protection insurance on a debtor or fails to remove collateral protection insurance on a debtor, and the creditor has received evidence of coverage of the debtor, the debtor shall have a civil cause of action in a court of competent jurisdiction for the premium, interest, and all related fees paid by the debtor, including attorney's fees. If the duplicative charges result in delinquency of the credit agreement or repossession of the collateral, the debtor is entitled to treble damages.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 5323

with Assembly Floor Amendments
(Proposed by Assemblyman FREIMAN)

ADOPTED: NOVEMBER 25, 2019

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Governor Murphy Takes Action on Legislation

01/13/2020

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

A268 (Kean, Egan, Holley/Singer, Gopal) - "P.I.C.K. Awareness Act"; authorizes issuance of special support recovery license plates.

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A3832 (Mukherji, McKnight, Chiaravalloti/Cryan, Stack) - Authorizes municipal tax levy through public question for certain purposes; clarifies ability of local government entities to issue non-recourse bonds; appropriates \$100,000.

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A5277 (DeAngelo, Houghtaling/Greenstein) - Eliminates term limits for members of State Board of Examiners of Master Plumbers and State Board of Examiners of Heating, Ventilating, Air Conditioning and Refrigeration Contractors.

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A5625 (Pintor Marin, Munoz, Lampitt/Weinberg, Corrado) - Requires payment of expenses related to background investigations for certain gubernatorial transition positions.

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A5632 (Pintor Marin, Munoz, Reynolds-Jackson/Weinberg) - Requires certain public employees receive additional training to manage harassment or discrimination complaints.

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S2980 (Ruiz/Lampitt, McKnight) - Provides that school district may not condition student enrollment in district on fact that MVC does not have name or address of parent or guardian on file.

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S3574 (Scutari, Kean, Cryan/Carter, Kennedy, Freiman) - Requires NJT to conduct feasibility study on restoring one-seat ride to Manhattan on Raritan Valley Line.

Governor Murphy conditionally vetoed the following bills:

A2431 (Benson, Jimenez, DeCroce, Eustace/Weinberg, Kean) – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage.

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A4978 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan) – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances.

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S3920 (Pou/Wimberly, Sumter) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes.

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Governor Murphy absolute vetoed the following bill:

S4139 (Greenstein/Benson) - Makes Fiscal Year 2020 supplemental appropriation of \$250,000 to Rutgers University - New Brunswick for School of Dental Medicine - Special Care Treatment Center.

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S3348 (Weinberg/Vainieri Huttle, McKnight) - Requires home health agencies and specialty pharmacies providing services related to bleeding episodes associated with hemophilia to comply with certain minimum practice standards.

S3528 (Scutari, Codey/Vainieri Huttle, Quijano, Kennedy) - Establishes process to obtain judgement of adoption for civil union partner or spouse of natural or legal parent of child when that person is named as parent on child's birth certificate.

S3574 (Scutari, Kean, Cryan/Carter, Kennedy, Freiman) - Requires NJT to conduct feasibility study on restoring one-seat ride to Manhattan on Raritan Valley Line.

Governor Murphy conditionally vetoed the following bills:

A2431 (Benson, Jimenez, DeCroce, Eustace/Weinberg, Kean) – Requires health insurers to provide plans that limit patient cost-sharing concerning certain prescription drug coverage.

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A4978 (Timberlake, Zwicker, Vainieri Huttle/Greenstein, Cryan) – Prohibits online education services from using and disclosing certain information, engaging in targeted advertising, and requires deletion of certain information in certain circumstances.

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S3920 (Pou/Wimberly, Sumter) – Concerns provision of energy to certain manufacturing facilities by providing exemptions to certain energy related taxes.

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Governor Murphy absolute vetoed the following bill:

S4139 (Greenstein/Benson) - Makes Fiscal Year 2020 supplemental appropriation of \$250,000 to Rutgers University - New Brunswick for School of Dental Medicine - Special Care Treatment Center.

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