

Effective: January 18, 2000

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

▣ Chapter 10. Insurance (Refs & Annos)

▣ Article 7. Joint Insurance

→→ **40A:10-36. Joint insurance fund to insure against liability, property damage, and workers' compensation; agreement by resolution**

a. The governing body of any local unit, including any contracting unit as defined in section 2 of P.L.1971, c. 198 (C.40A:11-2), may by resolution agree to join together with any other local unit or units to establish a joint insurance fund for the purpose of insuring against liability, property damage, and workers' compensation as provided in Articles 3 and 4 of chapter 10 of Title 40A of the New Jersey Statutes, [FN1] insuring against loss or theft of moneys or securities, providing blanket bond coverage of certain county or municipal officers and employees for faithful performance and discharge of their duties as provided under section 1 of P.L.1967, c. 283 (C.40A:5-34.1), insuring against bodily injury and property damage claims arising from environmental impairment liability and legal representation therefor to the extent that such coverages, as approved by the Commissioner of Banking and Insurance, are provided by the purchase of insurance and no risk is retained by the fund, providing contributory or non-contributory group health insurance or group term life insurance, or both, to employees or their dependents or both, through self insurance, the purchase of commercial insurance or reinsurance, or any combination thereof, and insuring against any loss from liability associated with sick leave payment for service connected disability as provided by N.J.S.18A:30-2.1, and may appropriate such moneys as are required therefor. The maximum risk to be retained for group term life insurance by a joint insurance fund on a self-insured basis shall not exceed a face amount of \$5,000 per covered employee or dependent or more if approved by the Commissioners of Banking and Insurance and Community Affairs. As used in this subsection: (1) "life insurance" means life insurance as defined pursuant to N.J.S.17B:17-3; (2) "health insurance" means health insurance as defined pursuant to N.J.S.17B: 17-4 or service benefits as provided by health service corporations, hospital service corporations or medical service corporations authorized to do business in this State; and (3) "dependent" means dependent as defined pursuant to N.J.S.40A:10-16.

b. The governing body of any local unit, including any contracting unit as defined in section 2 of P.L.1971, c. 198 (C.40A:11-2), may by resolution agree to join together with any other local unit or units to establish a joint insurance fund for the sole purpose of insuring against bodily injury and property damage claims arising from environmental impairment liability and legal representation therefor to the extent and for coverages approved by the Commissioner of Banking and Insurance.

CREDIT(S)

C

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 7. Joint Insurance

→→ 40A:10-37. Insurance fund commissioners and alternates; appointment; terms of office; executive committee; vacancies; service without compensation; chairman and secretary

Upon the establishment of a joint insurance fund, the officer or body of each local unit having the power to make appointments for the unit shall appoint one member of the governing body or employee of the local unit to represent that local unit as insurance fund commissioner. Each local unit may also appoint an alternate insurance fund commissioner who shall be a member of the governing body or employee of the local unit. Commissioners and alternates who are members of the governing body shall hold office for two years or for the remainder of their terms of office as members of the governing body, whichever shall be less, and until their successors shall have been duly appointed and qualified. Commissioners and alternates who are employees of the local unit shall hold office at the pleasure of the appointing officer or body. In the event that the number of local units represented is an even number, an additional commissioner shall be annually selected by the participating local units on a rotating basis. If the total number of member local units exceeds seven, the commissioners shall annually meet to select not more than seven commissioners to serve as the executive committee of the fund. The commissioners may also select not more than seven commissioners to serve as alternates on the executive committee. The executive committee shall exercise the full power and authority of the commission. Vacancies on the executive committee shall be filled by election of the entire board. The commissioners shall serve without compensation, except that the commissioners may vote to pay themselves a fee for attending commission meetings not to exceed \$150 per meeting and the commissioners may vote to pay commissioners who serve on an executive committee a fee for attending executive committee meetings not to exceed \$150 per meeting. Any vacancy in the office of insurance fund commissioner or alternate, caused by any reason other than expiration of term as a member of the local unit governing body, shall be filled by the appointing authority in the manner generally prescribed by law. The commission shall annually elect a chairman and a secretary.

In the case of a joint insurance fund established for the purposes of providing environmental liability coverage pursuant to subsection b. of section 1 of P.L.1983, c. 372 (C.40A:10-36), each member of that joint insurance fund shall have proportional voting based upon the current year's assessment.

CREDIT(S)

L.1983, c. 372, § 2, eff. Oct. 28, 1983. Amended by L.1989, c. 253, § 2, eff. Jan. 3, 1990; L.1993, c. 269, § 14, eff. Jan. 6, 1994.

**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 7. Joint Insurance

→ → **40A:10-38. Powers and authority; investments; laws applicable**

a. The commissioners of a joint insurance fund shall have the powers and authority granted to commissioners of individual local insurance funds under the provisions of subsections a., b., c., and e. of N.J.S. 40A:10-10.

b. The commissioners may invest and reinvest the funds, including workers' compensation funds, as authorized under the provisions of subsection b. of N.J.S. 40A:10-10. The commissioners may, subject to the cash management plan of the joint insurance fund adopted pursuant to N.J.S. 40A:5-14, delegate any of the functions, powers and duties relating to the investment and reinvestment of these funds, including the purchase, sale or exchange of any investments, securities or funds to an investment or asset manager. Any transfer of investment power and duties made pursuant to this subsection shall be detailed in a written contract for services between the joint insurance fund and an investment or asset manager. The contract shall be filed with the Commissioner of Insurance and the Commissioner of Community Affairs. Compensation under such an arrangement shall not be based upon commissions related to the purchase, sale or exchange of any investments, securities or funds.

c. The commissioners may transfer moneys held in the fund to the Director of the Division of Investment in the Department of the Treasury for investment on behalf of the fund, pursuant to the written directions of the commissioners, signed by an authorized officer of the joint insurance fund, or any investment or asset manager designated by them. The commissioners shall provide a written notice to the director detailing the extent of the authority delegated to the investment or asset manager so designated to act on behalf of the joint insurance fund. Moneys transferred to the director for investment shall be invested subject to section 8 of P.L.1977, c. 396 (C. 40A:5-15.1), and in accordance with the standards governing the investment of other funds which are managed under the rules and regulations of the State Investment Council. In addition to the types of securities in which the joint insurance fund may invest pursuant to section 8 of P.L.1977, c. 396 (C. 40A:5-15.1), a joint insurance fund may invest in debt obligations of federal agencies or government corporations with maturities not to exceed 10 years from the date of purchase, excluding mortgage backed or derivative obligations, provided that the investments are purchased through the Division of Investment and are invested consistent with the rules and regulations of the State Investment Council.

d. Moneys transferred to the director for investment may not thereafter be withdrawn except: (1) pursuant to the written directions of the commissioners signed by an authorized officer of the joint insurance fund, or any investment or asset manager designated by them; (2) upon withdrawal or expulsion of a member local unit from

the fund; (3) termination of the fund; or (4) in specific amounts in payment of specific claims, administrative expenses or member dividends upon affidavit of the director or other chief executive officer of the joint insurance fund.

e. The commissioners or the executive board, as the case may be, of any joint insurance fund established pursuant to the provisions of this act shall be subject to and operate in compliance with the provisions of the "Local Fiscal Affairs Law" (N.J.S. 40A:5-1 et seq.), the "Local Public Contracts Law," P.L.1971, c. 198 (C. 40A:11-1 et seq.) and such other rules and regulations as govern the custody, investment and expenditure of public funds by local units.

CREDIT(S)

L.1983, c. 372, § 3, eff. Oct. 28, 1983. Amended by L.1992, c. 53, § 2, eff. July 17, 1992; L.1995, c. 374, § 1, eff. Jan. 5, 1996.

CROSS REFERENCES

Investment of moneys from joint self-insurance fund or joint insurance fund, see N.J.S.A. § 52:18A-86.1.



ADMINISTRATIVE CODE REFERENCES

Joint insurance funds for local governmental units providing group health and term life benefits, investments, application of investment income, see N.J.A.C. 11:15-3.19.

Joint insurance funds for local governmental units providing property and liability coverages, investments, application of investment income, see N.J.A.C. 11:15-2.20.

LIBRARY REFERENCES

2009 Main Volume

Counties  81.
Municipal Corporations  169.
Westlaw Topic Nos. 104, 268.
C.J.S. Counties § 122.
C.J.S. Municipal Corporations §§ 369, 371.

RESEARCH REFERENCES

2012 Electronic Update

Treatises and Practice Aids

34 N.J. Prac. Series § 7:21, Group Insurance.

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 7. Joint Insurance

→→ 40A:10-38.1. Additional powers and authority; corporate seal; participation in law suits; indebtedness

In addition to the powers and authority granted to commissioners pursuant to section 3 of P.L.1983, c. 372 (C. 40A:10-38), the commissioners of a joint insurance fund established pursuant to subsection b. of section 1 of P.L.1983, c. 372 (C. 40A:10-36) shall have the power: a. to adopt and use a corporate seal; b. to sue and be sued; and c. to bond or to borrow funds and incur indebtedness by other means, including letters of credit, for the purpose of providing environmental impairment liability insurance, and to provide for and secure the payment of bonds and indebtedness, except that the total aggregate amount of any such bonds, borrowings and letters of credit outstanding at any one time shall not exceed \$10,000,000. Bonds shall be sold by a joint insurance fund pursuant to the "Local Bond Law," N.J.S. 40A:2-1 et seq., but shall not be subject to the debt limitation set forth in N.J.S. 40A:2-6.

CREDIT(S)

L.1993, c. 269, § 1, eff. Jan. 6, 1994.

SENATE COMMUNITY AFFAIRS COMMITTEE STATEMENT

2009 Main Volume

Assembly, No. 2603--L.1993, c. 269

The Senate Community Affairs Committee reports favorably Assembly Bill No. 2603 (2R).

Assembly Bill No. 2603 (2R) provides for the establishment of joint insurance funds by local units (counties and municipalities) for the sole purpose of insuring against claims arising from environmental impairment liability. Under the bill, these environmental joint insurance funds, which must be approved in the same way as other joint insurance funds, may raise funds through the issuance of bonds and other obligations, such as letters of credit. Funds may be raised to establish an environmental impairment liability pool or for the purpose of funding or refunding a bond or other indebtedness related to environmental impairment liability insurance. The bill also excludes the cost of administering a joint insurance fund established pursuant to this bill from municipal and county cap limits.

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ↗ Chapter 10. Insurance (Refs & Annos)
 ↗ Article 7. Joint Insurance
 →→ **40A:10-38.2. Definitions**

As used in this act:

- a. “Bond” means bonds and other obligations, such as letters of credit, authorized and issued by a joint insurance fund.
- b. “Bond resolution” means a resolution adopted by a joint insurance fund describing the bonds to be authorized and issued and the bonds or indebtedness to be funded or refunded.
- c. “Joint insurance fund” or “fund” means a joint insurance fund created pursuant to subsection b. of section 1 of P.L.1983, c. 372 (C. 40A:10-36).

CREDIT(S)

L.1993, c. 269, § 2, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

N. J. S. A. 40A:10-38.2, NJ ST 40A:10-38.2

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

☞ Chapter 10. Insurance (Refs & Annos)

☞ Article 7. Joint Insurance

→→ **40A:10-38.3. Approval of bylaws and plan of risk management; filing**

A copy of the proof of approval of the bylaws and plan of risk management issued by the Commissioner of Insurance pursuant to section 6 of P.L.1983, c. 372 (C. 40A:10-41) shall be filed in the Office of the Secretary of State, the Director of the Division of Local Government Services, and the Commissioner of Insurance. Upon proof of such filing, the joint insurance fund therein referred to shall, in any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract or obligation or act of the joint insurance fund, be conclusively deemed to have been lawfully and properly created, organized and established and authorized to transact business and exercise its powers under this act. Copies of the filing, duly certified by the Secretary of State, shall be admissible in evidence in any suit, action or proceeding and shall be conclusive evidence of due and proper filing thereof.

CREDIT(S)

L.1993, c. 269, § 3, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Counties ☞ 161.

Municipal Corporations ☞ 887.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties § 195.

C.J.S. Municipal Corporations § 1627.

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 7. Joint Insurance

→→ 40A:10-38.4. Issuance of bonds; adoption of bond resolutions

a. For the purpose of raising funds to establish an environmental impairment liability insurance pool or for the purpose of funding or refunding a bond or other indebtedness, including a letter of credit in connection with environmental impairment liability insurance, a joint insurance fund shall have the power to authorize and issue or provide for the issuance of bonds pursuant to this act. No funds so raised shall be used for administrative expenses of the joint insurance fund. For such purpose, a joint insurance fund shall adopt a bond resolution which shall (1) describe the bonds to be authorized and issued and the bonds or indebtedness to be funded or refunded, if any; (2) state the cost or estimated cost of the project, if any; and (3) provide for the issuance of the bonds in accordance with section 5 of this act. [FN1]

b. No bond resolution shall be adopted by a joint insurance fund pursuant to subsection a. of this section unless member local units representing at least two-thirds of the joint insurance fund's current annual assessments have approved the proposed bond resolution by resolution or ordinance of each approving member local unit, which resolution or ordinance has been duly certified by the appropriate officer of the local unit and filed with the secretary of the joint insurance fund.

c. Any debt incurred by a joint insurance fund pursuant to P.L.1993, c. 269 (C. 40A:10-38.1 et al.) shall be subject to the oversight provisions of sections 6, 7 and 8 of P.L.1983, c. 313 (C.40A:5A-6 through 40A:5A-8).

CREDIT(S)

L.1993, c. 269, § 4, eff. Jan. 6, 1994.

[FN1] N.J.S.A. § 40A:10-38.5.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 7. Joint Insurance

→→ 40A:10-38.5. Power to incur indebtedness to establish an environmental impairment liability insurance pool; compliance with bond resolution

Upon adoption of a bond resolution, a joint insurance fund shall have the power to incur indebtedness, borrow money and issue its bonds for the purpose of raising funds to establish an environmental impairment liability insurance pool or funding or refunding any bonds or other indebtedness, including a letter of credit. A bond shall be authorized by the bond resolution and may be issued in one or more series. A bond shall bear the date provided in the resolution and shall mature on a date not exceeding 20 years from the date on the bond. A bond shall bear interest at a rate within the maximum rate, be in the denomination and the form, carry the conversion or registration privileges, have such rank or priority, be executed in such manner, be payable from such sources in such medium of payment at such place or places within or without the State, and be subject to such terms of redemption, with or without premium, as the bond resolution may provide.

CREDIT(S)

L.1993, c. 269, § 5, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES


2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Counties  149.Municipal Corporations  906.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties §§ 185, 187.

C.J.S. Municipal Corporations §§ 1645 to 1646, 1702.

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ☞ Chapter 10. Insurance (Refs & Annos)
 ☞ Article 7. Joint Insurance
 →→ **40A:10-38.6. Sale of bonds**

Bonds of a joint insurance fund may be sold by the fund at public or private sale at a price determined by the commissioners of the fund.

CREDIT(S)

L.1993, c. 269, § 6, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Counties ☞ 182.
Municipal Corporations ☞ 921(1).
Westlaw Topic Nos. 104, 268.
C.J.S. Counties § 225.
C.J.S. Municipal Corporations §§ 1679 to 1682.

N. J. S. A. 40A:10-38.6, NJ ST 40A:10-38.6

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

☞ Chapter 10. Insurance (Refs & Annos)

☞ Article 7. Joint Insurance

→ → **40A:10-38.7. Filing of bond resolution; public notice**

A joint insurance fund shall cause a copy of a bond resolution adopted by it to be filed for public inspection in its office and in the offices of the clerks of the local units which are members of the fund and shall thereupon cause to be published in a newspaper published or circulating in the jurisdiction of the member local units a notice stating the fact and date of the adoption, the places where the bond resolution has been filed for public inspection, and the date of the first publication. The notice also shall state that any action or proceeding of any kind in any court questioning the validity or proper authorization of a bond provided for by the bond resolution, or the validity of any covenant, agreement or contract provided for by the bond resolution shall be commenced within 20 days after the first publication of the notice. If after the notice is published, no action or proceeding questioning the validity or proper authorization of a bond provided for by the bond resolution referred to in the notice, or the validity of a covenant, agreement or contract provided for by the bond resolution is commenced within 20 days after the first publication of the notice, then all member local units of the fund, their residents, and all other persons shall be forever barred from commencing an action or proceeding in a court or from pleading a defense to an action or proceeding, questioning the validity of the creation and establishment of the joint insurance fund, or the validity or proper authorization of the bonds, or the validity of a covenant, agreement or contract, and the fund shall be conclusively deemed to have been validly created and established and to be authorized to transact business and exercise powers as a joint insurance fund under this act, and the bond, covenant, agreement or contracts shall be conclusively deemed to be a valid and binding obligation in accordance with its terms and tenor.

CREDIT(S)

L.1993, c. 269, § 7, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

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New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 Chapter 10. Insurance (Refs & Annos)
 Article 7. Joint Insurance
 →→ **40A:10-38.7. Filing of bond resolution; public notice**

A joint insurance fund shall cause a copy of a bond resolution adopted by it to be filed for public inspection in its office and in the offices of the clerks of the local units which are members of the fund and shall thereupon cause to be published in a newspaper published or circulating in the jurisdiction of the member local units a notice stating the fact and date of the adoption, the places where the bond resolution has been filed for public inspection, and the date of the first publication. The notice also shall state that any action or proceeding of any kind in any court questioning the validity or proper authorization of a bond provided for by the bond resolution, or the validity of any covenant, agreement or contract provided for by the bond resolution shall be commenced within 20 days after the first publication of the notice. If after the notice is published, no action or proceeding questioning the validity or proper authorization of a bond provided for by the bond resolution referred to in the notice, or the validity of a covenant, agreement or contract provided for by the bond resolution is commenced within 20 days after the first publication of the notice, then all member local units of the fund, their residents, and all other persons shall be forever barred from commencing an action or proceeding in a court or from pleading a defense to an action or proceeding, questioning the validity of the creation and establishment of the joint insurance fund, or the validity or proper authorization of the bonds, or the validity of a covenant, agreement or contract, and the fund shall be conclusively deemed to have been validly created and established and to be authorized to transact business and exercise powers as a joint insurance fund under this act, and the bond, covenant, agreement or contracts shall be conclusively deemed to be a valid and binding obligation in accordance with its terms and tenor.

CREDIT(S)

L.1993, c. 269, § 7, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

Effective:[See Text Amendments]

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Title 40A. Municipalities and Counties (Refs & Annos)
 ▣ Chapter 10. Insurance (Refs & Annos)
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 → → **40A:10-38.8. Negotiability of bonds**

Any provision of any law to the contrary notwithstanding, bonds issued pursuant to this act shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law of the State, and each holder of a bond, or of any coupon appurtenant thereto, by accepting the bond or coupon shall be conclusively deemed to have agreed that the bond or coupon is and shall be fully negotiable within the meaning and for all purposes of the negotiable instruments law.

CREDIT(S)

L.1993, c. 269, § 8, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Counties ☞ 186.
Municipal Corporations ☞ 938.
Westlaw Topic Nos. 104, 268.
C.J.S. Counties § 225.
C.J.S. Municipal Corporations §§ 1701 to 1703.

N. J. S. A. 40A:10-38.8, NJ ST 40A:10-38.8

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New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

▣ Chapter 10. Insurance (Refs & Annos)

▣ Article 7. Joint Insurance

→→ **40A:10-38.9. Agreement between fund and bondholders regarding disposition of bond proceeds and fund assets**

A joint insurance fund, in order to secure the payment of its bonds shall have the power by provision in the bond resolution to covenant and agree with the several holders of a bond, as to:

- a. the custody, security, use, expenditure or application of the proceeds of a bond;
- b. payment of the principal of or interest on a bond and the sources and methods thereof, the rank or priority of a bond obligation as to a lien or security, or the acceleration of the maturity of a bond;
- c. the use and disposition of any moneys of the joint insurance fund;
- d. pleading, setting aside, depositing or trusteeing all or any moneys of the joint insurance fund to secure the payment of the principal of or interest on the bond or the payment of expenses of operation of the fund, and the powers and duties of a trustee with regard thereto;
- e. the setting aside out of the moneys of the joint insurance fund of reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;
- f. determination or definition of the moneys of the joint insurance fund or of the expenses of its operation;
- g. the assessments or other charges imposed by the joint insurance fund and the fixing, establishment, collection and enforcement of same, the amount to be raised thereby, and the disposition and application of the amount charged or collected;
- h. the assumption or payment of any indebtedness, lien or other claim against the joint insurance fund or any obligation having or which may have a lien on any moneys of the fund;

- i. limitations on the issuance of additional bonds or on the incurrence of indebtedness of the joint insurance fund;
- j. vesting in a trustee or trustees within or without the State the rights, powers and duties in trust determined by the joint insurance fund, which powers and duties may include any or all of the rights, powers and duties of the trustee appointed by the holders of bonds pursuant to section 10 of this act, [FN1] and limiting or abrogating the right of the holders to appoint a trustee pursuant to section 10 of this act or limiting the rights, duties and powers of the trustee;
- k. payment of costs or expenses incident to the enforcement of the bonds or of the provisions of the bond resolution or of any covenant or contract with the holders of the bonds;
- l. the procedure, if any, by which the terms of a covenant or contract with, or duty to, the holders of bonds may be amended or abrogated, which holders of bonds are required to consent to such an amendment or abrogation before it can be enforced, and the manner in which the consent may be given or evidenced; or
- m. any other matter or course of conduct which, by recital in the bond resolution, is declared to further secure the payment of the principal of or interest on the bonds.

All provisions of the bond resolution and all covenants and agreements shall constitute valid and legally binding contracts between the joint insurance fund and the several holders of the bonds, regardless of the time of issuance of the bonds, and shall be enforceable by any holder by appropriate action, suit or proceeding in lieu of prerogative writ.

CREDIT(S)

L.1993, c. 269, § 9, eff. Jan. 6, 1994.

[FN1] N.J.S.A. § 40A:10-38.10.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 7. Joint Insurance

→→ **40A:10-38.10. Appointment of trustee upon default of payment on the bonds; powers of trustee**

a. If the bond resolution of a joint insurance fund authorizing or providing for the issuance of a series of bonds provides in substance that the holders of the bonds in the series shall be entitled to the benefits of this section, then in the event that there is a default in the payment of principal of or interest on any bonds of the series after the same becomes due, whether at maturity or upon call for redemption, and the default continues for a period of 30 days, or in the event that the joint insurance fund fails or refuses to carry out and perform the terms of a contract with the holders the bonds, and the failure or refusal continues for a period of 30 days after written notice to the joint insurance fund of its existence and nature, the holders of 25 percent in aggregate principal amount of the bonds of the series then outstanding by instrument or instruments filed in the Office of the Secretary of State and proved and acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of the bonds of the series for the purpose provided in this section.

b. The trustee may and upon written request of the holders of 25 percent in aggregate principal amount of the bonds of the series then outstanding shall, in the trustee's own name:

(1) by any action, writ, proceeding in lieu of prerogative writ, or other proceeding, enforce all rights of the holders of the bonds, including the right to require the joint insurance fund to charge and collect assessments adequate to carry out a contract as to, or pledge of, moneys of the fund, and to require the fund to carry out and perform the terms of a contract with the holders of the bonds or its duties under this act;

(2) bring an action upon all or any part of the bonds or interest coupons or claims appurtenant thereto;

(3) by action, require the joint insurance fund to account as if it were the trustee of an express trust for the holders of the bonds;

(4) by action, enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds; or

(5) declare all the bonds due and payable, whether or not in advance of maturity, upon 30 days' prior notice in

writing to the joint insurance fund and, if all defaults shall be made good, then with the consent of the holders of 25 percent of the principal amount of the bonds then outstanding, annul the declaration and its consequences.

c. The trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of the functions specifically set forth herein or incident to the general representation of the holders of bonds of the series in the enforcement and protection of their rights.

d. In any action or proceeding by the trustee, the fees, counsel fees and expenses of the trustee and of the receiver, if any, appointed pursuant to this act, shall constitute taxable costs and disbursements, and all costs and disbursements allowed by the court shall be a first charge upon any assessments and moneys of the joint insurance fund pledged for the payment or security of bonds of the series.

CREDIT(S)

L.1993, c. 269, § 10, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume


Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Counties  187.

Municipal Corporations  950.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties § 226.

C.J.S. Municipal Corporations §§ 1708 to 1709.

N. J. S. A. 40A:10-38.10, NJ ST 40A:10-38.10

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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END OF DOCUMENT

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ☞ Chapter 10. Insurance (Refs & Annos)
 ☞ Article 7. Joint Insurance
 → → **40A:10-38.11. Appointment of receiver; powers**

If the bond resolution of a joint insurance fund authorizing or providing for the issuance of a series of its bonds provides in substance that the holders of the bonds of the series are entitled to the benefits of section 10 of this act [FN1] and further provides in substance that any trustee appointed pursuant to section 10 of this act or having the powers of such a trustee has the powers provided by this section, then the trustee, whether or not all of the bonds of the series have been declared due and payable, shall be entitled as of right to the appointment of a receiver of the joint insurance fund, and the receiver may enter upon and take possession of all moneys and other property of the joint insurance fund and fix, charge, collect, enforce and receive the assessments and all moneys thereafter arising subject to any pledge thereof or contract with the holders of the bonds relating thereto and perform the duties and carry out the contracts and obligations of the joint insurance fund in the same manner as the fund itself might do and under the direction of the court.

CREDIT(S)

L.1993, c. 269, § 11, eff. Jan. 6, 1994.

[FN1] N.J.S.A. § 40A:10-38.10.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Counties ☞ 187.

Municipal Corporations ☞ 950.

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ☐ Chapter 10. Insurance (Refs & Annos)
 ☐ Article 7. Joint Insurance
 →→ **40A:10-38.12. Liability on bonds**

Neither the commissioners of the joint insurance fund nor any person executing bonds issued pursuant to this act shall be liable personally on the bonds by reason of the issuance thereof. Bonds issued by a joint insurance fund pursuant to this act shall not be in any way a debt or liability of the State, either legal, moral or otherwise, nor shall they be in any way a debt or liability of any member local unit of the fund, either legal, moral or otherwise, except as provided by P.L.1983, c. 372 (C.40A:10-36 et seq.), and nothing in this act shall be construed to authorize any joint insurance fund to incur any indebtedness on behalf of or in any way to obligate the State or any member local unit.

Nothing in this act shall be construed to alter or impair the power of the commissioner to suspend or terminate the authority of any joint insurance fund created pursuant to subsection b. of section 1 of P.L.1983, c. 372 (C.40A:10-36) or to assume control of the insurance fund as provided under section 9 of P.L.1983, c. 372 (C.40A:10-44) in order to enable a fund to meet its obligations, cover its expected losses or to liquidate, rehabilitate or otherwise modify its affairs.

CREDIT(S)

L.1993, c. 269, § 12, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

2009 Main Volume

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

▣ Chapter 10. Insurance (Refs & Annos)

▣ Article 7. Joint Insurance

→→ **40A:10-38.13. Bylaws of joint insurance fund; contents; producer arrangement plans**

The bylaws of a joint insurance fund may include procedures to recognize and pay commissions or fees to insurance producers appointed by the fund, if any, or producers appointed by the member local units, if any, to advise the member local units on insurance related matters and to provide other related services to member local units as specified in the bylaws.

The commissioners of a joint insurance fund shall file with the commissioner a description of any producer arrangement plan by which producers, who shall be licensed pursuant to P.L.1987, c.293 (C.17:22A-1 et seq.), represent member local units in their dealings with the joint insurance fund. The description shall include, but not be limited to, copies of all producer contracts, which shall include a description of the producers' obligations, responsibilities and compensation; duration of contracts; and an indication whether the contracts are subject to renewal.

Whenever a joint insurance fund or member local unit employs a producer to perform risk assessment or risk management, the commissioners of the joint insurance fund shall file with the Commissioner of Insurance a copy of the producer contract for review by the commissioner.

CREDIT(S)

L.1993, c. 269, § 15, eff. Jan. 6, 1994.

HISTORICAL AND STATUTORY NOTES

2009 Main Volume

Statements:

Committee statement to Assembly, No. 2603--L.1993, c. 269, see N.J.S.A. § 40A:10-38.1.

LIBRARY REFERENCES

C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ↗ Chapter 10. Insurance (Refs & Annos)
 ↗ Article 7. Joint Insurance
 →→ **40A:10-39. Bylaws for joint insurance fund**

The commissioners shall prepare and, after the approval, by resolution, of the governing body of each participating local governmental unit, shall adopt bylaws for the joint insurance fund. The bylaws shall include, but not be limited to:

- a. Procedures for the organization and administration of the joint insurance fund, the insurance fund commission and, if appropriate, the executive board of the fund. The procedures may include the designation of one member local unit to serve as the lead agency to be responsible for the custody and maintenance of the assets of the fund and such other duties as may be assigned by the commissioners of the fund;
- b. Procedures for the assessment of members for their contributions to the fund and for the collection of contributions in default;
- c. Procedures for the maintenance and administration of appropriate reserves in accordance with sound actuarial principles;
- d. Procedures for the purchase of commercial direct insurance or reinsurance, if any;
- e. Contingency plans for paying losses in the event that the fund is exhausted;
- f. Procedures governing loss adjustment and legal fees;
- g. Procedures for the joining of the fund by a non-member local unit;
- h. Procedures for the withdrawal from the fund by a local unit;
- i. Procedures for the expulsion of a member local unit;

j. Procedures for the termination and liquidation of the joint insurance fund and the payment of its outstanding obligations;

k. Such other procedures and plans as the Commissioner of the Department of Insurance may require by rule and regulation.

CREDIT(S)

L.1983, c. 372, § 4, eff. Oct. 28, 1983.


ADMINISTRATIVE CODE REFERENCES

Joint insurance funds for local governmental units providing property and liability coverages, agreement to join joint insurance fund, duration, see N.J.A.C. 11:15-2.3.

LIBRARY REFERENCES

2009 Main Volume

Counties  161.

Municipal Corporations  887.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties § 195.

C.J.S. Municipal Corporations § 1627.

RESEARCH REFERENCES

2012 Electronic Update

Treatises and Practice Aids

34 N.J. Prac. Series § 7:21, Group Insurance.

N. J. S. A. 40A:10-39, NJ ST 40A:10-39

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 [Ⓜ] Chapter 10. Insurance (Refs & Annos)
 [Ⓜ] Article 7. Joint Insurance
 → → **40A:10-40. Plan of risk management**

The commissioners shall prepare, or cause to be prepared, a plan of risk management for the joint insurance fund. The plan shall include, but not be limited to:

- a. The perils or liability to be insured against;
- b. Limits of coverage, whether self-insurance, direct insurance purchased from a commercial carrier, or reinsurance;
- c. The amount of risk to be retained by the fund;
- d. The amount of reserves to be established;
- e. The proposed method of assessing contributions to be paid by each member of the fund;
- f. Procedures governing loss adjustment and legal fees;
- g. Coverage to be purchased from a commercial insurer, if any;
- h. Reinsurance to be purchased, if any, and the amount of premium therefor;
- i. Such other procedures and information as the Commissioner of Insurance may require by rule or regulation.

CREDIT(S)

L.1983, c. 372, § 5, eff. Oct. 28, 1983.

Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

▣ Chapter 10. Insurance (Refs & Annos)

▣ Article 7. Joint Insurance

→→ **40A:10-41. Approval of bylaws and plan of risk management**

No joint insurance fund shall begin providing insurance coverage to its member local units until its bylaws and plan of risk management have been approved as hereinafter provided:

a. The commissioners of each joint insurance fund shall concurrently file with the Commissioner of the Department of Insurance for his approval a copy of the fund's bylaws adopted pursuant to section 4 of this act [FN1] and a copy of the fund's plan of risk management prepared pursuant to section 5 of this act. [FN2]

b. Upon receipt of any such bylaws and plan of risk management, the Commissioner of Insurance shall immediately notify the Commissioner of the Department of Community Affairs and shall immediately provide that commissioner with a copy of the bylaws and plan of risk management. The Commissioner of the Department of Community Affairs, or if the commissioner shall so designate, the Director of Local Government Services in the Department of Community Affairs, is empowered to approve or disapprove any such bylaws and plans on the basis of whether or not they conform with rules and regulations governing the custody, investment or expenditure of public moneys. Within 25 working days of the receipt of any such bylaws and plan of risk management, the Commissioner of the Department of Community Affairs shall notify the Commissioner of Insurance of his approval or disapproval. As a condition of approval, the Commissioner of the Department of Community Affairs may require such modification of any bylaws or plan of risk management as he may deem necessary to bring them into conformity with the rules and regulations governing the custody, investment or expenditure of public moneys. No bylaws or plan of risk management disapproved by the Commissioner of the Department of Community Affairs, or his designee, shall take effect. If the Commissioner of the Department of Community Affairs, or his designee, fails to approve or disapprove any bylaws or plan of risk management within 25 working days, the bylaws or plan of risk management shall be deemed approved.

c. Within 30 working days of receipt, the Commissioner of Insurance shall either approve or disapprove the bylaws or plan of risk management of any joint insurance fund. If the Commissioner of Insurance shall fail to either approve or disapprove the bylaws or plan of risk management within that 30 working day period, the bylaws or plan shall be deemed approved.

If any bylaws or plan shall be disapproved, the Commissioner of Insurance shall set forth in writing the reasons for disapproval. Upon the receipt of the notice of disapproval, the commissioners of the affected joint insurance

fund may request a public hearing. The public hearing shall be convened by the Commissioner of Insurance in a timely manner.

CREDIT(S)

L.1983, c. 372, § 6, eff. Oct. 28, 1983.

[FN1] N.J.S.A. § 40A:10-39.

[FN2] N.J.S.A. § 40A:10-40.

ADMINISTRATIVE CODE REFERENCES

Joint insurance funds for local governmental units providing group health and term life benefits,

Bylaws and plan of risk management,

Contents, see N.J.A.C. 11:15-3.6.

Filing requirements, see N.J.A.C. 11:15-3.5.

Joint insurance funds for local governmental units providing group health and term life benefits, bylaws and plan of risk management,

Contents, see N.J.A.C. 11:15-3.6.

Filing requirements, see N.J.A.C. 11:15-3.5.

Joint insurance funds for local governmental units providing property and liability coverages, bylaws and plan of risk management, filing requirements, see N.J.A.C. 11:15-2.5.

LIBRARY REFERENCES

2009 Main Volume

Counties ↪ 81.

Municipal Corporations ↪ 169.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties § 122.

C.J.S. Municipal Corporations §§ 369, 371.

N. J. S. A. 40A:10-41, NJ ST 40A:10-41

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

☐ Chapter 10. Insurance (Refs & Annos)

☐ Article 7. Joint Insurance

→ → **40A:10-42. Provision of insurance coverage after approval**

Upon the approval of its bylaws and plan of risk management pursuant to the provisions of section 6 of this act, [FN1] a joint insurance fund may provide insurance coverage to its member local units by self-insurance, the purchase of commercial insurance or reinsurance, or any combination thereof.

CREDIT(S)

L.1983, c. 372, § 7, eff. Oct. 28, 1983.

[FN1] N.J.S.A. § 40A:10-41.

LIBRARY REFERENCES

2009 Main Volume

Counties ☞ 81.

Municipal Corporations ☞ 169.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties § 122.

C.J.S. Municipal Corporations §§ 369, 371.

RESEARCH REFERENCES

2012 Electronic Update

Treatises and Practice Aids

34 N.J. Prac. Series § 7:21, Group Insurance.

N. J. S. A. 40A:10-42, NJ ST 40A:10-42

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

[↖] Chapter 10. Insurance (Refs & Annos) [↖] Article 7. Joint Insurance **→→ 40A:10-43. Amendment of bylaws or plan of risk management; approval; withdrawal by nonconsenting member local unit**

The commissioners may, from time to time, amend the bylaws and plan of risk management of the fund; provided, however, that no such amendment shall take effect until approved as hereinafter provided.

a. The commissioners shall file with the Commissioner of Insurance for his approval a copy of any amendment to the bylaws of the fund upon approval, by resolution of the governing bodies of three fourths of the member local units, or any amendment to the plan of risk management, upon adoption by the commissioners.

b. Upon receipt of the amendment, the Commissioner of Insurance shall immediately notify the Commissioner of Community Affairs and shall immediately provide that commissioner with a copy of the amendment. The Commissioner of Community Affairs, or by his designation, the Director of the Division of Local Government Services in the Department of Community Affairs, is empowered to approve or disapprove any amendment on the basis of whether or not it conforms with rules and regulations governing the custody, investment or expenditure of public moneys. Within 25 working days of the receipt of the amendment, the Commissioner of Community Affairs, or his designee, shall notify the Commissioner of Insurance of his approval or disapproval. As a condition of approval, the Commissioner of Community Affairs, or his designee, may require a modification of the amendment in order to bring its provisions into conformity with rules and regulations governing the custody, investment or expenditure of public moneys. No amendment disapproved by the Commissioner of Community Affairs, or his designee, shall take effect. If the Commissioner of Community Affairs, or his designee, fails to approve or disapprove any amendment within 25 working days of receipt, the amendment shall be deemed to be approved.

c. Within 30 working days of receipt, the Commissioner of Insurance shall either approve or disapprove any amendment to the bylaws or plan of risk management. If the Commissioner of Insurance shall fail to either approve or disapprove the amendment within that 30 working day period, the amendment shall be deemed approved.

d. If any amendment shall be disapproved, the Commissioner of Insurance shall set forth in writing the reasons for disapproval. Upon the receipt of the notice of disapproval, the commissioners of the affected joint insurance

fund may request a public hearing. The public hearing shall be convened by the Commissioner of Insurance in a timely manner.



e. Within 90 days after the effective date of any amendment to the bylaws, a member local unit which did not approve the amendment may withdraw from the fund provided that it shall remain liable for its share of any claim or expense incurred by the fund during its period of membership.

CREDIT(S)

L.1983, c. 372, § 8, eff. Oct. 28, 1983. Amended by L.1989, c. 253, § 3, eff. Jan. 3, 1990.

LIBRARY REFERENCES

2009 Main Volume

Counties  81.
Municipal Corporations  169.
Westlaw Topic Nos. 104, 268.
C.J.S. Counties § 122.
C.J.S. Municipal Corporations §§ 369, 371.

RESEARCH REFERENCES

2012 Electronic Update

Treatises and Practice Aids

34 N.J. Prac. Series § 7:21, Group Insurance.

N. J. S. A. 40A:10-43, NJ ST 40A:10-43

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

[Ⓜ] Chapter 10. Insurance (Refs & Annos) [Ⓜ] Article 7. Joint Insurance →→ **40A:10-44. Suspension, termination, assumption of control or other action by Commissioner; grounds**

The Commissioner of Insurance shall have the authority to suspend or terminate the authority of any joint insurance, or to assume control of the insurance fund, or to direct or take any action he may deem necessary, for good cause, to enable a fund to meet its obligations, cover its expected losses or to liquidate, rehabilitate or otherwise modify its affairs. Such action shall be taken by the Commissioner of Insurance in the event of:


- a. A failure to comply with the rules and regulations promulgated by the Commissioner of Insurance or with any of the provisions of this act;
- b. A failure to comply with a lawful order of the Commissioner of Insurance;
- c. A deterioration of the financial condition of the fund to the extent that it causes an adverse effect upon the ability of the joint insurance fund to pay expected losses.

CREDIT(S)

L.1983, c. 372, § 9, eff. Oct. 28, 1983.

LIBRARY REFERENCES

2009 Main Volume

Counties  81.Municipal Corporations  169.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties § 122.

C.J.S. Municipal Corporations §§ 369, 371.

N. J. S. A. 40A:10-44, NJ ST 40A:10-44

C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ☞ Chapter 10. Insurance (Refs & Annos)
 ☞ Article 7. Joint Insurance
 → → **40A:10-45. Filing of agreements or contracts**

The Commissioner of Insurance may, in his discretion, require the commissioners of any fund to file copies of any agreements or contracts entered into by the commissioners of the fund, or any other pertinent documents as he may deem necessary.

CREDIT(S)

L.1983, c. 372, § 10, eff. Oct. 28, 1983.

LIBRARY REFERENCES

2009 Main Volume

Counties ☞ 81.
Municipal Corporations ☞ 169.
Westlaw Topic Nos. 104, 268.
C.J.S. Counties § 122.
C.J.S. Municipal Corporations §§ 369, 371.

RESEARCH REFERENCES

2012 Electronic Update

Treatises and Practice Aids

34 N.J. Prac. Series § 7:21, Group Insurance.

N. J. S. A. 40A:10-45, NJ ST 40A:10-45

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ☐ Chapter 10. Insurance (Refs & Annos)
 ☐ Article 7. Joint Insurance
 → → **40A:10-46. Annual audit; submission of copies**

The insurance fund commissioners or the executive board thereof, as the case may be, shall cause an annual audit to be conducted by an independent certified public accountant or a registered municipal accountant in accordance with the rules and regulations promulgated by the Commissioner of Insurance pursuant to section 14 of this act. [FN1] Copies of every audit shall be submitted to the Commissioner of Insurance and the Commissioner of the Department of Community Affairs within 30 working days of its completion.

CREDIT(S)

L.1983, c. 372, § 11, eff. Oct. 28, 1983.

[FN1] N.J.S.A. § 40A:10-49.



ADMINISTRATIVE CODE REFERENCES

Joint insurance funds for local governmental units providing group health and term life benefits, financial statement and reports, see N.J.A.C. 11:15-3.24.

Joint insurance funds for local governmental units providing property and liability coverages, financial statement and reports, see N.J.A.C. 11:15-2.24.

LIBRARY REFERENCES

2009 Main Volume

Counties  81.
Municipal Corporations  169.
Westlaw Topic Nos. 104, 268.
C.J.S. Counties § 122.
C.J.S. Municipal Corporations §§ 369, 371.

RESEARCH REFERENCES



Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

▣ Chapter 10. Insurance (Refs & Annos)

▣ Article 7. Joint Insurance

→ → **40A:10-47. Examinations of funds by commissioner of insurance; payment of expenses**

The Commissioner of Insurance may conduct such examinations of any joint insurance fund as he deems necessary. The expense of any such examination shall be borne by the affected fund.


CREDIT(S)

L.1983, c. 372, § 12, eff. Oct. 28, 1983.

LIBRARY REFERENCES

2009 Main Volume

Counties  81.

Municipal Corporations  169.

Westlaw Topic Nos. 104, 268.

C.J.S. Counties § 122.

C.J.S. Municipal Corporations §§ 369, 371.

RESEARCH REFERENCES

2012 Electronic Update

Treatises and Practice Aids

34 N.J. Prac. Series § 7:21, Group Insurance.

N. J. S. A. 40A:10-47, NJ ST 40A:10-47

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 7. Joint Insurance

→ → 40A:10-48. Joint insurance fund not insurance company or insurer and activities not transaction of insurance nor doing insurance business; inapplicability of insurance laws


A joint insurance fund established pursuant to the provisions of this act is not an insurance company or an insurer under the laws of this State, and the authorized activities of the fund do not constitute the transaction of insurance nor doing an insurance business. A fund established pursuant to this act shall not be subject to the provisions of Subtitle 3 of Title 17 of the Revised Statutes.

CREDIT(S)

L.1983, c. 372, § 13, eff. Oct. 28, 1983.

LIBRARY REFERENCES

2009 Main Volume

Counties  161.Municipal Corporations  887.

Westlaw Topic Nos. 104, 268.


C.J.S. Counties § 195.

C.J.S. Municipal Corporations § 1627.

NOTES OF DECISIONS

Immunity from antitrust liability 1

1. Immunity from antitrust liability

County insurance fund established as joint municipal pool was entitled to immunity from antitrust liability, despite fact that it was not technically insurance company or insurer under state law, where fund was subject to regulation by Commissioner of Insurance and was designed to spread self-insurance risks of municipal governments. *Shapiro v. Middlesex County Mun. Joint Ins. Fund*, 307 N.J.Super. 453, 704 A.2d 1316 (A.D.1998), certification denied 154 N.J. 607, 713 A.2d 499. Antitrust And Trade Regulation  583

C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 [↖] Chapter 10. Insurance (Refs & Annos)
 [↖] Article 7. Joint Insurance
 → → 40A:10-49. Rules and regulations



Within 180 days after the effective date of this act, the Commissioner of Insurance, after consultation with the Commissioner of the Department of Community Affairs, or if that commissioner shall so designate, the Director of the Division of Local Government Services in the Department of Community Affairs, shall promulgate rules and regulations to effectuate the purposes of this act. Such rules and regulations shall include, but not be limited to, the establishment, operation, modification and dissolution of joint insurance funds established pursuant to the provisions of this act.

CREDIT(S)

L.1983, c. 372, § 14, eff. Oct. 28, 1983.

LIBRARY REFERENCES

2009 Main Volume

Counties  81.
Municipal Corporations  169.
Westlaw Topic Nos. 104, 268.
C.J.S. Counties § 122.
C.J.S. Municipal Corporations §§ 369, 371.

N. J. S. A. 40A:10-49, NJ ST 40A:10-49

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ↗ Chapter 10. Insurance (Refs & Annos)
 ↗ Article 7. Joint Insurance
 →→ **40A:10-50. Local unit to include county vocational school**


For the purposes of the provisions of P.L.1983, c. 372 (C. 40A:10-36 et seq.), "local unit" shall be deemed to include a county vocational school.

CREDIT(S)

L.1988, c. 143, § 6, eff. Nov. 1, 1988.

LIBRARY REFERENCES

2009 Main Volume

Counties  126.
Westlaw Topic No. 104.
C.J.S. Counties § 158.

N. J. S. A. 40A:10-50, NJ ST 40A:10-50

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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C**Effective:[See Text Amendments]**

New Jersey Statutes Annotated Currentness
Title 40A. Municipalities and Counties (Refs & Annos)
 ☐ Chapter 10. Insurance (Refs & Annos)
 ☐ Article 7. Joint Insurance
 → → **40A:10-51. Local unit to include county college**

For the purpose of the provisions of P.L.1983, c. 372 (C. 40A:10-36 et seq.), "local unit" shall be deemed to include a county college.

CREDIT(S)

L.1988, c. 144, § 6, eff. Nov. 1, 1988.

LIBRARY REFERENCES

2009 Main Volume

Counties ☞ 126.
Westlaw Topic No. 104.
C.J.S. Counties § 158.

N. J. S. A. 40A:10-51, NJ ST 40A:10-51

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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Effective: January 26, 2007

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 8. Joint Insurance Agreements

→→ **40A:10-52. Joint insurance agreements between municipalities and boards of education of local school districts**

The governing body of any municipality and the board of education of any school district, provided that the district is not part of a limited purpose regional school district, an all purpose regional school district or a consolidated school district, may by ordinance or resolution, as the case may be, adopted by a majority of the full membership of the governing body and by a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c. 372 (C.40A:10-36 et seq.).

CREDIT(S)

L.1992, c. 51, § 1, eff. July 17, 1992. Amended by L.2007, c. 18, § 3, eff. Jan. 26, 2007.

HISTORICAL AND STATUTORY NOTES


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Title of Act:

An Act permitting municipalities and boards of education to join together for certain insurance purposes and supplementing chapter 10 of Title 40A of the New Jersey Statutes. L.1992, c. 51.

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Municipal Corporations  226.

Schools  79.

Westlaw Topic Nos. 268, 345.

C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

C.J.S. Schools and School Districts §§ 399 to 400, 402 to 405, 416.

Effective: January 26, 2007

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

☞ Chapter 10. Insurance (Refs & Annos)

☞ Article 8. Joint Insurance Agreements

→ → **40A:10-53. Joint insurance agreements between municipalities and boards of education of all purpose regional school districts or consolidated school districts**

In the case of an all purpose regional school district or a consolidated school district, the governing body of any municipality and the board of education of the regional or consolidated school district may by resolution adopted by a majority of the full membership of the governing body and a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c. 372 (C.40A:10-36 et seq.).

CREDIT(S)

L.1992, c. 51, § 2, eff. July 17, 1992. Amended by L.1995, c. 356, § 6, eff. Jan. 5, 1996; L.2007, c. 18, § 4, eff. Jan. 26, 2007.

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L.1995, c. 356, § 9, approved Jan. 5, 1996, provided:

“[Section] 9. This act shall take effect immediately [Jan. 5, 1996] and shall be applicable to contracts and agreements entered into after the effective date of this act.”

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Westlaw Topic Nos. 268, 345.

C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

Effective: January 26, 2007

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

↳ Chapter 10. Insurance (Refs & Annos)

↳ Article 8. Joint Insurance Agreements

→→ **40A:10-54. Joint insurance agreements between municipalities and boards of education of school districts**

In the case of a limited purpose regional school district, the governing body of any municipality and the board of education of the regional district may by ordinance or resolution, as the case may be, adopted by a majority of the full membership of the governing body and a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c. 372 (C.40A:10-36 et seq.).

CREDIT(S)

L.1992, c. 51, § 3, eff. July 17, 1992. Amended by L.2007, c. 18, § 5, eff. Jan. 26, 2007.

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Westlaw Topic Nos. 268, 345.

C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

C.J.S. Schools and School Districts §§ 399 to 400, 402 to 405, 416.

N. J. S. A. 40A:10-54, NJ ST 40A:10-54

Current with laws effective through L.2011, c. 148 and J.R. No. 8.

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Effective: January 26, 2007

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

Chapter 10. Insurance (Refs & Annos)

Article 8. Joint Insurance Agreements

→→ **40A:10-55. Additional joint insurance agreements between municipalities and boards of education within limited purpose regional school district**

In the case of a limited purpose regional school district, in addition to any contract entered into by a municipality pursuant to section 3 of this act, [FN1] the governing body of any municipality and the board of education of any school district may, in accordance with section 1 of this act, [FN2] agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes(N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c. 372 (C.40A:10-36 et seq.).

CREDIT(S)

L.1992, c. 51, § 4, eff. July 17, 1992. Amended by L.2007, c. 18, § 6, eff. Jan. 26, 2007.

[FN1] N.J.S.A. § 40A:10-54.

[FN2] N.J.S.A. § 40A:10-52.

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C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

C.J.S. Schools and School Districts §§ 399 to 400, 402 to 405, 416.

N. J. S. A. 40A:10-55, NJ ST 40A:10-55

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New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

↳ Chapter 10. Insurance (Refs & Annos)

↳ Article 8. Joint Insurance Agreements

→ → **40A:10-56. Joint insurance agreements between municipalities and boards of education of county vocational school districts**

In the case of a county vocational school district, the governing body of any municipality and the board of education of the county vocational school district may by ordinance or resolution, as the case may be, adopted by a majority of the full membership of the governing body and a majority of the full membership of the board, agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); or c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.).

CREDIT(S)

L.1992, c. 51, § 5, eff. July 17, 1992. Amended by L.2007, c. 18, § 7, eff. Jan. 26, 2007.

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Westlaw Topic Nos. 268, 345.

C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

C.J.S. Schools and School Districts §§ 399 to 400, 402 to 405, 416.

N. J. S. A. 40A:10-56, NJ ST 40A:10-56

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Effective: January 26, 2007

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Title 40A. Municipalities and Counties (Refs & Annos)

☞ Chapter 10. Insurance (Refs & Annos)

☞ Article 8. Joint Insurance Agreements

→→ **40A:10-57. Additional joint insurance agreements between municipalities and boards of education within a county vocational school district**

In the case of a county vocational school district, in addition to any contract entered into by a municipality pursuant to section 5 of this act, [FN1] the governing body of any municipality and any board of education may, in accordance with section 1 of this act, [FN2] agree to join together for the purpose of insuring pursuant to the provisions of: a. Article 1 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-1 et seq.); b. Article 3 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-6 et seq.); c. Article 4 of chapter 10 of Title 40A of the New Jersey Statutes (N.J.S.40A:10-12 et seq.); or d. P.L.1983, c. 372 (C.40A:10-36 et seq.).

CREDIT(S)

L.1992, c. 51, § 6, eff. July 17, 1992. Amended by L.2007, c. 18, § 8, eff. Jan. 26, 2007.

[FN1] N.J.S.A. § 40A:10-56.

[FN2] N.J.S.A. § 40A:10-52.

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Westlaw Topic Nos. 268, 345.

C.J.S. Municipal Corporations §§ 894 to 895, 897, 899 to 900.

C.J.S. Schools and School Districts §§ 399 to 400, 402 to 405, 416.

N. J. S. A. 40A:10-57, NJ ST 40A:10-57

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Effective:[See Text Amendments]

New Jersey Statutes Annotated Currentness

Title 40A. Municipalities and Counties (Refs & Annos)

▣ Chapter 10. Insurance (Refs & Annos)

▣ Article 8. Joint Insurance Agreements

→→ **40A:10-58. Contracts of insurance to be established in accordance with 40A:11-10, 40A:11-11**

Any contract for insurance to be entered into in accordance with this act shall be established pursuant to sections 10 and 11 of P.L.1971, c. 198 (C. 40A:11-10 and 40A:11-11).

CREDIT(S)

L.1992, c. 51, § 7, eff. July 17, 1992.

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Westlaw Topic Nos. 268, 345.

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C.J.S. Schools and School Districts §§ 399 to 400, 402 to 405, 416.

N. J. S. A. 40A:10-58, NJ ST 40A:10-58

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