

551.61 History: 1969 c. 71; Stats. 1969 s. 551.61.

Legislative Council Note, 1969: Subs. (1), (2) and (4) are adapted from s. 189.22. The application for rehearing has been made voluntary and judicial review may be obtained without it being made. S. 189.22 (4) makes the filing of an application for rehearing a prerequisite of judicial review. Sub. (4) corresponds to uniform act s. 411 (a).

Sub. (3) is uniform act s. 412 (f) and is new. [Bill 26-S]

551.62 History: 1969 c. 71; Stats. 1969 s. 551.62.

Legislative Council Note, 1969: This section is based upon s. 189.25. [Bill 26-S]

551.63 History: 1969 c. 71; Stats. 1969 s. 551.63.

Legislative Council Note, 1969: Sub. (1) is uniform act s. 412 (a) and corresponds to ss. 189.02 (12) and 189.17 (2).

Sub. (2) is uniform act s. 412 (b). S. 189.17 (2) provides a similar standard.

Sub. (3) is uniform act s. 412 (c). This authority is included in the general authority granted by s. 189.17 (2).

Sub. (4) is uniform act s. 412 (e). Ch. 189 has no corresponding provision. [Bill 26-S]

551.64 History: 1969 c. 71; Stats. 1969 s. 551.64.

Legislative Council Note, 1969: Sub. (1) is uniform act s. 413 (a). Ch. 189 contains no corresponding provision.

Sub. (2) is uniform act s. 413 (b) and is similar to s. 189.21 (1).

Sub. (3) is uniform act s. 413 (c). Ch. 189 contains no corresponding provision.

Sub. (4) is uniform act s. 413 (d) and corresponds to s. 189.21 (1) and (2).

Sub. (5) is uniform act s. 413 (e). Ch. 189 contains no corresponding provision. [Bill 26-S]

551.65 History: 1969 c. 71; Stats. 1969 s. 551.65.

Legislative Council Note, 1969: Sub. (1) is adapted from uniform act s. 414 (g). Corresponding provisions are ss. 189.04 (1) (b), 189.13 (11) and 189.27.

Sub. (2) is uniform act s. 414 (h). Ch. 189 has no corresponding provision.

Sub. (3) is uniform act s. 414 (i). Ch. 189 has no corresponding provision. [Bill 26-S]

551.66 History: 1969 c. 71; Stats. 1969 s. 551.66.

Legislative Council Note, 1969: This section is adapted from uniform act s. 414 (a) through (e). Ch. 189 has no corresponding provision. S. 189.30, concerning interstate commerce, has been omitted as unnecessary. [Bill 26-S]

551.67 History: 1969 c. 71; Stats. 1969 s. 551.67.

Legislative Council Note, 1969: This section is uniform act s. 415. Ch. 189, not being a uniform act, has no corresponding provision. [Bill 26-S]

551.68 History: 1969 c. 71; Stats. 1969 s. 551.68.

Legislative Council Note, 1969: This section is adapted from uniform act s. 418. [Bill 26-S]

551.69 History: 1969 c. 71; Stats. 1969 s. 551.69.

CHAPTER 601.

Administration of the Insurance Laws.

Editor's Note, 1969: Ch. 337, Laws 1969, which created this chapter, contains extensive explanatory notes; these notes are printed in full in the bound volume containing the session laws, Laws of Wisconsin, 1969.

601.01 History: 1969 c. 337; Stats. 1969 s. 601.01.

601.02 History: 1969 c. 337; Stats. 1969 s. 601.02.

601.11 History: 1969 c. 337; Stats. 1969 s. 601.11.

The deputy insurance commissioner may certify to the authority of a surety company to do business in this state, but an ordinary clerk in the office cannot do so. 5 Atty. Gen. 334.

601.12 History: 1969 c. 337; Stats. 1969 s. 601.12.

601.13 History: 1969 c. 337; Stats. 1969 s. 601.13.

Editor's Note: Predecessor legislation on the subject of deposits was construed by the attorneys general in opinions published in 35 Atty. Gen. 117, 35 Atty. Gen. 387, and 47 Atty. Gen. 248.

601.14 History: 1969 c. 337; Stats. 1969 s. 601.14.

601.15 History: 1969 c. 337; Stats. 1969 s. 601.15.

601.16 History: 1969 c. 337; Stats. 1969 s. 601.16.

601.17 History: 1969 c. 337; Stats. 1969 s. 601.17.

601.18 History: 1969 c. 337; Stats. 1969 s. 601.18.

601.19 History: 1969 c. 337; Stats. 1969 s. 601.19.

601.20 History: 1969 c. 337; Stats. 1969 s. 601.20.

601.31 History: 1870 c. 56 s. 31; 1870 c. 59 s. 24; 1878 c. 214; R. S. 1878 s. 1972; 1879 c. 162; 1880 c. 240 s. 6; Ann. Stats. 1889 s. 1972; 1891 c. 268 s. 11; Stats. 1898 s. 1972; 1905 c. 90 s. 1; Supl. 1906 s. 1972; 1909 c. 296; 1919 c. 417; 1923 c. 291 s. 1; Stats. 1923 s. 200.13; 1933 c. 236 s. 2; 1933 c. 487 s. 13; 1935 c. 130; 1937 c. 76; 1951 c. 574; 1955 c. 600; 1961 c. 562, 624; 1963 c. 344; 1965 c. 163; 1967 c. 43; 1969 c. 144 ss. 8 to 11; 1969 c. 337 s. 20; 1969 c. 485 s. 1; Stats. 1969 s. 601.31.

The commissioner of insurance may revoke the license of any foreign company for its failure or refusal to pay the license of the

previous year. Such a failure or refusal is a continued failure to comply with the statute. Unpaid license fees bear interest from the time when they should have been paid. *Travelers' Ins. Co. v. Fricke*, 99 W 367, 74 NW 372, 78 NW 407.

601.32 History: 1967 c. 43; 1967 c. 291 s. 14; Stats. 1967 s. 200.12; 1969 c. 276 s. 597 (1); 1969 c. 337 ss. 19, 88; Stats. 1969 s. 601.32.

601.41 History: 1969 c. 337; Stats. 1969 s. 601.41.

See notes to sec. 1, art. IV, on legislative power generally and on delegation of power, citing *State ex rel. United States F. & G. Co. v. Smith*, 184 W 309, 199 NW 954.

See note to sec. 1, art. IV, on delegation of power, citing *State ex rel. Wis. Inspection Bureau v. Whitman*, 196 W 472, 505, 220 NW 929, 941.

The question of whether a reduction in premium of a fire policy based on the deductible clause in the policy constitutes such a deviation that it is required to be filed with the insurance rating bureau was a subject within the jurisdiction of the insurance commissioner, and was not a proper matter for consideration in an action to enjoin the rating bureau from revoking the insurer's license and enforcing the fire insurance rating act against the insurer. *Northwestern Nat. Ins. Co. v. Mortenson*, 230 W 377, 284 NW 13.

Under 200.03 (2) and 204.31 (3), Stats. 1959, the commissioner of insurance may adopt rules prohibiting the issuance or renewal of accident and sickness policies containing restrictive provisions. 50 Atty. Gen. 1.

The commissioner of insurance, under 200.03 (2) and 204.31 (3), Stats. 1959, may adopt a specific rule prohibiting use of the word "compensation" in an advertisement and solicitation for policies if it would be misleading or would encourage misrepresentation. 50 Atty. Gen. 8.

The enforcement of insurance laws. *Pfenigstorf*, 1969 WLR 1026.

601.42 History: 1969 c. 337; Stats. 1969 s. 601.42.

601.43 History: 1969 c. 337; Stats. 1969 s. 601.43.

The commissioner of insurance is entitled to a reasonable time in which to make the investigation before granting or revoking a license and is called upon to exercise his judgment and discretion. *State ex rel. Court of Honor of Illinois v. Giljohann*, 111 W 377, 87 NW 245; *In re Court of Honor of Illinois*, 109 W 625, 85 NW 497; *Travelers' Ins. Co. v. Fricke*, 99 W 367, 74 NW 372, 78 NW 407.

601.44 History: 1969 c. 337; Stats. 1969 s. 601.44.

601.45 History: 1969 c. 337; Stats. 1969 s. 601.45.

Under 200.04 (4), Stats. 1947, the amount chargeable to an insurance company for examination is limited to the traveling, maintenance and necessary incidental expenses paid to departmental employees under 14.71, except in the case of a per diem charge against a foreign company under the retaliatory provision in the last sentence. 37 Atty. Gen. 318.

601.46 History: 1969 c. 337; Stats. 1969 s. 601.46.

601.47 History: 1969 c. 337; Stats. 1969 s. 601.47.

601.48 History: 1969 c. 337; Stats. 1969 s. 601.48.

601.49 History: 1969 c. 337; Stats. 1969 s. 601.49.

601.61 History: 1969 c. 337; Stats. 1969 s. 601.61.

601.62 History: 1969 c. 337; Stats. 1969 s. 601.62.

601.63 History: 1969 c. 337; Stats. 1969 s. 601.63.

601.64 History: 1969 c. 337; Stats. 1969 s. 601.64.

Editor's Note: The penalty provision of sec. 1954, R. S. 1878, in respect to the failure to file reports, was construed in *State v. United States M. A. Asso.* 69 W 76, 33 NW 90; and the similar provision of sec. 1954, Stats. 1898, was construed in *State v. Columbia Nat. Life Ins. Co.* 141 W 557, 124 NW 502.

601.71 History: 1969 c. 337; Stats. 1969 s. 601.71.

601.72 History: 1969 c. 337; Stats. 1969 s. 601.72.

201.38 (2), Stats. 1927, requiring a foreign insurance company desiring to do business in Wisconsin to constitute the insurance commissioner its attorney to accept service on its behalf, clearly puts foreign insurance corporations outside of the general foreign insurance corporation statute (262.09, Stats. 1927). A foreign insurance corporation by its acceptance of a license to do business in Wisconsin is bound to hold itself amenable to the jurisdiction of the state courts. *State ex rel. Aetna Ins. Co. v. Fowler*, 196 W 451, 220 NW 534.

601.73 History: 1969 c. 337; Stats. 1969 s. 601.73.

CHAPTER 617.

Regulation of Insurance Holding Companies and Intercorporate Transactions Relating to Insurers.

Legislative Council Note, 1969: New holding company legislation is urgently needed in view of recent economic developments that pose a serious threat to the proper regulation of the insurance industry. In 1968 dozens of holding company formations involving insurance companies occurred or were in process. Many of the larger property — liability and life insurers had already formed holding companies even before 1968.

The holding company development has already had a profound impact not only on the insurance business, but on all American industry. It is attracting attention by many regulatory agencies at both the federal and state level. It poses problems and issues relating to insurance regulation, as well as broader considerations involving such ques-