

1999 Assembly Bill 538

Date of enactment: **May 17, 2000**  
Date of publication\*: **June 1, 2000**

# 1999 WISCONSIN ACT 191

AN ACT *to renumber* 632.41 (2) (b) 1.; *to renumber and amend* 632.41 (2) (a), 632.41 (2) (b) 2. and 632.41 (2) (b) 3.; and *to create* 632.415 of the statutes; **relating to:** minimum benefit requirements for certain life insurance policies in which the proceeds are assigned to funeral directors or funeral establishment operators.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 632.41 (2) (a) of the statutes is renumbered 632.41 (2) and amended to read:

632.41 (2) BURIAL INSURANCE. Except as provided in ~~par. (b) s. 632.415~~, no contract in which the insurer agrees to provide benefits to pay for any of the incidents of burial or other disposition of the body of a deceased may provide that the benefits are payable to a funeral director or any other person doing business related to burials.

**SECTION 2.** 632.41 (2) (b) 1. of the statutes is renumbered 632.415 (2).

**SECTION 3.** 632.41 (2) (b) 2. of the statutes is renumbered 632.415 (5) and amended to read:

632.415 (5) Subject to ~~subd. 3.~~ subs. (3) and (4), the commissioner shall by rule establish minimum standards for ~~benefits, claims payments, marketing practices, compensation arrangements and reporting practices for life insurance policies sold under subd. 1. sub. (2).~~

**SECTION 4.** 632.41 (2) (b) 3. of the statutes is renumbered 632.415 (3) and amended to read:

632.415 (3) A life insurance policy sold under ~~subd. 1. sub. (2)~~ shall permit the policyholder to designate a different beneficiary, after upon written notice to the ~~current beneficiary insurer~~, and a different funeral director or operator of a funeral establishment that is to receive the

assignment of proceeds, after written notice to the current funeral director or operator of the funeral establishment.

**SECTION 5.** 632.415 of the statutes is created to read:

**632.415 Funeral policies. (1)** In this section, “multipremium funeral policy” means a life insurance policy sold under sub. (2) for which premiums to fund the policy are paid over time.

(4) (a) An insurer may issue a multipremium funeral policy only if, at the time that the policy is issued, the face amount of the policy is not less than the value of funeral merchandise and services to be provided under a burial agreement under s. 445.125 (3m).

(b) The death benefit under a multipremium funeral policy may not be less than the face amount of the policy unless all of the following apply:

1. The policy contains a detailed explanation of the lower death benefit, as well as full disclosure of the lower death benefit on the first page of the policy.

2. The applicant does not apply for, or qualify for, any full face amount multipremium funeral policy that the insurer offers.

3. The death benefit is not less than at least one of the following:

a. Twenty-five percent of the face amount of the policy during the first year that the policy is in effect, 50% of the face amount of the policy during the 2nd year that the policy is in effect and the full face amount of the

\* Section 991.11, WISCONSIN STATUTES 1997-98: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

policy after the end of the 2nd year that the policy is in effect, but in no event less than the total of the premiums actually paid.

b. During the first 2 years that the policy is in effect, an amount equal to the actual premiums paid plus simple interest at the rate of 3% per year, and, after the end of the 2nd year that the policy is in effect, the full face amount of the policy.

(c) The period over which premiums may be payable under a multipremium funeral policy may not exceed the following applicable period:

1. Twenty years, if the insured is less 60 years of age when the policy is issued.
2. Ten years, if the insured is at least 60 years of age but less than 80 years of age when the policy is issued.

3. Five years, if the insured is at least 80 years of age when the policy is issued.

(d) At the time that an applicant applies for coverage under a multipremium funeral policy, the insurance intermediary or other person selling or soliciting the sale of the policy shall disclose the maximum number of premium payments to be made over the life of the policy, the frequency of the premium payments and the amount of each premium payment.

**SECTION 6. Initial applicability.**

(1) This act first applies to policies issued or renewed on the effective date of this subsection.

**SECTION 7. Effective date.**

(1) This act takes effect on the first day of the first month beginning after publication.

---