



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0472/P2
PJK:bmb&jld:km

stays
in not run

P3

DOA:.....Jablonsky - Authorize commissioner of insurance to charge lesser fee amount

(this has been changed; just not printed)

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

SOON
(12-1)

do not
get cut

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Current law sets out the various services provided by the commissioner of insurance (commissioner) for which fees must be paid and specifies the fee amounts. The bill provides that the amounts that are specified for the fees are maximum amounts and that the commissioner may charge a lesser amount for any of the listed services.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 601.31 (1) (intro.) of the statutes is amended to read:
3 601.31 (1) (intro.) The following fees, unless revised by the commissioner as
4 provided in sub. (4) or s. 601.32, shall be paid to the commissioner:

delete the remainder and substitute Insert B
(END)

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0472/P2ins
TJK:hmh&jld:km

INSERT A

Current law sets out the various services provided by OCI for which fees must be paid and specifies the fee amounts, some of which are to be set, not exceeding a specified maximum amount, by the commissioner of insurance (commissioner) by rule. The bill provides that the fee amounts in the statute apply unless the commissioner specifies a different amount by rule. The bill authorizes the commissioner to provide for different fee amounts by rule, to provide for maximum fee amounts in any such rule, and to charge less than the maximum amount specified in the rule. The bill also eliminates the maximum amounts specified in current law for the fees that OCI must set by rule under current law.

(END OF INSERT A)

INSERT B

1 SECTION 1. 76.60 of the statutes is amended to read:

2 **76.60 Fire and marine insurers; license fees.** Every insurer doing a fire
3 or marine insurance business, other than domestic insurers and insurers excepted
4 under s. 76.61, shall pay to the state, in respect to marine insurance a tax of 0.5% and
5 in respect to fire insurance a tax of 2.375% on the amount of its gross premiums, as
6 calculated under s. 76.62. In case any insurer discontinues business in this state and
7 reinsures the whole or a part of its risks without making payment of this tax, the
8 insurer accepting such reinsurance shall pay the tax. If several insurers make such
9 reinsurance the tax shall be apportioned among the insurers in proportion to the
10 original premiums upon the business in this state so reinsured by each such insurer.
11 Upon the payment of the tax provided in this section, and the fees required by under
12 s. 601.31, such insurer may be licensed to transact its business until May 1 in the
13 ensuing year, unless before then its license is revoked or forfeited according to law.

History: 1971 c. 125; 1979 c. 102 s. 20; Stats. 1979 s. 76.60; 1989 a. 31.

14 SECTION 2. 76.61 of the statutes is amended to read:

15 **76.61 Town mutual insurers; taxes, charges, dues, and license fees.** No
16 town mutual insurer organized under or subject to ch. 612 shall be required to pay

1 any taxes, charges, dues, or license fees to the state except those charges and dues
2 provided for ~~in~~ under ss. 601.31, 601.32, 601.45, and 601.93.

3 History: 1971 c. 125; 1973 c. 243; 1975 c. 372, 441; 1979 c. 102 ss. 21, 236 (3), (4); Stats. 1979 s. 76.61.

3 **SECTION 3.** 76.68 (1) of the statutes is amended to read:

4 76.68 (1) Every license issued under this subchapter and chs. 600 to 646 shall
5 certify that ~~payment of~~ the license fee or tax and the fee required by s. 601.31 (1) (b)
6 or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b) has been
7 ~~made~~ paid, be signed by the commissioner of insurance, and be in a form approved
8 by the attorney general.

9 History: 1971 c. 40 s. 93; 1971 c. 260; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1977 c. 339; 1979 c. 32 s. 92 (5); 1979 c. 89 s. 543; 1979 c. 102 ss. 26, 237; 1979 c. 177; Stats. 1979 s. 76.68.

9 **SECTION 4.** 76.68 (2) of the statutes is amended to read:

10 76.68 (2) No suit may be brought to restrain or enjoin the collection of any
11 license fee or tax imposed or provided for by this subchapter, and or the fees required
12 by under s. 601.31. Any insurer aggrieved by the payment of any such license or
13 other fee or tax may maintain a suit against the state for the recovery thereof in the
14 circuit court for Dane County within 6 months from the time of the payment. The
15 state may be served in the suit as provided in s. 801.11 (3).

16 History: 1971 c. 40 s. 93; 1971 c. 260; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1977 c. 339; 1979 c. 32 s. 92 (5); 1979 c. 89 s. 543; 1979 c. 102 ss. 26, 237; 1979 c. 177; Stats. 1979 s. 76.68.

16 **SECTION 5.** 76.68 (4) of the statutes is amended to read:

17 76.68 (4) The attorney general shall institute suit in the circuit court for Dane
18 County to recover any license fees or tax not paid within the time prescribed by this
19 subchapter, and the fees required by under s. 601.31. Nothing in this subsection
20 shall be construed as amending or modifying in any respect ch. 775.

21 History: 1971 c. 40 s. 93; 1971 c. 260; Sup. Ct. Order, 67 Wis. 2d 585, 773 (1975); 1977 c. 339; 1979 c. 32 s. 92 (5); 1979 c. 89 s. 543; 1979 c. 102 ss. 26, 237; 1979 c. 177; Stats. 1979 s. 76.68.

21 **SECTION 6.** 601.04 (4) of the statutes is amended to read:

1 **601.04 (4) FEES.** Every insurer or plan obtaining or renewing its certificate
2 shall pay the fee required by s. 601.31 (1) (b) or (c) or a rule promulgated under s.
3 601.31 (4) with respect to s. 601.31 (1) (b) or (c).

4 History: 1971 c. 260; 1973 c. 22; 1975 c. 223, 373; 1977 c. 339 s. 6m; Stats. 1977 s. 601.04; 1979 c. 102 ss. 236 (6), 237; 1981 c. 41.

SECTION 7. 601.31 (1) (intro.) of the statutes is amended to read:

5 **601.31 (1) (intro.)** The following fees, unless revised by the commissioner as
6 provided in s. 601.32, or unless the commissioner specifies a different amount by
7 rule, shall be paid to the commissioner:

8 History: 1971 c. 40 s. 93; 1971 c. 125, 260, 307; 1975 c. 223, 371, 373, 374, 421; 1979 c. 102 ss. 63 to 65, 237; 1979 c. 261, 355; 1981 c. 20 ss. 1739 to 1748, 2202 (26) (a); 1981 c. 38, 314; 1983 a. 358; 1985 a. 29; 1987 a. 27, 166; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 27, 371, 396; 1999 a. 9, 155.

SECTION 8. 601.31 (1) (L) (intro.) of the statutes is renumbered 601.31 (1) (L)

9 and amended to read:

10 **601.31 (1) (L)** For issuing or enlarging the scope of a corporation, limited
11 liability company, or partnership intermediary's license or a license to place business
12 under s. 618.41, amounts to be set by the commissioner by rule ~~but not to exceed.~~

13 History: 1971 c. 40 s. 93; 1971 c. 125, 260, 307; 1975 c. 223, 371, 373, 374, 421; 1979 c. 102 ss. 63 to 65, 237; 1979 c. 261, 355; 1981 c. 20 ss. 1739 to 1748, 2202 (26) (a); 1981 c. 38, 314; 1983 a. 358; 1985 a. 29; 1987 a. 27, 166; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 27, 371, 396; 1999 a. 9, 155.

SECTION 9. 601.31 (1) (L) 2. of the statutes is repealed.

14 **SECTION 10.** 601.31 (1) (L) 3. of the statutes is repealed.

15 **SECTION 11.** 601.31 (1) (mc) of the statutes is amended to read:

16 **601.31 (1) (mc)** For regulating a holder of a license to place business under s.
17 618.41, annually after the year in which the initial license is issued, an amount to
18 be set by the commissioner by rule and paid at times and under procedures set by the
19 commissioner, ~~but not to exceed \$100.~~

20 History: 1971 c. 40 s. 93; 1971 c. 125, 260, 307; 1975 c. 223, 371, 373, 374, 421; 1979 c. 102 ss. 63 to 65, 237; 1979 c. 261, 355; 1981 c. 20 ss. 1739 to 1748, 2202 (26) (a); 1981 c. 38, 314; 1983 a. 358; 1985 a. 29; 1987 a. 27, 166; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 27, 371, 396; 1999 a. 9, 155.

SECTION 12. 601.31 (1) (n) of the statutes is amended to read:

1 601.31 (1) (n) For listing, or renewing a listing of, an agent under s. 628.11, a
2 fee to be set by the commissioner by rule ~~but not to exceed \$8 annually for resident~~
3 ~~agents or \$24 annually for nonresident agents.~~

History: 1971 c. 40 s. 93; 1971 c. 125, 260, 307; 1975 c. 223, 371, 373, 374, 421; 1979 c. 102 ss. 63 to 65, 237; 1979 c. 261, 355; 1981 c. 20 ss. 1739 to 1748, 2202 (26)
(a); 1981 c. 38, 314; 1983 a. 358; 1985 a. 29; 1987 a. 27, 166; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 27, 371, 396; 1999 a. 9, 155.

4 **SECTION 13.** 601.31 (1) (x) 1. of the statutes is amended to read:

5 601.31 (1) (x) 1. For issuing approval to an organization to offer prelicensing
6 or continuing education courses or programs for intermediaries under s. 628.04 (3),
7 a fee to be set by the commissioner by rule, ~~but not to exceed \$500.~~

History: 1971 c. 40 s. 93; 1971 c. 125, 260, 307; 1975 c. 223, 371, 373, 374, 421; 1979 c. 102 ss. 63 to 65, 237; 1979 c. 261, 355; 1981 c. 20 ss. 1739 to 1748, 2202 (26)
(a); 1981 c. 38, 314; 1983 a. 358; 1985 a. 29; 1987 a. 27, 166; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 27, 371, 396; 1999 a. 9, 155.

8 **SECTION 14.** 601.31 (1) (x) 2. of the statutes is amended to read:

9 601.31 (1) (x) 2. ~~By organizations approved under subd. 1., for~~ For renewing
10 the approval of ~~such organizations~~ an organization approved under subd. 1.,
11 annually after the year in which the approval under subd. 1. is issued, an amount
12 to be set and paid at times and under procedure set by the commissioner by rule, ~~but~~
13 ~~not to exceed \$100.~~

History: 1971 c. 40 s. 93; 1971 c. 125, 260, 307; 1975 c. 223, 371, 373, 374, 421; 1979 c. 102 ss. 63 to 65, 237; 1979 c. 261, 355; 1981 c. 20 ss. 1739 to 1748, 2202 (26)
(a); 1981 c. 38, 314; 1983 a. 358; 1985 a. 29; 1987 a. 27, 166; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 27, 371, 396; 1999 a. 9, 155.

14 **SECTION 15.** 601.31 (1) (x) 3. of the statutes is amended to read:

subd.

15 601.31 (1) (x) 3. ~~By organizations approved under subd. 1., for~~ For submitting
16 by an organization approved under subd. 1., for initial approval or approval of any
17 subsequent modification, each course for prelicensing or continuing education, a fee
18 to be set by the commissioner by rule, ~~but not to exceed \$25 per credit hour.~~

History: 1971 c. 40 s. 93; 1971 c. 125, 260, 307; 1975 c. 223, 371, 373, 374, 421; 1979 c. 102 ss. 63 to 65, 237; 1979 c. 261, 355; 1981 c. 20 ss. 1739 to 1748, 2202 (26)
(a); 1981 c. 38, 314; 1983 a. 358; 1985 a. 29; 1987 a. 27, 166; 1989 a. 31; 1991 a. 39; 1993 a. 112; 1995 a. 27, 371, 396; 1999 a. 9, 155.

19 **SECTION 16.** 601.31 (2) of the statutes is amended to read:

20 601.31 (2) Town mutuals and insurers operating under subch. I of ch. 616 are
21 exempt from all provisions of this section except ~~sub.~~ subs. (1) (b), (c), and (q) and (4)
22 with respect to fees under sub. (1) (b), (c), and (q).

1 SECTION 17. 601.31 (4) of the statutes is created to read:

2 601.31 (4) Except as provided in sub. (1) (L), (m), (mc), (n), (o), and (x) 1., 2., and
3 3., and subject to sub. (3), the commissioner may by rule specify a fee amount that
4 is different from an amount specified under sub. (1). Subject to sub. (3), a rule
5 promulgated for a fee required under sub. (1) may provide for a maximum fee
6 amount, and the commissioner may charge a lesser amount than the maximum
7 specified in the rule.

plain
fee
amount

8 SECTION 18. 601.32 (1) of the statutes is amended to read:

9 601.32 (1) If Notwithstanding that a rule promulgated under s. 601.31 (4) may
10 provide for a maximum fee amount, if the moneys credited to s. 20.145 (1) (g) under
11 other sections of the statutes prove inadequate for the office's supervision of
12 insurance industry program, the commissioner may increase any or all of the fees
13 imposed fee amounts specified by s. 601.31 or a rule under s. 601.31, or may in any
14 year levy a special assessment on all domestic insurers, or both, for the general
15 operation of that program.

History: 1975 c. 372 s. 41; 1977 c. 339; 1979 c. 102 ss. 66, 236 (4); 1983 a. 215.

16 SECTION 19. 601.33 of the statutes is amended to read:

17 **601.33 Exemption from taxation.** Municipal insurance mutuals organized
18 under s. 611.11 (4) are not subject to any taxes or fees except those imposed by under
19 ss. 601.31 and 601.32.

History: 1977 c. 346.

20 SECTION 20. 601.51 (1) of the statutes is amended to read:

21 601.51 (1) CERTIFIED COPIES. On request of any insurer authorized to do a surety
22 business and its payment of the fee under s. 601.31 (1), the commissioner shall mail
23 a certified copy of its certificate of authority to any designated public officer in this
24 state who requires such a certificate before accepting a bond. That public officer shall

1 file it. Whenever a certified copy has been furnished to a public officer it is
2 unnecessary, while the certificate remains effective, to attach a copy of it to any
3 instrument of suretyship filed.

History: 1975 c. 375, 421; 1979 c. 102 s. 237; 1981 ~~c.~~ 20 s. 2202 (26) (a).

4 **SECTION 21.** 601.72 (4) of the statutes is amended to read:

5 601.72 (4) FEES. Litigants serving process on the commissioner under this
6 section shall pay the fees specified in s. 601.31 (1) (p) or a rule promulgated under
7 s. 601.31 (4) with respect to s. 601.31 (1) (p).

History: 1995 a. 27, 396.

8 **SECTION 22.** 616.20 (5) of the statutes is amended to read:

9 616.20 (5) FEES. A new corporation formed under this section is not subject to
10 the fees under s. 601.31 (1) ~~or (2).~~

History: 1979 c. 261.

11 **SECTION 23.** 616.74 (2) of the statutes is amended to read:

12 616.74 (2) No certificate of authority shall be issued by the commissioner until
13 the company has paid to the commissioner the fee required by s. 601.31 (1) (b) or a
14 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b).

History: 1971 c. 307; 1977 c. 339 s. 8; Stats. 1977 ~~s.~~ 616.74; 1979 c. 102 s. 237; 1991 a. 316; 1995 a. 27.

15 **SECTION 24.** 618.41 (7) (b) of the statutes is amended to read:

16 618.41 (7) (b) The fee for issuance of a surplus lines license is the fee required
17 by under s. 601.31 (1) (L) ~~3.~~

History: 1971 c. 260; 1975 c. 371 ss. 45, 50; 1979 c. 89; 1979 c. 102 ss. 147, 236 (6), (13), (21), 237; 1981 c. 20 s. 2202 (26) (a); 1985 a. 29, 332; 1987 a. 247; 1989 a. 187 s. 29.

18 **SECTION 25.** 626.09 (4) of the statutes is amended to read:

19 626.09 (4) FEES. ~~Section~~ Sections 601.31 (1) (c) 2. applies and (4) and 601.32
20 apply to the bureau.

History: 1975 c. 148; 1979 c. 102 s. 237.

****NOTE: I added s. 601.32. Okay?

21 **SECTION 26.** 632.68 (2) (b) (intro.) of the statutes is amended to read:

1 632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical
2 settlement provider license on a form prescribed by the commissioner for that
3 purpose. The application form shall require the applicant to provide the applicant's
4 social security number, if the applicant is a natural person unless the applicant does
5 not have a social security number, or the applicant's federal employer identification
6 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)
7 (mm) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mm) shall
8 accompany the application. After any investigation of the applicant that the
9 commissioner determines is sufficient, the commissioner shall issue a viatical
10 settlement provider license to an applicant that satisfies all of the following:

11 History: 1995 a. 371; 1997 a. 35, 191, 237; 1999 a. 9.

SECTION 27. 632.68 (2) (e) of the statutes is amended to read:

12 632.68 (2) (e) Except as provided in sub. (3), a license issued under this
13 subsection shall be renewed annually on the anniversary date upon payment of the
14 fee specified in s. 601.31 (1) (mp) or a rule promulgated under s. 601.31 (4) with
15 respect to s. 601.31 (1) (mp) and upon providing the licensee's social security number,
16 unless the licensee does not have a social security number, or federal employer
17 identification number, as applicable, if not previously provided on the application for
18 the license or at a previous renewal of the license. If the licensee is a natural person
19 who does not have a social security number, the license shall be renewed annually
20 on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) or a
21 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mp) and upon
22 providing to the commissioner a statement made or subscribed under oath or

1 affirmation, on a form prescribed by the department of workforce development, that
2 the licensee does not have a social security number.

3 History: 1995 a. 371; 1997 a. 35, 191, 237; 1999 a. 9. ✓

3 SECTION 28. 632.68 (4) (b) of the statutes is amended to read:

4 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
5 broker license on a form prescribed by the commissioner for that purpose. The
6 application form shall require the applicant to provide the applicant's social security
7 number, if the applicant is a natural person unless the applicant does not have a
8 social security number, or the applicant's federal employer identification number, if
9 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) or a rule
10 promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mr) shall accompany
11 the application. The commissioner may not issue a license under this subsection
12 unless the applicant provides his or her social security number, unless the applicant
13 does not have a social security number, or its federal employer identification number,
14 whichever is applicable. If the applicant is a natural person who does not have a
15 social security number, the commissioner may not issue a license under this
16 subsection unless the applicant provides, on a form prescribed by the department of
17 workforce development, a statement made or subscribed under oath or affirmation
18 that the applicant does not have a social security number.

19 History: 1995 a. 371; 1997 a. 35, 191, 237; 1999 a. 9. ✓

19 SECTION 29. 632.68 (4) (c) of the statutes is amended to read:

20 632.68 (4) (c) Except as provided in sub. (5), a license issued under this
21 subsection shall be renewed annually on the anniversary date upon payment of the
22 fee specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with
23 respect to s. 601.31 (1) (ms) and upon providing the licensee's social security number,
24 unless the licensee does not have a social security number, or federal employer

1 identification number, as applicable, if not previously provided on the application for
 2 the license or at a previous renewal of the license. If the licensee is a natural person
 3 who does not have a social security number, the license shall be renewed annually,
 4 except as provided in sub. (5), on the anniversary date upon payment of the fee
 5 specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with respect
 6 to s. 601.31 (1) (ms) and upon providing to the commissioner a statement made or
 7 subscribed under oath or affirmation, on a form prescribed by the department of
 8 workforce development, that the licensee does not have a social security number.

History: 1995 a. 371; 1997 a. 35, 191, 237; 1999 a. 9. ✓

9 **SECTION 30.** 632.835 (4) (b) of the statutes is amended to read:

10 632.835 (4) (b) An organization applying for certification or recertification as
 11 an independent review organization shall pay the applicable fee under s. 601.31 (1)
 12 (Lp) or (Lr) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (Lp)
 13 or (Lr). Every organization certified or recertified as an independent review
 14 organization shall file a report with the commissioner in accordance with rules
 15 promulgated under sub. (5) (a) 4.

History: 1999 a. 155. ✓

16 **SECTION 31.** 633.14 (1) (a) of the statutes is amended to read:

17 633.14 (1) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
 18 s. 601.31 (4) with respect to s. 601.31 (1) (w).

History: 1991 a. 39; 1993 a. 112; 1997 a. 191, 237; 1999 a. 9. ✓

19 **SECTION 32.** 633.14 (2) (a) of the statutes is amended to read:

20 633.14 (2) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
 21 s. 601.31 (4) with respect to s. 601.31 (1) (w).

History: 1991 a. 39; 1993 a. 112; 1997 a. 191, 237; 1999 a. 9. ✓

22 **SECTION 33.** 633.15 (1) (a) of the statutes is amended to read:

1 633.15 (1) (a) *Payment*. An administrator shall pay the annual renewal fee
2 under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s.
3 601.31 (1) (w) for each annual renewal of a license by the date specified by a schedule
4 established under par. (b).

History: 1991 a. 39; 1997 a. 191, 237; 1999 a. 9.

5 **SECTION 34.** 647.04 (1) of the statutes is amended to read:

6 647.04 (1) Submit to the commissioner the fees required under s. 601.31 (1).

History: 1983 a. 358; 1985 a. 29; 1989 a. 359.

(END OF INSERT B)

472

Kahler, Pam

From: Jablonsky, Sue
Sent: Monday, December 11, 2000 1:32 PM
To: Kahler, Pam
Subject: FW: LRB Draft: 01-0472/P3 Authorize commissioner of insurance to specify fee amounts by rule and to charge a lesser amount than maximum in rule

-----Original Message-----

From: Mero, Tim
Sent: Friday, December 08, 2000 11:47 AM
To: Jablonsky, Sue
Cc: Stapleton Concord, Clare
Subject: FW: LRB Draft: 01-0472/P3 Authorize commissioner of insurance to specify fee amounts by rule and to charge a lesser amount than maximum in rule

Sue,

The draft is fine. The drafter had a note in Section 25 asking if referencing s. 601.32 was okay. Including the reference to s. 601.32. is fine. I am assuming that we are supposed to send all statutory language correspondence through you. Therefore, I have not responded directly to LRB. Please let me know if I should be sending this response to LRB also. Thanks!

-----Original Message-----

From: Jablonsky, Sue
Sent: Monday, December 04, 2000 4:41 PM
To: Stapleton Concord, Clare; Mero, Tim; Nepple, Fred
Subject: FW: LRB Draft: 01-0472/P3 Authorize commissioner of insurance to specify fee amounts by rule and to charge a lesser amount than maximum in rule

-----Original Message-----

From: Greenslet, Patty
Sent: Monday, December 04, 2000 3:36 PM
To: Jablonsky, Sue
Cc: Kraus, Jennifer; Currier, Dawn; Hanaman, Cathlene; Haugen, Caroline
Subject: LRB Draft: 01-0472/P3 Authorize commissioner of insurance to specify fee amounts by rule and to charge a lesser amount than maximum in rule

Following is the PDF version of draft 01-0472/P3.



01-0472/P3



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0472/00

PJK: hmb/pg

v. m. r. n.

DOA:.....Jablonsky - Authorize commissioner of insurance to specify fee amounts by rule and to charge a lesser amount than maximum in rule

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SOON
(2/16)
D-note

do not
get cut

1 AN ACT ~~s~~; relating to: the budget.

Analysis by the Legislative Reference Bureau

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For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 76.60 of the statutes is amended to read:

1 **76.60 Fire and marine insurers; license fees.** Every insurer doing a fire
2 or marine insurance business, other than domestic insurers and insurers excepted
3 under s. 76.61, shall pay to the state, in respect to marine insurance a tax of 0.5% and
4 in respect to fire insurance a tax of 2.375% on the amount of its gross premiums, as
5 calculated under s. 76.62. In case any insurer discontinues business in this state and
6 reinsures the whole or a part of its risks without making payment of this tax, the
7 insurer accepting such reinsurance shall pay the tax. If several insurers make such
8 reinsurance the tax shall be apportioned among the insurers in proportion to the
9 original premiums upon the business in this state so reinsured by each such insurer.
10 Upon the payment of the tax provided in this section, and the fees required by under
11 s. 601.31, such insurer may be licensed to transact its business until May 1 in the
12 ensuing year, unless before then its license is revoked or forfeited according to law.

13 **SECTION 2.** 76.61 of the statutes is amended to read:

14 **76.61 Town mutual insurers; taxes, charges, dues, and license fees.** No
15 town mutual insurer organized under or subject to ch. 612 shall be required to pay
16 any taxes, charges, dues, or license fees to the state except those charges and dues
17 provided for ~~in~~ under ss. 601.31, 601.32, 601.45, and 601.93.

18 **SECTION 3.** 76.68 (1) of the statutes is amended to read:

19 76.68 (1) Every license issued under this subchapter and chs. 600 to 646 shall
20 certify that ~~payment of the license fee or tax and the fee required by s. 601.31 (1) (b)~~
21 or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b) has been
22 made paid, be signed by the commissioner of insurance, and be in a form approved
23 by the attorney general.

24 **SECTION 4.** 76.68 (2) of the statutes is amended to read:

1 76.68 (2) No suit may be brought to restrain or enjoin the collection of any
2 license fee or tax imposed or provided for by this subchapter, and or the fees required
3 by under s. 601.31. Any insurer aggrieved by the payment of any such license or
4 other fee or tax may maintain a suit against the state for the recovery thereof in the
5 circuit court for Dane County within 6 months from the time of the payment. The
6 state may be served in the suit as provided in s. 801.11 (3).

7 **SECTION 5.** 76.68 (4) of the statutes is amended to read:

8 76.68 (4) The attorney general shall institute suit in the circuit court for Dane
9 County to recover any license fees or tax not paid within the time prescribed by this
10 subchapter, and the fees required by under s. 601.31. Nothing in this subsection
11 shall be construed as amending or modifying in any respect ch. 775.

12 **SECTION 6.** 601.04 (4) of the statutes is amended to read:

13 601.04 (4) FEES. Every insurer or plan obtaining or renewing its certificate
14 shall pay the fee required by s. 601.31 (1) (b) or (c) or a rule promulgated under s.
15 601.31 (4) with respect to s. 601.31 (1) (b) or (c).

16 **SECTION 7.** 601.31 (1) (intro.) of the statutes is amended to read:

17 601.31 (1) (intro.) The following fees, unless revised by the commissioner as
18 provided in s. 601.32, or unless the commissioner specifies a different amount by
19 rule, shall be paid to the commissioner:

20 **SECTION 8.** 601.31 (1) (L) (intro.) of the statutes is renumbered 601.31 (1) (L)
21 and amended to read:

22 601.31 (1) (L) For issuing or enlarging the scope of a corporation, limited
23 liability company, or partnership intermediary's license or a license to place business
24 under s. 618.41, amounts to be set by the commissioner by rule but not to exceed.

25 **SECTION 9.** 601.31 (1) (L) 2. of the statutes is repealed.

1 **SECTION 10.** 601.31 (1) (L) 3. of the statutes is repealed.

2 **SECTION 11.** 601.31 (1) (mc) of the statutes is amended to read:

3 601.31 (1) (mc) For regulating a holder of a license to place business under s.
4 618.41, annually after the year in which the initial license is issued, an amount to
5 be set by the commissioner by rule and paid at times and under procedures set by the
6 commissioner, ~~but not to exceed \$100.~~

7 **SECTION 12.** 601.31 (1) (n) of the statutes is amended to read:

8 601.31 (1) (n) For listing, or renewing a listing of, an agent under s. 628.11, a
9 fee to be set by the commissioner by rule ~~but not to exceed \$8 annually for resident~~
10 ~~agents or \$24 annually for nonresident agents.~~

11 **SECTION 13.** 601.31 (1) (x) 1. of the statutes is amended to read:

12 601.31 (1) (x) 1. For issuing approval to an organization to offer prelicensing
13 or continuing education courses or programs for intermediaries under s. 628.04 (3),
14 a fee to be set by the commissioner by rule, ~~but not to exceed \$500.~~

15 **SECTION 14.** 601.31 (1) (x) 2. of the statutes is amended to read:

16 601.31 (1) (x) 2. ~~By organizations approved under subd. 1., for~~ For renewing
17 the approval of ~~such organizations~~ an organization approved under subd. 1.,
18 annually after the year in which the approval under subd. 1. is issued, an amount
19 to be set and paid at times and under procedure set by the commissioner by rule, ~~but~~
20 ~~not to exceed \$100.~~

21 **SECTION 15.** 601.31 (1) (x) 3. of the statutes is amended to read:

22 601.31 (1) (x) 3. ~~By organizations approved under subd. 1., for~~ For submitting
23 by an organization approved under subd. 1., for initial approval or approval of any
24 subsequent modification, each course for prelicensing or continuing education, a fee
25 to be set by the commissioner by rule, ~~but not to exceed \$25 per credit hour.~~

1 **SECTION 16.** 601.31 (2) of the statutes is amended to read:

2 601.31 (2) Town mutuals and insurers operating under subch. I of ch. 616 are
3 exempt from all provisions of this section except sub. subs. (1) (b), (c), and (q) and (4)
4 with respect to fees under sub. (1) (b), (c), and (q).

5 **SECTION 17.** 601.31 (4) of the statutes is created to read:

6 601.31 (4) Except as provided in sub. (1) (L), (m), (mc), (n), (o), and (x) 1., 2., and
7 3., and subject to sub. (3), the commissioner may by rule specify a fee amount that
8 is different from an amount specified under sub. (1). Subject to sub. (3), a rule
9 promulgated for a fee required under sub. (1) may provide for a maximum fee
10 amount, and the commissioner may charge a lesser amount than the maximum fee
11 amount specified in the rule.

12 **SECTION 18.** 601.32 (1) of the statutes is amended to read:

13 601.32 (1) If Notwithstanding that a rule promulgated under s. 601.31 (4) may
14 provide for a maximum fee amount, if the moneys credited to s. 20.145 (1) (g) under
15 other sections of the statutes prove inadequate for the office's supervision of
16 insurance industry program, the commissioner may increase any or all of the fees
17 imposed fee amounts specified by s. 601.31 or a rule under s. 601.31, or may in any
18 year levy a special assessment on all domestic insurers, or both, for the general
19 operation of that program.

20 **SECTION 19.** 601.33 of the statutes is amended to read:

21 **601.33 Exemption from taxation.** Municipal insurance mutuals organized
22 under s. 611.11 (4) are not subject to any taxes or fees except those imposed by under
23 ss. 601.31 and 601.32.

24 **SECTION 20.** 601.51 (1) of the statutes is amended to read:

1 601.51 (1) CERTIFIED COPIES. On request of any insurer authorized to do a surety
2 business and its payment of the fee under s. 601.31 (1), the commissioner shall mail
3 a certified copy of its certificate of authority to any designated public officer in this
4 state who requires such a certificate before accepting a bond. That public officer shall
5 file it. Whenever a certified copy has been furnished to a public officer it is
6 unnecessary, while the certificate remains effective, to attach a copy of it to any
7 instrument of suretyship filed.

8 **SECTION 21.** 601.72 (4) of the statutes is amended to read:

9 601.72 (4) FEES. Litigants serving process on the commissioner under this
10 section shall pay the fees specified in s. 601.31 (1) (p) or a rule promulgated under
11 s. 601.31 (4) with respect to s. 601.31 (1) (p).

12 **SECTION 22.** 616.20 (5) of the statutes is amended to read:

13 616.20 (5) FEES. A new corporation formed under this section is not subject to
14 the fees under s. 601.31 (1) ~~or (2)~~.

15 **SECTION 23.** 616.74 (2) of the statutes is amended to read:

16 616.74 (2) No certificate of authority shall be issued by the commissioner until
17 the company has paid to the commissioner the fee required by s. 601.31 (1) (b) or a
18 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b).

19 **SECTION 24.** 618.41 (7) (b) of the statutes is amended to read:

20 618.41 (7) (b) The fee for issuance of a surplus lines license is the fee required
21 by under s. 601.31 (1) (L) 3.

22 **SECTION 25.** 626.09 (4) of the statutes is amended to read:

23 626.09 (4) FEES. ~~Section~~ Sections 601.31 (1) (c) 2. applies and (4) and 601.32
24 apply to the bureau.

***NOTE: I added s. 601.32. Okay?

1 **SECTION 26.** 632.68 (2) (b) (intro.) of the statutes is amended to read:

2 632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical
3 settlement provider license on a form prescribed by the commissioner for that
4 purpose. The application form shall require the applicant to provide the applicant's
5 social security number, if the applicant is a natural person unless the applicant does
6 not have a social security number, or the applicant's federal employer identification
7 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)
8 (mm) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mm) shall
9 accompany the application. After any investigation of the applicant that the
10 commissioner determines is sufficient, the commissioner shall issue a viatical
11 settlement provider license to an applicant that satisfies all of the following:

12 **SECTION 27.** 632.68 (2) (e) of the statutes is amended to read:

13 632.68 (2) (e) Except as provided in sub. (3), a license issued under this
14 subsection shall be renewed annually on the anniversary date upon payment of the
15 fee specified in s. 601.31 (1) (mp) or a rule promulgated under s. 601.31 (4) with
16 respect to s. 601.31 (1) (mp) and upon providing the licensee's social security number,
17 unless the licensee does not have a social security number, or federal employer
18 identification number, as applicable, if not previously provided on the application for
19 the license or at a previous renewal of the license. If the licensee is a natural person
20 who does not have a social security number, the license shall be renewed annually
21 on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) or a
22 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mp) and upon
23 providing to the commissioner a statement made or subscribed under oath or
24 affirmation, on a form prescribed by the department of workforce development, that
25 the licensee does not have a social security number.

1 **SECTION 28.** 632.68 (4) (b) of the statutes is amended to read:

2 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
3 broker license on a form prescribed by the commissioner for that purpose. The
4 application form shall require the applicant to provide the applicant's social security
5 number, if the applicant is a natural person unless the applicant does not have a
6 social security number, or the applicant's federal employer identification number, if
7 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) or a rule
8 promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mr) shall accompany
9 the application. The commissioner may not issue a license under this subsection
10 unless the applicant provides his or her social security number, unless the applicant
11 does not have a social security number, or its federal employer identification number,
12 whichever is applicable. If the applicant is a natural person who does not have a
13 social security number, the commissioner may not issue a license under this
14 subsection unless the applicant provides, on a form prescribed by the department of
15 workforce development, a statement made or subscribed under oath or affirmation
16 that the applicant does not have a social security number.

17 **SECTION 29.** 632.68 (4) (c) of the statutes is amended to read:

18 632.68 (4) (c) Except as provided in sub. (5), a license issued under this
19 subsection shall be renewed annually on the anniversary date upon payment of the
20 fee specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with
21 respect to s. 601.31 (1) (ms) and upon providing the licensee's social security number,
22 unless the licensee does not have a social security number, or federal employer
23 identification number, as applicable, if not previously provided on the application for
24 the license or at a previous renewal of the license. If the licensee is a natural person
25 who does not have a social security number, the license shall be renewed annually.

1 except as provided in sub. (5), on the anniversary date upon payment of the fee
2 specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with respect
3 to s. 601.31 (1) (ms) and upon providing to the commissioner a statement made or
4 subscribed under oath or affirmation, on a form prescribed by the department of
5 workforce development, that the licensee does not have a social security number.

6 **SECTION 30.** 632.835 (4) (b) of the statutes is amended to read:

7 632.835 (4) (b) An organization applying for certification or recertification as
8 an independent review organization shall pay the applicable fee under s. 601.31 (1)
9 (Lp) or (Lr) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (Lp)
10 or (Lr). Every organization certified or recertified as an independent review
11 organization shall file a report with the commissioner in accordance with rules
12 promulgated under sub. (5) (a) 4.

13 **SECTION 31.** 633.14 (1) (a) of the statutes is amended to read:

14 633.14 (1) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
15 s. 601.31 (4) with respect to s. 601.31 (1) (w).

16 **SECTION 32.** 633.14 (2) (a) of the statutes is amended to read:

17 633.14 (2) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
18 s. 601.31 (4) with respect to s. 601.31 (1) (w).

19 **SECTION 33.** 633.15 (1) (a) of the statutes is amended to read:

20 633.15 (1) (a) *Payment.* An administrator shall pay the annual renewal fee
21 under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s.
22 601.31 (1) (w) for each annual renewal of a license by the date specified by a schedule
23 established under par. (b).

24 **SECTION 34.** 647.04 (1) of the statutes is amended to read:

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0472/1dn
PJK:hmh:jf

February 7, 2001

This redraft removes the embedded ****NOTE.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0472/1
PJK:hmh:jf

DOA:.....Jablonsky – Authorize commissioner of insurance to specify fee amounts by rule and to charge a lesser amount than maximum in rule

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

Current law sets out the various services provided by OCI for which fees must be paid and specifies the fee amounts, some of which are to be set, not exceeding a specified maximum amount, by the commissioner of insurance (commissioner) by rule. The bill provides that the fee amounts in the statute apply unless the commissioner specifies a different amount by rule. The bill authorizes the commissioner to provide for different fee amounts by rule, to provide for maximum fee amounts in any such rule, and to charge less than the maximum amount specified in the rule. The bill also eliminates the maximum amounts specified in current law for the fees that OCI must set by rule under current law.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

2 SECTION 1. 76.60 of the statutes is amended to read:

1 **76.60 Fire and marine insurers; license fees.** Every insurer doing a fire
2 or marine insurance business, other than domestic insurers and insurers excepted
3 under s. 76.61, shall pay to the state, in respect to marine insurance a tax of 0.5% and
4 in respect to fire insurance a tax of 2.375% on the amount of its gross premiums, as
5 calculated under s. 76.62. In case any insurer discontinues business in this state and
6 reinsures the whole or a part of its risks without making payment of this tax, the
7 insurer accepting such reinsurance shall pay the tax. If several insurers make such
8 reinsurance the tax shall be apportioned among the insurers in proportion to the
9 original premiums upon the business in this state so reinsured by each such insurer.
10 Upon the payment of the tax provided in this section, and the fees required by under
11 s. 601.31, such insurer may be licensed to transact its business until May 1 in the
12 ensuing year, unless before then its license is revoked or forfeited according to law.

13 **SECTION 2.** 76.61 of the statutes is amended to read:

14 **76.61 Town mutual insurers; taxes, charges, dues, and license fees.** No
15 town mutual insurer organized under or subject to ch. 612 shall be required to pay
16 any taxes, charges, dues, or license fees to the state except those charges and dues
17 provided for ~~in~~ under ss. 601.31, 601.32, 601.45, and 601.93.

18 **SECTION 3.** 76.68 (1) of the statutes is amended to read:

19 **76.68 (1)** Every license issued under this subchapter and chs. 600 to 646 shall
20 certify that ~~payment of the license fee or tax and the fee required by s. 601.31 (1) (b)~~
21 or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b) has been
22 made paid, be signed by the commissioner of insurance, and be in a form approved
23 by the attorney general.

24 **SECTION 4.** 76.68 (2) of the statutes is amended to read:

1 76.68 (2) No suit may be brought to restrain or enjoin the collection of any
2 license fee or tax imposed or provided for by this subchapter, and or the fees required
3 by under s. 601.31. Any insurer aggrieved by the payment of any such license or
4 other fee or tax may maintain a suit against the state for the recovery thereof in the
5 circuit court for Dane County within 6 months from the time of the payment. The
6 state may be served in the suit as provided in s. 801.11 (3).

7 **SECTION 5.** 76.68 (4) of the statutes is amended to read:

8 76.68 (4) The attorney general shall institute suit in the circuit court for Dane
9 County to recover any license fees or tax not paid within the time prescribed by this
10 subchapter, and the fees required by under s. 601.31. Nothing in this subsection
11 shall be construed as amending or modifying in any respect ch. 775.

12 **SECTION 6.** 601.04 (4) of the statutes is amended to read:

13 601.04 (4) FEES. Every insurer or plan obtaining or renewing its certificate
14 shall pay the fee required by s. 601.31 (1) (b) or (c) or a rule promulgated under s.
15 601.31 (4) with respect to s. 601.31 (1) (b) or (c).

16 **SECTION 7.** 601.31 (1) (intro.) of the statutes is amended to read:

17 601.31 (1) (intro.) The following fees, unless revised by the commissioner as
18 provided in s. 601.32, or unless the commissioner specifies a different amount by
19 rule, shall be paid to the commissioner:

20 **SECTION 8.** 601.31 (1) (L) (intro.) of the statutes is renumbered 601.31 (1) (L)
21 and amended to read:

22 601.31 (1) (L) For issuing or enlarging the scope of a corporation, limited
23 liability company, or partnership intermediary's license or a license to place business
24 under s. 618.41, amounts to be set by the commissioner by rule ~~but not to exceed.~~

25 **SECTION 9.** 601.31 (1) (L) 2. of the statutes is repealed.

1 **SECTION 10.** 601.31 (1) (L) 3. of the statutes is repealed.

2 **SECTION 11.** 601.31 (1) (mc) of the statutes is amended to read:

3 601.31 (1) (mc) For regulating a holder of a license to place business under s.
4 618.41, annually after the year in which the initial license is issued, an amount to
5 be set by the commissioner by rule and paid at times and under procedures set by the
6 commissioner, ~~but not to exceed \$100.~~

7 **SECTION 12.** 601.31 (1) (n) of the statutes is amended to read:

8 601.31 (1) (n) For listing, or renewing a listing of, an agent under s. 628.11, a
9 fee to be set by the commissioner by rule ~~but not to exceed \$8 annually for resident~~
10 ~~agents or \$24 annually for nonresident agents.~~

11 **SECTION 13.** 601.31 (1) (x) 1. of the statutes is amended to read:

12 601.31 (1) (x) 1. For issuing approval to an organization to offer prelicensing
13 or continuing education courses or programs for intermediaries under s. 628.04 (3),
14 a fee to be set by the commissioner by rule, ~~but not to exceed \$500.~~

15 **SECTION 14.** 601.31 (1) (x) 2. of the statutes is amended to read:

16 601.31 (1) (x) 2. ~~By organizations approved under subd. 1., for~~ For renewing
17 the approval of ~~such organizations~~ an organization approved under subd. 1.,
18 annually after the year in which the approval under subd. 1. is issued, an amount
19 to be set and paid at times and under procedure set by the commissioner by rule, ~~but~~
20 ~~not to exceed \$100.~~

21 **SECTION 15.** 601.31 (1) (x) 3. of the statutes is amended to read:

22 601.31 (1) (x) 3. ~~By organizations approved under subd. 1., for~~ For submitting
23 by an organization approved under subd. 1., for initial approval or approval of any
24 subsequent modification, each course for prelicensing or continuing education, a fee
25 to be set by the commissioner by rule, ~~but not to exceed \$25 per credit hour.~~

1 **SECTION 16.** 601.31 (2) of the statutes is amended to read:

2 601.31 (2) Town mutuals and insurers operating under subch. I of ch. 616 are
3 exempt from all provisions of this section except ~~sub.~~ subs. (1) (b), (c), and (q) and (4)
4 with respect to fees under sub. (1) (b), (c), and (q).

5 **SECTION 17.** 601.31 (4) of the statutes is created to read:

6 601.31 (4) Except as provided in sub. (1) (L), (m), (mc), (n), (o), and (x) 1., 2., and
7 3., and subject to sub. (3), the commissioner may by rule specify a fee amount that
8 is different from an amount specified under sub. (1). Subject to sub. (3), a rule
9 promulgated for a fee required under sub. (1) may provide for a maximum fee
10 amount, and the commissioner may charge a lesser amount than the maximum fee
11 amount specified in the rule.

12 **SECTION 18.** 601.32 (1) of the statutes is amended to read:

13 601.32 (1) If Notwithstanding that a rule promulgated under s. 601.31 (4) may
14 provide for a maximum fee amount, if the moneys credited to s. 20.145 (1) (g) under
15 other sections of the statutes prove inadequate for the office's supervision of
16 insurance industry program, the commissioner may increase any or all of the fees
17 imposed fee amounts specified by s. 601.31 or a rule under s. 601.31, or may in any
18 year levy a special assessment on all domestic insurers, or both, for the general
19 operation of that program.

20 **SECTION 19.** 601.33 of the statutes is amended to read:

21 **601.33 Exemption from taxation.** Municipal insurance mutuals organized
22 under s. 611.11 (4) are not subject to any taxes or fees except those imposed by under
23 ss. 601.31 and 601.32.

24 **SECTION 20.** 601.51 (1) of the statutes is amended to read:

1 601.51 (1) CERTIFIED COPIES. On request of any insurer authorized to do a surety
2 business and its payment of the fee under s. 601.31 (1), the commissioner shall mail
3 a certified copy of its certificate of authority to any designated public officer in this
4 state who requires such a certificate before accepting a bond. That public officer shall
5 file it. Whenever a certified copy has been furnished to a public officer it is
6 unnecessary, while the certificate remains effective, to attach a copy of it to any
7 instrument of suretyship filed.

8 **SECTION 21.** 601.72 (4) of the statutes is amended to read:

9 601.72 (4) FEES. Litigants serving process on the commissioner under this
10 section shall pay the fees specified in s. 601.31 (1) (p) or a rule promulgated under
11 s. 601.31 (4) with respect to s. 601.31 (1) (p).

12 **SECTION 22.** 616.20 (5) of the statutes is amended to read:

13 616.20 (5) FEES. A new corporation formed under this section is not subject to
14 the fees under s. 601.31 (1) ~~or (2)~~.

15 **SECTION 23.** 616.74 (2) of the statutes is amended to read:

16 616.74 (2) No certificate of authority shall be issued by the commissioner until
17 the company has paid to the commissioner the fee required by s. 601.31 (1) (b) or a
18 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (b).

19 **SECTION 24.** 618.41 (7) (b) of the statutes is amended to read:

20 618.41 (7) (b) The fee for issuance of a surplus lines license is the fee required
21 by under s. 601.31 (1) (L) 3.

22 **SECTION 25.** 626.09 (4) of the statutes is amended to read:

23 626.09 (4) FEES. ~~Section~~ Sections 601.31 (1) (c) 2. applies and (4) and 601.32
24 apply to the bureau.

25 **SECTION 26.** 632.68 (2) (b) (intro.) of the statutes is amended to read:

1 632.68 (2) (b) (intro.) A person may apply to the commissioner for a viatical
2 settlement provider license on a form prescribed by the commissioner for that
3 purpose. The application form shall require the applicant to provide the applicant's
4 social security number, if the applicant is a natural person unless the applicant does
5 not have a social security number, or the applicant's federal employer identification
6 number, if the applicant is not a natural person. The fee specified in s. 601.31 (1)
7 (mm) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mm) shall
8 accompany the application. After any investigation of the applicant that the
9 commissioner determines is sufficient, the commissioner shall issue a viatical
10 settlement provider license to an applicant that satisfies all of the following:

11 **SECTION 27.** 632.68 (2) (e) of the statutes is amended to read:

12 632.68 (2) (e) Except as provided in sub. (3), a license issued under this
13 subsection shall be renewed annually on the anniversary date upon payment of the
14 fee specified in s. 601.31 (1) (mp) or a rule promulgated under s. 601.31 (4) with
15 respect to s. 601.31 (1) (mp) and upon providing the licensee's social security number,
16 unless the licensee does not have a social security number, or federal employer
17 identification number, as applicable, if not previously provided on the application for
18 the license or at a previous renewal of the license. If the licensee is a natural person
19 who does not have a social security number, the license shall be renewed annually
20 on the anniversary date upon payment of the fee specified in s. 601.31 (1) (mp) or a
21 rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mp) and upon
22 providing to the commissioner a statement made or subscribed under oath or
23 affirmation, on a form prescribed by the department of workforce development, that
24 the licensee does not have a social security number.

25 **SECTION 28.** 632.68 (4) (b) of the statutes is amended to read:

1 632.68 (4) (b) A person may apply to the commissioner for a viatical settlement
2 broker license on a form prescribed by the commissioner for that purpose. The
3 application form shall require the applicant to provide the applicant's social security
4 number, if the applicant is a natural person unless the applicant does not have a
5 social security number, or the applicant's federal employer identification number, if
6 the applicant is not a natural person. The fee specified in s. 601.31 (1) (mr) or a rule
7 promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (mr) shall accompany
8 the application. The commissioner may not issue a license under this subsection
9 unless the applicant provides his or her social security number, unless the applicant
10 does not have a social security number, or its federal employer identification number,
11 whichever is applicable. If the applicant is a natural person who does not have a
12 social security number, the commissioner may not issue a license under this
13 subsection unless the applicant provides, on a form prescribed by the department of
14 workforce development, a statement made or subscribed under oath or affirmation
15 that the applicant does not have a social security number.

16 **SECTION 29.** 632.68 (4) (c) of the statutes is amended to read:

17 632.68 (4) (c) Except as provided in sub. (5), a license issued under this
18 subsection shall be renewed annually on the anniversary date upon payment of the
19 fee specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with
20 respect to s. 601.31 (1) (ms) and upon providing the licensee's social security number,
21 unless the licensee does not have a social security number, or federal employer
22 identification number, as applicable, if not previously provided on the application for
23 the license or at a previous renewal of the license. If the licensee is a natural person
24 who does not have a social security number, the license shall be renewed annually,
25 except as provided in sub. (5), on the anniversary date upon payment of the fee

1 specified in s. 601.31 (1) (ms) or a rule promulgated under s. 601.31 (4) with respect
2 to s. 601.31 (1) (ms) and upon providing to the commissioner a statement made or
3 subscribed under oath or affirmation, on a form prescribed by the department of
4 workforce development, that the licensee does not have a social security number.

5 **SECTION 30.** 632.835 (4) (b) of the statutes is amended to read:

6 632.835 (4) (b) An organization applying for certification or recertification as
7 an independent review organization shall pay the applicable fee under s. 601.31 (1)
8 (Lp) or (Lr) or a rule promulgated under s. 601.31 (4) with respect to s. 601.31 (1) (Lp)
9 or (Lr). Every organization certified or recertified as an independent review
10 organization shall file a report with the commissioner in accordance with rules
11 promulgated under sub. (5) (a) 4.

12 **SECTION 31.** 633.14 (1) (a) of the statutes is amended to read:

13 633.14 (1) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
14 s. 601.31 (4) with respect to s. 601.31 (1) (w).

15 **SECTION 32.** 633.14 (2) (a) of the statutes is amended to read:

16 633.14 (2) (a) Pays the fee under s. 601.31 (1) (w) or a rule promulgated under
17 s. 601.31 (4) with respect to s. 601.31 (1) (w).

18 **SECTION 33.** 633.15 (1) (a) of the statutes is amended to read:

19 633.15 (1) (a) *Payment.* An administrator shall pay the annual renewal fee
20 under s. 601.31 (1) (w) or a rule promulgated under s. 601.31 (4) with respect to s.
21 601.31 (1) (w) for each annual renewal of a license by the date specified by a schedule
22 established under par. (b).

23 **SECTION 34.** 647.04 (1) of the statutes is amended to read:

24 647.04 (1) Submit to the commissioner the fees required under s. 601.31 (1).

25

(END)