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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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<b>2013 Senate Bill 292</b>	<b>Senate Substitute Amendment 1, and Senate Amendment 1 to Senate Substitute Amendment 1</b>
<i>Memo published:</i> November 14, 2013	<i>Contact:</i> Margit Kelley, Staff Attorney (266-9280)

2013 Senate Bill 292 relates to electronic delivery of notices and documents by insurers.

### **2013 SENATE BILL 292**

Senate Bill 292 allows property and casualty insurers to deliver notices and documents electronically, with the consent of the consumer, and allows standard policy forms to be posted on the insurer's Internet site when notice of the forms' availability is given in, or with, the property or casualty policy's declarations page. A policy that is posted on the insurer's Internet site must be retained and made available for consumers for at least five years from the policy's termination.

The bill specifies that the legal effectiveness, validity, or enforceability of a property or casualty insurance policy may not be denied solely because of the failure to obtain electronic consent demonstrating the consumer's ability to access notices or documents delivered electronically.

The bill also specifies that an oral communication, or a stored recording of an oral communication, may qualify as an electronic delivery of a notice or document.

### **SENATE SUBSTITUTE AMENDMENT 1**

Senate Substitute Amendment 1 applies the electronic document delivery procedures to all lines of insurance. The amendment also specifies that if an insurer receives a notice that electronic delivery has failed, the insurer must deliver the document by 1<sup>st</sup> class mail or other specifically prescribed method of delivery for the particular notice or document.

The substitute amendment revises the retention provision for a policy posted on the insurer's Internet site to specify that the policy must be retained as specifically prescribed by law or rule for the particular document, and must be made available for consumers for at least three years.

The substitute amendment revises the effectiveness provision to specify that the legal effectiveness, validity, or enforceability of an insurance policy may not be denied solely because a notice or document was delivered electronically when the consumer has given electronic consent demonstrating the consumer's ability to access notices or documents delivered electronically.

The substitute amendment also revises the oral communication provision to specify that an oral communication does not qualify as an electronic delivery if the particular notice or document is required to be in writing.

**SENATE AMENDMENT 1 TO THE SUBSTITUTE AMENDMENT**

Senate Amendment 1 to the substitute amendment specifies that when a consumer requests a paper copy of a standard policy form that the insurer had posted on its Internet site, the form must be provided by mail if mail delivery was requested.

**BILL HISTORY**

On November 11, 2013, the Senate Committee on Insurance and Housing adopted the substitute amendment and its amendment, and recommended passage of the bill, as amended, on votes of Ayes, 4; Noes, 1.

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