

Ins 3

Filed Feb 3-1964  
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STATE OF WISCONSIN )  
DEPARTMENT OF INSURANCE ) ss.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Charles Manson, Commissioner of Insurance, and custodian of the official records of said department, do hereby certify that the annexed rule relating to group accident and sickness insurance was duly approved and adopted by this department on February 3, 1964.

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Capitol, in the city of Madison, this 3rd day of February, A.D., 1964.



Charles Manson  
Commissioner of Insurance

ORDER OF THE DEPARTMENT OF INSURANCE

Adopting Rules

Pursuant to authority vested in the Commissioner of Insurance by section 200.03 (2), Wis. Stats., the Commissioner of Insurance hereby adopts a rule as follows:

Section Ins 3.21 of the Wisconsin Administrative Code is adopted to read:

Ins 3.21 "In the same industry", definition of.

(1) The phrase "in the same industry", as used in section 204.321 (1) (c), Wis. Stats., may be construed so that establishments engaged in one of the following activities may be considered as being in the same industry:

(a) retail trade, (b) wholesale trade, (c) service, (d) mining, (e) contract construction, (f) finance, insurance and real estate, and (g) transportation, communication and other public utilities.

(2) The principal activity of an establishment shall control its classification.

(3) An insurer may submit other classifications of establishments, subject to the approval of the commissioner, which it believes may properly be considered as engaging in activities which are "in the same industry".

Note: The above rule is an outgrowth of the hearings held by the Department on December 17, 1963, to consider the formulation of rules and guide lines which insurance companies could use to determine what groupings of employers might be permitted by the phrase "in the same industry" in sections 204.321 (1) (c) and 206.60 (4), Wis. Stats., to obtain group insurance coverage for their employees through the establishment of a trust. As a result of the hearing, the Department has reviewed the background and history of the "in the same industry" provision which was adopted as a part of the "Group Life Insurance Definition" and "Group Life Insurance Standard Provisions", revised at New York on December 15, 1948, by the National Association of Insurance Commissioners and enacted as a part of the Wisconsin Statutes in 1949. The Department

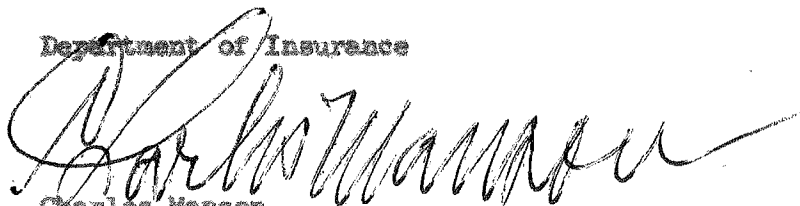
has concluded that the phrase "in the same industry" should be liberally construed. It provides a means whereby a small employer, not having a sufficient number of employees to qualify for a group plan of his own, may join with others and provide the benefits of group insurance to his employees and thereby compete in the labor market with the large employer. It has been emphasized to the Department that the statutes involved are insurance statutes and that there is no underwriting reason which dictates greater detail or narrower classifications under the law. To require a more detailed breakdown only has the effect of adding to the administrative detail and expense of setting up such a plan, and such does not appear to be required nor in the public interest.

The rule applies only to organizations engaged in activities other than manufacturing. Companies underwriting multiple employer trusts for employees engaged in manufacturing shall be guided by the opinions of the attorney general of the state of Wisconsin, dated January 16, 1958, and December 30, 1958 (47 OAG 16 and 47 OAG 326).

For a general guide as to the types of organizations which fall within each of the groupings listed in subsection (1) of this rule, the Department suggests that insurers refer to the division headings found in the "Standard Industrial Classification Manual" prepared by the United States Bureau of the Budget, Technical Committee on Industrial Classification, Office of Statistical Standards, 1957, and to other similar material such as the industrial classification starting on page XI of the "U.S. Census of Population 1960 - Classified Index of Occupations and Industries," published by the United States Department of Commerce, Bureau of the Census, 1960; and Volume V, No. 1, "Wisconsin Commerce Reports," Bureau of Business Research and Service, Madison, Wisconsin, April 1, 1957.

The rule contained herein shall take effect on March 1, 1964, as provided in section 227.026 (1), Wis. Stats.

Department of Insurance



Charles Manson  
Commissioner of Insurance

Dated February 3, 1964.