

COMMISSIONER OF INSURANCE

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Chapter Ins 4

FIRE AND ALLIED LINES INSURANCE

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**Ins 4.01 Interpretation and implementation of s. 632.05 (2), Stats., *Total loss.*** (1) **SCOPE.** Section 632.05, Stats., and this section apply to policies issued or renewed on or after November 29, 1979, which insure real property owned and occupied by the insured as a dwelling.

(2) **INTERPRETATIONS.** (a) *Seasonal dwellings.* A dwelling used seasonally shall be considered as owned and occupied by the insured if it is not rented to a non-owner for any period of time.

(b) *Outbuildings.* Outbuildings insured under the same policy as an owner-occupied dwelling are not subject to s. 632.05 (2), Stats.

(c) *Mobile homes.* Mobile homes as defined in s. 66.058 (1) (e), Stats., shall not be considered real property and shall not be subject to the requirements of s. 632.05 (2), Stats.

(d) *Multifamily units.* A policy insuring multiple unit residential property, with at least one unit occupied by the owner shall be subject to s. 632.05 (2) if there are no more than 4 dwelling units on the property.

(e) *Combined commercial and residential properties.* A policy insuring real property any part of which is used for commercial (non-dwelling) purposes other than on an incidental basis is not subject to s. 632.05 (2), Stats.

(f) *Condominiums.* A single family condominium unit shall be treated as a dwelling under s. 632.05 (2), Stats.

(g) *Property under construction.* Section 632.05 (2), Stats., shall not apply to a policy which insures real property under construction unless the property is completed and is occupied by the owner as a dwelling.

(h) *Operation of building laws.* Real property owned and occupied by the insured which is partially destroyed but ordered destroyed under a fire ordinance or similar law shall be considered wholly destroyed for purposes of s. 632.05 (2), Stats.

**History:** Cr. Register, April, 1981, No. 304, eff. 5-1-81.

**Ins 4.07 Inland marine definition.**

**History:** 1-2-56; am. (6) (d); am. (7) (a), (b), (c) and (d); r. (7) (e), (f), (g), (h), (i), (j) and (k); am. (9) (a) (18), 21, 29 and 49; cr. (9) (a) through 152, both inclusive, Register, November, 1960, No. 59, eff. 12-1-60; cr. (9) (a) 153 through 180, both inclusive, Register, April, 1964, No. 100, eff. 5-1-6; am. (1) (intro. par.), Register, May, 1975, No. 233, eff. 6-1-78; r. Register, August, 1981, No. 308, eff. 9-1-81.

**Ins 4.08 Inland marine classes exempt from filing requirements.** (1) **PURPOSE.** In accordance with s. 625.04, Stats., the purpose of this section is to exempt from the filing requirements of s. 625.13, Stats., all classes of inland marine risks.

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(2) **SCOPE.** This section shall apply to inland marine insurance transacted under the authorization of s. Ins 6.75 (2) (a).

(3) **EXEMPT CLASSES.** Insurers and rate service organizations are exempt from s. 625.13, Stats., in respect to the filing of rates and supplementary rate information for all classes of inland marine insurance.

**History:** Cr. Register, December, 1969, No. 168, eff. 1-1-70; emerg. am. (2), eff. 6-22-76; am. (2), Register, September, 1976, No. 249, eff. 10-1-76; am. (2), Register, March, 1979, No. 279, eff. 4-1-79; am. (1), (2) and (3) (a) (intro.), r. (3) (a) 1. to 38., Register, August, 1981, No. 308, eff. 9-1-81.

**Ins 4.10 Wisconsin insurance plan.** (1) **PURPOSE.** This section is intended to implement and interpret s. 619.01, Stats., for the purpose of establishing procedures and requirements for a mandatory risk sharing facility for basic property insurance coverage. This section is also intended to encourage improvement and reasonable loss prevention measures of properties located in Wisconsin and further orderly community development.

(2) **SCOPE.** This section shall apply to all insurers included in sub. (3) (b) of this rule, except those organized under ch. 612, Stats., and farm assessment mutual insurance companies which insure farm property on an assessment basis.

(3) **DEFINITIONS.** (a) The *Wisconsin Insurance Plan*, hereinafter referred to as the Plan, means the nonprofit, unincorporated facility established by this rule to provide for the issuance of basic property insurance, for risk sharing, and to assist applicants in securing basic property insurance.

(b) *Insurer* means any insurance company authorized to transact in this state on a direct basis basic property insurance, including the property insurance components of multi-peril policies.

(c) *Basic property insurance* means the insurance coverages described below in subs. 1., 2., 3. and 4. of this paragraph against direct loss to real and tangible property at a fixed location. The Plan may use customary forms and endorsements to effect coverage contemplated by this paragraph. Other coverage may be added to the Plan by endorsement or policy provision upon approval by the Commissioner.

1. Coverage provided in the customary fire policy and in the customary extended coverage and builders risk endorsements as authorized by s. Ins 6.75 (2) (a).

2. Coverage against loss or damage by burglary or theft, or both, as authorized by s. Ins 6.75 (2) (a).

3. Coverage against the breakage of glass, except in transit, as authorized by s. Ins 6.75 (2) (a).

4. Coverage at least equivalent to that provided in an actual cash value homeowners policy.

(d) *Location* means a single building and its contents or contiguous buildings and their contents under one ownership.

(e) *Motor vehicles* means vehicles which are self-propelled, including rackless trolley busses.