

Chapter Ins 4

FIRE AND ALLIED LINES INSURANCE

Ins 4.01 Interpretation and implementation of s. 632.05 (2), Stats., *Total loss*

Ins 4.08 Inland marine classes exempt from filing requirements

Ins 4.10 Wisconsin insurance plan

**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.

(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; r. (2) (f), Register, March, 1983, No. 327, eff. 4-1-83.

**Ins 4.08 Inland marine classes exempt from filing requirements.** (1) PURPOSE. In accordance with s. 625.04, Stats., the purpose of this rule is to exempt from the filing requirements of s. 625.13, Stats., those classes of inland marine risks which by general custom of the business have not been written according to manual rates or rating plans promulgated by a rate service organization. This exemption is to apply to insurers even though certain of the classes listed are written by the insurer in accordance with manual rates or rating plans.

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

Ins 4

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

**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 of and reasonable loss prevention measures for properties located in Wisconsin and to further orderly community development.

(2) **SCOPE.** This section shall apply to all insurers included in sub. (3) (d) except those organized under ch. 612, Stats., assessment mutual insurance companies and insurers who write reinsurance only.

(3) **DEFINITIONS.** (a) "Basic property insurance" means the insurance coverages described in subds. 1, 2, and 3 against direct loss to real and tangible property at a fixed location. The Plan may use customary policy 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 at least equivalent to that provided in an actual cash value homeowners policy.

(b) "Farm risks" means those risks eligible to be written under the customary rates, premiums, and policy forms approved by the commissioner for farm property.

(c) "Habitational risks" means:

1. Dwellings, permanent or seasonal, designed for occupancy by not more than 4 families or containing not more than 4 apartments.

2. Private boarding and rooming houses and tourist homes, permanent or seasonal, with not more than 20 rooms for lodging and not more than 20 boarders.

3. Nurses' and sisters' homes with not over 10 sleeping rooms.

4. Private outbuildings used in connection with any of the foregoing.

5. Trailer homes at a fixed location.

6. Household and personal property in risks described in subds. 1 through 5.

7. Tenants' contents in apartment houses.