

Chapter Ins 4

FIRE AND ALLIED LINES INSURANCE

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**Ins 4.01 Mutual insurance companies operating on a post mortem assessment plan cannot limit assessments to a specific amount.** Mutual insurance companies operating on the post mortem assessment plan cannot limit the liability of members. Section 201.02 (5) (c), Wis. Stats., is applicable only to companies operating on the advance premium basis.

**Ins 4.02 Nonassessable policies of mutual companies.** (1) A mutual insurance company having a sufficient amount of earned surplus to comply with the provisions of section 201.07, Wis. Stats., must set aside, as a distinct guarantee fund, the amount required by statute to issue nonassessable policies, by resolution of the board of directors, certified copy of which resolution must be filed in the office of the commissioner of insurance, and, subsequent thereto and while the company continues to issue nonassessable policies in this state, must show the amount of such guarantee fund in every annual statement to this department.

(2) The conditions of nonassessability shall be plainly stated in policies issued in this state. Wherever the "Mutual Policy Conditions" are printed, there shall be printed in type not smaller than the body of the policy "This policy is nonassessable."

(3) All policy forms used in issuing nonassessable policies shall be submitted for approval by the commissioner of insurance.

(4) No company shall be permitted to issue nonassessable policies and assessable policies at the same time.

(5) No joint policy may be issued in this state which includes a company operating on the nonassessable plan and a company operating on the assessable plan.

**History:** 1-2-56; r. (2)(b) and renum. (2)(c) to be (2)(b), Register, July, 1958, No. 31, eff. 8-1-58; am. (2)(a) and (2)(b), Register, October, 1958, No. 34, eff. 11-1-58; am. (2) Register, February, 1959, No. 38, eff. 3-1-59.

**Ins 4.03 Policy, inspection and similar fees.** The total advance consideration including policy, inspection, and other fees charged an insured must be stated in the policy. Such fees are a part of the premium and are subject to all statutory provisions relating to premiums except as to policy fees otherwise provided for under section 201.18 (3), Wis. Stats.

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**Ins 4.04 Auditing of policies, daily reports, binders, renewal certificates, endorsements or other evidences of insurance or the cancellation thereof of insurance companies subject to the provisions of section 203.32, Wis. Stats.** (1) All insurance companies subject to the provisions of section 203.32, Wis. Stats., are hereby ordered to submit for audit to the rating organizations of which they are a member or subscriber, such policies, daily reports, binders, renewal certificates, endorsements or other evidence of insurance as required by the rules of said rating organization.

(2) All rating organizations licensed under section 203.32, Wis. Stats., are hereby ordered to provide for the examination of policies, daily reports, binders, renewal certificates, endorsements or other evidence of insurance, or the cancellation thereof of companies which are subscribers to or members of such organization on all kinds of insurance for which such organization is licensed. Rules governing submission of the above for audit are to be filed with and approved by the commissioner of insurance.

(3) This order shall not apply to types or coverages or kinds of insurance which are not subject to the provisions of section 203.32, Wis. Stats., except that multiple peril contracts subject to the provisions of section Ins 3.11 (4) shall be subject to this order.

**History:** 1-2-56; am. (3), Register, July, 1958, No. 31, eff. 8-1-58.

**Ins 4.05 "Merit rating plan"—Farm Property.** (1) The term "merit rating plan", as used in section 203.32 (6) (f), Wis. Stats., is hereby defined to be a plan of rating of farm property whereby each individual risk is rated under a filed rating schedule or rating plan which produces rates by the use of a basis rate and a system of charges and credits which are applied after inspection to establish a rate on each individual risk which properly reflects the hazards and fire protection features existing in such risk.

(2) A copy of a survey or rate make-up sheet, bearing the name of a representative of the insurer or rating organization who has inspected the risk, must be kept on file in the office of such insurer or rating organization.

**Ins 4.06 Handling of cash and the recording of cash transactions by town mutual insurance companies.** (1) CASH RECEIVED. The cash received record shall be a multicolumnar form which shall contain column headings for the date, identification, amount received, a separate column for each of the principal types of income of the company, and a column for miscellaneous receipts. All cash received by the company must be recorded on such form. (a) The cash receipts and cash funds of the company shall at all times be kept separate and distinct from any personal or agency funds.

(b) All cash received must be deposited in the bank intact, in the company's name, and at no time may the cash on hand consist of any cash items such as small bills or NSF checks held for future deposits.

A duplicate deposit ticket must be retained in the company's office for each deposit.

(2) **CASH DISBURSED.** The cash disbursed record shall be a multi-columnar form which shall contain column headings for the date, payee, check number, amount of check, a separate column for each of the principal types of expenses of the company, and a column for miscellaneous disbursements. All disbursements except those from a petty cash fund must be made by check. All checks issued by the company shall be recorded in chronological and numerical order and no warrants or drafts on the treasurer shall be recorded in this record. Each disbursement shall be completely supported and explained in the records of the company. The cash received and disbursed record may be combined into a single form. A check stub must be filled out for each expenditure showing the payee, purpose of the disbursement, amount of check, date issued, deposits made, and the balance in the bank after deducting the check issued.

(a) Where a petty cash fund is maintained for the payment of small bills or for making change, each disbursement must be supported by a signed voucher or receipted invoice and at any time the total of the cash, checks, and paid vouchers in the fund shall exactly equal the total of the fund as originally set up. The petty cash fund should be reimbursed at regular intervals and always on the last business day of each year.

(3) Bank statements should be obtained from each of the banks in which the company maintains checking accounts at the end of each calendar month and the balance appearing on the bank statement shall be reconciled with the cash balance appearing on the check stubs at the end of each month.

(4) This order is issued for the purpose of prescribing minimum standards and practices and such order is not intended and shall not be construed to preclude any company from adopting or installing other or more detailed records suitable for its purpose as long as they satisfy such minimum requirements.

**Ins 4.07 Inland marine definition.** The purpose of this rule is to define the kinds of risks and coverages which may be classified or identified as inland marine insurance under section 203.32 (2) (a), Wis. Stats., but does not include all of the kinds of risks and coverages which may be written, classified or identified under inland marine insuring powers, nor shall it be construed to mean that the kinds of risks and coverages are solely inland marine insurance in all instances. This rule shall not be construed to restrict or limit in any way the exercise of any insuring powers granted under charters and license whether used separately, in combination or otherwise. Inland marine policies may cover under the following conditions:

(1) **IMPORTS.** (a) Imports on consignment may be covered wherever the property may be and without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation. A shipment "on consignment" shall mean property consigned and intrusted to a factor or agent to be held in his care, or under his control for sale for account of another or for exhibit or trial or approval or auction, and if not disposed of, to be returned.

(b) Imports not on consignment in such places of storage as are usually employed by importers, provided the coverage of the issuing companies includes hazards of transportation. Such policies may also include the same coverage in respect to property purchased on C.I.F. terms or "spot" purchases for inclusion with or in substitution for bona fide importations.

(c) An import, as a proper subject of inland marine insurance, shall be deemed to maintain its character as such so long as the property remains segregated in the original form or package in such a way that it can be identified and has not become incorporated and mixed with the general mass of property in the United States, and shall be deemed to have been completed when such property has been sold and delivered by the importer, factor or consignee; or removed from place of storage as desired in paragraph (b) above and placed on sale as part of importer's stock in trade at a point of sale-distribution; or delivered for manufacture, processing or change in form to premises of the importer or of another used for any such purposes.

(2) EXPORTS. (a) Exports may be covered wherever the property may be without restriction as to time, provided the coverage of the issuing companies includes hazards of transportation.

(b) An export, as a proper subject of inland marine insurance, shall be deemed to acquire its character as such when designated or while being prepared for export and retain that character unless diverted for domestic trade, and when so diverted, the provisions of this rule respecting domestic shipments shall apply, provided, however, that this provision shall not apply to long established methods of insuring certain commodities, e.g. cotton.

(3) DOMESTIC SHIPMENTS. (a) Domestic shipments on consignment, provided the coverage of the issuing companies includes hazards of transportation.

(b) Property shipped on consignment for sale or distribution, while in transit and not exceeding 120 days after arrival at consignee's premises or other place of storage or deposit.

(c) Property shipped on consignment for exhibit, or trial, or approval or auction, while in transit, while in the custody of others and while being returned.

(d) Domestic shipments not on consignment, provided the coverage of the issuing companies includes hazards of transportation, beginning and ending within the United States, provided that such shipments shall not be covered at manufacturing premises nor after arrival at premises owned, leased or operated by assured or purchaser, nor for more than 90 days at other place of storage or deposit, except in premises of transportation companies or freight forwarders, when such storage is incident to transportation.

(4) BRIDGES, TUNNELS, ETC. Bridges, tunnels and other instrumentalities of transportation and communication (excluding buildings, their furniture and furnishings, fixed contents and supplies held in storage) unless fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion are the only hazards to be covered. Piers, wharves, docks and slips, excluding the risks of fire, tornado, sprinkler leakage, hail, explosion, earthquake, riot and/or civil commotion. Other aids to navigation and transportation, includ-

ing dry docks and marine railways, against all risks. The foregoing includes: (a) Bridges, tunnels, other similar instrumentalities, unless fire, lightning, windstorm, sprinkler leakage, hail, explosion, earthquake, riot or civil commotion are the only perils to be covered.

(b) Piers, wharves, docks and slips, but excluding the risks of fire, lightning, windstorm, sprinkler leakage, hail, explosion, earthquake, riot or civil commotion.

(c) Pipelines, including on-line propulsion, regulating and other equipment appurtenant to such pipelines, but excluding all property at manufacturing, producing, refining, converting, treating or conditioning plants.

(d) Power transmission and telephone and telegraph lines, excluding all property at generating, converting or transforming stations, sub-stations and exchanges.

(e) Radio and television communication equipment in commercial use as such including towers and antennae with auxiliary equipment, and appurtenant electrical operating and control apparatus but excluding buildings, their improvements and betterments, furniture and furnishings and supplies held in storage therein.

(f) Outdoor cranes, loading bridges and similar equipment used to load, unload and transport.

(g) Television picture tubes installed and in use as such.

(5) PERSONAL PROPERTY FLOATER RISKS COVERING INDIVIDUALS.

(a) Tourists floater, personal effects floater policies.

(b) The personal property floater.

(c) Government service floaters.

(d) Personal fur floaters.

(e) Personal jewelry floaters.

(f) Wedding present floaters for not exceeding 90 days after the date of the wedding.

(g) Silverware floaters.

(6) PERSONAL PROPERTY FLOATER RISKS COVERING INDIVIDUALS AND/OR GENERALLY. (a) Fine arts floaters, stamp and coin floaters. To cover objects of art such as pictures, statuary, bronzes and antiques, rare manuscripts and books, articles of virtu, etc.

(b) Musical instrument floaters.

(c) Radium floaters.

(d) Physicians' and surgeons' instrument floaters. Such policies shall not cover furniture or fixtures except furniture or fixtures in that portion of the premises occupied by the assured in the practice of his profession.

(e) Pattern and die floaters, excluding coverage on the owner's premises.

(f) Theatrical floaters, excluding buildings and their improvements and betterments, and furniture and fixtures that do not travel about with theatrical troupes.

(g) Film floaters, including builders' risk during the production and coverage on completed negatives and positives and sound records.

(h) Salesmen's samples floaters, excluding coverage on assured's premises.

(i) Jewelers' block policies, including tenant assured's interest in improvements and betterments of buildings, furniture, fixtures, tools, machinery, patterns, molds and dies.

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(j) Exhibition policies on property while on exhibition and in transit to or from such exhibitions.

(k) Live animal floaters, covering wherever animals, wagons and mobile equipment may be.

(l) Installation risks, covering machinery and equipment including plumbing, heating, cooling and electrical systems (as distinguished from building materials) while in transit to place of installation and during the period of installation and testing. Coverage must cease where such property is insured for the account of the seller or installer, when the interest of such insured ceases; or, in no case later than when such property has been accepted as satisfactory; whichever first occurs. Building materials (e.g., structural steel, lumber, bricks and mortar), while in transit to place of installation and after arrival thereat but such coverage must terminate when the materials are installed and have become a physical part of the realty or when the seller's interest ceases, whichever first occurs.

(m) Mobile articles, machinery and equipment floaters, (excluding motor vehicles designed for highway use and auto homes, trailers and semi-trailers except when hauled by tractors not designed for highway use and snow plows constructed exclusively for highway use) covering identified property of a mobile or floating nature, not on sale or consignment, or in course of manufacture, which has come into the custody or control of parties who intend to use such property for the purpose for which it was manufactured or created. Such policies shall not cover furniture and fixtures not customarily used away from premises where such property is usually kept.

(n) Property in transit to or from and in the custody of bleacheries, throwsters, fumigatories, dyers, cleaners, laundries and similar bailees; needleworkers; and other bailees (not owned, controlled or operated by the bailor) for the purpose of performing work thereon (as distinguished from the making of a complete article) including the treatment of, or assemblage of property on the premises of bailees. Such policies shall not cover bailee's property at his premises.

(o) Installment sales and leased property. Policies covering property sold under conditional contract of sale, partial payment contract, installment sales contract, or leased but excluding motor vehicles designed for highway use. Such policies must cover in transit but shall not extend beyond the termination of the seller's or lessor's interest.

(p) Garment contractors floaters.

(q) Furriers or fur storer's customer's policies (i.e., policies under which certificates or receipts are issued by furriers or fur storers) covering specified articles the property of customers.

(r) Accounts receivable policies, valuable papers and records policies.

(s) Cold storage locker plant policies covering merchandise of customers consisting principally of meats, game, fish, poultry, fruit, vegetables and property of a similar nature.

(t) Floor plan policies, covering property for sale while in possession of dealers under a floor plan or any similar plan under which the dealer borrows money from a bank or lending institution with which to pay the manufacturer, provided: Such merchandise is specifically identifiable as encumbered to the bank or lending institution; the dealer's right to sell or otherwise dispose of such merchandise is conditioned upon its being released from encumbrance by the bank

or lending institution; that such policies cover in transit and do not extend beyond the termination of the dealer's interest. Provided that such policies shall not cover automobiles or motor vehicles; merchandise for which the dealer's collateral is the stock or inventory as distinguished from merchandise specifically identifiable as encumbered to the lending institution.

(u) Sign and street clock policies, covering neon signs, automatic or mechanical signs, street clocks, while in use as such.

(v) Wool growers floaters.

(w) Domestic bulk liquids policies, covering domestic bulk liquids stored in tanks provided the risks of fire and inherent explosion, windstorm, sprinkler leakage, earthquake, hail, explosion, riot or civil commotion are excluded therefrom.

(x) Furniture shipment policies, covering furniture, fixtures and equipment in bona fide course of shipment from one location to another location of the owner including in place of deposit incident to such transportation while awaiting determination or availability of final destination, in which event they must cover at time of issuance transportation to or from such place of deposit but may not cover after delivery at destination.

(y) Outboard motors and boats.

(7) PROPERTY WHICH MAY BE COVERED SPECIFICALLY. The following policies covering property which, when sold to the ultimate purchaser, may be covered specifically, by the owner, under inland marine policies: (a) Musical instrument dealers policies covering property consisting principally of musical instruments and their accessories.

(b) Camera dealers policies, covering property consisting principally of cameras and their accessories.

(c) Furrier's dealers policies, covering property consisting principally of furs and fur garments.

(d) Equipment dealers policies, covering mobile equipment consisting of binders, reapers, tractors, harvesters, harrows, tedders and other similar agricultural equipment and accessories therefor; construction equipment consisting of bulldozers, road scrapers, tractors, compressors, pneumatic tools and similar equipment and accessories therefor; but excluding motor vehicles designed for highway use.

(e) Household appliance dealers covering property consisting principally of household appliances and their accessories.

(f) Office machinery and supply dealers covering property consisting principally of office machines and supplies and their accessories.

(g) Heating and air conditioning equipment dealers covering property consisting principally of heating and air conditioning equipment and accessories.

(h) Industrial machinery and tool dealers covering property consisting principally of industrial machinery and tools and their accessories.

(i) Sporting goods dealers covering property consisting principally of sporting goods.

(j) Professional or scientific instrument dealers covering property consisting principally of professional or scientific instruments and their accessories.

(k) Marine supply dealers covering property consisting principally of marine supplies.

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(8) **COVERAGE EXCLUDED.** Unless otherwise permitted, nothing in the foregoing shall be construed to permit inland marine policies to cover: (a) Storage of assured's merchandise, except as hereinbefore provided.

(b) Merchandise in course of manufacture, the property of and on the premises of the manufacturer.

(c) Furniture and fixtures and improvements and betterments to buildings.

(d) Merchandise in permanent location, sold under partial payment, contract of sale, or installment sales contract, which involves protection of the purchaser's interest after seller's interest ceases.

(e) Moneys and/or securities in safes, vaults, safety deposit vaults, bank or assured's premises, except while in course of transportation.

(f) Risks of fire, windstorm, sprinkler leakage, earthquake, hail, explosion, riot, and/or civil commotion on buildings, structures, wharves, piers, docks, bulkheads and sheds and other fixed real property on land and/or over water, except as hereinbefore provided.

(9) **INTERPRETATIONS.** (a) The following interpretations, indicating whether or not the subjects qualify as inland marine, are made a part of this rule. 1. Tuxedos held by their owners solely for the purpose of renting them, not for sale or in course of manufacture. Affirmative.

2. Insurance of loud speakers, heaters, and projectors installed and used in drive-in theatres. Negative.

3. Personal property floater policies, including actual loss of or damage to improvements, alterations or additions made by the assured to buildings occupied as residences by but not owned by the assured caused by fire, lightning, windstorm, cyclone, tornado, hail, explosion, riot, riot attending a strike, smoke, damage by vehicles or aircraft. Affirmative.

4. Property eligible under subsection (7) (d) does not include "any article having a mechanical contrivance as an essential part, such as refrigerators, freezers, and similar appliances having mechanical contrivances."

5. Physicians' and surgeons' equipment floaters, including furniture and fixtures in that portion of the premises occupied by the assured in the practice of his profession. Affirmative.

6. Policy forms which cover assured's property in transit and while stored for a period of not exceeding 30 days at the assured's warehouse. Negative.

7. Subsections (7) (a), (b) and (c)—The words "consisting principally of" are intended to mean "predominantly" and not to signify an amount barely in excess of 50%.

8. Personal property floater policies written on a specified peril basis. Affirmative.

9. Exterior ornamental iron work and fences in use as such. Negative.

10. Sun-dials unless they possess the quality of fine arts. Negative.

11. Mausoleums. Negative.

12. Gasoline pumps erected at service stations. Negative.

13. Intercoastal shipments beginning and ending within the United States may also be construed as domestic shipments under subsection (3).

14. Motor vehicles excluded under subsection (6) (m) is not intended to apply to automobiles being hauled for others by public or contract carriers or being driven for others by drive-away contractors.

15. Liability of warehouseman, bailee, or other custodian. Affirmative.

16. Street lamps being used as such. Negative.

17. Subsection (6) (o) is not intended to include machinery and equipment under certain "lease-back" contracts.

18. Physicians' and surgeons' instrument dealers. Affirmative. ] *am*

19. Hop-picking machines permanently affixed to assured's property. Negative.

20. Additional living expense endorsement for use with personal property floater. Negative.

21. Subsections (7) (a), (b), (c) and (e) to (k) inclusive—The words "consisting principally of" are construed to mean that the average values of dealer's stock unrelated to the principal stock should not exceed more than 25% of the annual average values of his entire stock. ] *am*

22. Pattern and die floater including coverage on owners' premises. Negative.

23. Radio or television tower policies insuring against the risk of collapse including physical damage to transmitter buildings caused by or resulting from such collapse. Affirmative.

24. Insurance on dams to check or control the flow of water otherwise complying with subsection (4). Affirmative.

25. Stop and go signals otherwise complying with subsection (4). Affirmative.

26. Projectors and projection room equipment installed for use in theatres, auditoriums, or other structures. Negative.

27. Boardwalks at seashore points, excluding risks of fire, wind-storm, sprinkler leakage, hail, explosion, earthquake, riots, and/or civil commotion. Affirmative.

28. Morticians' liability policies. Affirmative.

29. Marine supply dealers. Affirmative. ] *am*

30. Property loaded on motor trucks for shipment. Affirmative.

31. Physicians' and surgeons' instrument floaters insuring furniture and fixtures of hospitals, clinics, medical schools, and the like. Negative.

32. Irrigation pump equipment excluding fixed or immobile units. Affirmative.

33. Office machines in use as such on assured's premises. Negative.

34. Office machines, the property of the assured or the property of others in his care or custody. Negative.

35. Dial telephone exchange equipment, including radio equipment for voice transmission. Negative.

36. Shipping containers, including those in process of making, and materials therefor, property of the grower while on premises of the grower. Negative.

37. Cotton-insured warehouse receipts (bailee liability). Negative.

38. Newsprint stored at the newspaper's office and warehouse, pending use by the assured. Negative.

39. Physicians' and surgeons' equipment floaters designed to include all kinds of personal property except realty. Negative.

40. Subsection (6) (o)—insurance on the interest of a bank or other lender in personal property pledged as security for a loan only if and while insurance of such personal property itself is within this classification. Affirmative.

41. Ancient or historic residences on the premises of the assured. Negative.

42. Contact halftone screens. Affirmative.

43. Drilling rigs on chassis. Affirmative.

44. Cut hay wherever located, including while on the assured's premises. Negative.

45. Fish insured as such from the time they are brailed from the company's traps until delivery to the assured's warehouse. Negative.

46. Outboard motors the property of customers picked up by the assured for servicing and returned to the owners after "off-season" storage. Affirmative.

47. a. Water storage tanks. Negative.

b. Elevated steel water tanks being an integral part of a pipeline. Affirmative.

48. Armed services post exchanges policies insuring contents thereof. Negative.

49. Dealers' policies covering property consisting principally of the classes hereunder. Affirmative.

a. Household appliances.

b. Office machinery and supplies.

c. Heating and air conditioning equipment.

d. Industrial machinery and tools.

e. Sporting goods.

f. Professional or scientific instruments.

g. Marine supplies.

50. Checkroom policies and legal liability of a bus company or other carrier for hire for property in coin-operated lockers. Affirmative.

51. Motor graders and road patrols. Affirmative.

52. Auto homes sold on an installment plan. Negative.

53. Non-recording insurance policies. Negative.

54. Flood lights and lighting systems installed and used as such in recreation fields or stadia. Negative.

55. Contents of home freezers policies issued to householders insuring against spoilage caused by power failure or mechanical breakdown unless covered under the personal property floater policy. Negative.

56. Ski-Tow policies including transportation and storage during "off-season." Affirmative.

57. Water intake cribs policies insuring against all risks of loss except fire and extended coverage and excluding coverage on buildings, furniture and fixtures, fixed contents, and supplies in storage. Affirmative.

58a. Dealers' chicks and supplies in possession of growers. Affirmative.

b. Chicks, feed, vaccines and medicines of a transitory nature, the property of the grower but excluding such property held in storage. Affirmative.

59. Antique automobiles. Affirmative.

60. Oil tanks and pumps mounted on leased trucks. Affirmative.

61. Telescopes in college observatories. Affirmative.
62. Aerial tramways excluding insurance on buildings associated therewith. Affirmative.
63. Carillon towers. Negative.
64. Roofing and siding materials sold under a conditional sales contract during installation and until the seller's interest ceases. Negative.
65. Awning repair service policies covering awnings in transit and while at the premises of the bailee, Affirmative.
66. Dental laboratory equipment in a dental laboratory. Negative.
67. Bailees' policy—Extra expense coverage resulting from loss or damage to buildings, machinery, or equipment. Negative.
68. Leased telephones. Affirmative.
69. Merchandise "floater" coverage. Negative.
70. Specialized automotive equipment constituting a single mechanical entity with the chassis to which it is attached, designed to perform work at a situs except for incidental highway use. Affirmative.
71. Fire alarm systems excluding operating and control apparatus within the fire house. Affirmative.
72. Miscellaneous floaters covering stocks of merchandise without limit as to time at premises not owned, leased, or operated by the assured. Negative.
73. Portable asphalt mixing plants. Affirmative.
74. Transmission poles, transformers, regulators, switches, wire, and hardware stored at the assured's premises. Negative.
75. Life raft materials in course of manufacture at assured's premises. Negative.

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