

SECTION 1. Subsections (10) and (11) of section 85.40 of the statutes are amended to read: (85.40) (10) Subject to the regulations of this section, no vehicle * * * or combination of vehicles, except busses, having a gross weight of more than * * * ten thousand pounds * * * shall be operated at a speed greater than thirty-five miles per hour. * * *

(11) The speed limits for motor busses completely equipped with pneumatic tires shall be the same as the speeds permitted passenger vehicles in this section. Motor busses equipped with two or more solid tires shall conform to the speeds specified in subsection (10) of this section.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 30, 1933.

No. 302, S.]

[Published July 1, 1933.

CHAPTER 353.

AN ACT to repeal sections 20.555 and 205.02 to 205.05; to amend sections 205.06 to 205.11, subsection (2) of section 205.12, sections 205.13 to 205.15, 205.17 to 205.19, 205.21 to 205.28, and subsection (3) of section 205.30; and to create subsection (5) of section 20.55 of the statutes, relating to the abolition of the compensation insurance board and the transfer of its functions to the insurance department, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Sections 20.555 and 205.02 to 205.05 of the statutes are repealed.

SECTION 2. Sections 205.06 to 205.11, subsection (2) of section 205.12, sections 205.13 to 205.15, 205.17 to 205.19, 205.21 to 205.28, and subsection (3) of section 205.30 of the statutes are amended to read: 205.06 * * * ENFORCEMENT BY COMMISSIONER OF INSURANCE. (1) *This chapter shall be administered and enforced by the commissioner of insurance. In approving classifications, pure premiums, or rates, the commissioner shall in all cases consult with the industrial commission or some member of this commission designated by it. The commissioner may also consult with the industrial commission or its representative on any other matter arising under this chapter and he shall have access to all*

records of the industrial commission which he may wish to consult in the performance of his duties under this chapter.

(2) * * * *In the discharge of his duties under this chapter the commissioner of insurance shall have power to appoint and authorize any person chosen by * * * him to attend meetings of the rating bureau, hold hearings, make investigations and examinations with reference to any subject over which said board has or may have jurisdiction. The person so appointed shall have all the powers in relation to said hearing, investigation or examination that * * * the commissioner would have if * * * himself acting, but shall report in writing the result of such hearing, examination or investigation and any testimony taken by him to the * * * commissioner. Whether such powers are specifically enumerated or not, the * * * commissioner of insurance shall have full power to perform the duties conferred or imposed upon * * * him in this chapter.*

205.07 For the purpose of providing for the solvency of companies writing workmen's compensation insurance in this state the * * * *commissioner of insurance* shall approve a minimum adequate pure premium for each classification under which such business is written. The * * * *commissioner* shall, in approving such pure premium, make use of the experience which may from time to time be available, and of such other helpful information as may be obtainable. For the purpose of uniformity and equality the * * * *commissioner* shall, after consultation with companies *and the industrial commission or its representative*, approve a system of schedule or merit rating for use in writing of such business in this state. No system of schedule or merit rating except the one so approved shall be used in this state. The * * * *commissioner* shall * * * *likewise* approve maximum and minimum expense loadings to be incorporated in premiums collected on such business in this state. In the approval of rates and pure premiums the * * * *commissioner* shall take into account the fluctuation resulting from the use of schedule or merit rating.

205.08 (1) The * * * *commissioner of insurance* may at any time require a survey and report by the bureau herein provided for of any risk regarding which complaint may have been made. * * * Approval of any premium rate or classification may be withdrawn * * * upon ten days' notice to the parties

interested. Premium rates or systems of schedule or merit rating shall not take into account the physical impairment of employes.

(2) The * * * *commissioner of insurance* may, on a proper showing relating to any insured, make an experience rate for such assured on a plan which shall be uniform for all insured in the same class, and may modify or revoke such rate from time to time as the facts may warrant. No such rate or modification thereof shall take effect until thirty days after the * * * *commissioner* shall have given notice thereof to each rating bureau rating workmen's compensation risks in this state, and to each insurer effecting insurance upon workmen's compensation risks in this state.

(3) Any employer who shall apply or promote any oppressive plan of physical examination and rejection of employes or applicants for employment shall forfeit the right to the advantages of experience rating. Determination of whether there is cause for such forfeiture shall lie with the industrial commission. If the industrial commission shall find as a fact that grounds do exist for such forfeiture it shall file with the * * * *commissioner of insurance* a certified copy of its findings and conclusions, and such filing shall automatically suspend the experience rating provisions as to such employer. Such determination shall be made in the same manner and shall be subject to court review as prescribed in sections 101.13 to 101.27 insofar as such sections are applicable. Restoration of the right of an employer to the advantages of experience rating shall be by like procedure.

205.09 No classification for compensation insurance purposes shall be effective until approved as correct by the * * * *commissioner of insurance*. No rule or regulation with reference to compensation risks filed by any company or by the bureau herein provided for shall be effective until approved by * * * *the commissioner of insurance*. If it shall appear at any time that reasonable doubt on the part of the compensation insurance board as to the proper classification or rate for any risk exists, such risk may be bound for insurance subject to rate and classification to be established therefor.

205.10 Pay roll audits by companies shall show division by classification, if any, and shall be correct as to amount and as to such division and shall be reported to the industrial commission through the * * * *insurance department*. The * * * *commissioner of insurance* may on his own initiative, and upon written complaint stating facts sufficient to warrant action by him shall,

verify any pay roll audit by a reaudit of the books of the employer or in such other manner as may to * * * *him* appear most expedient. * * *

205.11 The * * * *commissioner of insurance* shall have power, upon its own motion or upon the written complaint of any person having a direct interest, to review the acts of any company, bureau, or agent subject to the provisions of this section, and to make findings and orders requiring compliance with the provisions hereof. Such review before the * * * *commissioner* shall be upon due notice to the parties interested, and * * * *his* findings or orders shall be made after a hearing * * * , and in all cases shall be subject to summary review by the circuit court of Dane county. During such court review the operation of the * * * *commissioner's* order shall be suspended, but in the event of final determination against an insurer, any overcharge made during the pendency of such proceedings shall be refunded to the person entitled thereto. All written complaints under this section shall be verified, and may be upon information and belief of the person complaining. A copy of such complaint shall be served upon the company, bureau, or person against whom the complaint is directed, and each of such parties in interest shall be entitled to at least ten days' notice of any hearing thereon. When the action is upon the * * * *commissioner's* own motion any company or person affected shall be entitled to at least ten days' notice of a hearing upon the matter to be inquired into. Any finding or order made by the * * * *commissioner* as a result of an investigation upon its own motion shall be subject to court review as herein provided.

(205.12) (2) To assist the * * * *commissioner of insurance* and companies in approving rates, determining hazards, and other material facts in connection with compensation risks and to assist in promoting safety in the industries, and in the administration of any system of experience rating that may be adopted.

205.13 * * * GOVERNMENT OF RATING BUREAU. * * *
The bureau shall make by-laws for its government and for the government of its members. Such articles and by-laws and all amendments thereto shall be filed with and approved by the * * * *commissioner of insurance* and shall not be effective until so filed and approved. Such bureau shall admit to membership any company authorized to transact workmen's compensation in-

insurance in this state. The charges and service of such bureau shall be equitable and nondiscriminatory as between member companies.

205.14 Each company which is a member of such bureau shall pay an equitable and nondiscriminatory share of the cost of operating the bureau. If the members of the bureau cannot agree upon an apportionment of cost, any member may, in writing, petition the * * * *commissioner of insurance* to establish a basis for apportioning such cost. If any member is aggrieved by an apportionment made by the bureau it may, in writing, petition the * * * *commissioner* for a review of such apportionment. The board shall, upon not less than five days' notice to each member of the bureau, hold a hearing upon any such petition, at which all members shall be entitled to be present and be heard. The * * * *commissioner* shall determine the matter and mail a copy of * * * *his* decision to each member of the bureau. The decision of the * * * *commissioner* shall be final and binding upon all members of the bureau.

205.15 Each class of insurers, to wit, stock companies and non-stock companies which are members of such bureau, shall be represented in the bureau management and on committees as provided in the by-laws, but the stock companies and nonstock companies shall have equal representation on the governing or managing committee and also on the rating committee of the bureau. One-half the members of each committee shall be chosen by the stock companies and one-half by the nonstock companies. Each member company shall be entitled to one vote. In case of a tie vote upon any committee the * * * *commissioner of insurance* shall cast the deciding vote.

205.17 The bureau shall annually on or before March first, file with the * * * *commissioner of insurance* a statement covering its activities for the year ending on the preceding thirty-first day of December. Such report shall cover its financial transactions and also other matters connected with its operation as required by the board. The * * * *commissioner* shall prescribe the form of such report. The bureau shall be subject to supervision and examination by the * * * *commissioner of insurance* or any examiner authorized by * * * *him*. Examinations may be made as often as deemed expedient. The expense of such examination shall be paid by the bureau.

205.18 The bureau shall on behalf of all its members assign each compensation risk and subdivision thereof in this state to its proper classification. Such determination as to the proper

classification by the bureau shall be subject, however, to the approval of the * * * *commissioner of insurance* as herein provided. The bureau shall also on behalf of all members thereof inspect and make a written survey of each risk to which the system of schedule or merit rating approved for use in this state is applicable. It shall, on behalf of all the members thereof, file with the * * * *commissioner of insurance* its classification of risks and also the written surveys of all risks inspected by it, showing charges and credits if any, and such other facts as are material in the writing of insurance thereon. It shall also file any subsequent proposed classification or later survey and all rules and regulations which do or may affect the writing of such risks. Any company may file with the bureau and the * * * *commissioner* rules and regulations governing such company in its writings. The bureau classification shall be binding upon all companies. The * * * *insurance department* and also the bureau and its representatives shall give all information as to classifications, rates, surveys and other facts collected and intended for the common use of companies subject to this act to all such companies at the same time.

205.19 BUREAU RECORDS; HEARINGS; APPEAL TO * * * COMMISSIONER. The bureau shall keep a careful record of its proceedings. It shall furnish, upon his demand, to any employer upon whose workmen's compensation risk a survey has been made, full information as to such survey including the charges and credits fixed thereby. The bureau shall also provide such means as may be approved by the * * * *commissioner of insurance* whereby any member company or any employer whose risk has been inspected by it may be heard, either in person or by a representative, before its governing or rating committee or other proper representative with reference to any matter affecting such risk. Any company or employer may appeal from a decision of the bureau to the * * * *commissioner of insurance*. The bureau shall also make rules governing appeals, which rules shall be filed with and approved by the * * * *commissioner of insurance*. The bureau shall file with the * * * *commissioner of insurance*, whenever * * * *he* may call therefor, such information as it may have concerning any matter connected with its activities.

205.21 Every company writing workmen's compensation insurance in this state shall file with the * * * *commissioner of insurance* its rates for such insurance and all additions thereto or

changes therein. All rates so filed shall comply with the requirements of law and shall not be effective or used until approved as to such compliance by the * * * *commissioner of insurance*. A rate which is filed and approved shall not be changed until the substituted rate has been filed for at least fifteen days and has been approved by the * * * *commissioner*.

205.22 Every company writing workmen's compensation insurance in this state shall file with the * * * *commissioner of insurance* a schedule of the expense loading to be collected by it on workmen's compensation business written in this state. Such loading shall be approved by the * * * *commissioner* as to adequacy and as to compliance with the orders of the board, and it shall not be effective until so approved. All modifications or changes in such loading shall also be filed with and approved by the * * * *commissioner* before becoming effective.

205.23 In fixing its rates no company shall use a pure premium less than that approved as adequate by the * * * *commissioner of insurance*. Any company in fixing its rates may use a pure premium higher than that established by the * * * *commissioner of insurance*.

205.24 No company shall write insurance at a rate other than that approved for it as adequate by the * * * *commissioner of insurance*; provided, however, that a rate may be reduced or increased by the application to individual risks of the system of schedule or merit rating which has been approved by the * * * *commissioner*. Such reduction or increase shall be set forth in the policy or by an indorsement thereon.

205.25 Every company writing workmen's compensation insurance in this state shall report its writings to the * * * *commissioner of insurance*. The * * * *commissioner* shall prescribe forms for and make rules governing agents and companies in making such reports. Such reports shall be checked by the * * * *commissioner*, and upon being approved as complying with law, shall be filed with the industrial commission. No information regarding the writings of any company shall be made public by the * * * *commissioner of insurance* or any of * * * *his* employees except as required by law.

205.26 Every company insuring the liability of employers for compensation shall file with the * * * *commissioner of insurance* such information regarding insurance written by it on risks located in this state as * * * *he* may from time to time require.

205.27 The rates for workmen's compensation insurance filed with the industrial commission when this act goes into effect shall be binding upon the company filing them until revised or changed under sections 205.01 to 205.29, * * * or by an order of the * * * *commissioner of insurance.*

205.28 Any company, rating bureau, agent, or other representative or employe of any company or rating bureau failing to comply with or which is guilty of a violation of any of the provisions of sections 205.01 to 205.29, * * * or of any order or ruling of the commissioner of insurance * * * made hereunder, shall be punished by a fine of not less than fifty nor more than five hundred dollars. In addition thereto, the license of any company, agent, or broker guilty of such violation may be revoked or suspended by the commissioner of insurance.

(205.30) (3) The bureau shall within thirty days after the taking effect of this section make and adopt such rules as may be necessary to carry this * * * *section* into effect, subject to an appeal to the * * * *commissioner of insurance* as in all other cases. Any decision of such bureau under this section shall be subject to review on appeal to the * * * *commissioner of insurance.*

SECTION 3. A new subsection is added to section 20.55 of the statutes to read: (20.55) (5) Annually, beginning July 1, 1933, three thousand five hundred dollars for the execution of his functions under chapter 205, relating to workmen's compensation insurance.

SECTION 4. The commissioner of insurance shall succeed to all of the powers, duties, property, documents, and records of the compensation insurance board. All approvals, classifications, rates, orders, rules and regulations of said board in effect immediately prior to the taking effect of this act are continued as approvals, classifications, rates, orders, rules, and regulations of the commissioner of insurance until revoked or modified pursuant to law. All proceedings pending before said board and all investigations which it may have begun but not completed may be completed by the commissioner of insurance with the same effect as if completed by the compensation insurance board.

SECTION 5. This act shall take effect July 1, 1933.

Approved June 30, 1933.