

No. 751, S.]

[Published January 13, 1962.

## CHAPTER 624

AN ACT to repeal, renumber, amend, repeal and recreate, reenact and create various provisions of the statutes for the purpose of correcting errors, supplying omissions, clarifying language, correcting references, renumbering for better location and arrangement, eliminating duplications, reconciling conflicts and repelling unintended repeals (Revisor's Correction Bill on statutes affecting Insurance Department).

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

SECTION 1. 76.30 (1) of the statutes, as amended by chapters 463 (Bill 496, S) and 562 (Bill 393, A), laws of 1961, is repealed and recreated to read:

76.30 (1) Every company transacting the business of insurance against fire or marine loss, other than companies excepted under sub. (3) and s. 76.305, shall pay to the state on or before March 1 in each year, in respect to marine insurance a tax of one-half of one per cent and in respect to fire insurance a tax of  $2\frac{3}{8}$  per cent on the amount of the gross premiums received for direct insurance, less return premiums and cancellations on direct insurance, by such company during the preceding year in this state. Direct insurance includes all insurance other than reinsurance. In case any company discontinues business in this state and reinsures the whole or a part of its risks without making payment of this tax, the company accepting such reinsurance shall pay the tax; and if several companies make such reinsurance the tax shall be apportioned between such companies in proportion to the original premiums upon the business in this state, so

reinsured by each such company. Upon the payment of the tax herein provided, and the fees required by s. 200.13, such company may be licensed to transact its business until May 1 in the ensuing year, unless sooner revoked or forfeited according to law.

SECTION 2. 76.30 (3) of the statutes, as amended by chapter 463 (Bill 496, S), laws of 1961, is amended to read:

76.30 (3) Every domestic stock fire insurance company transacting the business of insurance against fire \* \* \* or marine \* \* \* loss, shall pay to the state on or before March 1 in each year in respect to marine insurance a tax of one-half of one per cent and in respect to fire \* \* \* insurance a tax of  $1\frac{1}{4}$  per cent upon the gross premiums received for direct insurance, less return premiums and cancellations on direct insurance by such company during the preceding year in this state.

SECTION 3. 152.53 (3) of the statutes, as created by chapter 400 (Bill 371, S), laws of 1961, is amended to read:

152.53 (3) Any such plan shall be subject to all applicable provisions of ss. 200.26 and 209.04 \* \* \* (11).

SECTION 4. 200.03 (6) of the statutes, which was repealed by chapter 397 (Bill 245, S), laws of 1961, was not recreated by chapter 562 (Bill 393, A), laws of 1961. The repeal stands.

SECTION 5. 200.04 (4) of the statutes is amended by substituting "Section 76.305" for the reference to "Section 76.30 (2)".

SECTION 6. 200.13 (4), (5), (6), (7), (8), (9), (12) and (13) of the statutes, as created by chapter 562 (Bill 393, A), laws of 1961, are amended to read:

200.13 (4) For filing articles of amendment, domestic companies, \* \* \* \$10; and an additional sum equal to \$1 for each \$1,000 or fraction thereof of par value shares and 2 cents for each share without par value as authorized after such amendment, less a credit computed at the foregoing rates upon all shares as authorized immediately prior to such amendment.

(5) For filing a copy of amendment to the articles of incorporation of a foreign or alien company, \* \* \* \$10. If the amendment is filed more than 60 days after the same has become effective in the home state, the corporation shall pay to the commissioner a penalty of \$25.

(6) For filing articles of merger, \* \* \* \$10; and an additional sum equal to \$1 for each \$1,000 or fraction thereof of par value shares and 2 cents for each share without par value as authorized after such merger, less a credit computed at the foregoing rates upon all shares of domestic corporations which are parties to merger as authorized immediately prior to such merger.

(7) For filing a copy of articles of merger of a foreign or alien company, \* \* \* other than with a domestic corporation, \$10.

(8) For filing a statement of intent to dissolve, domestic companies, \* \* \* \$5.

(9) For filing articles of dissolution, domestic companies, \* \* \* \$5.

(12) For filing an application to reserve a corporate name, \* \* \* \$5.

(13) For filing a notice of transfer of a reserved corporate name, \* \* \* \$5.

SECTION 7. 200.26 (7) of the statutes, as amended by chapter 562 (Bill 393, A), laws of 1961, is amended to read:

200.26 (7) Such organizations and their agents, plans and contracts shall be subject to the provisions of s. 200.13 relating to fees, s. 201.045 relating to licensing, s. 201.25 relating to investments, ch. 207 relating to unfair methods of competition and unfair or deceptive acts or practices and s. 200.03 (18) relating to powers of the commissioner of insurance, to the same extent and in the same manner as if such organizations were domestic insurance corporations and to s. 209.04 (11) relating to agents \* \* \*. Such organizations shall also be subject to s. 201.18 (1) relating to premium reserves except that where risks are written for more than one month and the premium or fee is paid on a monthly basis, the reserve shall be computed at 50 per cent of the monthly premium or fee received each month. Any investments made by a corporation organized under s. 182.032 prior to November 6, 1959 and which investments at the time they were made complied with ss. 206.34 and 206.35 shall not be deemed a violation of this subsection and such investments may at the option of such corporation be retained without being deemed a violation of this subsection.

SECTION 8. 201.03 (10) of the statutes, as created by chapter 562 (Bill 393, A), laws of 1961, is repealed, and 201.03 (10) is recreated as created by chapter 555 (Bill 702, A), laws of 1961.

SECTION 9. 201.04 (18) of the statutes is amended to read:

201.04 (18) Medical Payments and Other Supplemental Insurance.— Against expense, other than loss of time, in connection with the kinds of insurance specified in subs. (5), (6), (10), (13) and (17), and against loss, damage and expense, including loss of time, in connection with the kind of insurance specified in sub. (15), arising out of bodily injury to, or sickness, disease or death of, either or both the insured and others, by accident, with respect to which the insurer assumes an obligation to pay irrespective of the insured's legal liability therefor. The requirements applicable to the insurance specified in sub. (4), including \* \* \* ss. 204.31 \* \* \* to 204.322, shall not apply when the insurance authorized by this subsection is assumed as a part of or as supplemental to the insurance specified in any other subsection of s. 201.04 as permitted in s. 201.05 (3), provided such loss, damage or expense arises out of a hazard directly related to such other insurance.

SECTION 10. 201.42 (2) (b) 4., (8) and (11) (a) of the statutes, as created by chapter 397 (Bill 245, S), laws of 1961, are amended by substituting "(12)" for "(13)" in the reference to "sub. (13)".

SECTION 11. 201.42 (4) (b) of the statutes, as created by chapter 397 (Bill 245, S), laws of 1961, is amended to read:

201.42 (4) (b) Such service of process shall be made by leaving 2 copies thereof in the hands or office of the commissioner and paying to him for the use of the state \* \* \* *the fee required by s. 200.13 (18)* for each person or insurer. A certificate by the commissioner showing such service and attached to the original or third copy of such process presented to him for that purpose shall be sufficient evidence thereof. Service upon the commissioner as such attorney shall be service upon the principal.

SECTION 12. 201.63 (1) of the statutes, as amended by chapter 562 (Bill 393, A), laws of 1961, is repealed and 201.63 (1) as repealed and recreated by chapter 397 (Bill 245, S), laws of 1961, is recreated.

SECTION 13. 201.63 (4) (b) of the statutes, as created by chapter 397 (Bill 245, S), laws of 1961, is amended to read:

201.63 (4) (b) The fee for issuance of a surplus lines license shall be \* \* \* *the fee required by s. 200.13 (15) (c)*.

SECTION 14. 203.53 of the statutes is amended to read:

203.53 Any insurance company wilfully violating or failing to comply with \* \* \* s. 203.52 \* \* \*, shall forfeit \$500 for each violation. Any insurance company which \* \* \* *fails* for 30 days after judgment in any action for such forfeiture to pay such judgment shall have its license revoked, and such company shall not be relicensed for at least one year from the date thereof, nor until it \* \* \* *has* paid such judgment.

SECTION 15. 204.31 (7) of the statutes is amended to read:

204.31 (7) NONAPPLICATION TO CERTAIN POLICIES. Except for the filing requirements of s. \* \* \* *204.321 (4)* applicable to credit group policies, nothing in this section shall apply to or affect (a) any policy of workmen's compensation insurance or any policy of liability insurance with or without supplementary expense coverage therein; or (b) any policy or contract of reinsurance; or (c) any blanket or group policy of insurance; or (d) life insurance, endowment or annuity contracts, or contracts supplemental thereto, which contain only such provisions relating to accident and sickness insurance as provide additional benefits in case of death or dismemberment or loss of sight by accident, or operate to safeguard such contracts against lapse, or to give a special surrender value or special benefit or an annuity in the event that the insured or annuitant shall become totally and permanently disabled, as defined by the contract or supplemental contract.

SECTION 16. 204.32 (1) of the statutes, as repealed and recreated by chapter 94 (Bill 193, S), laws of 1961, is amended to read:

204.32 (1) Franchise accident and sickness insurance is declared to be that form of accident and sickness insurance described in s. 201.04 (4) covering 3 or more employes or members of any governmental corporation, unit, agency or department thereof, or of any corporation, copartnership or individual employer, or of any association, including a labor union, having a constitution or bylaws, and formed in good faith for purposes other than that of obtaining insurance, *or individuals supplying raw materials to a single processing plant*, where such employes, members \* \* \*, employes of members *or suppliers*, with or without their dependents, are covered under individual policies of insurance, under an arrangement whereby the premiums on such policies are to be paid to the insurer periodically by the employer, with or without payroll deductions, or by the association, as the case may be, or by some designated person acting on behalf of such employer or association or of such employes \* \* \*, members *or suppliers*. The term "employes" as used herein \* \* \* *includes* the officers, managers and employes of the employer and the individual proprietor or partners if the employer is an individual proprietor or partnership.

SECTION 17. 204.321 (1) (e) of the statutes, as created by chapter 94 (Bill 193, S), laws of 1961, is renumbered 204.321 (1) (f).

SECTION 18. 204.321 (1) (e) of the statutes is created to read:

204.321 (1) (e) Groups of individuals supplying raw materials to a single processing plant; or

SECTION 19. 205.03 (2) of the statutes, as created by chapter 354 (Bill 190, A), laws of 1961, is amended to read:

205.03 (2) The bureau shall procure annually from the commissioner a license to carry on its business. The annual license fee shall be \* \* \* *the amount required by s. 200.13 (3) (d)* to be paid when filing application for license. The license year shall end on the last day of February. The commissioner shall prescribe blanks and make needed regulations governing the licensing of the bureau.

SECTION 20. 205.16 of the statutes, as amended by chapter 562 (Bill 393, A), laws of 1961, is repealed, and 205.16 of the statutes, as repealed and recreated by chapter 354 (Bill 190, A), laws of 1961, is recreated.

SECTION 21. 209.04 (6) (aa) as created by chapter 397 (Bill 245, S), laws of 1961, is recreated as 209.04 (9) (aa) and amended to read:

209.04 (9) (aa) The *certificate of registration or* license of any agent who does any unauthorized act of an insurance business as set forth in s. 201.42 (2) shall be suspended for a period of not less than 90 days and such agent shall not be permitted to do business until all liability for such violation is discharged. Whenever the commissioner receives notice of an unauthorized act of an insurance business he shall forthwith make an inspection of the books and records of such agent and upon his refusal to permit such inspection the commissioner shall revoke his license.

Approved January 9, 1962.

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