

No. 575, A.

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CHAPTER 196

AN ACT to create 209.05 of the statutes, relating to the sale of insurance through vending machines, and granting rule-making power.

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

209.05 of the statutes is created to read:

209.05 VENDING MACHINES FOR SALE OF INSURANCE. (1)

No insurance shall be offered for sale, issued or sold by or from any vending machine or appliance or any other medium, device or object designed or used for vending purposes, herein called a device, except as provided in this section.

(2) Resident insurance agents licensed under s. 209.04 to solicit applications for and to sell policies of personal travel accident insurance providing benefits for accidental bodily injury or accidental death may also solicit applications for and issue or sell such insurance by means of devices supervised by them and placed in locations for convenience of the traveling public, upon the following conditions only:

(a) That each policy to be sold by or from a device is reasonably suited for sale and issuance through a device, and that the use of such device therefor in a particular proposed location would be of material convenience to the traveling public.

(b) That the type of device proposed to be used is reasonably suitable and practical for the purpose.

(c) That there is prominently displayed a copy of such policy informing the prospective purchaser of the benefits, limitations and exclusions of the policy, the premium rates for such policy, the name and address of the agent and the name and home office address of the insuring company.

(d) That such device is so constructed and operated that it retains or has a suitable place for deposit and safe keeping of a copy of the application, which shall show the date of the application, name and address of the applicant and the beneficiary, and the amount of insurance.

(e) That no policy of insurance sold by or from such a device shall be for a period of time longer than the duration of a specified one-way trip or round trip of not to exceed 180 days.

(f) That such device has on it or immediately adjacent thereto, in a prominent location, adequate envelopes for use of purchasers in mailing policies vended through such device, or that the policy itself, if designed to permit such procedure, may be mailed without an envelope. The commissioner may by written notice to the agent, modify or waive these requirements.

(g) That each such device is supervised, inspected and tested by the agent with such frequency as is reasonably necessary or as required by the commissioner, and if any device is not in good working condition the agent shall promptly cause a notice to be displayed thereon that the same is out of order, and cause said device to be promptly removed from service until it is in proper working order.

(h) That the agent promptly refunds to each applicant or prospective applicant money deposited in any defective device and for which no insurance, or a less amount than paid for, is actually received.

(i) That the agent hold a special vending machine license for each such device.

(3) The commissioner may establish such other rules for types and locations of devices authorized hereunder, their maintenance and operation and the methods to be used by the agent in the solicitation and sale of insurance by means of such devices as is reasonable and necessary.

(4) The application for a license for each device to be used shall be made by the agent in such form and with such information as is prescribed by the commissioner. A fee of \$3 for each device shall be paid at the time of making application. Upon approval of the application, the commissioner shall issue to the agent a special vending machine license. The license shall apply to a specific device or to any device of identical type with, after written notice by the agent to the commissioner, is substituted for it. The license shall specify the name and address of the agent, the name and home office address of the insuring company, the name or other identifying information of the policies to be sold, the serial number or other identification of the device and the address, including the location on the premises, where the device is to be in operation. A device for which a license has been issued for operation at a specific address may be transferred to a different address during the license year upon written notice to the commissioner at the time of such transfer. The license for each device shall expire on September 1 of each year, but may be renewed from year to year by the commissioner upon approval of the application by the agent and the furnishing of such information as shall be requested by the commissioner, and the payment of \$3 for each license year or part thereof for each device. Proof of the existence of a subsisting license shall be displayed on or about each such device in use in such manner as the commissioner requires.

(5) The license for each device shall be subject to expiration, suspension or revocation coincidentally with that of the agent or the insuring company. The commissioner may also suspend or revoke the license as to any device concerning which he finds any conditions upon which the device was licensed as referred to in sub. (2) have been violated, or no longer exist, or that the device is being used or operated by the agent in violation of the laws of this state. Before suspending or revoking a license for a device, the commissioner shall conduct a hearing in the prescribed manner and shall make his determination upon the basis of the standards, conditions and requirements of this section.

Approved July 18, 1963.
