

Vote Record
Committee on Transportation and Information Infrastructure

Date: 3/3/04

AB 471

Moved by: Kedzie

Seconded by: Breske

AB 471 SB _____ Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

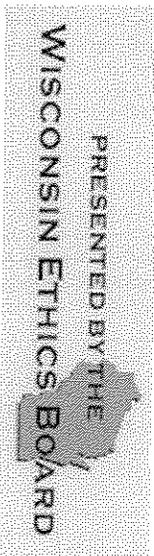
A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

- Be recommended for:
- Passage Adoption Confirmation Concurrence Indefinite Postponement
 - Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Joseph Leibham, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Ted Kanavas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Mark Meyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>4</u>	_____	_____	_____

Motion Carried Motion Failed

- ▶ Home
- ▶ Lobbying in Wisconsin
- ▶ Organizations employing lobbyists
- ▶ Lobbyists



as of Tuesday, February 17, 2004

2003-2004 legislative session Legislative bills and resolutions

(search for another legislative bill or resolution at the bottom of this page)

- Text, Sponsors and Analysis
- Status and Fiscal Estimate
- Lobbying Effort on this item

Assembly Bill 471

procedures that towns and certain cities and villages must follow to be reimbursed for fire calls on highways

Organization Profile	Interests	These organizations have reported lobbying on this proposal:		
●	American Family Insurance Group		Date Notified	Comments
●	Sentry Insurance Group		8/19/2003	
●	Waukesha County Municipal Executives		10/24/2003	
●	Wisconsin Insurance Alliance		8/18/2003	

Select a legislative proposal and click "go"

House
 Senate
 Assembly
 Joint Resolution
 Resolution

Proposal Type: Bill
 Joint Resolution
 Resolution

Proposal Number: (enter proposal number)

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MEMORANDUM

To: Assembly Committee on Urban and Locals Affairs
From: Eric Englund
Date: October 7, 2003
Subject: AB 471 Direct Billing Auto Insurance Carriers for Reimbursement for Fire Calls

Eric Englund
President

Richard Ewert
Chairperson
Partners Mutual Insurance Company

Lee Fanshaw
Vice-Chairperson
American Family Insurance

Russ Denk
Secretary/Treasurer
WEA Property & Casualty Ins. Co.

Members:

ACUIY

American Express Property Casualty
American Family Insurance
American Standard Insurance
Badger Mutual Insurance
Capitol Indemnity Corporation
Church Mutual Insurance
CUNA Mutual Insurance Group
Dairyland Insurance
1st Auto & Casualty Ins. Co.
General Casualty Insurance
Germantown Mutual Insurance
Homestead Mutual Insurance Co.
Integrity Mutual Insurance
Jewelers Mutual Insurance
Manitowoc Cty. Mutual Insurance
Maple Valley Mutual Insurance
McMillan/Warner
Mount Morris Mutual
Old Republic Surety Company
Partners Mutual Insurance Company
PIC Wisconsin
Progressive Northern Ins. Cos.
Rural Mutual Insurance Company
Secura Insurance
Sentry Insurance
Sheboygan Falls Insurance
Society Insurance
United Wisconsin Insurance
Unitrin Multi Lines Insurance
Waukesha Cty. Mutual Insurance
Wausau Insurance Companies
WEA Property & Casualty Ins. Co.
West Bend Mutual Insurance
Wilson Mutual Insurance
Wisconsin American Mutual
Wisconsin Assoc. of Mutual Ins. Cos.
Wisconsin Mutual Insurance

Associate Members:

Allstate Insurance
Auto Club Insurance Association
Farmers Insurance
Liberty Mutual
Nationwide Indemnity
State Auto Ins. Cos.
State Farm Insurance
St. Paul Companies

The Wisconsin Insurance Alliance (WIA) representing the major writers of auto insurance in the state of Wisconsin appears for information on this initiative.

Under current law towns, villages and certain cities may be reimbursed for fire calls on highways in certain situations. The existing statutes mandate that as a condition of receiving these specified reimbursements the agency requesting that reimbursement must make an effort to collect the cost from the person to whom the fire call was provided. This bill amends current law to provide that the collection effort can be made against the auto owner or their insurer.

This bill appears to arise from an extraordinary incident involving a massive collision and significant damage/injury. Subsequent to the event, an effort was made to seek reimbursement for the fire call from those involved in the incident. This request for reimbursement apparently caused some public outcry of "insensitivity" from families of those seriously injured who received a bill for the services. This bill seeks to respond to that situation by changing the statute to allow the collection effort to be made against the person's "insurer."

There is **NOT** a uniform standard or practice amongst auto insurers for providing or not providing coverage for these types of claims. This occurs because "fire calls" arise in a broad spectrum of factual situations, some of which may or may not be provided coverage under standard insurance policies. Additionally, there are a variety of auto insurance policies sold in Wisconsin, some of which may provide coverage in certain situations, whereas others may not. In addition to the "problem" of whether or not there is or isn't insurance coverage for the fire call, this bill creates a problem in that there is **NO** efficient way for the fire call entity to determine the appropriate name and policy number of the insurer for any vehicle or vehicles involved in the fire call. Billings to automobile insurance companies without such information are difficult to administer. In addition to the question of whether or not there is coverage, and the administrative challenge for insurers of processing a claim that comes to them without the appropriate name of the insurer or policy number, there is also a potential problem of privity of contract. An auto insurance policy is a contract between the insurance company and their insured. A municipality has no privity of contract or relationship which gives rise to their having a legal ability to make a claim directly on the insurer.

Automobile insurers will continue to process claims requests for fire calls that are submitted by their insured's.

MEMORANDUM

To: Senate Committee on Transportation

From: Eric Englund

Date: February 10, 2004

Subject: AB 471 Direct Billing Auto Insurance Carriers for Reimbursement for Fire Calls

The Wisconsin Insurance Alliance (WIA) representing the major writers of auto insurance in the state of Wisconsin opposes this initiative.

Under current law towns, villages and certain cities may be reimbursed for fire calls on highways in certain situations. The existing statutes mandate that as a condition of receiving these specified reimbursements the agency requesting that reimbursement must make an effort to collect the cost from the person to whom the fire call was provided. This bill amends current law to provide that the collection effort can be made against the insurers of the auto owner to whom the fire call was provided.

This bill appears to arise from an extraordinary incident involving a massive collision and significant damage/injury. Subsequent to the event, an effort was made to seek reimbursement for the fire call from those involved in the incident. This request for reimbursement apparently caused some public outcry of "insensitivity" from families of those seriously injured who received a bill for the services. This bill seeks to respond to that situation by changing the statute to allow the collection effort to be made against the person's "insurer."

There is **NOT** a uniform standard or practice amongst auto insurers for providing or not providing coverage for these types of claims. This occurs because "fire calls" arise in a broad spectrum of factual situations, some of which may or may not be provided coverage under standard insurance policies. Additionally, there are a variety of auto insurance policies sold in Wisconsin, some of which may provide coverage in certain situations, whereas others may not. In addition to the "problem" of whether or not there is or isn't insurance coverage for the fire call, this bill creates a problem in that there is **NO** efficient way for the fire call entity to determine the appropriate name and policy number of the insurer for any vehicle or vehicles involved in the fire call. Billings to automobile insurance companies without such information are difficult to administer.

An additional problem with this bill is that it may increase the County's/State's reimbursement responsibilities. Under current law the bill for the fire call **MUST** be sent to the auto owner who **MUST** refuse to pay in order for the reimbursement to be made. The proponents of the bill have submitted **NO** data to indicate the frequency of such denials. It is clear that IF AB 471 becomes law that there will be lots of bills sent to auto insurers who do not provide coverage for these types of claims. Those "denials" will statutorily justify required reimbursements from DOT or the county depending on the ownership of the road on which the call was provided.

Automobile insurers will continue to process claims requests for fire calls that are submitted by their insured's. There is nothing "broken" with the current laws and the "fix" provided by AB 471 will only unnecessarily complicate the flow of paperwork necessary to obtain the reimbursement.