



## 2007 SENATE BILL 294

1        **AN ACT** *to repeal* 612.51 (1) and 628.347 (1) (c); *to renumber and amend* 631.20  
2            (6) (a); *to amend* 40.55 (1), 100.205 (6) (intro.), 605.03 (1) (a), 607.02 (1),  
3            628.347 (title), 628.347 (1) (b), 628.347 (2) (a), 628.347 (2) (b) 1., 628.347 (2) (b)  
4            2., 628.347 (2) (b) 3., 628.347 (2) (b) 4., 628.347 (2) (c) (intro.), 628.347 (3) (f) 2.,  
5            628.347 (5) (a), 628.347 (5) (b), 628.347 (5) (c), 628.347 (6) (b), 628.347 (6) (c),  
6            628.347 (7), 628.347 (8) (a), 631.01 (4m), 631.20 (1) (a), 631.20 (2) (intro.), 631.20  
7            (3), 631.20 (6) (title), 631.20 (6) (b), 631.21 (1) (intro.), 631.23 (1) (intro.), 631.36  
8            (1) (a), 632.32 (4) (intro.), 632.45 (2), 646.35 (6) (bm) and 893.80 (8); and *to*  
9            *create* 14.82, 601.58, 631.20 (1) (c), 631.20 (1g), 631.20 (1m), 631.20 (6) (a) 2.  
10           and 631.20 (6) (c) of the statutes; **relating to:** the Interstate Insurance Product  
11           Regulation Compact, the Interstate Insurance Product Regulation

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1 Commission, filing insurance policy forms with the commissioner of insurance,  
2 suitability of annuity contracts, and granting rule-making authority.

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***Analysis by the Legislative Reference Bureau***

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

3 **SECTION 1.** 14.82 of the statutes is created to read:

4 **14.82 Interstate insurance product regulation commission.** There is  
5 created an interstate insurance product regulation commission as specified in s.  
6 601.58 (3). The member of the commission representing this state shall be the  
7 commissioner of insurance or his or her designated representative, who must be an  
8 official or employee of the office of the commissioner of insurance. The commission  
9 member shall serve without compensation but shall be reimbursed from the  
10 appropriation under s. 20.145 (1) (g) for actual and necessary expenses incurred in  
11 the performance of his or her duties. The commission has the powers and duties  
12 granted and imposed under s. 601.58.

13 **SECTION 2.** 40.55 (1) of the statutes is amended to read:

14 40.55 (1) Except as provided in sub. (5), the state shall offer, through the group  
15 insurance board, to eligible employees under s. 40.02 (25) (bm) and to state  
16 annuitants long-term care insurance policies which have been approved for sale in  
17 ~~this state by~~ filed with the office of the commissioner of insurance and which have  
18 been approved for offering under contracts established by the group insurance board  
19 if the insurer requests that the policy be offered and the state shall also allow an  
20 eligible employee or a state annuitant to purchase those policies for his or her spouse  
21 or parent.

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1           **SECTION 3.** 100.205 (6) (intro.) of the statutes is amended to read:

2           100.205 **(6)** (intro.) Every warrantor shall purchase a policy of insurance  
3 covering the financial integrity of its warranties. The policy of insurance shall be on  
4 a form approved by the commissioner of insurance ~~under s. 631.20~~ and shall have the  
5 following minimum provisions:

6           **SECTION 4.** 601.58 of the statutes is created to read:

7           **601.58 Interstate insurance product regulation compact.** The interstate  
8 insurance product regulation compact is hereby enacted into law and entered into  
9 by this state with all other jurisdictions legally joining therein, in substantially the  
10 following form:

11           **(1) ARTICLE I – PURPOSES.** Through means of joint and cooperative action among  
12 the compacting states, the purposes of this compact include all of the following:

13           (a) To promote and protect the interest of consumers of individual and group  
14 annuity, life insurance, disability income, and long-term care insurance products.

15           (b) To develop uniform standards for insurance products covered under the  
16 compact.

17           (c) To establish a central clearinghouse to receive and provide prompt review  
18 of insurance products covered under the compact and, in certain cases,  
19 advertisements related thereto, submitted by insurers authorized to do business in  
20 one or more compacting states.

21           (d) To give appropriate regulatory approval to those product filings and  
22 advertisements satisfying the applicable uniform standard.

23           (e) To improve coordination of regulatory resources and expertise between state  
24 insurance departments regarding the setting of uniform standards and review of  
25 insurance products covered under the compact.

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1 (f) To create the interstate insurance product regulation commission.

2 (g) To perform these and such other related functions as may be consistent with  
3 the state regulation of the business of insurance.

4 **(2) ARTICLE II - DEFINITIONS.** In this compact:

5 (a) “Advertisement” means any material designed to create public interest in  
6 a product or to induce the public to purchase, increase, modify, reinstate, borrow on,  
7 surrender, replace, or retain a policy, as more specifically defined in the rules and  
8 operating procedures of the commission.

9 (b) “Bylaws” mean those bylaws established by the commission for its  
10 governance, or for directing or controlling the commission’s actions or conduct.

11 (c) “Commission” means the interstate insurance product regulation  
12 commission established by this compact.

13 (d) “Commissioner” means the chief insurance regulatory official of a state,  
14 including, but not limited to, commissioner, superintendent, director, or  
15 administrator.

16 (e) “Compacting state” means any state that has enacted this compact  
17 legislation and that has not withdrawn under sub. (14) (a) or been terminated under  
18 sub. (14) (g).

19 (f) “Domiciliary state” means the state in which an insurer is incorporated or  
20 organized; or, in the case of an alien insurer, its state of entry.

21 (g) “Insurer” means any entity licensed by a state to issue contracts of  
22 insurance for any of the lines of insurance covered by this section.

23 (h) “Member” means the person chosen by a compacting state as its  
24 representative to the commission, or his or her designee.

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1 (i) “Noncompacting state” means any state that is not at the time a compacting  
2 state.

3 (j) “Operating procedures” mean procedures promulgated by the commission  
4 implementing a rule, a uniform standard, or a provision of this compact.

5 (k) “Product” means the form of a policy or contract, including any application,  
6 endorsement, or related form that is attached to and made a part of the policy or  
7 contract, and any evidence of coverage or certificate, for an individual or group  
8 annuity, life insurance, disability income, or long-term care insurance product that  
9 an insurer is authorized to issue.

10 (L) “Rule” means a statement of general or particular applicability and future  
11 effect promulgated by the commission, including a uniform standard developed  
12 under sub. (7), designed to implement, interpret, or prescribe law or policy or  
13 describing the organization, procedure, or practice requirements of the commission,  
14 which shall have the force and effect of law in the compacting states.

15 (m) “State” means any state, district, or territory of the United States of  
16 America.

17 (n) “Third-party filer” means an entity that submits a product filing to the  
18 commission on behalf of an insurer.

19 (o) “Uniform standard” means a standard adopted by the commission for a  
20 product line, pursuant to sub. (7), and shall include all of the product requirements  
21 in the aggregate; provided, that each uniform standard shall be construed, whether  
22 express or implied, to prohibit the use of any inconsistent, misleading, or ambiguous  
23 provisions in a product and the form of the product made available to the public shall  
24 not be unfair, inequitable, or against public policy as determined by the commission.

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1           **(3) ARTICLE III – ESTABLISHMENT OF THE COMMISSION AND VENUE.** The compacting  
2 states hereby create the interstate insurance product regulation commission.  
3 Pursuant to sub. (4), the commission will have the power to develop uniform  
4 standards for product lines, receive and provide prompt review of products filed  
5 therewith, and give approval to those product filings satisfying applicable uniform  
6 standards; provided, that it is not intended for the commission to be the exclusive  
7 entity for receipt and review of insurance product filings. Nothing herein shall  
8 prohibit any insurer from filing its product in any state wherein the insurer is  
9 licensed to conduct the business of insurance, and any such filing shall be subject to  
10 the laws of the state where filed. The commission is a body corporate and politic, and  
11 an instrumentality of the compacting states. The commission is solely responsible  
12 for its liabilities except as otherwise specifically provided in this compact. Venue is  
13 proper and judicial proceedings by or against the commission shall be brought solely  
14 and exclusively in a court of competent jurisdiction where the principal office of the  
15 commission is located.

16           **(4) ARTICLE IV – POWERS OF THE COMMISSION.** The commission shall have all of  
17 the following powers:

18           (a) To promulgate rules, pursuant to sub. (7), which shall be binding in the  
19 compacting states to the extent and in the manner provided in this compact.

20           (b) To exercise its rule-making authority and establish reasonable uniform  
21 standards for products covered under the compact, and advertisement related  
22 thereto, which shall have the force and effect of law and shall be binding in the  
23 compacting states, but only for those products filed with the commission; provided,  
24 that a compacting state shall have the right to opt out of such uniform standard  
25 pursuant to sub. (7), to the extent and in the manner provided in this compact; and

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1 provided further, that any uniform standard established by the commission for  
2 long-term care insurance products may provide the same or greater protections for  
3 consumers as, but shall not provide less than, those protections set forth in the  
4 National Association of Insurance Commissioners' Long-Term Care Insurance  
5 Model Act and Long-Term Care Insurance Model Regulation, respectively, adopted  
6 as of 2001. The commission shall consider whether any subsequent amendments to  
7 the National Association of Insurance Commissioners' Long-Term Care Insurance  
8 Model Act or Long-Term Care Insurance Model Regulation adopted by the National  
9 Association of Insurance Commissioners require amending of the uniform standards  
10 established by the commission for long-term care insurance products.

11 (c) To receive and review in an expeditious manner products filed with the  
12 commission, and rate filings for disability income and long-term care insurance  
13 products, and give approval of those products and rate filings that satisfy the  
14 applicable uniform standard, where such approval shall have the force and effect of  
15 law and be binding on the compacting states to the extent and in the manner  
16 provided in the compact.

17 (d) To receive and review in an expeditious manner advertisement relating to  
18 long-term care insurance products for which uniform standards have been adopted  
19 by the commission, and give approval to all advertisement that satisfies the  
20 applicable uniform standard. For any product covered under this compact, other  
21 than long-term care insurance products, the commission shall have the authority to  
22 require an insurer to submit all or any part of its advertisement with respect to that  
23 product for review or approval prior to use, if the commission determines that the  
24 nature of the product is such that an advertisement of the product could have the  
25 capacity or tendency to mislead the public. The actions of the commission as

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1 provided in this subsection shall have the force and effect of law and shall be binding  
2 in the compacting states to the extent and in the manner provided in the compact.

3 (e) To exercise its rule-making authority and designate products and  
4 advertisement that may be subject to a self-certification process without the need  
5 for prior approval by the commission.

6 (f) To promulgate operating procedures, pursuant to sub. (7), that shall be  
7 binding in the compacting states to the extent and in the manner provided in this  
8 compact.

9 (g) To bring and prosecute legal proceedings or actions in its name as the  
10 commission; provided, that the standing of any state insurance department to sue  
11 or be sued under applicable law shall not be affected.

12 (h) To issue subpoenas requiring the attendance and testimony of witnesses  
13 and the production of evidence.

14 (i) To establish and maintain offices.

15 (j) To purchase and maintain insurance and bonds.

16 (k) To borrow, accept, or contract for services of personnel, including, but not  
17 limited to, employees of a compacting state.

18 (L) To hire employees, professionals, or specialists, and elect or appoint officers,  
19 and to fix their compensation, define their duties and give them appropriate  
20 authority to carry out the purposes of the compact, and determine their  
21 qualifications; and to establish the commission's personnel policies and programs  
22 relating to, among other things, conflicts of interest, rates of compensation, and  
23 qualifications of personnel.

24 (m) To accept any and all appropriate donations and grants of money,  
25 equipment, supplies, materials, and services, and to receive, utilize, and dispose of



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1 the same; provided, that at all times the commission shall strive to avoid any  
2 appearance of impropriety.

3 (n) To lease, purchase, accept appropriate gifts or donations of, or otherwise  
4 own, hold, improve, or use, any property, real, personal, or mixed; provided, that at  
5 all times the commission shall strive to avoid any appearance of impropriety.

6 (o) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise  
7 dispose of any property, real, personal, or mixed.

8 (p) To remit filing fees to compacting states as may be set forth in the bylaws,  
9 rules, or operating procedures.

10 (q) To enforce compliance by compacting states with rules, uniform standards,  
11 operating procedures, and bylaws.

12 (r) To provide for dispute resolution among compacting states.

13 (s) To advise compacting states on issues relating to insurers domiciled or doing  
14 business in noncompacting jurisdictions, consistent with the purposes of this  
15 compact.

16 (t) To provide advice and training to those personnel in state insurance  
17 departments responsible for product review, and to be a resource for state insurance  
18 departments.

19 (u) To establish a budget and make expenditures.

20 (v) To borrow money.

21 (w) To appoint committees, including advisory committees comprising  
22 members, state insurance regulators, state legislators or their representatives,  
23 insurance industry and consumer representatives, and such other interested  
24 persons as may be designated in the bylaws.

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1           (x) To provide and receive information from, and to cooperate with, law  
2 enforcement agencies.

3           (y) To adopt and use a corporate seal.

4           (z) To perform such other functions as may be necessary or appropriate to  
5 achieve the purposes of this compact consistent with the state regulation of the  
6 business of insurance.

7           **(5) ARTICLE V – ORGANIZATION OF THE COMMISSION.** (a) Each compacting state  
8 shall have one member. Each member shall be qualified to serve in such capacity  
9 under the applicable law of the compacting state. Any member may be removed or  
10 suspended from office as provided by the law of the state from which he or she shall  
11 be appointed. Any vacancy occurring in the commission shall be filled in accordance  
12 with the laws of the compacting state wherein the vacancy exists. Nothing herein  
13 shall be construed to affect the manner in which a compacting state determines the  
14 election or appointment and qualification of its own commissioner.

15           (b) Each member shall be entitled to one vote and shall have an opportunity  
16 to participate in the governance of the commission in accordance with the bylaws.  
17 Notwithstanding any provision herein to the contrary, no action of the commission  
18 with respect to the promulgation of a uniform standard shall be effective unless  
19 two-thirds of the members vote in favor thereof.

20           (c) The commission shall, by a majority of the members, prescribe bylaws to  
21 govern its conduct as may be necessary or appropriate to carry out the purposes, and  
22 exercise the powers, of the compact, including, but not limited to:

23           1. Establishing the fiscal year of the commission.

24           2. Providing reasonable procedures for appointing and electing members, as  
25 well as holding meetings, of the management committee.

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- 1           3. Providing reasonable standards and procedures for all of the following:
- 2           a. The establishment and meetings of other committees.
- 3           b. Governing any general or specific delegation of any authority or function of
- 4 the commission.
- 5           4. Providing reasonable procedures for calling and conducting meetings of the
- 6 commission that consist of a majority of commission members, ensuring reasonable
- 7 advance notice of each such meeting, and providing for the right of citizens to attend
- 8 each such meeting with enumerated exceptions designed to protect the public's
- 9 interest, the privacy of individuals, and insurers' proprietary information, including
- 10 trade secrets. The commission may meet in camera only after a majority of the entire
- 11 membership votes to close a meeting en toto or in part. As soon as practicable, the
- 12 commission must make public all of the following:
- 13           a. A copy of the vote to close the meeting revealing the vote of each member with
- 14 no proxy votes allowed.
- 15           b. Votes taken during such meeting.
- 16           5. Establishing the titles, duties, and authority, and reasonable procedures for
- 17 the election, of the officers of the commission.
- 18           6. Providing reasonable standards and procedures for the establishment of the
- 19 personnel policies and programs of the commission. Notwithstanding any civil
- 20 service or other similar laws of any compacting state, the bylaws shall exclusively
- 21 govern the personnel policies and programs of the commission.
- 22           7. Promulgating a code of ethics to address permissible and prohibited
- 23 activities of commission members and employees.

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1           8. Providing a mechanism for winding up the operations of the commission and  
2 the equitable disposition of any surplus funds that may exist after the termination  
3 of the compact after the payment or reserving of all of its debts and obligations.

4           (d) The commission shall publish its bylaws in a convenient form and file a copy  
5 thereof and a copy of any amendment thereto, with the appropriate agency or officer  
6 in each of the compacting states.

7           (e) A management committee comprising no more than 14 members shall be  
8 established as follows:

9           1. One member from each of the 6 compacting states with the largest premium  
10 volume for individual and group annuities, life insurance, disability income, and  
11 long-term care insurance products, determined from the records of the National  
12 Association of Insurance Commissioners for the prior year.

13           2. Four members from those compacting states with at least 2 percent of the  
14 market based on the premium volume described in subd. 1., other than the 6  
15 compacting states with the largest premium volume, selected on a rotating basis as  
16 provided in the bylaws.

17           3. Four members from those compacting states with less than 2 percent of the  
18 market, based on the premium volume described in subd. 1., with one selected from  
19 each of the 4 zone regions of the National Association of Insurance Commissioners  
20 as provided in the bylaws.

21           (f) The management committee shall have such authority and duties as may  
22 be set forth in the bylaws, including, but not limited to, all of the following:

23           1. Managing the affairs of the commission in a manner consistent with the  
24 bylaws and purposes of the commission.

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1           2. Establishing and overseeing an organizational structure within, and  
2 appropriate procedures for, the commission to provide for the creation of uniform  
3 standards and other rules, receipt and review of product filings, administrative and  
4 technical support functions, review of decisions regarding the disapproval of a  
5 product filing, and the review of elections made by a compacting state to opt out of  
6 a uniform standard; provided, that a uniform standard shall not be submitted to the  
7 compacting states for adoption unless approved by two-thirds of the members of the  
8 management committee.

9           3. Overseeing the offices of the commission.

10          4. Planning, implementing, and coordinating communications and activities  
11 with other state, federal, and local government organizations in order to advance the  
12 goals of the commission.

13           (g) The commission shall elect annually officers from the management  
14 committee, with each having such authority and duties as may be specified in the  
15 bylaws.

16           (h) The management committee may, subject to the approval of the commission,  
17 appoint or retain an executive director for such period, upon such terms and  
18 conditions, and for such compensation as the commission determines appropriate.  
19 The executive director shall serve as secretary to the commission, but may not be a  
20 member of the commission. The executive director shall hire and supervise such  
21 other staff as may be authorized by the commission.

22           (i) A legislative committee comprising state legislators or their designees shall  
23 be established to monitor the operations of, and make recommendations to, the  
24 commission, including the management committee; provided, that the manner of  
25 selection and term of any legislative committee member shall be as set forth in the

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1 bylaws. Prior to the adoption by the commission of any uniform standard, revision  
2 to the bylaws, annual budget, or other significant matter as may be provided in the  
3 bylaws, the management committee shall consult with and report to the legislative  
4 committee.

5 (j) The commission shall establish 2 advisory committees, one of which shall  
6 comprise consumer representatives independent of the insurance industry, and the  
7 other comprising insurance industry representatives.

8 (k) The commission may establish additional advisory committees as its bylaws  
9 may provide for the carrying out of its functions.

10 (L) The commission shall maintain its corporate books and records in  
11 accordance with the bylaws.

12 (m) The members, officers, executive director, employees, and representatives  
13 of the commission shall be immune from suit and liability, either personally or in  
14 their official capacity, for any claim for damage to or loss of property or personal  
15 injury or other civil liability caused by or arising out of or relating to any actual or  
16 alleged act, error, or omission that occurred, or that the person against whom the  
17 claim is made had a reasonable basis for believing occurred, within the scope of  
18 commission employment, duties, or responsibilities; provided, that nothing in this  
19 paragraph shall be construed to protect any such person from suit or liability for any  
20 damage, loss, injury, or liability caused by the intentional or willful and wanton  
21 misconduct of that person.

22 (n) The commission shall defend any member, officer, executive director,  
23 employee, or representative of the commission in any civil action seeking to impose  
24 liability arising out of any actual or alleged act, error, or omission that occurred  
25 within the scope of commission employment, duties, or responsibilities, or that the

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1 person against whom the claim is made had a reasonable basis for believing occurred  
2 within the scope of commission employment, duties, or responsibilities; provided,  
3 that nothing herein shall be construed to prohibit that person from retaining his or  
4 her own counsel; and provided further, that the actual or alleged act, error, or  
5 omission did not result from that person's intentional or willful and wanton  
6 misconduct.

7 (o) The commission shall indemnify and hold harmless any member, officer,  
8 executive director, employee, or representative of the commission for the amount of  
9 any settlement or judgment obtained against that person arising out of any actual  
10 or alleged act, error, or omission that occurred within the scope of commission  
11 employment, duties, or responsibilities, or that such person had a reasonable basis  
12 for believing occurred within the scope of commission employment, duties, or  
13 responsibilities; provided, that the actual or alleged act, error, or omission did not  
14 result from the intentional or willful and wanton misconduct of that person.

15 (p) Section 893.80 does not apply to claims against the commission.

16 **(6) ARTICLE VI - MEETINGS AND ACTS OF THE COMMISSION.** (a) The commission  
17 shall meet and take such actions as are consistent with the provisions of this compact  
18 and the bylaws.

19 (b) Each member of the commission shall have the right and power to cast a vote  
20 to which that compacting state is entitled and to participate in the business and  
21 affairs of the commission. A member shall vote in person or by such other means as  
22 provided in the bylaws. The bylaws may provide for members' participation in  
23 meetings by telephone or other means of communication.

24 (c) The commission shall meet at least once during each calendar year.  
25 Additional meetings shall be held as set forth in the bylaws.

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1           **(7) ARTICLE VII – RULES AND OPERATING PROCEDURES; RULE-MAKING FUNCTIONS**  
2           **OF THE COMMISSION AND OPTING OUT OF UNIFORM STANDARDS.** (a) The commission shall  
3           promulgate reasonable rules, including uniform standards, and operating  
4           procedures in order to effectively and efficiently achieve the purposes of this  
5           compact. Notwithstanding the foregoing, in the event the commission exercises its  
6           rule-making authority in a manner that is beyond the scope of the purposes of this  
7           section, or the powers granted hereunder, then such an action by the commission  
8           shall be invalid and have no force and effect.

9           (b) Rules and operating procedures shall be made pursuant to a rule-making  
10          process that conforms to the Model State Administrative Procedure Act of 1981 as  
11          amended, as may be appropriate to the operations of the commission. Before the  
12          commission adopts a uniform standard, the commission shall give written notice to  
13          all relevant state legislative committees in each compacting state responsible for  
14          insurance issues of its intention to adopt the uniform standard. The commission in  
15          adopting a uniform standard shall consider fully all submitted materials and issue  
16          a concise explanation of its decision.

17          (c) A uniform standard shall become effective 90 days after its promulgation  
18          by the commission or such later date as the commission may determine; provided,  
19          that a compacting state may opt out of a uniform standard as provided in this  
20          subsection. “Opt out” shall be defined as any action by a compacting state to decline  
21          to adopt or participate in a promulgated uniform standard. All other rules and  
22          operating procedures, and amendments thereto, shall become effective as of the date  
23          specified in each rule, operating procedure, or amendment.

24          (d) 1. A compacting state may opt out of a uniform standard either by legislation  
25          or regulation duly promulgated by the insurance department under the compacting



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1 state's administrative procedure act. If a compacting state elects to opt out of a  
2 uniform standard by regulation, it must give written notice to the commission no  
3 later than 10 business days after the uniform standard is promulgated, or at the time  
4 the state becomes a compacting state, and find that the uniform standard does not  
5 provide reasonable protections to the citizens of the state, given the conditions in the  
6 state. The commissioner shall make specific findings of fact and conclusions of law,  
7 based on a preponderance of the evidence, detailing the conditions in the state that  
8 warrant a departure from the uniform standard and determining that the uniform  
9 standard would not reasonably protect the citizens of the state. The commissioner  
10 must consider and balance all of the following factors and find that the conditions in  
11 the state and needs of the citizens of the state outweigh all of the following factors:

12 a. The intent of the legislature to participate in, and the benefits of, an  
13 interstate agreement to establish national uniform consumer protections for the  
14 products subject to this section.

15 b. The presumption that a uniform standard adopted by the commission  
16 provides reasonable protections to consumers of the relevant product.

17 2. Notwithstanding subd. 1., a compacting state may, at the time of its  
18 enactment of this compact, prospectively opt out of all uniform standards involving  
19 long-term care insurance products by expressly providing for such opt out in the  
20 enacted compact, and such an opt out may not be treated as a material variance in  
21 the offer or acceptance of any state to participate in this compact. Such an opt out  
22 shall be effective at the time of enactment of this compact by the compacting state  
23 and shall apply to all existing uniform standards involving long-term care insurance  
24 products and those subsequently promulgated.

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1           (e) If a compacting state elects to opt out of a uniform standard, the uniform  
2 standard shall remain applicable in the compacting state electing to opt out until  
3 such time as the opt out legislation is enacted into law or the regulation opting out  
4 becomes effective. Once the opt out of a uniform standard by a compacting state  
5 becomes effective as provided under the laws of that state, the uniform standard  
6 shall have no further force or effect in that state unless and until the legislation or  
7 regulation implementing the opt out is repealed or otherwise becomes ineffective  
8 under the laws of the state. If a compacting state opts out of a uniform standard after  
9 the uniform standard has been made effective in that state, the opt out shall have  
10 the same prospective effect as provided under sub. (14) for withdrawals.

11           (f) If a compacting state has formally initiated the process of opting out of a  
12 uniform standard by regulation, and while the regulatory opt out is pending, the  
13 compacting state may petition the commission, at least 15 days before the effective  
14 date of the uniform standard, to stay the effectiveness of the uniform standard in that  
15 state. The commission may grant a stay if it determines the regulatory opt out is  
16 being pursued in a reasonable manner and there is a likelihood of success. If a stay  
17 is granted or extended by the commission, the stay or extension thereof may postpone  
18 the effective date by up to 90 days, unless affirmatively extended by the commission;  
19 provided, that a stay may not be permitted to remain in effect for more than one year  
20 unless the compacting state can show extraordinary circumstances that warrant a  
21 continuance of the stay, including, but not limited to, the existence of a legal  
22 challenge that prevents the compacting state from opting out. A stay may be  
23 terminated by the commission upon notice that the rule-making process has been  
24 terminated.

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1 (g) Not later than 30 days after a rule or operating procedure is promulgated,  
2 any person may file a petition for judicial review of the rule or operating procedure;  
3 provided, that the filing of such a petition may not stay or otherwise prevent the rule  
4 or operating procedure from becoming effective unless the court finds that the  
5 petitioner has a substantial likelihood of success. The court shall give deference to  
6 the actions of the commission consistent with applicable law and shall not find the  
7 rule or operating procedure to be unlawful if the rule or operating procedure  
8 represents a reasonable exercise of the commission's authority.

9 **(8) ARTICLE VIII – COMMISSION RECORDS AND ENFORCEMENT.** (a) The commission  
10 shall promulgate rules establishing conditions and procedures for public inspection  
11 and copying of its information and official records, except such information and  
12 records involving the privacy of individuals and insurers' trade secrets. The  
13 commission may promulgate additional rules under which it may make available to  
14 federal and state agencies, including law enforcement agencies, records and  
15 information otherwise exempt from disclosure, and may enter into agreements with  
16 such agencies to receive or exchange information or records subject to nondisclosure  
17 and confidentiality provisions.

18 (b) Except as to privileged records, data, and information, the laws of any  
19 compacting state pertaining to confidentiality or nondisclosure may not relieve any  
20 compacting state commissioner of the duty to disclose any relevant records, data, or  
21 information to the commission; provided, that disclosure to the commission shall not  
22 be deemed to waive or otherwise affect any confidentiality requirement; and  
23 provided further, that, except as otherwise expressly provided in this section, the  
24 commission shall not be subject to the compacting state's laws pertaining to  
25 confidentiality and nondisclosure with respect to records, data, and information in

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1 its possession. Confidential information of the commission shall remain confidential  
2 after such information is provided to any commissioner.

3 (c) The commission shall monitor compacting states for compliance with duly  
4 adopted bylaws, rules, including uniform standards, and operating procedures. The  
5 commission shall notify any noncomplying compacting state in writing of its  
6 noncompliance with commission bylaws, rules, or operating procedures. If a  
7 noncomplying compacting state fails to remedy its noncompliance within the time  
8 specified in the notice of noncompliance, the compacting state shall be deemed to be  
9 in default under sub. (14).

10 (d) The commissioner of any state in which an insurer is authorized to do  
11 business, or is conducting the business of insurance, shall continue to exercise his or  
12 her authority to oversee the market regulation of the activities of the insurer in  
13 accordance with the provisions of the state's law. The commissioner's enforcement  
14 of compliance with the compact is governed by the following provisions:

15 1. With respect to the commissioner's market regulation of a product or  
16 advertisement that is approved by or certified to the commission, the content of the  
17 product or advertisement shall not constitute a violation of the provisions,  
18 standards, or requirements of the compact except upon a final order of the  
19 commission, issued at the request of a commissioner after prior notice to the insurer  
20 and an opportunity for hearing before the commission.

21 2. Before a commissioner may bring an action for violation of any provision,  
22 standard, or requirement of the compact relating to the content of an advertisement  
23 not approved by or certified to the commission, the commission, or an authorized  
24 commission officer or employee, must authorize the action. However, authorization  
25 pursuant to this subdivision does not require notice to the insurer, opportunity for

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1 hearing, or disclosure of requests for authorization or records of the commission's  
2 action on such requests.

3 **(9) ARTICLE IX – DISPUTE RESOLUTION.** The commission shall attempt, upon the  
4 request of a member, to resolve any disputes or other issues that are subject to this  
5 compact and that may arise between 2 or more compacting states, or between  
6 compacting states and noncompacting states, and the commission shall promulgate  
7 an operating procedure providing for resolution of such disputes.

8 **(10) ARTICLE X – PRODUCT FILING AND APPROVAL.** (a) Insurers and 3rd-party  
9 filers seeking to have a product approved by the commission shall file the product  
10 with, and pay applicable filing fees to, the commission. Nothing in this section shall  
11 be construed to restrict or otherwise prevent an insurer from filing its product with  
12 the insurance department in any state wherein the insurer is licensed to conduct the  
13 business of insurance, and such filing shall be subject to the laws of the states where  
14 filed.

15 (b) The commission shall establish appropriate filing and review processes and  
16 procedures pursuant to commission rules and operating procedures.  
17 Notwithstanding any provision herein to the contrary, the commission shall  
18 promulgate rules to establish conditions and procedures under which the  
19 commission will provide public access to product filing information. In establishing  
20 such rules, the commission shall consider the interests of the public in having access  
21 to such information, as well as protection of personal medical and financial  
22 information and trade secrets, that may be contained in a product filing or  
23 supporting information.

24 (c) Any product approved by the commission may be sold or otherwise issued  
25 in those compacting states for which the insurer is legally authorized to do business.

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1           **(11) ARTICLE XI – REVIEW OF COMMISSION DECISIONS REGARDING FILINGS.** (a) Not  
2 later than 30 days after the commission has given notice of a disapproved product  
3 or advertisement filed with the commission, the insurer or 3rd-party filer whose  
4 filing was disapproved may appeal the determination to a review panel appointed by  
5 the commission. The commission shall promulgate rules to establish procedures for  
6 appointing such review panels and provide for notice and hearing. An allegation that  
7 the commission, in disapproving a product or advertisement filed with the  
8 commission, acted arbitrarily, capriciously, or in a manner that is an abuse of  
9 discretion or otherwise not in accordance with the law, is subject to judicial review  
10 in accordance with sub. (3).

11           (b) The commission shall have authority to monitor, review, and reconsider  
12 products and advertisement subsequent to their filing or approval upon a finding  
13 that the product does not meet the relevant uniform standard. Where appropriate,  
14 the commission may withdraw or modify its approval after proper notice and  
15 hearing, subject to the appeal process in par. (a).

16           **(12) ARTICLE XII – FINANCE.** (a) The commission shall pay or provide for the  
17 payment of the reasonable expenses of its establishment and organization. To fund  
18 the cost of its initial operations, the commission may accept contributions and other  
19 forms of funding from the National Association of Insurance Commissioners,  
20 compacting states, and other sources. Contributions and other forms of funding from  
21 other sources shall be of such a nature that the independence of the commission  
22 concerning the performance of its duties shall not be compromised.

23           (b) The commission shall collect a filing fee from each insurer and 3rd-party  
24 filer filing a product with the commission to cover the cost of the operations and

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1 activities of the commission and its staff in a total amount sufficient to cover the  
2 commission's annual budget.

3 (c) The commission's budget for a fiscal year may not be approved until it has  
4 been subject to notice and comment as set forth in sub. (7).

5 (d) The commission shall be exempt from all taxation in and by the compacting  
6 states.

7 (e) The commission may not pledge the credit of any compacting state, except  
8 by and with the appropriate legal authority of that compacting state.

9 (f) The commission shall keep complete and accurate accounts of all its internal  
10 receipts, including grants and donations, and disbursements of all funds under its  
11 control. The internal financial accounts of the commission shall be subject to the  
12 accounting procedures established under its bylaws. The financial accounts and  
13 reports including the system of internal controls and procedures of the commission  
14 shall be audited annually by an independent certified public accountant. Upon the  
15 determination of the commission, but no less frequently than every 3 years, the  
16 review of the independent auditor shall include a management and performance  
17 audit of the commission. The commission shall make an annual report to the  
18 governor and legislature of each of the compacting states, which shall include a  
19 report of the independent audit. The commission's internal accounts shall not be  
20 confidential and such materials may be shared with the commissioner of any  
21 compacting state upon request; provided, that any work papers related to any  
22 internal or independent audit and any information regarding the privacy of  
23 individuals and insurers' proprietary information, including trade secrets, shall  
24 remain confidential.

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1 (g) No compacting state shall have any claim to or ownership of any property  
2 held by or vested in the commission or to any commission funds held pursuant to the  
3 provisions of this compact.

4 **(13) ARTICLE XIII – COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT.** (a)  
5 Any state is eligible to become a compacting state.

6 (b) The compact shall become effective and binding upon legislative enactment  
7 of the compact into law by 2 compacting states; provided, that the commission shall  
8 become effective for purposes of adopting uniform standards for, reviewing, and  
9 giving approval or disapproval of, products filed with the commission that satisfy  
10 applicable uniform standards only after 26 states are compacting states or,  
11 alternatively, only after states representing greater than 40 percent of the premium  
12 volume for life insurance, annuity, disability income, and long-term care insurance  
13 products, based on records of the National Association of Insurance Commissioners  
14 for the prior year, are compacting states. Thereafter, it shall become effective and  
15 binding as to any other compacting state upon enactment of the compact into law by  
16 that state.

17 (c) Amendments to the compact may be proposed by the commission for  
18 enactment by the compacting states. No amendment shall become effective and  
19 binding upon the commission and the compacting states unless and until all  
20 compacting states enact the amendment into law.

21 **(14) ARTICLE XIV – WITHDRAWAL, DEFAULT, AND TERMINATION.** (a) Once effective,  
22 the compact shall continue in force and remain binding upon each and every  
23 compacting state; provided, that a compacting state may withdraw from the compact  
24 (“withdrawing state”) by enacting a statute specifically repealing the statute that  
25 enacted the compact into law.



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1 (b) The effective date of withdrawal is the effective date of the repealing statute.  
2 The withdrawal shall not apply to any product filings approved or self-certified, or  
3 any advertisement of such products, on the date the repealing statute becomes  
4 effective, except by mutual agreement of the commission and the withdrawing state,  
5 unless the approval is rescinded by the withdrawing state as provided in par. (e).

6 (c) The commissioner of the withdrawing state shall immediately notify the  
7 management committee in writing upon the introduction of legislation repealing this  
8 compact in the withdrawing state.

9 (d) The commission shall notify the other compacting states of the introduction  
10 of such legislation within 10 days after its receipt of notice thereof.

11 (e) The withdrawing state is responsible for all obligations, duties, and  
12 liabilities incurred through the effective date of withdrawal, including any  
13 obligations, the performance of which extend beyond the effective date of  
14 withdrawal, except to the extent those obligations may have been released or  
15 relinquished by mutual agreement of the commission and the withdrawing state.  
16 The commission's approval of products and advertisement prior to the effective date  
17 of withdrawal shall continue to be effective and be given full force and effect in the  
18 withdrawing state, unless formally rescinded by the withdrawing state in the same  
19 manner as provided by the laws of the withdrawing state for the prospective  
20 disapproval of products or advertisement previously approved under state law.

21 (f) Reinstatement following withdrawal of any compacting state shall occur  
22 upon the effective date of the withdrawing state reenacting the compact.

23 (g) If the commission determines that any compacting state has at any time  
24 defaulted ("defaulting state") in the performance of any of its obligations or  
25 responsibilities under this compact, the bylaws, or duly promulgated rules or

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1 operating procedures, then, after notice and hearing as set forth in the bylaws, all  
2 rights, privileges, and benefits conferred by this compact on the defaulting state  
3 shall be suspended from the effective date of default as fixed by the commission. The  
4 grounds for default include, but are not limited to, failure of a compacting state to  
5 perform its obligations or responsibilities and any other grounds designated in  
6 commission rules. The commission shall immediately notify the defaulting state in  
7 writing of the defaulting state's suspension pending a cure of the default. The  
8 commission shall stipulate the conditions and the time period within which the  
9 defaulting state must cure its default. If the defaulting state fails to cure the default  
10 within the time period specified by the commission, the defaulting state shall be  
11 terminated from the compact and all rights, privileges, and benefits conferred by this  
12 compact shall be terminated from the effective date of termination.

13 (h) Product approvals by the commission or product self-certifications, or any  
14 advertisement in connection with such product, that are in force on the effective date  
15 of termination shall remain in force in the defaulting state in the same manner as  
16 if the defaulting state had withdrawn voluntarily under par. (a).

17 (i) Reinstatement following termination of any compacting state requires a  
18 reenactment of the compact.

19 (j) The compact dissolves effective upon the date of the withdrawal or default  
20 of the compacting state that reduces membership in the compact to one compacting  
21 state.

22 (k) Upon the dissolution of this compact, the compact becomes null and void and  
23 shall be of no further force or effect, and the business and affairs of the commission  
24 shall be wound up and any surplus funds shall be distributed in accordance with the  
25 bylaws.

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1           **(15) ARTICLE XV – SEVERABILITY AND CONSTRUCTION.** (a) The provisions of this  
2 compact shall be severable; and if any phrase, clause, sentence, or provision is  
3 deemed unenforceable, the remaining provisions of the compact shall be enforceable.

4           (b) The provisions of this compact shall be liberally construed to effectuate its  
5 purposes.

6           **(16) ARTICLE XVI – BINDING EFFECT OF COMPACT AND OTHER LAWS.** (a) Nothing  
7 herein prevents the enforcement of any other law of a compacting state, except as  
8 provided in par. (b).

9           (b) For any product approved by or certified to the commission, the rules,  
10 uniform standards, and any other requirements of the commission shall constitute  
11 the exclusive provisions applicable to the content, approval, and certification of such  
12 products. For advertisement that is subject to the commission's authority, any rule,  
13 uniform standard, or other requirement of the commission that governs the content  
14 of the advertisement shall constitute the exclusive provision that a commissioner  
15 may apply to the content of the advertisement. Notwithstanding the foregoing, no  
16 action taken by the commission shall abrogate or restrict any of the following:

17           1. The access of any person to state courts.

18           2. Remedies available under state law related to breach of contract, tort, or  
19 other laws not specifically directed to the content of the product.

20           3. State law relating to the construction of insurance contracts.

21           4. The authority of the secretary of agriculture, trade and consumer protection  
22 or the attorney general of the state, including, but not limited to, maintaining any  
23 actions or proceedings, as authorized by law.

24           (c) All insurance products filed with individual states shall be subject to the  
25 laws of those states.

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1 (d) All lawful actions of the commission, including all rules and operating  
2 procedures promulgated by the commission, are binding upon the compacting states.  
3 All agreements between the commission and the compacting states are binding in  
4 accordance with their terms. Upon the request of a party to a conflict over the  
5 meaning or interpretation of commission actions, and upon a majority vote of the  
6 compacting states, the commission may issue advisory opinions regarding the  
7 meaning or interpretation in dispute.

8 (e) In the event any provision of this compact exceeds the constitutional limits  
9 imposed on the legislature of any compacting state, the obligations, duties, powers,  
10 or jurisdiction sought to be conferred by that provision upon the commission shall be  
11 ineffective as to that compacting state, and such obligations, duties, powers, or  
12 jurisdiction shall remain in the compacting state and shall be exercised by the agency  
13 thereof to which such obligations, duties, powers, or jurisdiction are delegated by law  
14 in effect at the time this compact becomes effective.

15 **SECTION 5.** 605.03 (1) (a) of the statutes is amended to read:

16 605.03 (1) (a) *Mandatory coverage.* The property fund shall provide protection  
17 against fire and extended coverage perils. The coverage shall be at least as favorable  
18 as that customarily provided by policies ~~approved by~~ filed with the commissioner for  
19 the use of private insurers in insuring comparable property.

20 **SECTION 6.** 607.02 (1) of the statutes is amended to read:

21 607.02 (1) TYPES OF POLICIES PERMITTED. Subject to sub. (2), the life fund may  
22 issue to any resident of the state any kind of life insurance with any riders or  
23 endorsements thereto that would be filed with the commissioner ~~would approve~~ for  
24 issuance by private insurers authorized to do a life insurance business in this state.

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1 Coverages may be combined and granted in the same policy by the life fund to the  
2 same extent as by a private life insurer.

3 **SECTION 7.** 612.51 (1) of the statutes is repealed.

4 **SECTION 8.** 628.347 (title) of the statutes is amended to read:

5 **628.347 (title) Suitability of annuity sales to senior consumers.**

6 **SECTION 9.** 628.347 (1) (b) of the statutes is amended to read:

7 628.347 (1) (b) “Recommendation” means advice provided by an insurance  
8 intermediary, or an insurer if no intermediary is involved, to an individual ~~senior~~  
9 consumer that results in the purchase or exchange of an annuity in accordance with  
10 that advice.

11 **SECTION 10.** 628.347 (1) (c) of the statutes is repealed.

12 **SECTION 11.** 628.347 (2) (a) of the statutes is amended to read:

13 628.347 (2) (a) Except as provided in par. (c), an insurance intermediary, or  
14 insurer if no intermediary is involved, may not recommend to a ~~senior~~ consumer the  
15 purchase or exchange of an annuity if the recommendation results in an insurance  
16 transaction or series of insurance transactions unless the intermediary or insurer  
17 has reasonable grounds to believe that the recommendation is suitable for the ~~senior~~  
18 consumer on the basis of facts disclosed by the ~~senior~~ consumer as to his or her  
19 investments, other insurance products, and financial situation and needs.

20 **SECTION 12.** 628.347 (2) (b) 1. of the statutes is amended to read:

21 628.347 (2) (b) 1. The ~~senior~~ consumer’s financial status.

22 **SECTION 13.** 628.347 (2) (b) 2. of the statutes is amended to read:

23 628.347 (2) (b) 2. The ~~senior~~ consumer’s tax status.

24 **SECTION 14.** 628.347 (2) (b) 3. of the statutes is amended to read:

25 628.347 (2) (b) 3. The ~~senior~~ consumer’s investment objectives.

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1           **SECTION 15.** 628.347 (2) (b) 4. of the statutes is amended to read:

2           628.347 **(2)** (b) 4. Any other information that is reasonably appropriate for  
3 determining the suitability of a recommendation to the ~~senior~~ consumer.

4           **SECTION 16.** 628.347 (2) (c) (intro.) of the statutes is amended to read:

5           628.347 **(2)** (c) (intro.) An insurance intermediary, or insurer if no intermediary  
6 is involved, has no obligation under par. (a) to a ~~senior~~ consumer related to a  
7 recommendation if the ~~senior~~ consumer does any of the following:

8           **SECTION 17.** 628.347 (3) (f) 2. of the statutes is amended to read:

9           628.347 **(3)** (f) 2. Include in its system of supervision an insurance  
10 intermediary's recommendations made to ~~senior~~ consumers of products other than  
11 annuities offered by the insurer, general agent, or independent agency.

12           **SECTION 18.** 628.347 (5) (a) of the statutes is amended to read:

13           628.347 **(5)** (a) Order an insurer to take reasonably appropriate corrective  
14 action for any ~~senior~~ consumer harmed by a violation of this section by the insurer  
15 or the insurer's insurance intermediary.

16           **SECTION 19.** 628.347 (5) (b) of the statutes is amended to read:

17           628.347 **(5)** (b) Order an insurance intermediary to take reasonably  
18 appropriate corrective action for any ~~senior~~ consumer harmed by a violation of this  
19 section by the insurance intermediary.

20           **SECTION 20.** 628.347 (5) (c) of the statutes is amended to read:

21           628.347 **(5)** (c) Order a general agent or independent agency that employs or  
22 contracts with an insurance intermediary to sell, or solicit the sale of, annuities to  
23 ~~senior~~ consumers to take reasonably appropriate corrective action for any ~~senior~~  
24 consumer harmed by a violation of this section by the insurance intermediary.

25           **SECTION 21.** 628.347 (6) (b) of the statutes is amended to read:

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1           628.347 **(6)** (b) A penalty under par. (a) for a violation of sub. (2) (a), (b), or (d),  
2 including a forfeiture, may be reduced or eliminated to the extent provided by rule  
3 of the commissioner if corrective action is taken for the ~~senior~~ consumer promptly  
4 after the violation is discovered.

5           **SECTION 22.** 628.347 (6) (c) of the statutes is amended to read:

6           628.347 **(6)** (c) The commissioner may promulgate rules related to the  
7 reduction or elimination of penalties for violations of this section on the basis of  
8 prompt action taken to correct any harm caused to ~~senior~~ consumers by the  
9 violations.

10          **SECTION 23.** 628.347 (7) of the statutes is amended to read:

11          628.347 **(7)** RECORD KEEPING. An insurer and an insurance intermediary,  
12 including a general agent and an independent agency, shall maintain, or be able to  
13 make available to the commissioner, records of the information collected from a  
14 ~~senior~~ consumer and other information used in making a recommendation that was  
15 the basis for an insurance transaction for 6 years after the insurance transaction is  
16 completed by the insurer, except as otherwise permitted by the commissioner by rule.  
17 An insurer may, but is not required to, maintain records on behalf of an insurance  
18 intermediary, including a general agent and an independent agency.

19          **SECTION 24.** 628.347 (8) (a) of the statutes is amended to read:

20          628.347 **(8)** (a) Direct response solicitations in which no recommendation is  
21 made based on information collected from the ~~senior~~ consumer.

22          **SECTION 25.** 631.01 (4m) of the statutes is amended to read:

23          631.01 **(4m)** RUSTPROOFING WARRANTIES INSURANCE. An insurer issuing a policy  
24 of insurance to cover a warranty, as defined in s. 100.205 (1) (g), shall comply with

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1 s. 632.18 and the policy shall be on a form approved by the commissioner ~~under s.~~  
2 ~~631.20.~~

3 **SECTION 26.** 631.20 (1) (a) of the statutes is amended to read:

4 631.20 (1) (a) No form subject to s. 631.01 (1), except as exempted under par.  
5 (c), sub. (1g), or s. 631.01 (2) to (5) or by rule under par. (b), may be used unless it has  
6 been filed with and approved by the commissioner and unless the insurer certifies  
7 that the form complies with chs. 600 to 655 and rules promulgated under chs. 600  
8 to 655. It is deemed approved if it is not disapproved within 30 days after filing, or  
9 within a 30–day extension of that period ordered by the commissioner prior to the  
10 expiration of the first 30 days.

11 **SECTION 27.** 631.20 (1) (c) of the statutes is created to read:

12 631.20 (1) (c) Subject to sub. (1m), a form first used and not already filed under  
13 par. (a) on or after the effective date of this paragraph .... [revisor inserts date], is  
14 exempt from par. (a) except for any of the following:

- 15 1. A form subject to s. 655.24 (1).
- 16 2. A form for a worker's compensation policy.
- 17 3. A form for a Medicare replacement policy or a Medicare supplement policy.
- 18 4. A form for a long–term care insurance policy, including a form for a nursing  
19 home or home health care policy.
- 20 5. A form filed under ch. 149.
- 21 6. A form issued by an insurer ordered by the commissioner under s. 601.41 (4)  
22 to file forms under par. (a). The commissioner may require an insurer to file forms  
23 under par. (a) to secure compliance with the law, including if the commissioner  
24 determines that the insurer violated sub. (1m).



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1           7. A form that includes an appraisal or arbitration provision not specifically  
2 authorized by rule. The entire form, including the appraisal or arbitration provision,  
3 is subject to par. (a).

4           8. A form that contains a clause subject to s. 631.21, but only as to the clause.

5           9. A form subject to s. 618.41 (6m).

6           10. A warranty contract form.

7           11. A form required to be filed under par. (a) by a rule promulgated by the  
8 commissioner.

9           **SECTION 28.** 631.20 (1g) of the statutes is created to read:

10           **631.20 (1g) EXEMPT IF APPROVED BY COMMISSION.** A form for a product, as defined  
11 in s. 601.58 (2) (k), that is approved by or self-certified to, and not disapproved by,  
12 the Interstate Insurance Product Regulation Commission is exempt from subs. (1)  
13 (a) and (1m) (a), unless otherwise provided by a rule promulgated by the  
14 commissioner under s. 601.58.

15           **SECTION 29.** 631.20 (1m) of the statutes is created to read:

16           **631.20 (1m) USE OF CERTAIN FORMS.** (a) Except as exempted under sub. (1g) or  
17 s. 631.01 (2) to (5) or by a rule promulgated by the commissioner, an insurer may not,  
18 on or after the effective date of this paragraph .... [revisor inserts date], use a form  
19 that is exempt from sub. (1) (a) under sub. (1) (c) unless the insurer does all of the  
20 following:

21           1. Files the form with the commissioner 30 days before its use.

22           2. Files the form in the manner and format, and with the attachments,  
23 prescribed by the commissioner.

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1           3. Certifies as required under par. (b) that the form complies with chs. 600 to  
2 655 and rules promulgated under chs. 600 to 655. The commissioner may require  
3 an insurer to include specific compliance certifications.

4           (b) An insurer shall provide the certification under par. (a) 3. in the form  
5 prescribed by the commissioner. The certification shall be executed by a person who  
6 is an officer of the insurer and who is responsible for the form that is the subject of  
7 the filing. No insurer may file, and no insurer's officer may execute, a false  
8 certification.

9           **SECTION 30.** 631.20 (2) (intro.) of the statutes is amended to read:

10           631.20 (2) GROUND FOR DISAPPROVAL. (intro.) The commissioner may  
11 disapprove a form under sub. (1) (a) or (3) upon a finding:

12           **SECTION 31.** 631.20 (3) of the statutes is amended to read:

13           631.20 (3) SUBSEQUENT DISAPPROVAL. Whenever the commissioner finds, after  
14 a hearing, that a form approved or deemed to be approved under sub. (1) (a) ~~would,~~  
15 a form filed under sub. (1m), or a form subject to subsequent disapproval under s.  
16 601.58 (14) should be disapproved under sub. (2) ~~if newly filed,~~ the commissioner  
17 may order that on or before a date not less than 30 nor more than 90 days after the  
18 order the use of the form shall be discontinued or appropriate changes shall be made.

19           **SECTION 32.** 631.20 (6) (title) of the statutes is amended to read:

20           631.20 (6) (title) ~~APPROVED FORM WHICH~~ FORM THAT VIOLATES STATUTE OR RULE.

21           **SECTION 33.** 631.20 (6) (a) of the statutes is renumbered 631.20 (6) (a) (intro.)  
22 and amended to read:

23           631.20 (6) (a) (intro.) The penalties under s. 601.64 (3) to (5) may not be imposed  
24 against an insurer for ~~using~~ any of the following:

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1           1. Using a form that does not comply with a statute or rule, including a rule or  
2 uniform standard adopted by the Interstate Insurance Product Regulation  
3 Commission, if the statute or rule was in effect on the date the form was approved  
4 or deemed to be approved under sub. (1) (a) or s. 601.58.

5           **SECTION 34.** 631.20 (6) (a) 2. of the statutes is created to read:

6           631.20 (6) (a) 2. The use of a form solely based on a finding of the commissioner  
7 that the content of the form is misleading under s. 628.34 (1).

8           **SECTION 35.** 631.20 (6) (b) of the statutes is amended to read:

9           631.20 (6) (b) ~~Use~~ An insurer's use of a form that does not comply with a statute  
10 or rule ~~which, including a rule or uniform standard adopted by the Interstate~~  
11 Insurance Product Regulation Commission, that takes effect after the date the form  
12 was approved or deemed to be approved under sub. (1) (a) or s. 601.58 is a violation  
13 of the statute or rule, and the penalties under s. 601.64 may be imposed against the  
14 insurer using the form.

15           **SECTION 36.** 631.20 (6) (c) of the statutes is created to read:

16           631.20 (6) (c) Except as provided in par. (a) 2., an insurer's use of a form filed  
17 under sub. (1m) that violates chs. 600 to 655 or rules promulgated under chs. 600 to  
18 655 is a violation of the statute or rule, regardless of whether the form has been  
19 subsequently disapproved under sub. (3). The insurer is subject to the penalties and  
20 remedial orders provided under chs. 600 to 655, including ss. 601.41 (4) and 601.64.

21           **SECTION 37.** 631.21 (1) (intro.) of the statutes is amended to read:

22           631.21 (1) **REQUIRED APPROVAL.** (intro.) Despite the filing or general approval  
23 of a form under s. 631.20, the following clauses ~~are not approved~~ may not be used  
24 even if contained in the form unless the commissioner gives explicit approval to  
25 them:

**SENATE BILL 294****SECTION 38**

1           **SECTION 38.** 631.23 (1) (intro.) of the statutes is amended to read:

2           631.23 **(1)** PROMULGATION OF CLAUSES. (intro.) The commissioner may not  
3 promulgate mandatory uniform clauses that preclude an insurer from filing its own  
4 forms ~~for approval~~ under s. 631.20; the commissioner may only disapprove such  
5 forms on the basis of the criteria stated in that section. Subject thereto, the  
6 commissioner may promulgate authorized clauses by rule upon a finding that:

7           **SECTION 39.** 631.36 (1) (a) of the statutes is amended to read:

8           631.36 **(1)** (a) *General.* Except as otherwise provided in this section or in other  
9 statutes or by rule under par. (c), this section applies to all contracts of insurance  
10 based on forms which that are subject to filing ~~and approval~~ under s. 601.58 or 631.20  
11 ~~(1)(a).~~

12           **SECTION 40.** 632.32 (4) (intro.) of the statutes is amended to read:

13           632.32 **(4)** REQUIRED UNINSURED MOTORIST AND MEDICAL PAYMENTS COVERAGES.  
14 (intro.) Every policy of insurance subject to this section that insures with respect to  
15 any motor vehicle registered or principally garaged in this state against loss  
16 resulting from liability imposed by law for bodily injury or death suffered by any  
17 person arising out of the ownership, maintenance, or use of a motor vehicle shall  
18 contain therein or supplemental thereto the following provisions ~~approved by the~~  
19 ~~commissioner:~~

20           **SECTION 41.** 632.45 (2) of the statutes is amended to read:

21           632.45 **(2)** AMENDMENTS. Any contract under sub. (1) shall state whether it may  
22 be amended as to investment policy, voting rights, and conduct of the business and  
23 affairs of any segregated account. Subject to any preemptive provision of federal law,  
24 any such amendment is subject to filing ~~and approval~~ under s. 631.20 and approval  
25 by a majority of the policyholders in the segregated account.

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1           **SECTION 42.** 646.35 (6) (bm) of the statutes is amended to read:

2           646.35 **(6)** (bm) For coverages continued pursuant to par. (b), the fund may  
3 substitute a comprehensive health insurance policy ~~approved by the commissioner~~  
4 for a health maintenance organization policy that is subject to sub. (3), and increase  
5 rates or premiums for the substituted coverage as provided in sub. (5).

6           **SECTION 43.** 893.80 (8) of the statutes is amended to read:

7           893.80 **(8)** This section does not apply to actions commenced under s. 19.37,  
8 19.97, or 281.99 or to claims against the interstate insurance product regulation  
9 commission.

10           **SECTION 44. Effective dates.** This act takes effect on the day after publication,  
11 except as follows:

12           (1) INSURANCE FORM FILING. The treatment of sections 40.55 (1), 100.205 (6)  
13 (intro.), 605.03 (1) (a), 607.02 (1), 612.51 (1), 631.01 (4m), 631.20 (1) (a) and (c), (1g),  
14 (1m), (2) (intro.), (3), and (6) (title), (b), and (c), 631.21 (1) (intro.), 631.23 (1) (intro.),  
15 631.36 (1) (a), 632.32 (4) (intro.), 632.45 (2), and 646.35 (6) (bm) of the statutes, the  
16 renumbering and amendment of section 631.20 (6) (a) of the statutes, and the  
17 creation of section 631.20 (6) (a) 2. of the statutes take effect on the first day of the  
18 4th month beginning after publication.

19           (2) SUITABILITY OF ANNUITY SALES. The treatment of section 628.347 (title), (1)  
20 (b) and (c), (2) (a), (b) 1., 2., 3., and 4., and (c) (intro.), (3) (f) 2., (5) (a), (b), and (c), (6)  
21 (b) and (c), (7), and (8) (a) of the statutes takes effect on the first day of the 7th month  
22 beginning after publication.

23

(END)