

2007 Assembly Bill 501

Date of enactment: **March 25, 2008**

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2007 WISCONSIN ACT 169

AN ACT *to repeal* 601.31 (1) (Lm), 601.31 (1) (u), 601.31 (1) (v) and 628.10 (4); *to amend* 628.10 (2) (a), 628.10 (2) (am), 628.10 (2) (c), 628.10 (2) (cm), 628.10 (3) and 628.11 (title); and *to create* 628.04 (1c), 628.10 (2) (e) and 628.10 (5) of the statutes; **relating to:** insurance agent license requirements, revocations, and reinstatement and relicensing requirements, and granting rule-making authority.

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

SECTION 1. 601.31 (1) (Lm) of the statutes is repealed.

SECTION 2. 601.31 (1) (u) of the statutes is repealed.

SECTION 3. 601.31 (1) (v) of the statutes is repealed.

SECTION 4. 628.04 (1c) of the statutes is created to read:

628.04 (1c) FINGERPRINTS. The commissioner may by rule require an applicant under sub. (1) who is a resident and a natural person to provide fingerprints as an additional condition for the granting of a license to act as an agent. The commissioner may use the fingerprints, if required, to conduct a state criminal history background investigation of the applicant and a national criminal history background investigation of the applicant with the federal bureau of investigation.

SECTION 5. 628.10 (2) (a) of the statutes is amended to read:

628.10 (2) (a) *For failure to comply with continuing education requirements.* The license of any intermediary who fails to produce evidence of compliance with continuing education standards set by the commissioner is ~~suspended~~ **revoked**, effective on the ~~day~~ **date** on which the evidence of compliance is due. ~~If an intermediary whose~~

~~license has been suspended under this paragraph produces evidence of compliance within 60 days after the date on which the license is suspended, the commissioner shall reinstate the license effective on the date of suspension. If such an intermediary does not produce evidence of compliance within 60 days, the license is revoked and the intermediary may be relicensed only after satisfying all requirements under s. 628.04. At least 60 days before that date, the commissioner shall send by 1st class mail to the intermediary's address that is on file with the commissioner notice of the date by which the evidence of compliance is due and that the intermediary's license will be revoked if the evidence is not received by that date. An intermediary whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).~~

SECTION 6. 628.10 (2) (am) of the statutes is amended to read:

628.10 (2) (am) *Nonpayment of fees.* The license of an intermediary who fails to pay a fee when due is ~~suspended on and after~~ **revoked, effective on** the date ~~when on which~~ the fee is due, ~~if.~~ **At least 60 days before that date,** the commissioner ~~gave the intermediary reasonable~~ **shall send by 1st class mail to the intermediary's address that is on file with the commissioner notice that of the date by which the fee was is due and that the intermedi-**

* Section 991.11, WISCONSIN STATUTES 2005-06 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ary's license would will be suspended revoked if timely payment was is not made. ~~If the intermediary pays the fee within 60 days after the date it is due, the license is reinstated effective on the date of suspension. If payment is not made within 60 days, the license is revoked and the intermediary may be relicensed only after satisfying all requirements under s. 628.04. An intermediary who is a natural person whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).~~

SECTION 7. 628.10 (2) (c) of the statutes is amended to read:

628.10 (2) (c) *For failure to pay support or to comply with subpoena or warrant.* The commissioner shall suspend or limit the license of an intermediary who is a natural person, or a temporary license of a natural person under s. 628.09, if the natural person is delinquent in court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, or if the natural person fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of workforce development or a county child support agency under s. 59.53 (5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. A natural person whose license or temporary license is suspended under this paragraph who satisfies the requirements under this paragraph for which the license was suspended may have his or her license or temporary license reinstated by satisfactorily completing a reinstatement application and paying the application fee for original licensure as specified by rule.

SECTION 8. 628.10 (2) (cm) of the statutes is amended to read:

628.10 (2) (cm) *For liability for delinquent taxes.* The commissioner shall revoke the license of an intermediary, including a temporary license under s. 628.09, if the department of revenue certifies under s. 73.0301 that the intermediary is liable for delinquent taxes. An intermediary who is a natural person whose license is revoked under this paragraph may have his or her license reinstated, or may be relicensed, as provided in sub. (5).

SECTION 9. 628.10 (2) (e) of the statutes is created to read:

628.10 (2) (e) *For changing state of residence.* The license of an intermediary who changes residence from one state to another is revoked 60 days after the change of residence. The intermediary may be relicensed only after satisfying any requirements under s. 628.04 that are specified by the commissioner by rule.

SECTION 10. 628.10 (3) of the statutes is amended to read:

628.10 (3) **DELAY FOR NEW APPLICATION.** An order revoking an intermediary's license under sub. (2) (b) or (cr) may specify a time not to exceed 5 years within

which the former intermediary may not apply for a new license. If no time is specified, the intermediary may not apply for 5 years. ~~An intermediary whose license is revoked under sub. (2) (am) may immediately reapply.~~

SECTION 11. 628.10 (4) of the statutes is repealed.

SECTION 12. 628.10 (5) of the statutes is created to read:

628.10 (5) **REINSTATEMENT OR RELICENSING AFTER CERTAIN REVOCATIONS.** (a) *Reinstatement within 12 months.* An intermediary who is a natural person and whose license is revoked under sub. (2) (a), (am), or (cm) may have his or her license reinstated within 12 months after the date on which the license was revoked without having to satisfy any preclicensing education or examination requirements under s. 628.04. To have his or her license reinstated, the intermediary must satisfy the requirement under sub. (2) (a), (am), or (cm) for which the license was revoked, satisfactorily complete a reinstatement application, and pay the application fee for original licensure as specified by rule. The reinstatement is effective on the date on which the commissioner actually reinstates the license. If the intermediary is also a resident who is required to complete continuing education, the intermediary must have satisfied all previous continuing education requirements to have his or her license reinstated under this paragraph.

(b) *Relicensing required after 12 months.* An intermediary specified in par. (a) whose license has been revoked for more than 12 months is not eligible to have his or her license reinstated under par. (a) but may apply for relicensing at any time after 12 months have elapsed from the date of revocation. To be relicensed, the intermediary must satisfy any requirements under s. 628.04 that are specified by the commissioner by rule.

(c) *Applicability.* This subsection applies to all of the following:

1. Intermediaries whose licenses were revoked under sub. (2) (a), (am), or (cm) before the effective date of this subdivision [revisor inserts date], regardless of whether an order under sub. (3) applies to the intermediary.

2. Intermediaries whose licenses are revoked under sub. (2) (a), (am), or (cm) on or after the effective date of this subdivision [revisor inserts date].

SECTION 13. 628.11 (title) of the statutes is amended to read:

628.11 (title) Listing of insurance Appointment of agents.

SECTION 14. Initial applicability.

(1) **ELIMINATION OF FEES.**

(a) The treatment of section 601.31 (1) (Lm) of the statutes first applies to requests for duplicate licenses that are received on the effective date of this paragraph.

(b) The treatment of section 601.31 (1) (u) of the statutes first applies to requests for letters of certification that are received on the effective date of this paragraph.

2007 Assembly Bill 501

2007 Wisconsin Act 169

(c) The treatment of section 601.31 (1) (v) of the statutes first applies to requests for letters of clearance that are received on the effective date of this paragraph.

(2) AGENT LICENSE REVOCATION FOR CHANGING RESIDENCE. The treatment of section 628.10 (2) (e) of the statutes first applies to intermediaries who change residence

from one state to another state on the effective date of this subsection.

(3) DELAY IN APPLICATION AFTER REVOCATION. The treatment of section 628.10 (3) of the statutes first applies to revocations that occur on the effective date of this subsection.
