

2011 DRAFTING REQUEST

Assembly Amendment (AA-AB4)

Received: 01/18/2011

Received By: **pkahler**

Wanted: **Soon**

Companion to LRB:

For: **John Nygren (608) 266-2343**

By/Representing: **Kyle O'Brien**

May Contact:

Drafter: **pkahler**

Subject: **Insurance - auto**

Addl. Drafters:

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Change mandatory UIM to offering UIM

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/18/2011	wjackson 01/18/2011		_____			
/1			phenry 01/19/2011	_____	lparisi 01/19/2011	lparisi 01/19/2011	

FE Sent For:

<END>

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/?	pkahler	1 WLJ 1/18	Y/g ph	Y/g RS/PH			

FE Sent For:

<END>

1-18

Keye - Rep Nygren's Office

need an amendment to AB4

that requires an offer of UIM (w/ 50,000/100,000 limits)

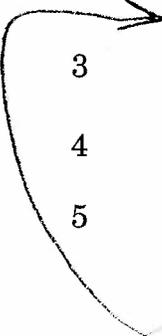
instead of required coverage



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2011 ASSEMBLY BILL 4

*(in 1-18)
wanted before noon
on Wednesday (1-19)*

- 1 At the locations indicated, amend the bill as follows:
- 2 ↓ 1. Page 10, line 8: delete lines 8 to 22 and substitute:
- 3 ↓ 2. Page 12, line 5: after "(4)" insert "(title)".
- 4 ↓ 3. Page 12, line 6: delete "3m. and (d)" and substitute "3m., (bc), and (d), (4m)".
- 5 (END)



Insert 1-2

BILL

SECTION 17

Insert 1-2 1083

1 b. Within 72 hours after the accident, the insured or someone on behalf of the
 2 insured reports the accident to a police, peace, or judicial officer or to the department
 3 of transportation or, if the accident occurs outside of Wisconsin, the equivalent
 4 agency in the state where the accident occurs.

5 c. Within 30 days after the accident occurs, the insured or someone on behalf
 6 of the insured files with the insurer a statement under oath that the insured or a legal
 7 representative of the insured has a cause of action arising out of the accident for
 8 damages against a person whose identity is not ascertainable and setting forth the
 9 facts in support of the statement.

10 ^(B) SECTION 13. 632.32 (4) (title) of the statutes is amended to read:

11 632.32 (4) (title) REQUIRED UNINSURED MOTORIST, ~~UNDERINSURED MOTORIST~~, AND
 12 MEDICAL PAYMENTS COVERAGES. ^(B) 18m

13 SECTION 19. 632.32 (4) (a) 1. of the statutes is amended to read:

14 632.32 (4) (a) 1. Excluding a policy written by a town mutual organized under
 15 ch. 612, uninsured motorist coverage, in limits of at least \$100,000 ~~\$25,000~~ per
 16 person and \$300,000 ~~\$50,000~~ per accident. ^(B) 19m

17 SECTION 20. 632.32 (4) (a) 2m. of the statutes is repealed. ^(B) 20c

18 SECTION 21. 632.32 (4) (a) 3m. of the statutes is renumbered 632.32 (4) (a) 2.
 19 and amended to read:

20 632.32 (4) (a) 2. Medical payments coverage, in the amount of at least \$10,000
 21 \$1,000 per person. Coverage written under this subdivision may be excess coverage
 22 over any other source of reimbursement to which the insured person has a legal right.

23 SECTION 22. 632.32 (4) (bc) of the statutes is amended to read:

24 632.32 (4) (bc) Notwithstanding par. (a) ~~3m.~~ ^{2.}, the named insured may reject
 25 medical payments coverage. If the named insured rejects the coverage, the coverage



Insert 1-2 cont'd 2003

BILL

*(R)
JIC*

1 need not be provided in a subsequent renewal policy issued by the same insurer
2 unless the insured requests it in writing.

3 **SECTION 23.** 632.32 (4) (d) of the statutes is amended to read:

4 632.32 (4) (d) This subsection does not apply to commercial liability policies or
5 umbrella or excess liability policies, which are subject to sub. (4r). ✓

(21m)

6 **SECTION 24.** 632.32 (4m) of the statutes is created to read:

7 632.32 (4m) UNDERINSURED MOTORIST COVERAGE. (a) Except as provided in par.
8 (e), an insurer writing policies that insure with respect to a motor vehicle registered
9 or principally garaged in this state against loss resulting from liability imposed by
10 law for bodily injury or death suffered by a person arising out of the ownership,
11 maintenance, or use of a motor vehicle shall provide to one insured under each such
12 insurance policy that goes into effect after the effective date of this paragraph
13 [LRB inserts date], that is written by the insurer and that does not include
14 underinsured motorist coverage written notice of the availability of underinsured
15 motorist coverage, including a brief description of the coverage. An insurer is
16 required to provide the notice required under this paragraph only one time and in
17 conjunction with the delivery of the policy.

18 (b) Acceptance or rejection of underinsured motorist coverage by a person after
19 being notified under par. (a) need not be in writing. The absence of a premium
20 payment for underinsured motorist coverage is conclusive proof that the person has
21 rejected such coverage. The rejection of such coverage by the person notified under
22 par. (a) shall apply to all persons insured under the policy, including any renewal of
23 the policy.

24 (c) If a person rejects underinsured motorist coverage after being notified under
25 par. (a), the insurer is not required to provide such coverage under a policy that is

↓

BILL

SECTION 24

Insert 1-2 cont'd 303

1 renewed to the person by that insurer unless an insured under the policy
2 subsequently requests such underinsured motorist coverage in writing.

3 (d) If an insured accepts underinsured motorist coverage, the insurer shall
4 include the coverage in limits of at least \$50,000 per person and \$100,000 per
5 accident.

6 (e) This subsection does not apply to commercial liability policies or umbrella
7 or excess liability policies. ✓

8 **SECTION 25.** 632.32 (4r) of the statutes is repealed.

9 **SECTION 26.** 632.32 (6) (d) of the statutes is renumbered 632.32 (5) (f) and
10 amended to read:

11 632.32 (5) (f) ~~No A policy may provide that, regardless of the number of policies
12 involved, vehicles involved, persons covered, claims made, vehicles or premiums
13 shown on the policy, or premiums paid, the limits for any uninsured motorist
14 coverage or underinsured motorist coverage under the policy may not be added to the
15 limits for similar coverage applying to other motor vehicles to determine the limit of
16 insurance coverage available for bodily injury or death suffered by a person in any
17 one accident, except that a policy may limit the number of motor vehicles for which
18 the limits for coverage may be added to 3 vehicles.~~

19 **SECTION 27.** 632.32 (6) (e) of the statutes is renumbered 632.32 (5) (g) and
20 amended to read:

21 632.32 (5) (g) ~~No A policy may provide that the maximum amount of uninsured
22 motorist coverage or, underinsured motorist coverage, or medical payments coverage
23 available for bodily injury or death suffered by a person who was not using a motor
24 vehicle at the time of an accident is any the highest single limit of uninsured motorist
25 coverage or, underinsured motorist coverage, or medical payments coverage,~~

(end of insert 1-2)