

**2015 DRAFTING REQUEST**

**Bill**

Received: 11/20/2014 Received By: pkahler  
Wanted: As time permits Same as LRB:  
For: Edward Brooks (608) 266-8531 By/Representing: Terri Griffiths  
May Contact: Drafter: pkahler  
Subject: Insurance - auto Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Rep.Brooks@legis.wisconsin.gov  
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Motor vehicle repair practices

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**Instructions:**

See attached; same as 2013 AB 237

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**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 11/20/2014	scalvin 12/4/2014		_____			
/P1	pkahler 2/3/2015		rschluet 12/4/2014	_____	sbasford 12/4/2014		
/1		kfollett 2/3/2015	jfrantze 2/3/2015	_____	sbasford 2/3/2015	sbasford 2/3/2015	

FE Sent For:

↳ Not  
Needed

<END>

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/P1		1/15/14 2/3	rschluet 12/4/2014	_____	sbasford 12/4/2014		

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**Instructions:**

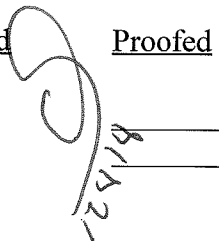
See attached; same as 2013 AB 237

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/? pkahler



8/1/12

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Griffiths, Terri  
**Sent:** Thursday, November 20, 2014 10:55 AM  
**To:** Kahler, Pam  
**Subject:** Draft Request

Pam,

Would you re-draft 2013 Assembly Bill 237 (LRB 1619/1) for Rep. Brooks please.

Thank you,

Terri Griffiths  
Office of Rep. Ed Brooks  
266-8531



State of Wisconsin  
2013-2014 LEGISLATURE  
2015-2016



LRB-1619/r

PJK:sac:rs

stays

0680/P1

2015 ←  
**2013 ASSEMBLY BILL 237**

D-note  
(in 11-20)

June 6, 2013 - Introduced by Representatives BROOKS, BERCEAU, TITTL, RINGHAND, WACHS, MURSAU, SCHRAA, SWEARINGEN and KERKMAN, cosponsored by Senators LEHMAN and JAUCH. Referred to Committee on Insurance.

gen cat

1 AN ACT to create 632.375 of the statutes; relating to: motor vehicle repair  
2 practices.

**Analysis by the Legislative Reference Bureau**

Current law prohibits an insurer that issues a motor vehicle insurance policy that covers the repair or replacement of motor vehicle glass from conditioning the coverage on whether the insured or a third party making a claim under the policy obtains services or parts from a particular vendor specified by the insurer.

This bill provides that a consumer has the right to select the motor vehicle repair facility of his or her choice and prohibits an insurer that issues a motor vehicle insurance policy that covers repairs to a motor vehicle from: 1) requiring that repairs must be made by a particular contractor or repair facility as a condition of that coverage; or 2) failing to initiate or conclude with due dispatch an investigation of a claim for repairs on the basis of whether the repair will be made by a particular contractor or repair facility. insert A

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

3 SECTION 1. 632.375 of the statutes is created to read:  
4 **632.375 Motor vehicle repair practices; restriction on specifying**  
5 **vendor.** (1) SCOPE. This section applies to every insurer that issues or delivers in



1 this state a motor vehicle insurance policy that covers repairs to a motor vehicle  
2 registered or principally garaged in this state.

3 (2) PROHIBITED PRACTICES. (a) No insurer may require that, as a condition of  
4 the coverage specified in sub. (1), repairs to a motor vehicle must be made by a  
5 particular contractor or repair facility. A consumer has the right to select the motor  
6 vehicle repair facility of his or her choice.

7 (b) No insurer may fail to initiate or conclude with due dispatch an  
8 investigation of a claim for repairs to a motor vehicle on the basis of whether the  
9 repairs will be made by a particular contractor or repair facility.

10 (3) INAPPLICABILITY TO GLASS REPAIR. Section 632.37, rather than this section,  
11 applies to the repair or replacement of motor vehicle glass under a motor vehicle  
12 insurance policy.

13 **SECTION 2. Initial applicability.**

14 (1) Except as provided in subsection (2), this act first applies to a claim made  
15 under a motor vehicle insurance policy on the effective date of this subsection.

16 (2) If a motor vehicle insurance policy that is in effect on the effective date of  
17 this subsection contains a provision that is inconsistent with this act, this act first  
18 applies to a claim made under that motor vehicle insurance policy on the date on  
19 which the policy is renewed.

20 (END)

*For purposes of this section,*

*Just*

**2015-2016 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0680/<sup>PI</sup>ins  
PJK:.....

**INSERT A**

*WST*  
The bill provides that, for purposes of the prohibition on insurers from requiring insureds to use a particular repair facility, a consumer has the right to select the motor vehicle repair facility of his or her choice.

**(END OF INSERT A)**

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-0680/7dn <sup>P1</sup>  
PJK: f:....  
sac

-date-

\* Note that I have added "For purposes of this section" before "a consumer has the right to select ..." As I reviewed this draft, it seemed to me that I should restrict this language to the particular issue being addressed in the draft. That language may not apply to all possible situations and I wanted to make sure it would not be interpreted more broadly than intended.

Pamela J. Kahler  
Senior Legislative Attorney  
(608) 266-2682  
pam.kahler@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0680/P1dn  
PJK:sac:rs

December 4, 2014

Note that I have added "For purposes of this section" before "a consumer has the right to select . . ." As I reviewed this draft, it seemed to me that I should restrict this language to the particular issue being addressed in the draft. That language may not apply to all possible situations and I wanted to make sure it would not be interpreted more broadly than intended.

Pamela J. Kahler  
Senior Legislative Attorney  
(608) 266-2682  
pam.kahler@legis.wisconsin.gov

**Kahler, Pam**

---

**From:** Rep.Brooks  
**Sent:** Tuesday, February 03, 2015 11:23 AM  
**To:** Kahler, Pam  
**Subject:** LRB 0680/P1

Pam,

Please draft LRB 0680/P1 into a “/1”. Your modification noted in the drafter’s note is acceptable to me.

Also, I authorize Sen. Howard Marklein to have a companion draft completed and/or draft access to LRB 0680, and request drafting of said companion at this time.

If you need further information please contact Terri Griffiths in my office.

Thank you,

Ed Brooks



Stays

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

(in 2-3)  
- no changes -  
by 2-5, please

Regen

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18 applies to a claim made under that motor vehicle insurance policy on the date on  
19 which the policy is renewed.

20 (END)

**Basford, Sarah**

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**From:** Griffiths, Terri  
**Sent:** Tuesday, February 03, 2015 3:07 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -0680/1 Topic: Motor vehicle repair practices

Please Jacket LRB -0680/1 for the ASSEMBLY.