



# State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

## **RESEARCH APPENDIX -** **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/06/2015 (Per: CMH & MPG)

### **☞ Compile Draft – Appendix A** **... Part II**

**Appendix A** ☞ The 2015 drafting file for LRB–0797

**Appendix B** ☞ The 2015 drafting file for LRB–0799

**Appendix C** ☞ The 2015 drafting file for LRB–0800

**Appendix D** ☞ The 2015 drafting file for LRB–0852

**Appendix E** ☞ The 2015 drafting file for LRB–0872

**Appendix F** ☞ The 2015 drafting file for LRB–0906

**Appendix G** ☞ The 2015 drafting file for LRB–0941

has been copied/added to the drafting file for

**2015 LRB–0807**

1           601.465 (1n) (c) Paragraph (a) does not apply to the ~~commissioner's~~  
2           department's discretion to disclose documents and information provided by an  
3           insurer to the ~~office~~ department under s. 601.42 or 601.43 as a part of an enforcement  
4           proceeding the ~~commissioner~~ department brings under s. 601.64.

5           History: 1991 a. 269; 1999 a. 30; 2003 a. 261; 2007 a. 170; 2013 a. 279.

5           **SECTION 172.** 601.465 (2m) (c) of the statutes is amended to read:

6           601.465 (2m) (c) The privilege applies to testimony, reports, records,  
7           communications, and information obtained, created, or provided by any official,  
8           employee, or agent of the ~~office~~ department for the purpose of assisting or  
9           participating in monitoring activities or in the conduct of an inquiry, investigation,  
10          or examination by, or coordinated through, the National Association of Insurance  
11          Commissioners.

12          History: 1991 a. 269; 1999 a. 30; 2003 a. 261; 2007 a. 170; 2013 a. 279.

12          **SECTION 173.** 601.47 (1) of the statutes is amended to read:

13          601.47 (1) GENERAL. The commissioner may prepare books, pamphlets, and  
14          other publications relating to insurance and sell them in the manner and at the  
15          prices the commissioner determines. The cost of publication and distribution may  
16          be paid from the appropriation under s. ~~20.145 (1)~~ 20.142 (3) (g) 1.

17          History: 1971 c. 125; 1979 c. 102 ss. 75, 236 (6); 2001 a. 16; 2007 a. 20.

17          **SECTION 174.** 601.47 (3) of the statutes is amended to read:

18          601.47 (3) FREE DISTRIBUTION. The commissioner may furnish free copies of the  
19          publications prepared under subs. (1) and (2) to public officers and libraries in this  
20          state and elsewhere. The cost of free distribution shall be charged to the  
21          appropriation under s. ~~20.145 (1)~~ 20.142 (3) (g) 1.

22          History: 1971 c. 125; 1979 c. 102 ss. 75, 236 (6); 2001 a. 16; 2007 a. 20.

22          **SECTION 175.** 601.48 (1) of the statutes is amended to read:

1           601.48 (1) NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS. The  
2 ~~commissioner secretary~~ and the office of the ~~commissioner department~~ shall  
3 maintain close relations with the ~~commissioners insurance regulatory authorities~~ of  
4 other states and shall participate in the activities and affairs of the National  
5 Association of Insurance Commissioners and other organizations so far as it will, in  
6 the judgment of the ~~commissioner secretary~~, enhance the purposes of chs. 600 to 655.  
7 The actual and necessary expenses incurred thereby shall be reimbursed out of the  
8 appropriation under s. ~~20.145 (1)~~ 20.142 (3)(g) 1.

History: 1977 c. 339 s. 43; 1979 c. 89; 1979 c. 102 s. 236 (N); 1979 c. 177; 1983 a. 358 s. 14; 1989 a. 187 s. 29; 2007 a. 20.

9           **SECTION 176.** 601.49 of the statutes is amended to read:

10           **601.49 Access to records.** The commissioner shall have access to the records  
11 of any agency of the state government or of any political subdivision thereof which  
12 the commissioner may wish to consult in discharging his or her ~~the department's~~  
13 duties.

History: 1979 c. 102.

14           **SECTION 177.** 601.56 (1) ~~of the statutes is repealed.~~

15           **SECTION 178.** 601.56 (2) (title) of the statutes is repealed.

16           **SECTION 179.** 601.56 (2) ~~of the statutes is renumbered 601.56 and amended to~~  
17 read:

18           **601.56 Study and rules on standards for health insurers.** ~~If, as a result~~  
19 of the study under sub. (1), ~~the commissioner s. 601.56 (1), 2013 stats., the~~  
20 ~~department~~ determines that in transactions with health care providers compliance  
21 by health insurers with certain standards will likely reduce the cost of health care  
22 administration, the ~~commissioner department~~ shall promulgate rules to establish  
23 and implement appropriate standards.

History: 1993 a. 16.

1            **SECTION 180.** 601.57 (1) (a) of the statutes is renumbered 601.57 (1) and  
2 amended to read:

3            601.57 (1) The commissioner of insurance, in consultation with the department  
4 of health services, shall study the feasibility and cost-effectiveness of requiring  
5 every health insurer to issue to its insureds uniform machine-readable health  
6 insurance identification cards and to establish a computerized support system for  
7 the cards that will accept and respond to electronically conveyed requests from  
8 health care providers for information related to an insured, such as eligibility,  
9 coverages and authorizations. The study shall consider the feasibility and  
10 cost-effectiveness of including the medical assistance program under subch. IV of ch.  
11 49 in the system of identification cards and the computerized support system and the  
12 feasibility of using those systems to coordinate the payment of benefits by health  
13 insurers and the medical assistance program.

History: 1993 a. 16; 1995 a. 27 ss. 7007, 9126 (19); 2007 a. 20 s. 9121 (6) (a).

14            **SECTION 181.** 601.57 (1) (b) of the statutes is repealed.

15            **SECTION 182.** 601.57 (2) of the statutes is amended to read:

16            601.57 (2) **RULES.** If, as a result of the study under sub. (1), the commissioner  
17 of insurance determined, or the department of financial institutions, insurance, and  
18 professional standards determines, that a health insurance identification card  
19 system and its computerized support system are feasible and would be cost-effective,  
20 the commissioner or department, whichever is appropriate, shall promulgate rules  
21 to establish and implement the systems.

History: 1993 a. 16; 1995 a. 27 ss. 7007, 9126 (19); 2007 a. 20 s. 9121 (6) (a).

22            **SECTION 183.** 601.58 (2) (d) of the statutes is amended to read:

1           601.58 (2) (d) "Commissioner" means the chief insurance regulatory official of  
2           a state, including, but not limited to, commissioner, <sup>✓</sup>secretary, superintendent,  
3           director, or administrator.

History: 2007 a. 168.

4           **SECTION 184.** 601.62 (3) (a) <sup>✓</sup>of the statutes is amended to read:

5           601.62 (3) (a) *Subsequent hearings.* Whenever an order is issued without a  
6           hearing, any person aggrieved by the order may demand a hearing within 30 days  
7           after the date on which the notice of the order was mailed. Failure to demand a  
8           hearing within the period prescribed therefor is waiver of a hearing. The demand  
9           shall be in writing and shall be served on the commissioner by delivering a copy to  
10          the ~~commissioner~~ <sup>✓</sup>secretary or by leaving it at the ~~commissioner's~~ <sup>✓</sup>secretary's office.  
11          The commissioner shall thereupon hold a hearing not less than 10 nor more than 60  
12          days after service of the demand.

History: 1975 c. 371; 1975 c. 414 ss. 27, 28; 1975 c. 421; 1977 c. 203 ss. 81, 82, 102; 1977 c. 339 ss. 30, 43; 1979 c. 89; 1983 a. 358 s. 14; 1989 a. 122; 1989 a. 187 s. 29; 1995 a. 396; 2003 a. 33; 2007 a. 20.

13          **SECTION 185.** 601.62 (4) of the statutes is amended to read:

14          601.62 (4) **FEEES IN INVESTIGATIONS AND HEARINGS.** The fees for stenographic  
15          services in investigations, examinations, and hearings may not exceed the sum  
16          provided for like services in the circuit court. The fees of officers, witnesses,  
17          interpreters, and stenographers on behalf of the commissioner or the state shall be  
18          paid by the secretary of administration, <sup>✓</sup>authorized by the certificate of the  
19          ~~commissioner~~ secretary of the department of financial institutions, insurance, and  
20          professional standards, and shall be charged to the appropriation under s. ~~20.145 (1)~~  
21          20.142 (3) (g) 1.

History: 1975 c. 371; 1975 c. 414 ss. 27, 28; 1975 c. 421; 1977 c. 203 ss. 81, 82, 102; 1977 c. 339 ss. 30, 43; 1979 c. 89; 1983 a. 358 s. 14; 1989 a. 122; 1989 a. 187 s. 29; 1995 a. 396; 2003 a. 33; 2007 a. 20.

22          **SECTION 186.** 601.63 (5) (a) of the statutes is amended to read:

1           601.63 (5) (a) *Required approval.* Whenever the law requires the  
2 ~~commissioner's~~ department's approval for a certain action, the action is not effective  
3 until expressly approved. The approval is deemed refused if the commissioner does  
4 not act within 60 days after receiving the application for approval.

History: 1971 c. 40 s. 93; Sup. Ct. Order, 67 Wis. 2d 585, 776 (1975); 1975 c. 218; 1975 c. 414 s. 28; 1977 c. 26; 1977 c. 203 ss. 83, 84, 104; 1979 c. 102; 1985 a. 182 s. 57; 1995 a. 396.

5           **SECTION 187.** 601.64 (2) of the statutes is amended to read:

6           601.64 (2) **COMPULSIVE FORFEITURES.** If a person does not comply with an order  
7 issued under s. 601.41 (4) within 2 weeks after the commissioner has given the  
8 person notice of the ~~commissioner's~~ department's intention to proceed under this  
9 subsection, the commissioner may commence an action for a forfeiture in such sum  
10 as the court considers just, but not exceeding \$5,000 for each day that the violation  
11 continues after the commencement of the action until judgment is rendered. No  
12 forfeiture may be imposed under this subsection if at the time the action was  
13 commenced the person was in compliance with the order, nor for any violation of an  
14 order occurring while any proceeding for judicial review of the order was pending,  
15 unless the court in which the proceeding was pending certifies that the claim of  
16 invalidity or nonapplicability of the order was frivolous or a sham. If after judgment  
17 is rendered the person does not comply with the order, the commissioner may  
18 commence a new action for a forfeiture and may continue commencing actions until  
19 the person complies. The proceeds of all actions under this subsection, after  
20 deduction of the expenses of collection, shall be paid into the common school fund of  
21 the state.

History: 1971 c. 260; Sup. Ct. Order, 67 Wis. 2d 585, 776 (1975); 1975 c. 218, 371, 421; 1977 c. 203; 1977 c. 339 s. 43; 1979 c. 89; 1979 c. 102 ss. 78, 236 (5); 1979 c. 177; 1985 a. 29; 1987 a. 167, 247; 1989 a. 332; 1995 a. 396; 1997 a. 27, 283; 2001 a. 109; 2003 a. 261; 2005 a. 74; 2013 a. 20.

22           **SECTION 188.** 601.64 (5) of the statutes is amended to read:

1           601.64 (5) REVOCATION, SUSPENSION AND LIMITATION OF LICENSES. Whenever a  
2           licensee of the ~~office~~ department <sup>✓</sup> other than an insurer, a motor club, an adjuster or  
3           an insurance intermediary persistently or substantially violates chs. 600 to 646 or  
4           an order of the commissioner under s. 601.41 (4), or if the licensee's methods and  
5           practices in the conduct of business endanger, or financial resources are inadequate  
6           to safeguard, the legitimate interests of customers and the public, the commissioner  
7           may, after a hearing, in whole or in part revoke, suspend or limit the license.

History: 1971 c. 260; Sup. Ct. Order, 67 Wis. 2d 585, 776 (1975); 1975 c. 218, 371, 421; 1977 c. 203; 1977 c. 339 s. 43; 1979 c. 89; 1979 c. 102 ss. 78, 236 (5); 1979 c. 177; 1985 a. 29; 1987 a. 167, 247; 1989 a. 332; 1995 a. 396; 1997 a. 27, 283; 2001 a. 109; 2003 a. 261; 2005 a. 74; 2013 a. 20.

8           **SECTION 189.** 601.72 (1) (intro.) of the statutes is amended to read:

9           601.72 (1) GENERAL. (intro.) Under procedures specified in s. 601.73, the  
10          ~~commissioner~~ department <sup>✓</sup> is by law constituted attorney, ~~except in cases in which the~~  
11          ~~proceeding is to be brought by the state against an insurer or intermediary other~~  
12          ~~than a risk retention group or risk purchasing group, in which event the department~~  
13          ~~of financial institutions is by law constituted attorney,~~ <sup>✓</sup> to receive service of summons,  
14          notices, orders, pleadings and all other legal process relating to any court or  
15          administrative agency in this state for all of the following:

History: 1995 a. 27, 396; 2001 a. 102.

16          **SECTION 190.** 601.72 (2) of the statutes is amended to read:

17          601.72 (2) APPOINTMENT OF ATTORNEY. Except as provided in sub. (2m), every  
18          licensed insurer by applying for and receiving a certificate of authority, every surplus  
19          lines insurer by entering into a contract subject to the surplus lines law, and every  
20          unauthorized insurer by doing an insurance business in this state, is deemed to have  
21          irrevocably appointed the ~~commissioner and department of financial institutions~~  
22          department <sup>✓</sup> as the insurer's ~~attorneys~~ attorney <sup>✓</sup> in accordance with sub. (1).

History: 1995 a. 27, 396; 2001 a. 102.

23          **SECTION 191.** 601.72 (3) of the statutes is amended to read:

1           601.72 (3) OTHERS AFFECTED. ~~The commissioner and department of financial~~  
2 ~~institutions~~ department shall also be ~~attorneys~~ attorney✓ for the personal  
3 representatives, receivers, trustees, or other successors in interest of the persons  
4 specified in sub. (1).

5 History: 1995 a. 27, 396; 2001 a. 102.

5           **SECTION 192.** 601.73 (1) (intro.) of the statutes is amended to read:

6           601.73 (1) REQUIREMENTS FOR EFFECTIVE SERVICE. (intro.) Service upon the  
7 ~~commissioner or department of financial institutions~~ department✓ under s. 601.72 is  
8 service on the principal, if:

9 History: 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76; 2001 a. 16.

9           **SECTION 193.** 601.73 (1) (a) of the statutes is amended to read:

10           601.73 (1) (a) Two copies of the process are left in the hands or office of the  
11 ~~commissioner or department of financial institutions~~ respectively secretary✓; and

12 History: 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76; 2001 a. 16.

12           **SECTION 194.** 601.73 (1) (b) of the statutes is amended to read:

13           601.73 (1) (b) The ~~commissioner or department of financial institutions~~  
14 department✓ mails a copy of the process to the person served according to sub. (2) (b).

15 History: 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76; 2001 a. 16.

15           **SECTION 195.** 601.73 (2) (title) of the statutes is amended to read:

16           601.73 (2) (title) ~~COMMISSIONER'S~~ DEPARTMENT'S✓ ACTION.

17 History: 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76; 2001 a. 16.

17           **SECTION 196.** 601.73 (2) (a) of the statutes is amended to read:

18           601.73 (2) (a) *Records.* ~~The commissioner and department of financial~~  
19 ~~institutions~~ department✓ shall give receipts for and keep records of all process served  
20 through ~~them~~ the department✓.

21 History: 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76; 2001 a. 16.

21           **SECTION 197.** 601.73 (2) (b) of the statutes is amended to read:

22           601.73 (2) (b) *Process mailed.* ~~The commissioner or department of financial~~  
23 ~~institutions~~ department✓ shall send immediately by certified mail to the person



1 served, at the person's last-known principal place of business, residence or  
2 post-office address or at an address designated in writing by the person, one copy of  
3 any process received and shall retain the other copy.

4 **History:** 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76; 2001 a. 16.

**SECTION 198.** 601.73 (3) of the statutes is amended to read:

5 601.73 (3) PROOF OF SERVICE. A certificate by the ~~commissioner or the~~<sup>✓</sup>  
6 ~~department of financial institutions~~ department,<sup>✓</sup> showing service made upon the  
7 ~~commissioner or department of financial institutions~~ department,<sup>✓</sup> and attached to  
8 a copy of the process presented for that purpose is sufficient evidence of the service.

9 **History:** 1971 c. 189; 1977 c. 203 ss. 87, 103; 1979 c. 102; 1989 a. 164; 1995 a. 27, 396; 1999 a. 76; 2001 a. 16.

**SECTION 199.** 601.93 (2) of the statutes is amended to read:

10 601.93 (2) Every insurer doing a fire insurance business in this state shall,  
11 before March 1 in each year, file with the ~~commissioner~~ department<sup>✓</sup> a statement,  
12 showing the amount of premiums upon fire insurance due for the preceding calendar  
13 year. Return premiums may be deducted in determining the premium on which the  
14 fire department dues are computed. Payments of quarterly installments of the total  
15 estimated payment for the then current calendar year under this subsection are due  
16 on or before April 15, June 15, September 15 and December 15. On March 1 the  
17 insurer shall pay any additional amounts due for the preceding calendar year.  
18 Overpayments will be credited on the amount due April 15.<sup>✓</sup> ~~The commissioner shall,~~  
19 ~~prior to May 1 each year, report to the department of safety and professional services~~  
20 ~~the amount of dues paid under this subsection and to be paid under s. 101.573 (1).~~

**History:** 1971 c. 154; 1975 c. 372 ss. 5, 38; 1975 c. 421; Stats. 1975 s. 601.93; 1977 c. 29; 1979 c. 34, 102, 177, 221; 1981 c. 20; 1987 a. 166; 1995 a. 27 ss. 7019, 9130  
(4); 2001 a. 103; 2011 a. 32.

21 **SECTION 200.** 604.04 (1) of the statutes is amended to read:

22 604.04 (1) MANAGER. Each fund under chs. 605 to 607 shall be administered  
23 by a manager who which shall be the ~~commissioner~~ department.<sup>✓</sup> In chs. 604 to 607,

1 “manager” means the ~~commissioner in his or her~~ <sup>✓</sup> department in its capacity as  
2 manager.

3 History: 1973 c. 117; 1979 c. 102 ss. 84, 236 (5), (13); 1981 c. 20 ss. 1759m, 2202 (26) (c); 2001 a. 65; 2003 a. 33; 2007 a. 20.

3 **SECTION 201.** 604.04 (2) of the statutes is amended to read:

4 604.04 (2) OTHER PERSONNEL. The manager of a fund may employ such  
5 personnel as are necessary for proper administration. To the extent practicable, the  
6 manager shall manage the funds, issue policies, and prepare reports in the same way  
7 that ~~as commissioner he or she requires~~ other insurers are required <sup>✓</sup> to do, except that  
8 periodic annual audits may not be required. The manager may make such  
9 reasonable rules for the administration of the funds as are necessary to implement  
10 the enabling statutes.

11 History: 1973 c. 117; 1979 c. 102 ss. 84, 236 (5), (13); 1981 c. 20 ss. 1759m, 2202 (26) (c); 2001 a. 65; 2003 a. 33; 2007 a. 20.

11 **SECTION 202.** 604.04 (3) of the statutes is amended to read:

12 604.04 (3) EXPENSES. No full-time state officer or employee may receive  
13 additional compensation for services under chs. 604 to 607. Appropriate portions of  
14 the salaries of such persons who do work for the funds or supervise them, and other  
15 expenses including reasonable charges for state-owned or state-rented office space  
16 and the use of state-owned or state-rented office equipment shall be charged against  
17 each fund. Each fund shall pay to the ~~commissioner~~ department <sup>✓</sup> amounts charged  
18 for organizational support services, which shall be credited to the appropriation  
19 account under s. ~~20.145 (1)~~ 20.142 (3) <sup>✓</sup> (g) 2. Each fund shall also be charged a sum  
20 equivalent to the state premium tax that would be paid by a domestic mutual insurer  
21 organized or operating under ch. 611 and doing the same kind of insurance business,  
22 except that no such charge shall be made for the insurance of governmental units.

23 History: 1973 c. 117; 1979 c. 102 ss. 84, 236 (5), (13); 1981 c. 20 ss. 1759m, 2202 (26) (c); 2001 a. 65; 2003 a. 33; 2007 a. 20.

23 **SECTION 203.** 604.04 (4) of the statutes is amended to read:

1           **604.04 (4) PAYMENT PROCEDURE.** Any charges against a fund under sub. (3) shall  
2 be certified by the ~~commissioner~~ department of financial institutions, insurance, and  
3 professional standards,<sup>✓</sup> audited by the department of administration under s. 16.53,  
4 and paid by the secretary of administration out of the appropriate fund in accordance  
5 with procedures of the department of administration.

6 **History:** 1973 c. 117; 1979 c. 102 ss. 84, 236 (5), (13); 1981 c. 20 ss. 1759m, 2202 (26) (c); 2001 a. 65; 2003 a. 33; 2007 a. 20.

6           **SECTION 204.** 604.04 (6) of the statutes is amended to read:

7           **604.04 (6) REINSURANCE.** The manager may procure such reinsurance for the  
8 fund as ~~he or she~~ the manager<sup>✓</sup> considers necessary for its sound operation.

9 **History:** 1973 c. 117; 1979 c. 102 ss. 84, 236 (5), (13); 1981 c. 20 ss. 1759m, 2202 (26) (c); 2001 a. 65; 2003 a. 33; 2007 a. 20.

9           **SECTION 205.** 604.07 of the statutes is amended to read:

10           **604.07 Bonds.** The ~~commissioner~~ department<sup>plain NO</sup> as manager of the funds and the  
11 secretary of administration shall file surety bonds, specifically conditioned on the  
12 performance of their duties under chs. 605 to 607, in amounts required by, and with  
13 sureties approved by, the governor.

14 **History:** 1973 c. 117; 1981 c. 20 s. 2202 (26) (c); 2003 a. 33. <sup>✓</sup>

14           **SECTION 206.** 610.01 (4) of the statutes is repealed.

15           **SECTION 207.** 610.21 (2) (c) of the statutes is amended to read:

16           610.21 (2) (c) The ~~commissioner~~ department<sup>✓</sup> orders it to cease doing such  
17 business upon finding that doing such business is not consistent with the interests  
18 of its insureds, creditors, or the public in this state; or that it gives the insurer a  
19 substantial competitive advantage in relation to domestic insurers.

20 **History:** 1971 c. 260; 1975 c. 373; 1979 c. 102, 177; 1981 c. 307.

20           **SECTION 208.** 610.65 of the statutes is amended to read:

21           **610.65 Uniform claim processing form.** Beginning no later than July 1,  
22 2004, every insurer shall use the uniform claim processing form developed by the

1 ~~commissioner~~ under s. 601.41 (9) (b) when processing a claim submitted by a health  
2 care provider, as defined in s. 146.81 (1) (a) to (p).

3 History: 2001 a. 109; 2009 a. 28.

3 SECTION 209. 610.70 (1) (a) of the statutes is amended to read:

4 610.70 (1) (a) "Health care provider" means any person licensed, registered,  
5 permitted or certified by the department of health services or the department of  
6 ~~safety and professional services~~ financial institutions, insurance, and professional  
7 standards to provide health care services, items or supplies in this state.

8 History: 1997 a. 231; 1999 a. 9, 79; 2005 a. 22; 2007 a. 20 s. 9121 (6) (a); 2011 a. 32.

8 SECTION 210. 611.07 (2) of the statutes is amended to read:

9 611.07 (2) EFFECT OF UNAUTHORIZED CORPORATE ACTS. Section 180.0304 applies  
10 to stock corporations and s. 181.0304 applies to mutuals, except that references to  
11 "attorney general" shall be read as ~~"commissioner"~~ "department."

12 History: 1971 c. 260; 1973 c. 128 ss. 25, 30; 1973 c. 184, 336; 1975 c. 373 s. 40; 1975 c. 375 s. 44; 1975 c. 422; 1979 c. 110; 1987 a. 13; 1989 a. 303; 1997 a. 79, 252.

12 SECTION 211. 611.20 (2) (a) (intro.) of the statutes is amended to read:

13 611.20 (2) (a) (intro.) The ~~commissioner~~ department shall issue a certificate of  
14 authority, if ~~he or she~~ the department finds:✓

15 History: 1971 c. 260; 1979 c. 102 ss. 96, 236 (5); 1989 a. 303.

15 SECTION 212. 611.20 (4) (a) (intro.) of the statutes is amended to read:

16 611.20 (4) (a) *Upon application.* (intro.) A corporation may at any time apply  
17 to the ~~commissioner~~ department for a new or amended certificate of authority,  
18 removing, altering or adding limits on its business or methods of operation. The  
19 application shall contain or be accompanied by so much of the information in s.  
20 611.13 (2) as the ~~commissioner~~ department reasonably requires. The ~~commissioner~~  
21 department shall issue the new certificate as requested if ~~he or she~~ the department  
22 finds:

23 History: 1971 c. 260; 1979 c. 102 ss. 96, 236 (5); 1989 a. 303.

23 SECTION 213. 611.20 (4) (b) of the statutes is amended to read:

1           611.20 (4) (b) *By ~~commissioner~~ department.* <sup>✓</sup> If the ~~commissioner~~ department  
2 issues a summary order under s. 645.21 against a corporation, ~~he or she~~ the  
3 department may also revoke the corporation's certificate and issue a new one with  
4 the limits the ~~commissioner~~ department <sup>✓</sup> deems necessary.

**History:** 1971 c. 260; 1979 c. 102 ss. 96, 236 (5); 1989 a. 303.

5           **SECTION 214.** 611.24 (2) of the statutes is amended to read:

6           611.24 (2) OPTIONAL SEGREGATED ACCOUNTS. With the approval of the  
7 ~~commissioner~~ department, a corporation may establish a segregated account for any  
8 part of its business. The ~~commissioner~~ department shall approve unless ~~he or she~~  
9 the department finds that the segregated account would be contrary to the law or to  
10 the interests of any class of insureds. <sup>✓</sup>

**History:** 1971 c. 260; 1979 c. 102 s. 236 (5); 1979 c. 109; 1981 c. 314 s. 146; 1987 a. 167; 2009 a. 342.

11           **SECTION 215.** 611.28 (2) of the statutes is amended to read:

12           611.28 (2) CONTINUING CONTROL. The ~~commissioner~~ department may by rule or  
13 order specify portions of the business plan to which the requirement of sub. (1) shall  
14 apply even after the initial 5-year period, if ~~he or she~~ <sup>✓</sup> the department finds after a  
15 hearing that it is required to protect the interests of insureds, creditors or the public  
16 in this state.

**History:** 1971 c. 260; 1979 c. 102 s. 236 (5); 1991 a. 316.

17           **SECTION 216.** 611.29 (1) of the statutes is amended to read:

18           611.29 (1) RIGHT TO AMEND ARTICLES. A stock corporation may amend its articles  
19 under ss. 180.0726, 180.1001 to 180.1007, 180.1706, 180.1707 and 180.1708 (4) and  
20 a mutual may amend its articles under ss. 181.1001, 181.1002 (1), 181.1003,  
21 181.1005 and 181.1006, ~~except that papers required by those sections to be filed with~~  
22 ~~the department of financial institutions shall instead be filed with the commissioner.~~ <sup>✓</sup>  
23 Subject to sub. (3), the stock corporation or mutual may amend its articles in any

1 desired respect including substantial changes of its original purposes. No  
2 amendment may be made contrary to s. 611.12 (1) to (3).

History: 1971 c. 260; 1989 a. 303; 1997 a. 79.

3 **SECTION 217.** 611.31 (4) (a) of the statutes is amended to read:

4 611.31 (4) (a) Every person who is directly or indirectly the beneficial owner  
5 of more than 10% of any class of any equity security of a domestic stock insurance  
6 corporation, or who is a director or officer thereof, shall file ~~in the office of the~~  
7 ~~commissioner~~ with the department within 10 days after becoming a beneficial owner  
8 or a director or officer, and within 10 days after the close of any calendar month  
9 thereafter in which there has been a change in his or her ownership or office, a  
10 statement in the form prescribed by the ~~commissioner~~ department, of the office and  
11 of all equity securities of the company of which the person is the beneficial owner, and  
12 of all changes in either.

History: 1971 c. 260; 1979 c. 102 ss. 97, 236 (13).

13 **SECTION 218.** 611.32 (2) (b) (intro.) of the statutes is amended to read:

14 611.32 (2) (b) (intro.) Except under this section and s. 611.18 (2) (a) 2., and  
15 except for stock dividends, no promoter stock may be issued for 5 years following the  
16 initial issuance of the certificate of authority, without the approval of the  
17 ~~commissioner~~ department which may be granted by the ~~commissioner~~ department  
18 only if ~~he or she~~ the department finds that:

History: 1971 c. 260; 1979 c. 102 s. 236 (5); 1989 a. 303; 1991 a. 316.

19 **SECTION 219.** 611.33 (1) (a) 1. of the statutes is amended to read:

20 611.33 (1) (a) 1. Until one year after the initial issuance of a certificate of  
21 authority, the corporation may issue no shares and no other securities convertible  
22 into shares except for a single class of common stock that satisfies s. 180.0601 (3) and,  
23 with the approval of the ~~commissioner~~ department, on terms that ~~he or she~~ the

1 department considers fair, a single class of preferred stock for sale to no more than  
2 15 shareholders;

3 History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 98, 236 (5); 1989 a. 303; 2009 a. 342.

**SECTION 220.** 611.33 (1) (a) 2. of the statutes is amended to read:

4 611.33 (1) (a) 2. After the first year and within 5 years after the initial issuance  
5 of a certificate of authority, no additional classes of shares may be issued, except after  
6 approval of the ~~commissioner, who~~ department, <sup>✓</sup> which may approve only if ~~he or she~~  
7 the department finds that existing shareholders will not be prejudiced.

8 History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 98, 236 (5); 1989 a. 303; 2009 a. 342.

**SECTION 221.** 611.33 (2) (a) 2. of the statutes is amended to read:

9 611.33 (2) (a) 2. After the first year but within 5 years after the initial issuance  
10 of a certificate of authority, additional classes of bonds may be authorized after  
11 approval of the ~~commissioner, who~~ department, <sup>✓</sup> which shall approve if ~~he or she~~ the  
12 department finds that policyholders and prior bondholders will not be prejudiced;

13 History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 98, 236 (5); 1989 a. 303; 2009 a. 342.

**SECTION 222.** 611.33 (2) (b) (intro.) of the statutes is amended to read:

14 611.33 (2) (b) *Contribution notes.* (intro.) Any mutual may issue contribution  
15 notes if the ~~commissioner~~ department approves. <sup>✓</sup> ~~The commissioner~~ department may  
16 approve only if ~~he or she~~ the department finds that:

17 History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 98, 236 (5); 1989 a. 303; 2009 a. 342.

**SECTION 223.** 611.41 (2) of the statutes is amended to read:

18 611.41 (2) ATTENDANCE AT MEETINGS. The ~~commissioner~~ <sup>✓</sup> department or  
19 department's representative has the right to attend any shareholders' or  
20 policyholders' meeting.

21 History: 1971 c. 260; 1979 c. 102 s. 236 (21).

**SECTION 224.** 611.51 (2) (c) of the statutes is amended to read:

22 611.51 (2) (c) *Exception.* The ~~commissioner~~ department <sup>✓</sup> may by order reduce  
23 the number of directors required under this subsection, if ~~he or she~~ the department

1 finds that it would be an unreasonable burden on the corporation to comply with the  
2 requirement and that the interests of policyholders and shareholders can be  
3 otherwise protected.

4 History: 1971 c. 260; 1975 c. 373; 1979 c. 102 ss. 99, 236 (5); 1983 a. 321 s. 5; 1989 a. 303, 308, 359; 1991 a. 16; 1997 a. 35, 79.

4 **SECTION 225.** 611.72 (1) of the statutes is amended to read:

5 611.72 (1) GENERAL. Subject to this section, ss. 180.1101, 180.1103 to 180.1106,  
6 180.1706, 180.1707, and 180.1708 (5) apply to the merger of a domestic stock  
7 insurance corporation or its parent insurance holding corporation, ~~except that~~  
8 ~~papers required by those sections to be filed with the department of financial~~  
9 ~~institutions shall instead be filed with the commissioner.~~

10 History: 1971 c. 260; 1973 c. 184; 1979 c. 94; 1989 a. 303; 1995 a. 27; 1999 a. 30; 2001 a. 44; 2003 a. 321; 2007 a. 170; 2013 a. 279.

10 **SECTION 226.** 611.72 (3) (bm) 1. of the statutes is amended to read:

11 611.72 (3) (bm) 1. If the proposed merger or other acquisition of control will  
12 require the approval of more than one ~~commissioner~~<sup>✓</sup> insurance regulatory authority,  
13 the hearing under par. (am) may be held on a consolidated basis upon the request of  
14 a person filing a statement with the ~~commissioner of insurance of this state~~<sup>✓</sup>  
15 department under s. Ins 40.02 (2), Wis. Adm. Code, which request must be made  
16 when the statement is filed. That person shall file a copy of the statement under s.  
17 Ins 40.02 (2), Wis. Adm. Code, with the National Association of Insurance  
18 Commissioners within 5 days after making the request for a consolidated hearing.  
19 A hearing conducted on a consolidated basis shall be public and held within the  
20 United States before the ~~commissioners~~<sup>✓</sup> insurance regulatory officials of the states  
21 in which the insurers involved in the merger or other acquisition of control are  
22 domiciled. The ~~commissioners~~<sup>✓</sup> insurance regulatory officials may hear and receive



1 evidence. <sup>↓</sup>~~A commissioner~~ An insurance regulatory official may attend the hearing  
2 in person or by telecommunication.

History: 1971 c. 260; 1973 c. 184; 1979 c. 94; 1989 a. 303; 1995 a. 27; 1999 a. 30; 2001 a. 44; 2003 a. 321; 2007 a. 170; 2013 a. 279.

\*\*\*\*NOTE: I do not know if the insurance-related rules of the new department will continue to be designated as "Ins."

3 **SECTION 227.** 611.72 (3) (bm) 2. of the statutes is amended to read:

4 611.72 (3) (bm) 2. ~~The commissioner of insurance of this state department~~ may  
5 opt out of a consolidated hearing, and shall provide notice to the person requesting  
6 the consolidated hearing of the opt out within 10 days after the ~~commissioner~~  
7 department <sup>✓</sup> receives the statement under s. Ins 40.02 (2), Wis. Adm. Code.

History: 1971 c. 260; 1973 c. 184; 1979 c. 94; 1989 a. 303; 1995 a. 27; 1999 a. 30; 2001 a. 44; 2003 a. 321; 2007 a. 170; 2013 a. 279.

8 **SECTION 228.** 611.73 (1) (a) of the statutes is amended to read:

9 611.73 (1) (a) *In general.* Any 2 or more domestic mutuals may merge under  
10 the procedures of this section and ss. 181.1105 and 181.1106, ~~except that papers~~  
11 ~~required by those sections to be filed with the department of financial institutions~~  
12 ~~shall instead be filed with the commissioner.~~ <sup>✓</sup>

History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 105, 236 (20); 1995 a. 27; 1997 a. 79; 2013 a. 279.

13 **SECTION 229.** 611.73 (3) (a) of the statutes is amended to read:

14 611.73 (3) (a) The plan of merger shall be submitted to the ~~commissioner~~  
15 department for ~~his or her~~ the department's <sup>✓</sup> approval after any necessary action by  
16 the boards and before any necessary action by the policyholders. The ~~commissioner~~ <sup>✓</sup>  
17 department shall approve the plan unless ~~he or she~~ the department finds, after a  
18 hearing, that the proposed merger would be contrary to the law or to the interests  
19 of the insureds of any participating domestic corporation or the Wisconsin insureds  
20 of any participating nondomestic corporation.

History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 105, 236 (20); 1995 a. 27; 1997 a. 79; 2013 a. 279.

21 **SECTION 230.** 611.73 (3) (b) 1. of the statutes is amended to read:

1           611.73 (3) (b) 1. If the proposed merger of 2 or more domestic and foreign  
2           mutuals will require the approval of more than one ~~commissioner~~ insurance  
3           regulatory authority,<sup>✓</sup> the hearing under par. (a) may be held on a consolidated basis  
4           upon the request of a person filing with the ~~commissioner of insurance of this state~~  
5           department the plan of merger under par. (a) and the statement under s. Ins 40.02  
6           (2), Wis. Adm. Code. The person must request a consolidated hearing when the plan  
7           of merger and statement are filed. That person shall file copies of the plan of merger  
8           and the statement under s. Ins 40.02 (2), Wis. Adm. Code, with the National  
9           Association of Insurance Commissioners within 5 days after making the request for  
10          a consolidated hearing. A hearing conducted on a consolidated basis shall be public  
11          and held within the United States before the ~~commissioners~~ insurance regulatory  
12          officials of the states in which the insurers involved in the merger are domiciled. The  
13          ~~commissioners~~ insurance regulatory officials<sup>✓</sup> may hear and receive evidence. ~~↓A~~  
14          ~~commissioner~~ An insurance regulatory official may attend the hearing in person or  
15          by telecommunication.

History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 105, 236 (20); 1995 a. 27; 1997 a. 79; 2013 a. 279.

16           **SECTION 231.** 611.73 (3) (b) 2. of the statutes is amended to read:

17           611.73 (3) (b) 2. The ~~commissioner of insurance of this state~~ department<sup>✓</sup> may  
18           opt out of a consolidated hearing, and shall provide notice to the person requesting  
19           the consolidated hearing of the opt out within 10 days after the ~~commissioner~~<sup>✓</sup>  
20           department receives the plan of merger under par. (a) and the statement under s. Ins  
21           40.02 (2), Wis. Adm. Code.

History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 105, 236 (20); 1995 a. 27; 1997 a. 79; 2013 a. 279.

22           **SECTION 232.** 611.73 (4) of the statutes is amended to read:

1           611.73 (4) VOTING BY POLICYHOLDERS. The ~~commissioner~~ department may order  
2           that the plan submitted to ~~him or her~~ the department under sub. (3) (a) be amended  
3           to provide for voting by policyholders of any mutual involved.

4           ~~History: 1971 c. 260; 1973 c. 184; 1979 c. 102 ss. 105, 236 (20); 1995 a. 27; 1997 a. 79; 2013 a. 279.~~

4           **SECTION 233.** 611.74 (1) of the statutes is amended to read:

5           611.74 (1) PLAN OF DISSOLUTION. At least 60 days prior to the submission to  
6           shareholders or policyholders of any proposed voluntary dissolution of an insurance  
7           corporation under s. 180.1402 or 181.1401 the plan shall be filed with the  
8           ~~commissioner~~ department. The ~~commissioner~~ department may require the  
9           submission of additional information to establish the financial condition of the  
10          corporation or other facts relevant to the proposed dissolution. If the shareholders  
11          or policyholders adopt the resolution to dissolve, the ~~commissioner~~ department shall,  
12          within 30 days after the adoption of the resolution, begin to examine the corporation.  
13          The ~~commissioner~~ department shall approve the dissolution unless, after a hearing,  
14          the ~~commissioner~~ department finds that it is insolvent or may become insolvent in  
15          the process of dissolution. Subject to chs. 600 to 645, upon approval, the corporation  
16          may dissolve under ss. 180.1402 to 180.1408 and 180.1706, or ss. 181.1401 to  
17          181.1407, ~~except that papers required by those sections to be filed with the~~  
18          ~~department of financial institutions shall instead be filed with the commissioner.~~  
19          Upon disapproval, the ~~commissioner~~ department shall petition the court for  
20          liquidation or for rehabilitation under ch. 645.

21          ~~History: 1971 c. 260; 1973 c. 184; 1977 c. 203; 1979 c. 102; 1979 c. 109 s. 16; 1989 a. 303; 1991 a. 32; 1995 a. 27; 1997 a. 79.~~

21          **SECTION 234.** 611.75 (4) (intro.) of the statutes is amended to read:

1           611.75 (4) CONDITION FOR APPROVAL. (intro.) The ~~commissioner~~<sup>✓</sup>department  
2           shall approve the conversion unless ~~he or she~~ the department<sup>✓</sup> finds, after a hearing,  
3           that:

4           <sup>History: 1971 c. 260; 1979 c. 102 s. 236 (5).</sup>

4           **SECTION 235.** 611.75 (7) of the statutes is amended to read:

5           611.75 (7) EXPENSES. The corporation may not pay compensation of any kind  
6           to any person other than regular salaries to existing personnel, in connection with  
7           the proposed conversion, other than for clerical and mailing expenses, except that  
8           with the ~~commissioner's~~ department's<sup>✓</sup> approval payment may be made at reasonable  
9           rates for printing costs and for legal and other professional fees for services actually  
10          rendered. All expenses of the conversion, including the expenses incurred by the  
11          ~~commissioner~~ department and the prorated salaries of any ~~insurance office~~<sup>✓</sup>  
12          department staff members involved, shall be borne by the corporation being  
13          converted.

14          <sup>History: 1971 c. 260; 1979 c. 102 s. 236 (5).</sup>

14          **SECTION 236.** 611.76 (3) (a) (intro.) of the statutes is amended to read:

15          611.76 (3) (a) *Application.* (intro.) The board shall file with the ~~commissioner~~<sup>✓</sup>  
16          department the resolution and any additional documents and information he or she  
17          reasonably requires, whereupon the ~~commissioner~~ department<sup>✓</sup> shall order  
18          examination and appraisal of the corporation, unless ~~he or she~~ the department<sup>✓</sup>  
19          that:

20          <sup>History: 1971 c. 260; 1979 c. 102 ss. 107, 236 (5), (13); 1981 c. 314; 1983 a. 192, 215; 1985 a. 29, 215; 1995 a. 27; 1997 a. 79; 1999 a. 85; 2003 a. 33; 2007 a. 196; 2013 a. 279.</sup>

20          **SECTION 237.** 611.76 (6) (b) of the statutes is amended to read:

21          611.76 (6) (b) With regard to a mutual life insurance company, the notice, the  
22          plan or a summary of the plan, and any comments under par. (a) shall also be mailed

1 to the ~~commissioner~~ insurance regulatory authority<sup>✓</sup> of every jurisdiction in which the  
2 mutual life insurance company is authorized to do any business.

History: 1971 c. 260; 1979 c. 102 ss. 107, 236 (5), (13); 1981 c. 314; 1983 a. 192, 215; 1985 a. 29, 215; 1995 a. 27; 1997 a. 79; 1999 a. 85; 2003 a. 33; 2007 a. 196; 2013 a. 279.

3 **SECTION 238.** 611.76 (6) (c) of the statutes is amended to read:

4 611.76 (6) (c) Any policyholder under par. (a) and any ~~commissioner~~ insurance  
5 regulatory authority<sup>✓</sup> under par. (b) may present written or oral statements at the  
6 hearing and may present written statements within a period after the hearing  
7 specified by the ~~commissioner~~ department. The ~~commissioner~~ department shall  
8 take statements presented under this paragraph into consideration in making the  
9 determination under sub. (7).

History: 1971 c. 260; 1979 c. 102 ss. 107, 236 (5), (13); 1981 c. 314; 1983 a. 192, 215; 1985 a. 29, 215; 1995 a. 27; 1997 a. 79; 1999 a. 85; 2003 a. 33; 2007 a. 196; 2013 a. 279.

10 **SECTION 239.** 611.76 (7) (a) of the statutes is amended to read:

11 611.76 (7) (a) The ~~commissioner~~ department<sup>✓</sup> shall approve the plan of  
12 conversion unless ~~he or she~~ the department<sup>✓</sup> finds that the plan violates the law or  
13 is contrary to the interests of policyholders or the public.

History: 1971 c. 260; 1979 c. 102 ss. 107, 236 (5), (13); 1981 c. 314; 1983 a. 192, 215; 1985 a. 29, 215; 1995 a. 27; 1997 a. 79; 1999 a. 85; 2003 a. 33; 2007 a. 196; 2013 a. 279.

14 **SECTION 240.** 611.76 (10) of the statutes is amended to read:

15 611.76 (10) EXPENSES. The corporation may not pay compensation of any kind  
16 to any person other than regular salaries to existing personnel, in connection with  
17 the proposed conversion, other than for clerical and mailing expenses, except that  
18 with the ~~commissioner's~~ department's<sup>✓</sup> approval payment may be made at reasonable  
19 rates for printing costs and for legal and other professional fees for services actually  
20 rendered. All expenses of the conversion, including the expenses incurred by the  
21 ~~commissioner~~ department and the prorated salaries of any ~~insurance office~~

1 department staff members involved, shall be borne by the corporation being  
2 converted.

History: 1971 c. 260; 1979 c. 102 ss. 107, 236 (5), (13); 1981 c. 314; 1983 a. 192, 215; 1985 a. 29, 215; 1995 a. 27; 1997 a. 79; 1999 a. 85; 2003 a. 33; 2007 a. 196; 2013 a. 279.

3 **SECTION 241.** 611.76 (11) of the statutes is amended to read:

4 611.76 (11) SECURITY REGULATION. The filing with the ~~division of securities~~  
5 department of a certified copy of the plan of conversion as approved by the  
6 ~~commissioner~~ department constitutes registration under s. 551.305 of the securities  
7 authorized to be issued thereunder.

History: 1971 c. 260; 1979 c. 102 ss. 107, 236 (5), (13); 1981 c. 314; 1983 a. 192, 215; 1985 a. 29, 215; 1995 a. 27; 1997 a. 79; 1999 a. 85; 2003 a. 33; 2007 a. 196; 2013 a. 279.

8 **SECTION 242.** 611.77 (1) of the statutes is amended to read:

9 611.77 (1) ASSESSABLE TO NONASSESSABLE. Whenever an assessable mutual  
10 accumulates enough surplus to satisfy the financial requirements for the operation  
11 of a nonassessable mutual under like conditions, it may apply for a certificate of  
12 authority authorizing it to sell nonassessable policies. The ~~commissioner~~  
13 department shall issue a certificate of authority designating it a nonassessable  
14 mutual if ~~he or she~~ the department finds that the applicant satisfies the  
15 requirements of the law and that the issuance of nonassessable policies will not  
16 endanger the interests of its insureds or the public. Policies issued thereafter shall  
17 be nonassessable; existing policies shall continue in effect and shall also become  
18 nonassessable.

History: 1971 c. 260; 1979 c. 102 s. 236 (5).

19 **SECTION 243.** 611.77 (2) of the statutes is amended to read:

20 611.77 (2) NONASSESSABLE TO ASSESSABLE. A nonassessable mutual may apply  
21 to the ~~commissioner~~ department for a certificate of authority designating it an  
22 assessable mutual. The ~~commissioner~~ department shall issue the certificate if the  
23 law permits such a corporation to issue assessable policies and if ~~he or she~~ the

1 department finds that the conversion will not endanger the interests of present or  
2 future insureds or of the public. All policies issued after conversion shall be  
3 assessable, and all policies in effect on the date of conversion shall be assessable  
4 except to the extent that there is a contract right then existing not to be assessed.

5 History: 1971 c. 260; 1979 c. 102 s. 236 (5).

5 **SECTION 244.** 612.01 (4) of the statutes is amended to read:

6 612.01 (4) APPLICABLE DEFINITIONS. The definitions in ss. 181.0103 (3) and (18),  
7 600.03, and 610.01 (1), and (2) and (4) apply to town mutuals.

8 History: 1973 c. 22; 1977 c. 339; 1979 c. 89, 102, 177; 1983 a. 189 s. 329 (22); 1983 a. 215; 1985 a. 189; 1997 a. 79.

8 **SECTION 245.** 612.02 (6) (intro.) of the statutes is amended to read:

9 612.02 (6) CERTIFICATE OF AUTHORITY. (intro.) The ~~commissioner~~ department  
10 shall issue a certificate of authority if ~~he or she~~ the department:

11 History: 1973 c. 22; 1979 c. 102 ss. 114, 236 (5), (7); 1985 a. 189; s. 35.17 correction in (4) (g) 4.

11 **SECTION 246.** 612.04 (2) of the statutes is amended to read:

12 612.04 (2) APPROVAL REQUIRED. No change in the articles or bylaws or in the  
13 business plan is effective until approved by the ~~commissioner~~ department, nor may  
14 a town mutual depart from its business plan except with the ~~commissioner's~~  
15 department's approval. No change may be made inconsistent with s. 612.02 (2).  
16 Section 181.1008 applies to town mutuals.

17 History: 1973 c. 22; 1977 c. 203; 1979 c. 102 ss. 115, 236 (5); 1997 a. 79.

17 **SECTION 247.** 612.04 (3) (intro.) of the statutes is amended to read:

18 612.04 (3) GROUNDS FOR DISAPPROVAL. (intro.) The ~~commissioner~~ department  
19 shall approve the change unless ~~he or she~~ the department finds, after a hearing, that  
20 it would be:

21 History: 1973 c. 22; 1977 c. 203; 1979 c. 102 ss. 115, 236 (5); 1997 a. 79.

21 **SECTION 248.** 612.11 (3) of the statutes is amended to read:

1           612.11 (3) ~~COMMISSIONER'S~~ DEPARTMENT'S <sup>✓</sup>RIGHT TO ATTEND. The ~~commissioner~~  
2           department or the department's representative may attend any meeting of members.

History: 1973 c. 22; 1997 a. 79.

3           **SECTION 249.** 612.21 (3) of the statutes is amended to read:

4           612.21 (3) APPROVAL BY ~~COMMISSIONER~~ DEPARTMENT <sup>✓</sup> Each of the participating  
5           town mutuals shall file with the ~~commissioner~~ department for approval a copy of the  
6           resolution and any explanatory statement proposed to be issued to the members,  
7           together with so much of the information under s. 612.02 (4) for the surviving or new  
8           town mutual as the ~~commissioner~~ department reasonably requires. The  
9           ~~commissioner~~ department <sup>✓</sup> shall approve the plan unless ~~he or she~~ the department  
10          finds, after a hearing, that it would be contrary to the law, or that the surviving or  
11          new town mutual would not satisfy the requirements for a certificate of authority  
12          under s. 612.02 (6), or that the plan would be contrary to the interests of insureds or  
13          of the public.

History: 1973 c. 22; 1979 c. 102; 1985 a. 189; 1991 a. 316; 1997 a. 79.

14          **SECTION 250.** 612.22 (3) (a) of the statutes is amended to read:

15          612.22 (3) (a) Each of the participating corporations shall file with the  
16          ~~commissioner~~ department <sup>✓</sup> for approval a copy of the resolution and any explanatory  
17          material proposed to be issued to the members who have the right to vote on the  
18          merger under sub. (4), together with so much of the information under s. 611.13 (2)  
19          or 612.02 (4), whichever is appropriate, for the surviving or new corporation as the  
20          ~~commissioner~~ department <sup>✓</sup> reasonably requires. The ~~commissioner~~ department shall  
21          approve the plan unless ~~he or she~~ the department <sup>✓</sup> finds, after a hearing, that it would  
22          be contrary to the law, or that the surviving or new corporation would not satisfy the  
23          requirements for a certificate of authority under s. 611.20 or 612.02 (6), whichever



1 is appropriate, or that the plan would be contrary to the interest of insureds or of the  
2 public.

3 **History:** 1973 c. 22; 1979 c. 102; 1991 a. 316; 1997 a. 79; 2003 a. 261; 2009 a. 342.

3 **SECTION 251.** 612.25 (3) of the statutes is amended to read:

4 612.25 (3) APPROVAL BY MEMBERS AND COMMISSIONER<sup>✓</sup> DEPARTMENT. The plan shall  
5 thereupon be submitted to the members. If the members adopt the plan, the  
6 corporation shall file with the commissioner department for approval a copy of the  
7 resolution of the members, stating the number of members entitled to vote, the  
8 number of members voting and the number of votes cast in favor of the plan, stating  
9 separately the mail votes and the votes cast in person. The commissioner  
10 department shall approve the plan unless he or she<sup>✓</sup> the department finds, after a  
11 hearing, that the town mutual is insolvent or may become insolvent in the process  
12 of dissolution unless it makes an assessment. If an assessment would be required,  
13 the commissioner<sup>✓</sup> department shall institute proceedings under s. 645.41 (10).

14 **History:** 1973 c. 22; 1979 c. 102 ss. 120, 236 (6).

14 **SECTION 252.** 612.31 (2) (c) of the statutes is amended to read:

15 612.31 (2) (c) *Limitations by rule.* The commissioner department<sup>✓</sup> may by rule  
16 exclude any insurance authorized under sub. (1) or (3) if he or she<sup>✓</sup> the department  
17 finds that it cannot be successfully transacted by town mutuals without endangering  
18 the interests of insureds or the public.

19 **History:** 1973 c. 22; 1975 c. 147 s. 54; 1975 c. 372; 1979 c. 102 s. 236 (5), (13); 1979 c. 110 s. 60 (11).

19 **SECTION 253.** 612.33 (2) (b) of the statutes is amended to read:

20 612.33 (2) (b) *Nonproperty insurance.* To the extent that a town mutual  
21 provides insurance under s. 612.31 (3), it shall obtain reinsurance of at least a 90%  
22 proportional share of each risk with an insurer authorized to do such business in this  
23 state. The commissioner department<sup>✓</sup> may permit a town mutual to retain a larger  
24 percentage if he or she<sup>✓</sup> the department finds that the interests of the members will

1 not be endangered thereby, or may require it to reinsure a larger percentage if he or  
2 she finds that the interests of the members make it advisable. The ~~commissioner~~  
3 department may by rule require other reinsurance.

4 History: 1973 c. 22; 1979 c. 102 ss. 121, 236 (5), (13); 1979 c. 110 s. 60 (11); 1985 a. 189; 2001 a. 65.

**SECTION 254.** 612.33 (2) (e) of the statutes is amended to read:

5 612.33 (2) (e) *Approval of reinsurance contract.* Every reinsurance contract  
6 required under this subsection shall be on a form approved by the ~~commissioner~~  
7 department under s. 612.51. The ~~commissioner~~ department shall approve the form  
8 unless ~~he or she~~ the department finds that it would be contrary to the law or to the  
9 interests of insureds or the public.

10 History: 1973 c. 22; 1979 c. 102 ss. 121, 236 (5), (13); 1979 c. 110 s. 60 (11); 1985 a. 189; 2001 a. 65.

**SECTION 255.** 612.34 (2) of the statutes is amended to read:

11 612.34 (2) CLASSIFICATIONS. No classification plan for the purpose of  
12 determining premiums or assessment shares may be used unless it has been  
13 approved by the ~~commissioner~~ department.<sup>✓</sup> The ~~commissioner~~ department shall  
14 approve the plan unless ~~he or she~~ the department finds that it would be contrary to  
15 the law, including the standards of s. 625.11, or contrary to the interests of insureds  
16 or of the public.

17 History: 1973 c. 22; 1979 c. 102 s. 236 (5).

**SECTION 256.** 613.01 (8)<sup>X</sup> of the statutes is repealed.

18 **SECTION 257.** 613.19 (5) of the statutes is amended to read:

19 613.19 (5) REDUCTION OF MINIMUM SURPLUS. The ~~commissioner~~ department may  
20 by order reduce the minimum amounts of surplus required under subs. (1) and (2)  
21 if in the ~~commissioner's~~ department's<sup>✓</sup> opinion the extent and nature of providers'  
22 contracts under sub. (3), financial guarantees and other support by financially sound  
23 private or public corporations, a pressing social need in a particular community for  
24 the formation of a service insurance corporation, or other special circumstances,

1 justify the proposed reduction in the required surplus. A person who will directly  
2 compete with the proposed insurer is aggrieved within the meaning of s. 601.62 (3)  
3 (a).

4 **History:** 1975 c. 223, 421; 1979 c. 261; 1985 a. 335; 1989 a. 23; 1995 a. 236.

**SECTION 258.** 613.31 (2) of the statutes is amended to read:

5 613.31 (2) APPROVAL BY ~~COMMISSIONER~~ DEPARTMENT ✓ Securities of a service  
6 insurance corporation may not be registered under ch. 551 without prior approval  
7 of the ~~commissioner of insurance~~ department. ✓

8 **History:** 1975 c. 223.

**SECTION 259.** 613.41 (2) of the statutes is amended to read:

9 613.41 (2) ATTENDANCE AT MEETINGS. The ~~commissioner~~ ✓ department or the  
10 department's representative may attend any members' or policyholders' meeting.

11 **History:** 1975 c. 223, 421.

**SECTION 260.** 613.72 (2) of the statutes is amended to read:

12 613.72 (2) ~~COMMISSIONER'S~~ DEPARTMENT'S ✓ APPROVAL REQUIRED. No proposed  
13 merger plan under this section may be submitted to the members until the  
14 ~~commissioner~~ department approves it.

15 **History:** 1975 c. 223, 421; 1979 c. 102; 1997 a. 79.

**SECTION 261.** 613.74 (3) of the statutes is amended to read:

16 613.74 (3) CONVERSION TO INVOLUNTARY LIQUIDATION. The corporation may at  
17 any time during the liquidation under ss. 181.1401 to 181.1407 apply to the  
18 ~~commissioner~~ department ✓ to have the liquidation continued under the  
19 ~~commissioner's~~ department's supervision; thereupon the ~~commissioner~~ ✓ department  
20 shall apply to the court for liquidation under s. 645.41 (10).

21 **History:** 1975 c. 223, 421; 1995 a. 417; 1997 a. 79.

**SECTION 262.** 614.01 (6) of the statutes is amended to read:

1           614.01 (6) The definitions in ss. 181.0103 (3), (17), and (18), 600.03, and 610.01  
2           (1), and 2 and (4) apply to fraternal.

3           History: 1975 c. 373; 1979 c. 102; 1983 a. 189 ss. 297, 329 (22), (25); 1997 a. 79; 2001 a. 103; 2003 a. 60.

3           **SECTION 263.** 614.09 of the statutes is amended to read:

4           **614.09 Reservation of corporate name.** Sections 181.0402 and 181.0403  
5           (2), (3) and (3m) apply to fraternal, except that "department" shall be read  
6           "commissioner".

History: 1975 c. 373; 1995 a. 27; 1997 a. 79.

History: 1975 c. 2, 79; 1975 c. 147 s. 54; 1975 c. 199; 1977 c. 131, 172; 1979 c. 56, 57; 1979 c. 102 s. 236 (6); 1979 c. 177; 1983 a. 27, 158, 192; 1985 a. 135, 176, 335, 340; 1989 a. 56 s. 259; 1989 a. 187 s. 29; 1991 a. 315; 1993 a. 446; 1997 a. 11; 2009 a. 28.

7           **SECTION 264.** 614.19 (4) of the statutes is amended to read:

8           614.19 (4) REDUCTION OF MINIMUM SURPLUS. The <sup>plain OK</sup> ~~commissioner~~ department may,  
9           by order, reduce the minimum amounts of surplus required under subs. (1) and (2)  
10          if in the ~~commissioner's~~ department's opinion the extent and nature of providers'  
11          contracts, financial guarantees and other support by financially sound private or  
12          public corporations, a pressing social need in a particular community for the  
13          formation of a fraternal to provide needed insurance coverage, or other special  
14          circumstances, justify the proposed reduction in the required surplus. A person who  
15          will directly compete with the proposed fraternal is aggrieved within the meaning  
16          of s. 601.62 (3) (a).

History: 1975 c. 373, 421; 1985 a. 335; 1987 a. 361; 1989 a. 23, 336; 1997 a. 177.

17          **SECTION 265.** 614.73 (5) of the statutes is amended to read:

18          614.73 (5) PROCEDURE FOR NONDOMESTIC FRATERNALS. Where a nondomestic  
19          fraternal is a party to the proposed contract, the parties shall follow the procedure  
20          for domestic fraternal under subs. (3) and (4), but the ~~commissioner~~ department  
21          may not issue a certificate of compliance until the parties file a certificate that the  
22          proposed contract has been approved in the manner provided by the laws of the  
23          jurisdiction under which the fraternal is incorporated, or, if such laws contain no

1 procedure for approval, that the proposed contract has been approved by the  
2 ~~commissioner of insurance~~ insurance regulatory authority for that jurisdiction.

3 History: 1975 c. 373, 421; 1979 c. 102.

**SECTION 266.** 614.74 (2) of the statutes is amended to read:

4 614.74 (2) CONVERSION TO INVOLUNTARY LIQUIDATION. The fraternal may at any  
5 time during the liquidation under ss. 181.1401 to 181.1407 apply to the  
6 ~~commissioner~~ department to have the liquidation continued under the  
7 ~~commissioner's~~ department's supervision; thereupon the ~~commissioner~~ department  
8 shall apply to the court for liquidation under s. 645.41 (10).

9 History: 1975 c. 373, 421; 1979 c. 102; 1997 a. 79.

**SECTION 267.** 614.76 (4) of the statutes is amended to read:

10 614.76 (4) APPROVAL BY MEMBERS. After being approved by the ~~commissioner~~  
11 department, the plan shall be submitted for approval to the persons who were voting  
12 members on the date of the ~~commissioner's~~ department's approval under sub. (3).  
13 At least a majority of the votes cast must be in favor of the plan, or a larger number  
14 if required by the laws of the fraternal.

15 History: 1975 c. 373, 421.

**SECTION 268.** 614.76 (8) of the statutes is amended to read:

16 614.76 (8) EXPENSES. The corporation may not pay compensation of any kind  
17 to existing personnel, in connection with the proposed conversion, other than regular  
18 salaries. With the ~~commissioner's~~ department's approval, payment may be made at  
19 reasonable rates for printing costs and for legal and other professional fees for  
20 services actually rendered. All expenses of the conversion, including the expenses  
21 incurred by the ~~commissioner~~ department and the prorated salaries of any ~~insurance~~  
22 ~~office~~ department staff members involved, shall be borne by the corporation being  
23 converted.

History: 1975 c. 373, 421.

1           **SECTION 269.** 616.09 (1) (c) 2. of the statutes is amended to read:

2           616.09 (1) (c) 2. In all actions commenced after May 11, 1980, but before July  
3           1, 2015, in those provisions of ch. 185 which apply under subd. 1. to plans authorized  
4           under s. 616.06, “department” shall be deemed to read “department of financial  
5           institutions and commissioner”, except in s. 185.48, where “department” shall be  
6           deemed to read “commissioner”.

History: 1979 c. 261; 1981 c. 205; 1981 c. 314 s. 144; 1987 a. 307, 403; 1993 a. 70; 1995 a. 27; 2005 a. 441; 2007 a. 96.

7           **SECTION 270.** 616.09 (1) (c) 2. of the statutes is repealed.

8           **SECTION 271.** 616.50 (3) of the statutes is repealed.

9           **SECTION 272.** 616.54 (7) (b) 2. of the statutes is amended to read:

10           616.54 (7) (b) 2. An irrevocable letter of credit that is from a bank properly  
11           chartered by the federal government or any state, that is acceptable to the  
12           ~~commissioner~~ department, and that is issued for a term of at least 5 years with  
13           provision for renewal 2 years before termination. The letter of credit shall be payable  
14           to the ~~commissioner~~ department or the ~~commissioner's~~ department's designee for the  
15           benefit of Wisconsin consumers upon a finding by the ~~commissioner~~ department that  
16           a provider is insolvent or financially impaired and unable to meet its obligations  
17           under service contracts issued in Wisconsin. The provider shall notify the  
18           ~~commissioner~~ department in writing of the nonrenewal of a letter of credit within 30  
19           days after receiving a notice of nonrenewal. No provider whose letter of credit has  
20           been nonrenewed may offer or sell or renew any service contract on or after the date  
21           of nonrenewal until the provider obtains security satisfying the requirements of this  
22           subsection or satisfies the requirements of sub. (6).

History: 2011 a. 226.

23           **SECTION 273.** 616.56 (3) of the statutes is amended to read:

1           616.56 (3) Service contracts shall contain the following statement printed in  
2 bold and capitalized type: "THIS CONTRACT IS SUBJECT TO LIMITED  
3 REGULATION BY THE OFFICE OF THE COMMISSIONER OF INSURANCE  
4 DEPARTMENT OF FINANCIAL INSTITUTIONS, INSURANCE, AND  
5 PROFESSIONAL STANDARDS."

6 History: 2011 a. 226; 2013 a. 165 s. 115.

6           **SECTION 274.** 616.62 (2) of the statutes is amended to read:

7           616.62 (2) The <sup>plain</sup> ~~commissioner~~ department may take any action under ss. 601.41  
8 and 601.61 to 601.73 that is necessary or appropriate to enforce the provisions of this  
9 subchapter and the ~~commissioner's~~ department's rules and orders and to protect  
10 service contract holders in this state. The ~~commissioner~~ department may subject a  
11 provider to any reporting and replying requirement under s. 601.42.

12 History: 2011 a. 226.

12           **SECTION 275.** 616.71 (4) of the statutes is repealed.

13           **SECTION 276.** 616.74 (1) (c) of the statutes is amended to read:

14           616.74 (1) (c) A certificate from the department of financial institutions, if it  
15 is a nonprofit corporation, that it has complied with the corporation laws of this state;  
16 if it is a corporation the stock of which has been or is being sold to the general public,  
17 a certificate from the ~~division of securities~~ department that it has complied with the  
18 requirements of the securities law of this state.

19 History: 1971 c. 307; 1977 c. 339 s. 8; Stats. 1977 s. 616.74; 1979 c. 102 s. 237; 1991 a. 316; 1995 a. 27.

19           **SECTION 277.** 617.11 (5) of the statutes is amended to read:

20           617.11 (5) CONSENT TO JURISDICTION. Every insurer authorized to do business  
21 in this state shall promptly submit to the ~~commissioner~~ department a statement  
22 from each of its affiliates that owns stock in the insurer either directly or through  
23 intermediaries, that controls the insurer or that is a party to any transaction,  
24 dividend or distribution that the insurer is required to report under s. 617.21, to the

1 effect that the affiliate agrees to be subject to the jurisdiction of the ~~commissioner~~  
2 department and the courts of this state for the purposes of this chapter. The  
3 ~~commissioner~~ department may by rule require that such statements be submitted  
4 for other classes of affiliates if ~~he or she~~ the department finds that the interests of  
5 policyholders or the public so require.

History: 1979 c. 102 s. 236 (2), (5); 1987 a. 167.

6 **SECTION 278.** 617.215 (3) of the statutes is amended to read:

7 617.215 (3) PAYMENT OF EXPENSES. All insurers to which this section applies are  
8 liable for and shall pay the reasonable expenses related to the ~~commissioner's~~  
9 department's participation in supervisory colleges, including reasonable travel  
10 expenses. The ~~commissioner~~ department may impose a regular assessment on  
11 insurers to cover the expenses.

History: 2013 a. 279.

12 **SECTION 279.** 617.215 (4) of the statutes is amended to read:

13 617.215 (4) NOT DELEGATION OF AUTHORITY. Nothing in this section delegates to  
14 a supervisory college the authority of the ~~commissioner~~ department to regulate or  
15 supervise an insurer or its affiliates within the ~~commissioner's~~ department's  
16 jurisdiction.

History: 2013 a. 279.

17 **SECTION 280.** 618.11 (14) of the statutes is amended to read:

18 618.11 (14) Authorization to the ~~commissioner or office~~ department to make  
19 inquiry of any person about the applicant, its manager under a management  
20 contract, its attorney in fact, its general agents, and any of the officers, directors or  
21 shareholders of any of them designated by the ~~commissioner or office~~ department,  
22 and agreement by the applicant and any other persons so designated that in the  
23 absence of actual malice, no communication made in response to any such inquiry  
24 will subject the persons making it to an action for damages for the communication



1 brought by the applicant or the designated person or a legal representative of either.

2 No such action shall lie whether such agreement is made or not.

3 History: 1971 c. 260; 1977 c. 339; 1989 a. 332.

**SECTION 281.** 618.12 (4) of the statutes is amended to read:

4 618.12 (4) ALTERATION OF CERTIFICATE. An insurer may at any time apply to the  
5 ~~commissioner~~ department for a new certificate of authority, removing, altering or  
6 adding limits on its business or methods of operation. The application shall be  
7 accompanied by so much of the information under s. 618.11 as the ~~commissioner~~  
8 department reasonably requires. The ~~commissioner~~ department shall issue the new  
9 certificate as requested if ~~he or she~~ the department would do so if an initial  
10 application were being made.

11 History: 1971 c. 260; 1979 c. 102 s. 236 (5), (6).

**SECTION 282.** 618.21 (2) (b) of the statutes is amended to read:

12 618.21 (2) (b) *Corporate reorganization or transformation.* When any corporate  
13 reorganization, transformation, or liquidation of a nondomestic insurer is proposed  
14 by it or approved by the domiciliary ~~commissioner~~ insurance regulatory authority or  
15 by another official act, notice shall be given to the ~~commissioner~~ department  
16 promptly.

17 History: 1971 c. 260; 1973 c. 184; 1975 c. 373; 1983 a. 192; 1989 a. 303; 1991 a. 316; 1997 a. 79.

**SECTION 283.** 618.22 (2) (intro.) of the statutes is amended to read:

18 618.22 (2) DISAPPROVAL. (intro.) The ~~commissioner~~ department shall  
19 disapprove a contract under sub. (1) or s. 611.67 if ~~he or she~~ the department finds  
20 that:

21 History: 1971 c. 260; 1979 c. 102 s. 236 (5); 1985 a. 29.

**SECTION 284.** 618.23 (2) of the statutes is amended to read:

22 618.23 (2) SUBSTITUTE FOR THE LIABILITY UNDER SUB. (1) (B). Where the liability  
23 of subscribers does not satisfy sub. (1) (b), the ~~commissioner~~ department may

1 nevertheless authorize an assessable reciprocal if ~~he or she~~ the department is  
2 satisfied that practices are actually followed by the attorney in fact which ensure the  
3 capacity and willingness of all subscribers to pay assessments if called upon to do so,  
4 or which otherwise ensure the solidity of the operation.

History: 1971 c. 260; 1979 c. 102 s. 236 (5).

5 **SECTION 285.** 618.26 (2) (b) of the statutes is amended to read:

6 618.26 (2) (b) *Corporate reorganization or transformation.* When any corporate  
7 reorganization, transformation, or liquidation of a nondomestic fraternal, or any  
8 levy to cover a deficiency under a law comparable to s. 614.19 (3), is proposed by it  
9 or approved by the domiciliary ~~commissioner~~ insurance regulatory authority or by  
10 another official act, notice shall be given to the ~~commissioner~~ department promptly.

History: 1975 c. 373, 421; 1989 a. 303; 1999 a. 85.

11 **SECTION 286.** 618.36 (3) (intro.) of the statutes is amended to read:

12 618.36 (3) RELEASE ORDER. (intro.) The ~~commissioner~~ department shall release  
13 the insurer from regulation if ~~he or she~~ the department finds:

History: 1971 c. 260; 1977 c. 339; 1979 c. 89 s. 543; 1979 c. 102 s. 236 (5), (7).

14 **SECTION 287.** 618.36 (4) of the statutes is amended to read:

15 618.36 (4) NOTIFICATION OR PUBLICATION. The ~~commissioner~~ department may,  
16 before deciding on the release, require the insurer to notify all agents or other classes  
17 of potentially interested persons in a manner ~~he or she~~ the department prescribes,  
18 or in a manner ~~he or she~~ the department prescribes to publish at its own expense its  
19 intention to withdraw. The notice shall advise affected persons to communicate to  
20 the ~~commissioner~~ department any objections they may have to the withdrawal.

History: 1971 c. 260; 1977 c. 339; 1979 c. 89 s. 543; 1979 c. 102 s. 236 (5), (7).

21 **SECTION 288.** 618.39 (3) (a) (intro.) of the statutes is amended to read:

22 618.39 (3) (a) (intro.) The ~~office~~ department may by rule promulgate standards  
23 for any of the following:

History: 1971 c. 260; 1975 c. 371, 421; 2001 a. 65.

1           **SECTION 289.** 618.39 (3) (b) of the statutes is amended to read:

2           618.39 (3) (b) Notwithstanding par. (a) 1., it is not necessary for the ~~office~~  
3           department to promulgate a rule under par. (a) 1. to establish that a person violated  
4           sub. (1).

History: 1971 c. 260; 1975 c. 371, 421; 2001 a. 65.

5           **SECTION 290.** 618.41 (6) (d) of the statutes is amended to read:

6           618.41 (6) (d) *Evaluations.* The ~~commissioner~~ department may issue lists of  
7           unauthorized nondomestic insurers whose solidity he or she believes to be doubtful  
8           or whose practices ~~he or she~~ the department believes to be objectionable. The  
9           ~~commissioner~~ department may issue lists of unauthorized nondomestic insurers ~~he~~  
10          ~~or she~~ the department believes to be reliable and solid. The ~~commissioner~~  
11          department may also issue other relevant evaluations of unauthorized insurers. No  
12          action may lie against the ~~commissioner~~ department, secretary, or any employee of  
13          the ~~office~~ department for anything said in the issuance of such lists and evaluations.

History: 1971 c. 260; 1975 c. 371 ss. 45, 50; 1979 c. 89; 1979 c. 102 ss. 147, 236 (6), (13), (21), 237; 1981 c. 20 s. 2202 (26) (a); 1985 a. 29, 332; 1987 a. 247; 1989 a. 187  
s. 29; 2009 a. 177; 2011 a. 224.

14          **SECTION 291.** 618.416 (1) (b) of the statutes is amended to read:

15          618.416 (1) (b) Either the unauthorized insurer has capital and surplus or its  
16          equivalent under the laws of its domiciliary jurisdiction that equals the greater of  
17          either the minimum capital and surplus requirements under the laws of this state  
18          or \$15,000,000 or the ~~commissioner~~ department affirmatively finds that the  
19          unauthorized insurer's capital and surplus are acceptable. The ~~commissioner's~~  
20          department's finding shall be based on factors that include quality of management,  
21          capital and surplus of any parent company, company underwriting profit and  
22          investment income trends, market availability, and company record and reputation  
23          within the industry. In no event may the ~~commissioner~~ department find that the

1 unauthorized insurer's capital and surplus are acceptable if the unauthorized  
2 insurer's capital and surplus are less than \$4,500,000.

History: 2011 a. 224.

3 SECTION 292. 618.42 (2) of the statutes is amended to read:

4 618.42 (2) REPORTS AND TAXATION. Every policyholder who procures or renews  
5 insurance otherwise subject to chs. 600 to 646 and 655 from any insurer not  
6 authorized to do business in this state, other than insurance procured under s.  
7 618.41 and the renewal of guaranteed renewable insurance lawfully issued outside  
8 this state, shall within 60 days after the insurance procured or renewed report to the  
9 ~~commissioner~~ department in such form as ~~he or she~~ the department requires and pay  
10 the taxes specified by s. 618.43.

History: 1971 c. 260; 1979 c. 89; 1979 c. 102 s. 236 (5), (8); 1981 c. 314; 1989 a. 187 s. 29; 1991 a. 148, 304, 315; 1993 a. 213.

11 SECTION 293. 618.61 (3) of the statutes is amended to read:

12 618.61 (3) ENFORCEMENT OF WISCONSIN DECREES OR ORDERS. The attorney  
13 general upon request of the ~~commissioner~~ department may proceed in the courts of  
14 this state or any other state to enforce an order or decision issued in this state in any  
15 court proceeding or in any administrative proceeding before the ~~insurance~~  
16 ~~commissioner~~ department.

History: 1971 c. 260; 1977 c. 449; 1983 a. 189; 1995 a. 224.

\*\*\*\*NOTE: Both ss. 618.47 and 618.61 (3) mention administrative proceedings  
before the commissioner (which I've changed to department). I assume there will still be  
administrative proceedings before the department and that not all will be before the  
division of hearing and appeals. If that is not the case, do ss. 618.47 and 618.61 (3) need  
to reference the division of hearing and appeals instead of the department?

Use  
2x

5

17 SECTION 294. 619.01 (1) (a) of the statutes is amended to read:

18 619.01 (1) (a) *Establishment of plans*. If the ~~commissioner~~ department finds  
19 after a hearing that in any part of this state automobile insurance, property  
20 insurance, health care liability insurance, liability insurance but not to include  
21 coverage for risks that are determined to be uninsurable, worker's compensation

1 insurance, insurance coverage for foster homes, or insurance coverage for group  
2 homes is not readily available in the voluntary market, and that the public interest  
3 requires that availability, the ~~commissioner~~ department may by rule either  
4 promulgate plans to provide such insurance coverages for any risks in this state that  
5 are equitably entitled to, but otherwise unable to obtain, that coverage, or may call  
6 upon the insurance industry to prepare plans for the ~~commissioner's~~ department's  
7 approval.

8 **SECTION 295.** 619.04 (3) of the statutes is amended to read:

9 619.04 (3) The plan shall operate subject to the supervision and approval of a  
10 board of governors consisting of 3 representatives of the insurance industry  
11 appointed by and to serve at the pleasure of the ~~commissioner~~ secretary, a person to  
12 be named by the State Bar Association, a person to be named by the Wisconsin  
13 Academy of Trial Lawyers, 2 persons to be named by the Wisconsin Medical Society,  
14 a person to be named by the Wisconsin Hospital Association, the ~~commissioner~~  
15 secretary or a designated representative employed by the ~~office of the commissioner~~  
16 department, and 4 public members at least 2 of whom are not attorneys or physicians  
17 and are not professionally affiliated with any hospital or insurance company,  
18 appointed by the governor for staggered 3-year terms. The ~~commissioner or the~~  
19 ~~commissioner's~~ secretary or the secretary's representative shall be the chairperson  
20 of the board of governors. Board members shall be compensated at the rate of \$50  
21 per diem plus actual and necessary travel expenses.

22 **SECTION 296.** 622.03 (1) of the statutes is amended to read:

23 622.03 (1) "Guidance manual" means the most current version of the Own Risk  
24 and Solvency Assessment Guidance Manual developed and adopted by the National

1 Association of Insurance Commissioners as of January 1, 2015, subject to the  
2 adoption of any amendments by the ~~commissioner~~ department under s. 601.415 (11).

3 History: 2013 a. 279.

**SECTION 297.** 622.09 (1) (intro.) and (a) 2. of the statutes are amended to read:

4 **622.09 (1) FILING WITH THE COMMISSIONER DEPARTMENT.** (intro.) An insurer must file  
5 with the ~~commissioner~~ department a summary report or any combination of reports  
6 that together contain the information described in the guidance manual applicable  
7 to the insurer and, if applicable, the insurance holding company system of which the  
8 insurer is a member as follows:

9 (a) 2. The insurer is a member of an insurance holding company system and  
10 the ~~commissioner~~ secretary is the lead state ~~commissioner~~ insurance regulator.

11 History: 2013 a. 279.

**SECTION 298.** 622.09 (1) (b) (intro.) of the statutes is amended to read:

12 **622.09 (1) (b) (intro.)** Within 45 days after the date on which the final summary  
13 report is filed with the ~~commissioner~~ insurance regulator of the insurer's lead state  
14 if all of the following apply:

15 History: 2013 a. 279.

**SECTION 299.** 622.09 (1) (b) 2. of the statutes is amended to read:

16 **622.09 (1) (b) 2.** The insurer is a member of an insurance holding company  
17 system for which the ~~commissioner~~ secretary is not the lead state ~~commissioner~~  
18 insurance regulator.

19 History: 2013 a. 279.

**SECTION 300.** 622.09 (3) of the statutes is amended to read:

20 **622.09 (3) ALTERNATE FILING.** An insurer may satisfy sub. (1) by providing the  
21 most recent summary report provided by the insurer or another member of the  
22 insurance holding company system of which the insurer is a member to the  
23 ~~commissioner~~ insurance regulator of another state or to a supervisor or regulator of

1 a jurisdiction not located in the United States or any of its territories, if that  
2 summary report provides information that is substantially comparable to the  
3 information described in the guidance manual. Any such summary report in a  
4 language other than English must be accompanied by a translation of that summary  
5 report into English.

NOTE: NOTE: This section is created eff. 1-1-15 by 2013 Wis. Act 279. NOTE:  
History: 2013 a. 279.

6 **SECTION 301.** 622.11 (3) of the statutes is amended to read:

7 622.11 (3) **WAIVER.** An insurer that does not qualify for exemption under sub.  
8 (1) may apply to the ~~commissioner~~ department for a waiver from the requirements  
9 of this chapter. In determining whether to grant the waiver, the ~~commissioner~~  
10 department may consider the type and volume of business written by the insurer, the  
11 ownership and organizational structure of the insurer, and any other factor the  
12 ~~commissioner~~ department considers relevant to the insurer or insurance holding  
13 company system of which the insurer is a member. If the insurer is part of an  
14 insurance holding company system that includes insurers domiciled in more than  
15 one state, the ~~commissioner~~ department shall coordinate with the ~~commissioner~~  
16 insurance regulator of the lead state and with the ~~commissioners~~ insurance  
17 regulators of each of the other states in which insurer members of the insurance  
18 holding company system are domiciled in determining whether to grant the insurer's  
19 request for a waiver.

History: 2013 a. 279.

20 **SECTION 302.** 622.11 (4) of the statutes is amended to read:

21 622.11 (4) **WITHDRAWAL OF EXEMPTION OR WAIVER.** Notwithstanding subs. (1) and  
22 (3), the ~~commissioner~~ department may issue an order requiring an insurer to create  
23 and maintain a risk management framework, conduct an own risk and solvency  
24 assessment, and file a summary report if either of the following applies:

1 (a) The ~~commissioner~~ department finds that the insurer's unique  
2 circumstances, including the type and volume of business written, the ownership  
3 and organizational structure, federal agency requests, or international supervisor  
4 requests, warrant withdrawal of the exemption or waiver. If the ~~commissioner~~  
5 department withdraws the exemption or waiver, the insurer or the insurance holding  
6 company system is subject to the requirement under s. 622.09 until the ~~commissioner~~  
7 department reinstates the exemption under sub. (1) or the waiver under sub. (3). *plain OK*

8 (b) The insurer has a risk-based capital company action level event, as defined  
9 in s. Ins 51.01 (4), Wis. Adm. Code, meets one or more of the standards for an insurer  
10 in hazardous financial condition as described in s. 623.11, 645.31, or 645.41, or  
11 otherwise exhibits qualities of a troubled insurer as determined by the ~~commissioner~~  
12 department. *plain OK*

History: 2013 a. 279.

13 **SECTION 303.** 622.13 (1) of the statutes is amended to read:

14 622.13 (1) PREPARATION. The summary report shall be prepared consistently  
15 with the guidance manual. Documentation and supporting information shall be  
16 maintained and made available upon examination or upon request of the  
17 ~~commissioner~~ department.

History: 2013 a. 279.

18 **SECTION 304.** 622.13 (2) of the statutes is amended to read:

19 622.13 (2) REVIEW. The ~~commissioner's~~ department's review of the summary  
20 report, and any additional requests for information, shall be made using similar  
21 procedures used in the analysis and examination of multistate or global insurers and  
22 insurance holding company systems.

NOTE: NOTE: This section is created eff. 1-1-15 by 2013 Wis. Act 279. NOTE:

History: 2013 a. 279.

23 **SECTION 305.** 622.15 (1) of the statutes is amended to read:



1           622.15 (1) **CONFIDENTIAL TREATMENT.** Documents, materials, or other  
2 information, including summary reports, in the possession or control of the  
3 ~~commissioner~~ department that are obtained by, created by, or disclosed to the  
4 ~~commissioner~~ department or any other person under this chapter, are confidential  
5 and privileged, are not subject to inspection or copying under s. 19.35 (1), are not  
6 subject to subpoena, and are not subject to discovery or admissible in evidence in any  
7 private civil action. The ~~commissioner~~ department is authorized to use the  
8 § documents, materials, or other information in the ~~commissioner's~~ department's commissioner's  
9 regulation of the insurer or insurance holding company system but may not make the  
10 documents, materials, or other information public without the prior written consent  
11 of the insurer.

History: 2013 a. 279; s. 35.17 correction in (3) (b).

12           **SECTION 306.** 622.15 (2) of the statutes is amended to read:

13           622.15 (2) **PROHIBITION ON TESTIMONY.** Neither the ~~commissioner~~ department  
14 nor any person who received documents, materials, or other information related to  
15 own risk and solvency assessments, through examination or otherwise, while acting  
16 under the authority of the ~~commissioner~~ department or with whom such documents,  
17 materials, or other information are shared in accordance with this chapter, may  
18 testify in any private civil action concerning any confidential documents, materials,  
19 or information subject to sub. (1).

History: 2013 a. 279; s. 35.17 correction in (3) (b).

20           **SECTION 307.** 622.15 (3) (intro.) of the statutes is amended to read:

21           622.15 (3) **PERMITTED DISCLOSURES.** (intro.) In furtherance of the performance  
22 of the ~~commissioner's~~ department's regulatory duties, all of the following apply:

History: 2013 a. 279; s. 35.17 correction in (3) (b).

23           **SECTION 308.** 622.15 (3) (a) of the statutes is amended to read:

1           622.15 (3) (a) The ~~commissioner~~ department may, upon request, share  
2 documents, materials, or other information related to own risk and solvency  
3 assessments, including the confidential and privileged documents, materials, or  
4 information subject to sub. (1), including proprietary and trade secret documents  
5 and materials, with other state, federal, and international financial regulatory  
6 agencies, including members of any supervisory college as described in s. 617.215,  
7 with the National Association of Insurance Commissioners, and with any 3rd-party  
8 consultants designated by the ~~commissioner~~ department, provided that the recipient  
9 agrees in writing to maintain the confidentiality and privileged status of the  
10 documents, materials, or other information required by this section related to own  
11 risk and solvency assessments and has verified in writing its legal authority to  
12 maintain confidentiality.

History: 2013 a. 279; s. 35.17 correction in (3) (b).

13           **SECTION 309.** 622.15 (3) (b) of the statutes is amended to read:

14           622.15 (3) (b) The ~~commissioner~~ department may receive documents,  
15 materials, or other information related to own risk and solvency assessments,  
16 including otherwise confidential and privileged documents, materials, or  
17 information, including proprietary and trade secret information or documents, from  
18 regulatory officials of other jurisdictions, including members of any supervisory  
19 college as described in s. 617.215, and from the National Association of Insurance  
20 Commissioners, and shall maintain as confidential or privileged any document,  
21 material, or information received with notice or the understanding that it is  
22 confidential or privileged under the laws of the jurisdiction that is the source of the  
23 document, material, or information.

History: 2013 a. 279; s. 35.17 correction in (3) (b).

24           **SECTION 310.** 622.15 (3) (c) (intro.) of the statutes is amended to read:

1           622.15 (3) (c) (intro.) The ~~commissioner~~ department shall enter into a written  
2 agreement with the National Association of Insurance Commissioners or any 3rd  
3 party consulted formally or informally by the ~~commissioner~~ department governing  
4 the sharing and use of information provided under this chapter, consistent with this  
5 subsection, that does all of the following:

6 History: 2013 a. 279; s. 35.17 correction in (3) (b).

**SECTION 311.** 622.15 (3) (c) 2. of the statutes is amended to read:

7           622.15 (3) (c) 2. Specifies that ownership of information shared with the  
8 National Association of Insurance Commissioners or 3rd-party consultants in  
9 accordance with this chapter remains with the ~~commissioner~~ department and that  
10 the use of the information by the National Association of Insurance Commissioners,  
11 regulatory officials, or 3rd-party consultants is subject to the direction of the  
12 ~~commissioner~~ department.

13 History: 2013 a. 279; s. 35.17 correction in (3) (b).

**SECTION 312.** 622.15 (3) (d) of the statutes is amended to read:

14           622.15 (3) (d) The sharing of information and documents by the ~~commissioner~~  
15 department under this chapter does not constitute a delegation of regulatory  
16 authority or rule making, and the ~~commissioner~~ department is solely responsible for  
17 the administration, execution, and enforcement of the provisions of this chapter.

18 History: 2013 a. 279; s. 35.17 correction in (3) (b).

**SECTION 313.** 622.15 (3) (e) of the statutes is amended to read:

19           622.15 (3) (e) No waiver of any applicable privilege or claim of confidentiality  
20 in the documents, proprietary and trade secret materials, or other information  
21 related to own risk and solvency assessments obtained or developed under this  
22 chapter shall occur as a result of disclosure of such information or documents to the

1 ~~commissioner~~ department under this section or as a result of the ~~commissioner~~  
2 department sharing such information or documents as authorized in this section.

History: 2013 a. 279; s. 35.17 correction in (3) (b).

3 **SECTION 314.** 623.06 (1m) (b) 2. of the statutes is amended to read:

4 623.06 (1m) (b) 2. An insurance company that is required to submit an opinion  
5 under subd. 1. shall have prepared by the qualified actuary who renders the opinion  
6 a memorandum in support of the opinion under subd. 1. The ~~commissioner~~  
7 department shall specify by rule the form and content of the memorandum. The  
8 insurance company shall provide the memorandum to the ~~commissioner~~ secretary,  
9 at the ~~commissioner's~~ secretary's request, for his or her examination. After  
10 examination, the ~~commissioner~~ secretary shall return the memorandum to the  
11 insurance company. The memorandum shall not be considered a record of the  
12 ~~commissioner's~~ secretary's office.

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

13 **SECTION 315.** 623.06 (1m) (b) 3. of the statutes is amended to read:

14 623.06 (1m) (b) 3. If an insurance company fails to provide a supporting  
15 memorandum to the ~~commissioner~~ secretary upon request within the period  
16 specified by rule, or if the ~~commissioner~~ secretary determines that the supporting  
17 memorandum provided by an insurance company fails to meet the standards  
18 prescribed by rule or is otherwise unacceptable, the ~~commissioner~~ department may  
19 retain a qualified actuary at the expense of the insurance company to review the  
20 opinion required under subd. 1. and the basis for the opinion and to prepare such  
21 supporting memorandum as the ~~commissioner~~ secretary requires.

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

22 **SECTION 316.** 623.06 (1m) (f) 3. of the statutes is amended to read:

1           623.06 (1m) (f) 3. A memorandum loses its confidentiality if the insurance  
2           company cites any portion of the memorandum for marketing purposes or before any  
3           governmental agency other than a state insurance ~~department~~ agency or if the  
4           insurance company releases any portion of the memorandum to the news media.

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

5           **SECTION 317.** 623.06 (2a) (intro.) of the statutes is amended to read:

6           623.06 (2a) (intro.) Except as provided in sub. (2m), the minimum standard for  
7           the valuation of all individual annuity and pure endowment contracts issued on or  
8           after the operative date of this subsection, as defined in sub. (2b), and for all  
9           annuities and pure endowments purchased on or after that operative date under  
10          group annuity and pure endowment contracts, shall be the ~~commissioners~~ <sup>✓</sup> reserve  
11          valuation methods defined in subs. (3) to (4m) and the following tables and interest  
12          rates:

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

13          **SECTION 318.** 623.06 (3) (intro.) of the statutes is amended to read:

14          623.06 (3) (intro.) Except as provided in subs. (4m) and (7), reserves according  
15          to the ~~commissioners~~ reserve valuation method, for the life insurance and  
16          endowment benefits of policies providing for a uniform amount of insurance and  
17          requiring the payment of uniform premiums shall be the excess, if any, of the present  
18          value, at the date of valuation, of such future guaranteed benefits provided for by  
19          such policies, over the then present value of any future modified net premiums  
20          therefor. The modified net premiums for any such policy shall be such uniform  
21          percentage of the respective contract premiums for such benefits that the present  
22          value, at the date of issue of the policy, of all such modified net premiums shall be

1 equal to the sum of the then present value of such benefits provided for by the policy  
2 and the excess of par. (a) over par. (b), as follows:

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

3 **SECTION 319.** 623.06 (3m) (b) (intro.) of the statutes is amended to read:

4 623.06 (3m) (b) (intro.) Except as provided under sub. (7), any life insurance  
5 policy issued on or after January 1, 1984, for which no comparable benefit is provided  
6 in the first year for an excess premium and which provides an endowment benefit or  
7 a cash surrender value or a combination of both in an amount greater than the excess  
8 premium, the reserve according to the ~~commissioners~~ reserve valuation method as  
9 of any policy anniversary occurring on or before the assumed ending date is the  
10 greater of the reserve on that policy anniversary calculated under sub. (3) and the  
11 reserve on that policy anniversary calculated under sub. (3) subject to the following  
12 computational assumptions:

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

13 **SECTION 320.** 623.06 (4) (intro.) of the statutes is amended to read:

14 623.06 (4) (intro.) Reserves according to the ~~commissioners~~ reserve valuation  
15 method for the following shall be calculated by a method consistent with the  
16 principles of sub. (3), except that any extra premiums charged because of  
17 impairments or special hazards shall be disregarded in the determination of  
18 modified net premiums:

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

19 **SECTION 321.** 623.06 (4m) of the statutes is amended to read:

20 623.06 (4m) This subsection applies to all annuity and pure endowment  
21 contracts other than group annuity and pure endowment contracts purchased under  
22 a retirement plan or plan of deferred compensation, established or maintained by an  
23 employer, including a partnership or sole proprietorship, or by an employee

1 organization, or by both, other than a plan providing individual retirement accounts  
2 or individual retirement annuities under section 408 of the Internal Revenue Code.  
3 Reserves according to the ~~commissioners~~ annuity reserve method for benefits under  
4 annuity or pure endowment contracts, excluding any disability and accidental death  
5 benefits in such contracts, shall be the greatest of the respective excesses of the  
6 present values, at the date of valuation, of the future guaranteed benefits, including  
7 guaranteed nonforfeiture benefits, provided for by such contracts at the end of each  
8 respective contract year, over the present value, at the date of valuation, of any  
9 future valuation considerations derived from future gross considerations, required  
10 by the terms of such contract, that become payable prior to the end of such respective  
11 contract year. The future guaranteed benefits shall be determined by using the  
12 mortality table, if any, and the interest rate specified in such contracts for  
13 determining guaranteed benefits. The valuation considerations are the portions of  
14 the respective gross considerations applied under the terms of such contracts to  
15 determine nonforfeiture values.

History: 1973 c. 303; 1977 c. 153 ss. 2, 4, 6; 1977 c. 273; 1977 c. 339 ss. 17, 44; Stats. 1977 s. 623.06; 1979 c. 110 s. 60 (13); 1981 c. 307 ss. 1x to 6, 13; 1989 a. 56; 1993 a. 490; 1995 a. 396; 1999 a. 85; 2001 a. 103; 2011 a. 257.

16 **SECTION 322.** 625.21 (1) of the statutes is amended to read:

17 625.21 (1) **RULE INSTITUTING DELAYED EFFECT.** If the ~~commissioner~~ department  
18 finds that competition is not an effective regulator of the rates charged or that a  
19 substantial number of companies are competing irresponsibly through the rates  
20 charged, or that there are widespread violations of this chapter, in any kind or line  
21 of insurance or subdivision thereof or in any rating class or rating territory, ~~he or she~~  
22 the department may promulgate a rule requiring that in the kind or line of insurance  
23 or subdivision thereof or rating class or rating territory comprehended by the finding  
24 any subsequent changes in the rates or supplementary rate information be filed with

1 the ~~commissioner~~ department at least 15 days before they become effective. The  
2 ~~commissioner~~ department may extend the waiting period for not to exceed 15  
3 additional days by written notice to the filer before the first 15-day period expires.

History: 1979 c. 102; 1991 a. 316.

4 **SECTION 323.** 625.23 of the statutes is amended to read:

5 **625.23 Special restrictions on individual insurers.** The ~~commissioner~~  
6 department <sup>(plan)</sup> may by order require that a particular insurer file any or all of its rates  
7 and supplementary rate information 15 days prior to their effective date, if and to  
8 the extent that ~~he or she~~ the department finds, after a hearing, that the protection  
9 of the interests of its insureds and the public in this state requires closer supervision  
10 of its rates because of the insurer's financial condition or rating practices. The  
11 ~~commissioner~~ department may extend the waiting period for any filing for not to  
12 exceed 15 additional days by written notice to the insurer before the first 15-day  
13 period expires. A filing not disapproved before the expiration of the waiting period  
14 shall be deemed to meet the requirements of this chapter, subject to the possibility  
15 of subsequent disapproval under s. 625.22.

History: 1979 c. 102.

16 **SECTION 324.** 625.32 (3) of the statutes is amended to read:

17 **625.32 (3) GRANTING OF LICENSE.** If the <sup>(plan)</sup> ~~commissioner~~ department finds that the  
18 applicant and the natural persons through whom it acts are competent, trustworthy,  
19 and technically qualified to provide the services proposed, and that all requirements  
20 of law are met, ~~he or she~~ the department shall issue a license specifying the  
21 authorized activity of the applicant. The ~~commissioner~~ department may not issue  
22 a license if the proposed activity would tend to create a monopoly or to lessen or  
23 destroy price competition.

History: 1979 c. 102.

24 **SECTION 325.** 626.12 (3) of the statutes is amended to read:



1           626.12 (3) PHYSICAL IMPAIRMENT. Rates or rating plans may not take into  
2 account the physical impairment of employees. Any employer who applies or  
3 promotes any oppressive plan of physical examination and rejection of employees or  
4 applicants for employment shall forfeit the right to experience rating. If the  
5 department of ~~workforce development~~ determines that grounds exist for such  
6 forfeiture it shall ~~file with the commissioner~~ make a certified copy of its findings,  
7 which shall automatically suspend any experience rating credit for the employer.  
8 The department shall make the determination ~~as prescribed in the same manner as~~  
9 the department of workforce development makes the determinations under ss.  
10 103.005 (5) (b) to (f), (6) to (11), (13) (b) to (d) and (16), so far as such subsections are  
11 applicable, subject to review under ch. 227. Restoration of an employer to the  
12 advantages of experience rating shall be by the same procedure.

History: 1975 c. 148; 1995 a. 27 ss. 7037, 9130 (4); 1997 a. 3.

13           **SECTION 326.** 626.31 (1) (b) of the statutes is amended to read:

14           626.31 (1) (b) *Representation.* The rating committee shall consist of 10  
15 members. Two members of the rating committee shall represent noninsurer,  
16 employer interests and shall be appointed by and serve at the pleasure of the  
17 governor. Of the remaining 8 members, 4 shall be chosen by stock insurers and 4 by  
18 mutual insurers. Both stock and mutual insurers shall be represented equally on all  
19 other committees, including the managing committee. Each member of a committee  
20 shall have one vote, with the commissioner secretary deciding the matter in the event  
21 of a tie.

History: 1975 c. 148, 199; 1983 a. 189 s. 329 (31); 1989 a. 332.

22           **SECTION 327.** 626.32 (1) (a) of the statutes is amended to read:

23           626.32 (1) (a) *General.* Every insurer writing any insurance specified under  
24 s. 626.03 shall report its insurance in this state to the bureau at least annually, on

1 forms and under rules prescribed by the bureau. The bureau shall file, under rules  
2 promulgated by the department of ~~workforce development~~, a record of such reports  
3 with <sup>the</sup> ~~that~~ department. No such information may be made public by the bureau or any  
4 of its employees except as required by law and in accordance with its rules. No such  
5 information may be made public by the department of ~~workforce development~~ or any  
6 of its employees except as authorized by the bureau.

7 History: 1975 c. 148, 199; 1995 a. 27 s. 9130 (4); 1997 a. 3; 2001 a. 37.

**SECTION 328.** 628.095 (4) (a) of the statutes is amended to read:

8 628.095 (4) (a) The ~~commissioner~~ department of financial institutions,  
9 insurance, and professional standards shall disclose a social security number  
10 obtained under sub. (1) or (3) to the department of children and families in the  
11 administration of s. 49.22, as provided in a memorandum of understanding entered  
12 into under s. 49.857.

13 History: 1997 a. 191, 237; 1999 a. 9; 2007 a. 20; 2013 a. 20, 36, 173.

**SECTION 329.** 628.095 (4) (b) of the statutes is amended to read:

14 628.095 (4) (b) The ~~commissioner~~ department of financial institutions,  
15 insurance, and professional standards may disclose any information received under  
16 sub. (1) or (3) to the department of revenue for the purpose of requesting  
17 certifications under s. 73.0301 and to the department of workforce development for  
18 the purpose of requesting certifications under s. 108.227.

19 History: 1997 a. 191, 237; 1999 a. 9; 2007 a. 20; 2013 a. 20, 36, 173.

**SECTION 330.** 628.095 (5) of the statutes is amended to read:

20 628.095 (5) IF APPLICANT OR INTERMEDIARY OR NAVIGATOR HAS NO SOCIAL SECURITY  
21 NUMBER. If an applicant who is a natural person does not have a social security  
22 number, the applicant shall provide to the ~~commissioner~~ department of financial  
23 institutions, insurance, and professional standards, along with the application for  
24 a license and on a form prescribed by the department of children and families, a

1 statement made or subscribed under oath or affirmation that the applicant does not  
2 have a social security number. If an intermediary or navigator who is a natural  
3 person does not have a social security number, the intermediary or navigator shall  
4 provide to the ~~commissioner~~ department of financial institutions, insurance, and  
5 professional standards, each time that the annual fee is paid under s. 601.31 (1) (m)  
6 or (nm) 2. and on a form prescribed by the department of children and families, a  
7 statement made or subscribed under oath or affirmation that the intermediary or  
8 navigator does not have a social security number.

9 **History:** 1997 a. 191, 237; 1999 a. 9; 2007 a. 20; 2013 a. 20, 36, 173.

**SECTION 331.** 628.097 (1m) of the statutes is amended to read:

10 **628.097 (1m)** FOR FAILURE TO PAY SUPPORT OR TO COMPLY WITH SUBPOENA OR  
11 WARRANT. The ~~commissioner~~ department of financial institutions, insurance, and  
12 professional standards shall refuse to issue to a natural person a license, including  
13 a temporary license, under this subchapter or subch. V if the natural person is  
14 delinquent in court-ordered payments of child or family support, maintenance, birth  
15 expenses, medical expenses, or other expenses related to the support of a child or  
16 former spouse, or if the natural person fails to comply, after appropriate notice, with  
17 a subpoena or warrant issued by the department of children and families or a county  
18 child support agency under s. 59.53 (5) and related to paternity or child support  
19 proceedings, as provided in a memorandum of understanding entered into under s.  
20 49.857.

21 **History:** 1997 a. 191, 237; 2001 a. 65; 2007 a. 20; 2013 a. 20, 36, 173, 276.

**SECTION 332.** 628.097 (2m) of the statutes is amended to read:

22 **628.097 (2m)** FOR LIABILITY FOR DELINQUENT TAXES OR UNEMPLOYMENT INSURANCE  
23 CONTRIBUTIONS. The ~~commissioner~~ department of financial institutions, insurance,  
24 and professional standards shall refuse to issue a license, including a temporary