



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 09-038

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated September 2008.]

2. Form, Style and Placement in Administrative Code

- a. The terms defined in s. Ins 6.90 (4) should be placed in alphabetical order.
- b. In s. Ins 6.90 (4) (c) (intro.), the text in subd. 1. should begin on a separate line.

Also, after “means,” “all of the following” should be inserted. Finally, all of the text in the subdivisions should end with a period. These comments also apply to s. Ins 6.90 (5) (a) 4., (b), (c) and (d).

4. Adequacy of References to Related Statutes, Rules and Forms

- a. In the analysis, under heading 5., “Section” at the beginning of the sentence should be replaced with “Chapter.”
- b. In the citation in s. Ins 6.90 (2) (a), “Wis” should be deleted. This comment also applies to the citation in the first sentence of sub. (5) (a).
- c. In s. Ins 6.90 (4) (a), specific statutory citations should replace the material beginning with “...the laws of this state...”.
- d. In s. Ins 6.90 (4) (c) 4., “subd.” should be replaced with “subds.”

e. In s. Ins 6.90 (4) (c) 5., all instances of “par.” should be replaced with “s.” Also, the citation to s. Ins 2.14 (3) (d) should be replaced with a citation to s. Ins 2.14 (3) (f) and the citation to s. Ins 2.14 should be replaced with a citation to s. Ins 2.14 (3) (d).

f. In s. Ins 6.90 (5) (b) (intro.), “sub.” should replace “subd.”

g. In s. Ins 6.90 (6), “section” should replace “rule”.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the analysis, under heading 5., “of” should be inserted after “prohibited business practices” in the first sentence. Also, in the second-to-last sentence, “advertising” should be enclosed in quotation marks. Finally, in the last sentence “an annuity products” should be replaced with “and annuity products.”

b. In the analysis, heading 10. should be deleted. It appears that the phrase may be appropriately placed under heading 11.

c. In s. Ins 6.90 (2) (b), “Commissioner” should not be capitalized.

d. In s. Ins 6.90 (4) (intro.), “Section” should not be capitalized.

e. In s. Ins 6.90 (4) (a), “Producer” should not be capitalized.

f. In s. Ins 6.90 (4) (b), “; without limitation,” should be deleted.

g. In s. Ins 6.90 (4) (c) 1., “TV” should be replaced with “television.” Also, it may be clearer to replace “obtaining” with “recruiting.”

h. In s. Ins 6.90 (4) (c) 2., in the first sentence, “but not limited to” should be deleted. This comment also applies to subd. 4. and sub. (5) (d) 2.

In the second sentence, what is meant by “material in house organs of insurers”?

i. In s. Ins 6.90 (4) (c) 3., “in accordance therewith” does not refer to anything. It should either be deleted or made more specific.

j. In s. Ins 6.90 (4) (c) 5., “Advertising” should be enclosed in quotation marks. Also, “buyer’s guide to life insurance” should be replaced with “life insurance buyer’s guide” to be consistent with s. Ins 2.14 (3) (d).

k. In s. Ins 6.90 (5) (b) (intro.), “when” should be replaced with “if.” Also, this provision should be rewritten. There is no procedure for disqualifying an organization, so it does not make sense to create a rebuttable presumption that an organization is not disqualified. Perhaps, it would make sense to state that there is a rebuttable presumption that using a certification or professional designation issued by an organization accredited by one of the listed organizations does not constitute an unfair or deceptive trade practice.