

Ins 6

Filed June 27
1958

3:15PM

STATE OF WISCONSIN)
DEPARTMENT OF INSURANCE) ss.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Paul J. Rogan, Commissioner of Insurance and custodian of the official records of said department, do hereby certify that the following rule, relating to Filing of Insurance Forms, was duly approved and adopted by this department on June 27, 1958, to be effective August 1, 1958, as provided in section 227.026 (1), Wis. Stats.

I further certify that this is a true, correct, and complete copy of the rule as duly and regularly adopted after public hearing held on December 16, 1957, pursuant to law, following due notice thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the Capitol, in the City of Madison, this 27th day of June, A.D., 1958.



Paul J. Rogan
Commissioner of Insurance

ORDER OF THE DEPARTMENT OF INSURANCE

Adopting Rules

Pursuant to authority vested in the Commissioner of Insurance by section 200.03 (2), Wis. Stats., the Commissioner of Insurance hereby adopts a rule as follows:

Section Ins 6.05 of the Wisconsin administrative code is adopted to read:

Ins 6.05 Filing of Insurance Forms. (1) DEFINITIONS. In this rule, unless the context otherwise requires, the following words and terms shall have the following meanings:

(a) "Insurance" shall mean any fire, liability, steam boiler, fidelity, title, credit, burglary, plate glass, sprinkler leakage, elevator, livestock, automobile, other casualty, or medical payments and other supplemental insurance provided under subsections (1), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (17) or (18) of section 201.04, Wis. Stats.

(b) "Filing" shall mean: 1. Any matter submitted under this rule. 2. The act of filing such matter.

(c) "Form" shall mean any matter intended to be used by any insurer as any part of an insurance contract including any application which becomes a part of an insurance contract and any policy, endorsement, or rider.

(d) "Reinsurance contract" shall mean a contract wherein a primary insurer cedes all or part of a risk to another insurer.

(2) GENERAL PROVISIONS. (a) The date of filing by an insurer shall be the date on which any filing is stamped received by the commissioner of insurance.

(b) Notice of disapproval by the commissioner shall state therein the effective date of disapproval, but any statutory period for contesting such disapproval shall begin upon receipt of such notice of disapproval.

(c) Each filing shall be on file for a period of 15 days before it becomes effective, which period may be extended by the commissioner for an additional period not to exceed 15 days if he gives written notice within such waiting period to the insurer or rating organization which made the filing that he needs such additional time for consideration of such filing. A filing shall be deemed effective unless disapproved by the commissioner within the waiting period or any extension thereof, provided that if the filing proposes a later effective date such proposed date shall prevail. Upon written application by such insurer or rating organization the commissioner may authorize a filing to become effective before the expiration of the waiting period or any extension thereof.

(3) INSURANCE FORMS TO BE FILED. No form shall be used or issued in the state of Wisconsin as part of any contract of insurance unless such form has been filed by the insurer with the commissioner in accordance with (2) (c) above. Forms not now on file shall be filed as herein required. Forms now on file may continue to be used until such time as they may be disapproved. An insurer may satisfy its obligation to make form filings by becoming a member of or a subscriber to a licensed rating organization as considered in section 203.32 or sections 204.37 to 204.54, inclusive, Wis. Stats., which makes such filings, provided that basic policy forms

must be filed by the insurer named thereon. Nothing in this rule shall be construed as requiring any insurer to become a member of or subscriber to any rating organization. This rule shall not apply to town mutual insurance companies; reinsurance contracts; or to any surety or guarantee bond required by law or by a court or executive order or by order, rule or regulation of a public body. No filing need be made hereunder of any form prepared to meet special, unusual, peculiar or extraordinary conditions applying to individual risks, nor to the completion of uniform forms to indicate the application of the contract to individual risks.

(4) FORM OF FILING. (a) Letter of transmittal. The filing shall be in duplicate and accompanied by a letter of transmittal in duplicate. Such letter of transmittal shall set forth:

1. Title and reasonable identification of filing.
2. The proposed effective date.
3. The descriptive title, form number and form edition date, date of approval, if known, of any filing superseded thereby, and shall identify and explain all changes by paragraph and clause.
4. If an endorsement or rider, reference to the policy or forms with which it is to be used.
5. If the nature of the information to be inserted in any blank space of any form cannot be determined from the wording of the form, such blank space shall be filled in with hypothetical data to the extent required to indicate the proposed use or uses of the form. As an alternative, such purpose and use may be explained in the transmittal letter.

(b) Filing size to be uniform. All forms, for the purpose of filing under this rule only, shall be printed or superimposed on or attached to a sheet $8\frac{1}{2}$ " by 11" in size or folded to $8\frac{1}{2}$ " by 11" folded size.

(c) Form, requirements of. 1. Every form shall carry a descriptive title and reasonable identification and must show a form number and edition date, or other differentiation to identify the revision of a form and its previous edition or editions.

2. Forms may be submitted in typed or printer's proof format for an advisory opinion prior to filing in accordance with this rule.

3. The style, arrangement, and over-all appearance of any policy form shall give no undue prominence to any portion of the text, and every portion of the text of any form, endorsements or attached papers must be clearly set out in letters of a style in general use, the type of which shall be no smaller than 8-point. The text includes all matter except name and address of the insurer, name or title of the policy, any brief description, and captions and subcaptions. Approval of any filing is upon the condition that all forms issued to an insured will be clearly legible. The face of any policy form shall set forth the name of the insurer assuming the risk more conspicuously than that of any department, underwriters' agency, general agency, or group or fleet of insurers; provided that policy forms in use in this state on the effective date of this rule with the name of company set forth less conspicuously may be continued in use until July 1, 1959.

(5) DISAPPROVAL OF FILINGS. (a) A form shall be disapproved if it contains a provision which is unfairly discriminatory, inequitable, misleading, deceptive, or encourages misrepresentation of the coverage.

(b) If the commissioner finds that a filing does not comply with the applicable insurance laws of this state or with rules of this department, he shall give written notice of disapproval of such filing, specifying therein in what respects he finds such filing fails to meet the requirements of such laws or rules and state that such filing shall not become effective.

(c) The disapproval of a filing shall be subject to review as provided by law.

Department of Insurance



Paul J. Rogan
Commissioner of Insurance

Dated June 27, 1958.