

Ins 6.06 Unauthorized insurance. (1) **PURPOSE.** This rule is intended to interpret applicable statutes including, without limitation because of enumeration, sections 201.32 (1), 203.07, 206.41 (2), 208.36, 208.37 and 209.15, Wis. Stats.

(2) **UNAUTHORIZED INSURANCE PROHIBITED.** (a) No unauthorized insurance company or other unauthorized insurer shall take or receive any application for insurance in this state or shall receive or collect a premium on any part thereof for such insurance.

(b) No officer, agent, solicitor, or broker or other employe of any insurance company or other unauthorized insurer shall take or receive any application for insurance in this state or shall receive or collect a premium for any part thereof for such insurance.

(c) No person shall, in this state, directly or indirectly, act as agent for or otherwise represent or aid on behalf of another any insurer not then authorized to transact such insurance in this state, in the solicitation, negotiation, procurement or effectuation of insurance or renewals thereof or in the dissemination of information as to coverage or rates, or forwarding of applications, or delivery of policies or contracts, or inspection of risks, or fixing of rates, or investigation or adjustment of claims or losses, or collection or forwarding of premiums, or in any other manner represent or assist such an insurer in the transaction of insurance with respect to subjects of insurance resident, located, or to be performed in this state.

(d) The provisions of this subsection do not apply to: 1. the lawful transaction of surplus lines insurance, 2. the lawful transaction of reinsurance by insurers, 3. transactions involving a policy lawfully solicited, written, and delivered outside of this state covering only subjects of insurance not resident, located, or expressly to be performed in this state at the time of issuance, and which transactions are subsequent to the issuance of such policy.

(3) **VALIDITY OF CONTRACTS.** Contracts of insurance placed in effect by unauthorized insurers in violation of the provisions of this rule are unenforceable by the insurer.

(4) **REPORTING OF UNAUTHORIZED INSURANCE.** (a) Every person investigating or adjusting any loss or claim on a subject of insurance in this state shall immediately report to the commissioner of insurance every insurance policy or contract which has been entered into by an insurer not licensed to transact such insurance in this state.

(b) Every person, firm, or corporation acting in the capacity of insurance adviser, counselor, or analyst in accordance with the provisions of section 209.045, Wis. Stats., shall report to the commissioner of insurance every insurance policy or contract which has been entered into by an insurer not licensed to transact such insurance in this state.

(5) **PREMIUM TAX ON UNAUTHORIZED INSURANCE.** The provisions of this rule do not waive or alter the requirements of section 76.33, Wis. Stats.

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Next page is numbered 129

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