

**Ins 3.22 Bail bond insurance.** (1) **PURPOSE.** This rule is intended to implement and interpret applicable statutes including but not limited to sections 201.04 (7), 204.01 to 204.14, Wis. Stats., inclusive, and 209.04, Wis. Stats., for the purpose of establishing minimum requirements for the transaction of bail bond insurance.

(2) **DEFINITIONS.** (a) *Commissioner* means the commissioner of insurance.

(b) *Insurer* means any domestic, foreign, or alien insurance company which has qualified to transact fidelity business under subsection 201.04 (7), Wis. Stats.

(c) *Bail bondsman* means an individual who shall be appointed by an insurer by power of attorney as its licensed agent under section 209.04, Wis. Stats., to execute or countersign bail bonds in connection with judicial proceedings and who receives or is promised money or other things of value therefor.

(3) **KINDS OF LICENSES.** In accordance with subsection 209.04 (3) (d), Wis. Stats., the kinds of agents' licenses to be issued shall be:

(a) All Casualty Lines (includes paragraphs (d), (e), (f), (g), (h) and (i) and excludes paragraph (k) of this subsection).

(b) Fire and Allied Lines Insurance (includes paragraph (j) of this subsection).

(c) Life Insurance and Annuities.

(d) Disability (Accident and Health) Insurance Only.

(e) Automobile Insurance Only.

(f) Title Insurance Only.

(g) Steam Boiler Insurance Only.

(h) Fidelity Insurance Only (excludes paragraph (k) of this subsection).

(i) Mortgage Guaranty Insurance Only.

(j) Hail Insurance Only.

(k) Bail Bond Insurance Only.

(4) **POWER OF ATTORNEY.** Every insurer engaged in the writing of bail bonds shall submit to and have approved by the commissioner a sample power of attorney which shall be the only form of power of attorney the insurer shall issue in this state.

(5) **BAIL BOND RATES.** (a) Bail bond rates and premiums are subject to the provisions of sections 204.37 to 204.54, Wis. Stats. It is unlawful for any bail bondsman to execute a bail bond without charging the filed rate and premium therefor. No bail bondsman shall make any charge or collect or receive any fee, service fee, or consideration other than the premium based on rates and premiums as approved by the commissioner. Nothing in this rule shall prohibit collateral security or coindemnity agreements.

(b) The premium shall be a term charge for the term of the bond. No additional premium shall be charged in the event of a bind over except that if the amount of the bond has been increased a premium based on the approved rate for the amount of the increase may be charged.

(c) If the penal sum of the bond is reduced within 7 days after time of commitment by the original committing jurisdiction, the

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defendant shall be entitled to a refund of the premium in proportion to the amount of the reduction except that the minimum premium shall not be affected.

(d) The original premium charged and any additional or return premium required hereunder shall be shown or endorsed on the bond.

(6) **ISSUANCE OF BAIL BONDS.** No person shall execute or countersign bail bonds for a fee, or act in the capacity of a bail bondsman, or perform any of the functions, duties or powers prescribed for bail bondsmen, or collect any premium or fee under the provisions of this rule unless he is licensed as a bail bondsman under section 209.04, Wis. Stats.

**History:** Cr. Register, April, 1964, No. 100, eff. 6-1-64.

**Ins 3.23 Franchise accident and sickness insurance.** (1) **FRANCHISE GROUP HEADQUARTERS.** A franchise group described in section 204.32 (1), Wis. Stats., need not have its headquarters or other executive offices domiciled in Wisconsin.

(2) **ACCOUNTING.** All premiums paid in connection with franchise accident and sickness insurance on Wisconsin residents shall be reported for annual statement purposes as Wisconsin business and shall be subject to the applicable Wisconsin premium tax.

**History:** Cr Register, May, 1964, No. 101, eff. 6-1-64.

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