

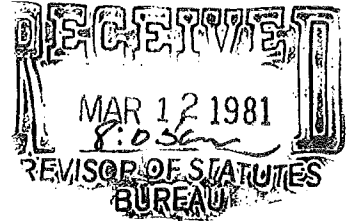
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STATE OF WISCONSIN
RECEIVED AND FILED

MAR 11 1981

VEL PHILLIPS
SECRETARY OF STATE

STATE OF WISCONSIN)
)ss
OFFICE OF THE COMMISSIONER OF INSURANCE)



TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Susan Mitchell, Commissioner of Insurance and custodian of the official records of said office, do hereby certify that the annexed order adopting a rule relating to measurement of loss for property insurance was issued by this office March 9, 1981.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 9th day of March, 1981.

A large, cursive handwritten signature of Susan Mitchell.

Susan Mitchell
Commissioner of Insurance

STATE OF WISCONSIN
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VEL PHILLIPS
SECRETARY OF STATE

ORDER OF THE COMMISSIONER OF INSURANCE

ADOPTING A RULE

Relating to interpretations of section 632.05 (2), Total Loss
Wisconsin Statutes, dealing with measurement of loss for property insurance.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Chapter 73, Laws of 1979, created s. 632.05 (2) relating to measurement of loss for property insurance. This rule interprets that law. Subsection (1) states that s. 632.05 (2) and the rule apply to policies issued or renewed on or after November 29, 1979. Subsection (2) lists interpretations of the law as it applies to seasonal dwellings, outbuildings, mobile homes, multifamily units, combined commercial/residential properties, condominiums, property under construction and operation of building laws.

Pursuant to the authority vested in the Commissioner of Insurance by sections 227.021 and 601.41 (3), Wisconsin Statutes, the Commissioner of Insurance hereby adopts a rule interpreting section 632.05 (2), Wisconsin Statutes, as follows:

Section Ins 4.01 is adopted to read:

Ins 4.01 Interpretation and implementation of section 632.05 (2), Stats., Total loss. (1) SCOPE. Section 632.05, Stats., and this section apply to policies issued or renewed on or after November 29, 1979, which insure real property owned and occupied by the insured as a dwelling.

(2) INTERPRETATIONS. (a) Seasonal dwellings. A dwelling used seasonally shall be considered as owned and occupied by the insured if it is not rented to a non-owner for any period of time.

(b) Outbuildings. Outbuildings insured under the same policy as an owner-occupied dwelling are not subject to s. 632.05 (2), Stats.

(c) Mobile homes. Mobile homes as defined in s. 66.058 (1) (e), Stats., shall not be considered real property and shall not be subject to the requirements of s. 632.05 (2), Stats.

(d) Multifamily units. A policy insuring multiple unit residential property, with at least one unit occupied by the owner shall be subject to s. 632.05 (2) if there are no more than four dwelling units on the property.

(e) Combined commercial and residential properties. A policy insuring real property any part of which is used for commercial (non-dwelling) purposes other than on an incidental basis is not subject to s. 632.05 (2), Stats.

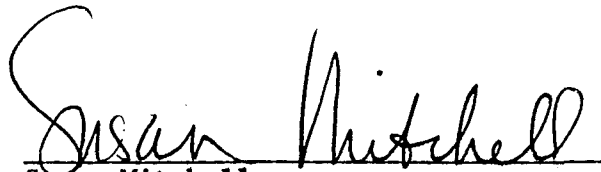
(f) Condominiums. A single family condominium unit shall be treated as a dwelling under s. 632.05 (2), Stats.

(g) Property under construction. Section 632.05 (2), Stats., shall not apply to a policy which insures real property under construction unless the property is completed and is occupied by the owner as a dwelling.

(h) Operation of building laws. Real property owned and occupied by the insured which is partially destroyed but ordered destroyed under a fire ordinance or similar law shall be considered wholly destroyed for purposes of s. 632.05 (2), Stats.

As provided in s. 227.026 (1), (intro), this rule shall take effect on the first day of the month following its publication.

Dated at Madison, Wisconsin, this 11th day of March, 1981.



Susan Mitchell
Susan Mitchell
Commissioner of Insurance