

Chapter Trans 197

PROOF OF INSURANCE CERTIFICATIONS

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Trans 197.01 Purpose and scope. (1) The purpose of this chapter is to administratively interpret s. 344.42, Stats., and to establish billing and collection procedures for the collection of fees related to the filing of proof of insurance forms by non-electronic means with the department.

(2) This chapter applies to any person that files proof of insurance with the department on behalf of insured drivers.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.

Trans 197.02 Definitions. The definitions in ss. 340.01 and 344.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Electronic filing" means an insurance certification submitted to the department by an insurer using the department's electronic certification submission process.

(2) "Insurance certification" means an SR-22, certification of proof of insurance for the future, or SR-26, notice of cancellation or termination of certified policy, submitted to the department by an insurance company on behalf of an insured driver.

(3) "Paper filing" means any insurance certification submitted to the department by an insurer that does not use the department's electronic certification process, including certifications submitted by handwritten or typewritten documents, on pre-printed forms, or by facsimile.

(4) "Year" means calendar year.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.

Trans 197.03 Counting. (1) **ELECTRONIC FILINGS.** Each electronic filing counts as one filing. Duplicate electronic filings shall be disregarded by the department and may not be counted.

(2) **PAPER FILINGS.** (a) Each original or duplicate paper filing counts as a separate filing.

(b) Filings made pursuant to s. 344.38, Stats., on behalf of an employee, family member or household member may not be counted.

Note: See s. 344.42, Stats. The Department does not accept s. 344.38 filings electronically.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.

Trans 197.04 Fees. The department shall assess a fee of \$1.50 for each paper filing, except filings made pursuant to s.

344.38, Stats., if the insurer has filed more than 1,000 insurance certifications in the year.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.

Trans 197.05 Time and effect of electronic certifications. (1) **TIME OF FILING.** An electronic insurance certification is considered filed on the date the electronic transmission is posted to the department's computerized database of driver records.

Note: Filings are usually posted the same day they are received. Section 344.34, Stats., provides that certified insurance policies may not be canceled or terminated earlier than ten days after filing a notice of cancellation or termination with the department.

(2) **EFFECT OF ELECTRONIC SR-22 CERTIFICATIONS.** An insurer who submits an electronic SR-22, certification of proof of financial responsibility for the future, to the department certifies that the insurer provides coverage for the named insured as of the effective date of the certification for any motor vehicle operated by the named insured.

Note: The purpose of an electronic SR-22 filing is to meet the insurance filing requirements of s. 344.31, Stats.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.

Trans 197.06 Billing procedures. (1) The department shall establish an account for any insurance company that files proofs of insurance on behalf of drivers with the department. The billing address shall be the address of the insurer provided with the filing, unless a different billing address is specified by the insurer.

(2) Fees assessed under s. Trans 197.04 shall be billed twice per year.

(3) Payment is due 30 days from the date of billing.

(4) The department shall assess interest charges at an annual rate of 18% on all past due accounts. Interest shall accrue from the date of billing.

(5) The department may refuse to accept insurance certifications submitted by an insurance company that has not made timely payment under sub. (3) until the insurance company pays all outstanding fees and interest charges.

(6) Partial payments shall be applied first to outstanding interest charges, if any, then to outstanding fees due.

(7) An insurance company shall promptly advise the department of any change in billing address.

History: Cr. Register, January, 1999, No. 517, eff. 2-1-99.