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# State of Misconsin 2013 - 2014 LEGISLATURE



### 2013 ASSEMBLY BILL 705

January 31, 2014 – Introduced by Representatives Nygren, Ballweg, Bernier, Bies, Kahl, Krug, Marklein and Strachota, cosponsored by Senators Lasee, Olsen, Lassa and Schultz. Referred to Committee on Insurance.

AN ACT to amend 632.975 (2) (d); and to create 424.301 (6) and 424.401 (6) of

the statutes; **relating to:** portable electronics insurance.

#### Analysis by the Legislative Reference Bureau

Current law establishes criteria for selling and offering portable electronics insurance and imposes certain requirements and restrictions relating to the sale of portable electronics insurance. Portable electronics insurance is insurance providing coverage for the repair or replacement of portable electronics that may provide coverage for a portable electronic device against loss, theft, inoperability due to mechanical failure, malfunction, or damage, but portable electronics insurance does not include a service contract or extended warranty. A vendor of portable electronics may sell or offer to its customers coverage under a policy of portable electronics insurance issued by an insurer to the vendor and may bill and collect from its customers charges for the portable electronics insurance coverage. The vendor must make available for customers a brochure or other written material that contains certain disclosures, including that a customer is not required to enroll in portable electronics insurance as a condition of purchasing or leasing a portable electronics device and that an enrolled customer may cancel coverage at any time and receive a refund of any unearned premium.

Also under current law, the Wisconsin Consumer Act (WCA) imposes certain requirements and restrictions on creditors that contract for insurance coverage in connection with a consumer credit transaction. With a limited exception, a creditor may not contract for or receive a separate charge for insurance against loss of or damage to property unless the amount financed, exclusive of charges for the

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insurance, is \$800 or more and the value of the property is \$800 or more. The WCA also imposes other limitations on a creditor's ability to contract for or receive a separate charge for insurance against loss of or damage to the customer's property. For certain insurance products sold by a creditor, the WCA allows the customer to cancel the insurance product within 30 days and the creditor must provide notice of this 30-day cancellation period.

Under this bill, these provisions of the WCA do not apply to portable electronics insurance.

## The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

**Section 1.** 424.301 (6) of the statutes is created to read:

- 424.301 **(6)** This section does not apply to portable electronics insurance, as defined in s. 632.975 (1) (e).
- **SECTION 2.** 424.401 (6) of the statutes is created to read:
- 5 424.401 **(6)** This section does not apply to portable electronics insurance, as defined in s. 632.975 (1) (e).
- **SECTION 3.** 632.975 (2) (d) of the statutes is amended to read:
  - 632.975 **(2)** (d) *Applicability of existing law*. A vendor selling or offering portable electronics insurance is subject to ss. 601.41, 601.42, 601.61, 601.63, and 601.64, except that any forfeitures or penalties shall be in the amounts specified in sub. (3). Sections 424.301 and 424.401 do not apply to portable electronics insurance.

12 (END)