

**CERTIFICATE**

**STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING**

**TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:**

*I, Cletus J. Hansen, Administrator, Division of Business Licensure and Regulation in the Wisconsin Department of Regulation and Licensing and custodian of the official records of the Funeral Directors Examining Board, do hereby certify that the annexed rules were duly approved and adopted by the Funeral Directors Examining Board on the 17th day of June, 1999.*

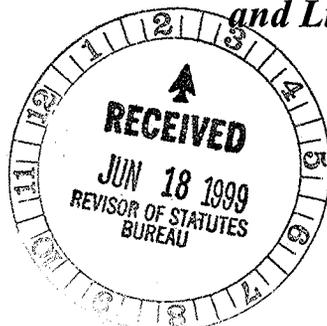
*I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.*

*IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin this 17th day of June, 1999.*



**Cletus J. Hansen, Administrator,  
Division of Business Licensure and  
Regulation, Department of Regulation  
and Licensing**

99-008



8-1-99

STATE OF WISCONSIN  
FUNERAL DIRECTORS EXAMINING BOARD



IN THE MATTER OF RULE-MAKING : ORDER OF THE  
PROCEEDINGS BEFORE THE : FUNERAL DIRECTORS EXAMINING  
FUNERAL DIRECTORS : BOARD ADOPTING RULES  
EXAMINING BOARD : (CLEARINGHOUSE RULE 99-008)

ORDER

An order of the Funeral Directors Examining Board to *repeal* FD 6.10 (1) (a), (b), (c), (2) (a), (4) and (5); to *renumber and amend* FD 6.10 (1) (intro.), (2) (b) (intro.), 1., 2., 3. and 4.; to *repeal and recreate* FD 6.10 (3); and to *create* FD 6.10 (1) (title), (2) (title), (b), (c), (d) and (e), relating to the solicitation of prospective purchasers of burial agreements funded with the proceeds of a life insurance policy.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

Statutes authorizing promulgation: ss. 15.08 (5) (b), 227.11 (2), 445.03 (2) (a) and 445.124 (3m) (j) 2., Stats.

Statutes interpreted: s. 445.12 (3g), Stats.

This proposed rule-making order of the Funeral Directors Examining Board pertains to the solicitation of prospective purchasers of burial agreements funded with the proceeds of a life insurance policy. The primary purpose of this rule-making is to remove the date of January 1, 2000, from s. FD 6.10 (5). Unless this date is removed, a funeral director, an owner of a funeral establishment or an agent would no longer be able to solicit the sale of burial agreements funded with the proceeds of a life insurance policy by telephone. By removing the date from s. FD 6.10 (5), the rest of the section becomes obsolete and this proposal simply repeals the whole subsection.

This proposed rule-making order also clarifies the provisions in each subsection in the rule by creating a title for each subsection, combining several subsections which relate to the same type of solicitation, and rewording some of the provisions. A minor policy change relates to removing the word "standard" from "central standard time" in the current s. FD 6.10 (2) (b) 2.

This proposal creates a new s. FD 6.10 (3), for the purpose of clarifying the issue of door-to-door solicitations of burial agreements funded with the proceeds of a life insurance policy; however, the newly-created section does not create any new policy. Section 445.12 (3g), Stats., prohibits door-to-door solicitation.

TEXT OF RULE

SECTION 1. FD 6.10 (1) (title) is created to read:

FD 6.10 (1) (title) AUTOMATED TELEPHONE CALLS.

SECTION 2. FD 6.10 (1) (intro.) is renumbered FD 6.10 (1) and amended to read:

FD 6.10 (1) ~~No~~ A funeral director, owner of a funeral establishment, or agent may only initiate any a telephone call using an ~~automatic~~ automated telephone dialing system or an artificial or prerecorded voice system for the purpose of selling or soliciting a burial agreement funded by the proceeds of a life insurance policy to any of the following: when calling a residential or business telephone line, provided that the funeral director, owner of a funeral establishment, or agent obtains the prior express written consent of the party to be called.

SECTION 3. FD 6.10 (1) (a), (b) and (c) are repealed.

SECTION 4. FD 6.10 (2) (title) is created to read:

FD 6.10 (2) (title) LIVE-VOICE TELEPHONE CALLS.

SECTION 5. FD 6.10 (2) (a) is repealed.

SECTION 6. FD 6.10 (2) (b) (intro.), 1., 2., 3. and 4. are renumbered FD 6.10 (2) (a) (intro.), 1., 2., 3. and 4. and FD 6.10 (2) (a) (intro.) and 2., as renumbered, are amended to read:

FD 6.10 (2) (a) (intro.) ~~Written~~ A funeral director, owner of a funeral establishment, or agent sends written notice shall advise the customer to the prospective purchaser at least 10 days in advance of the call, advising the prospective purchaser of all of the following:

2. That the call will only be made between the hours of 9:00 a.m. to 7:00 p.m. central ~~standard~~ time.

SECTION 7. FD 6.10 (2) (b), (c), (d) and (e) are created to read:

FD 6.10 (2) (b) The telephone caller immediately begins the conversation by providing the called party with the name of the funeral director, owner of the funeral establishment, or agent, the name of the person or entity upon whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted.

(c) The telephone caller records the name and telephone number of persons who request placement on a do-not-call list at the time the request is made and the caller agrees to make no further calls to a person who has requested placement on the list.

(d) A telephone call is only made to a prospective purchaser or the prospective purchaser's authorized representative, in a hospital, health care facility, elderly home or similar establishment, if the prospective purchaser or the prospective purchaser's authorized representative requests the call.

(e) A telephone call is only made to a prospective purchaser of a burial agreement funded by the proceeds of a life insurance policy whose death is imminent or appears to be imminent, if the prospective purchaser or the prospective purchaser's authorized representative requests the call.

SECTION 8. FD 6.10 (3) is repealed and recreated to read:

FD 6.10 (3) DOOR-TO-DOOR SOLICITATION. A funeral director, owner of a funeral establishment, or an agent may not contact a prospective purchaser of a burial agreement funded with the proceeds of a life insurance policy by door-to-door solicitation.

SECTION 9. FD 6.10 (4) and (5) are repealed.

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(END OF TEXT OF RULE)  
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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated

*June 17, 1999*

Agency

*Ray Pfeffer*  
Chairperson

Funeral Directors Examining Board

*by [Signature] by Board authorization*

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6/16/99



State of Wisconsin

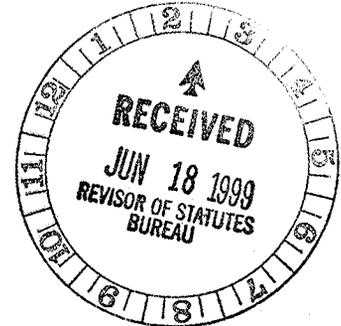
DEPARTMENT OF REGULATION AND LICENSING  
CORRESPONDENCE/MEMORANDUM

**DATE:** June 18, 1999

**TO:** Gary Poulson  
Assistant Revisor of Statutes

**FROM:** Pamela A. Haack, Administrative Rules Coordinator  
Department of Regulation and Licensing  
Office of Administrative Rules

**SUBJECT:** Final Order Adopting Rules



**Agency: Funeral Directors Examining Board**

Attached is a copy and a certified copy of a final order adopting rules.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.