600.1 Scope of application. (1) General. (a) Chapters 600 to 655 restrict otherwise legitimate business activity and what chs. 600 to 655 do not prohibit is permitted unless contrary to other provisions of the law of this state.

(b) Unless otherwise expressly provided, chs. 600 to 646 do not apply to:

1. Reinsurance.

2. Death and disability benefits provided by an organization the principal purpose of which is not to provide such benefits but to seek charitable, educational, social or religious objectives not related thereto, if the organization does not incur a legal obligation to pay a specified amount.

3. Group or blanket insurance covering risks in this state if:

a. Both the policyholder and the group exist primarily for purposes other than to procure insurance;

am. The relationship or association between the policyholder and the group was not created for purposes of procuring insurance;

b. The policyholder is not a Wisconsin corporation or other resident and does not have its principal office in Wisconsin;

c. No more than 25 percent of the certificate holders or insureds are resident in this state;

cm. Exemption from the operation of chs. 600 to 646 is not determined by rule or order of the commissioner to be contrary to the public interest;

d. On request of the commissioner, the insurer files with the commissioner a copy of the policy and a copy of each form of certificate;

and

e. The insurer agrees to pay taxes on the Wisconsin portion of the business on the same basis it would do if authorized to do business in this state, and provides the commissioner with such security as the commissioner deems necessary for the payment of taxes.

4. Group or blanket insurance covering risks mainly outside this state if:

a. Both the policyholder and the group exist primarily for purposes other than to procure insurance;

am. The relationship or association between the policyholder and the group was not created for purposes of procuring insurance;

b. The policyholder is not a Wisconsin corporation or other resident and does not have its principal office in Wisconsin;

c. Any Wisconsin residents insured under the policy are covered because their principal place of employment is outside the state.

5. Other business specified in rules promulgated by the commissioner on a finding that the transaction of such business in this state does not require regulation for the protection of the interests of Wisconsin insureds or public or for which it would be impracticable to require compliance with chs. 600 to 646, when necessary expenses and efforts are compared with the possible benefits.

6. Transactions directly procured through negotiations under s. 618.42, except as they are subject to taxation under s. 618.43.
nonprofit corporation under ch. 181 created under s. 46.284 (4m) or 46.2895 (4) (q) include hospital, physician or other acute health care services other than mental health and alcohol and other drug abuse treatment services.

11. Warrants, sellers, or administrators of vehicle protection product warranties under s. 100.203.

12. Service contracts, as defined in s. 616.50 (11), or provid-
ers, service contract sellers, or administrators of service contracts under subch. III of ch. 616.

(2) EXCEPTIONS. (a) After a hearing, the commissioner may order an insurer to transfer the Wisconsin portion of the business under sub. (1) (b) 3. or 4. to an authorized insurer if it is written by an unauthorized one, or may subject any insurance under sub. (1) (b) 1. to 6. to chs. 600 to 646, on a finding that the foregoing conditions are not satisfied or that any circumstances require that the insurer be authorized to do business in this state or that the transactions be subject to chs. 600 to 646 in order to provide ade-
quate protection to Wisconsin insureds and public. Coverage of a resident of this state is the doing of an insurance business in this state and subjects the insurer to the jurisdiction of the commis-
sioner and of the courts of this state.

(b) Group or blanket insurance described in sub. (1) (b) 3.

and 4. is not exempt from ss. 632.745 to 632.749, 632.83 or 632.835

or ch. 633 or 635.

History: 1971 c. 260; 1975 c. 375, 421; 1975 c. 422 s. 163; 1977 c. 203; 1979 c.


Cross-reference: See also Ins and chs. Ins 15 and 22, Wis. adm. code.

Legislative Council Note to (1) (a), 1975:

There is a widespread but entirely erro-

nous notion that the provisions of the insurance code constitute, in general, an enab-

ling act. On the contrary, insurance is an area of free contractual activity except as

restricted by the insurance code. It is well to have that point of departure clearly estab-

lished. See also Ins and chs. Ins 15 and 22, Wis. adm. code.

Excess-of-policy coverage clause in a reinsurance agreement constituted a lia-

bility insurance contract insuring against tortious failure to settle a claim and was not

exempt from regulation under sub. (1) (b) 1. Ott v. All-Star Ins. Corp. 99 Wis. 2d 635,

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4. Coverage, including stop−loss coverage, of an employer or plan sponsor relating to claims incurred under the employer’s or plan sponsor’s self−funded employee welfare benefit plan, as defined in 29 USC 1002 (1).

(b) “Insurance” does not include a continuing care contract, as defined in s. 647.01 (2).

Cross−reference: See also s. Ins 15.01, Wis. adm. code.

(26) “Insured” means any person to whom or for whose bene−fit an insurer makes a promise in an insurance policy. The term includes policyholders, subscribers, members and beneficiaries. This definition applies only to chs. 600 to 655 and does not apply to the use of the word in insurance policies.

(27) “Insurer” means any person or association of persons doing an insurance business as a principal, and includes, but is not limited to, fraternals, cooperative associations organized under s. 185.981, insurers operating under subch. I of ch. 616, and risk retention groups. “Insurer” also includes any person purporting or intending to do an insurance business as a principal on his or her own account. “Insurer” does not include a person that issues only qualified charitable gift annuities, as defined in s. 632.65 (1).

(28) “Intermediary” means an insurance marketing intermediary as defined in s. 628.02.

(28g) “Long−term care insurance policy” means a disability insurance policy or certificate advertised, marketed, offered or designed primarily to provide coverage for care that is provided in institutional and community−based settings and that is convalescent or custodial care or care for a chronic condition or terminal illness. The term does not include a medicare supplement policy or medicare replacement policy or a continuing care contract, as defined in s. 647.01 (2).

(28m) “Medicare” means 42 USC 1395 to 1395ss.

(28p) “Medicare replacement policy” means to the extent permitted under federal law, any of the following:

(a) A disability insurance policy or certificate issued to a resident of this state pursuant to a contract between the federal health care financing administration and a federally qualified health maintenance organization or a federally certified competitive medical plan to provide health care benefits to persons eligible for medicare under 42 USC 1395f, 1395x and 1395mm.

(b) A medicare+choice plan, as defined in 42 USC 1395w−28 (b) (1), or a contract with a medicare+choice organization, as defined in 42 USC 1395w−28 (a) (1).

(c) A plan, contract or policy that the commissioner by rule determines is similar to, or supplements or replaces, a program described in par. (a) or (b).

(28r) “Medicare supplement policy” means a disability insurance policy or certificate advertised, marketed or designed primarily to supplement benefits under medicare for the hospital, medical or surgical expenses of persons eligible for medicare.

(29) “Member” means a person having membership rights in a corporation. Any person may be a member of a corporation unless the law specifically provides otherwise. See also “insured”.

(30) “Minimum capital” is the capital that a stock insurance corporation is required by statute or administrative determination to have and constantly to maintain. See s. 611.19.

(30m) “Minimum permanent surplus” is the surplus in an insurance corporation is required by statute or administrative determination to have and constantly to maintain in accordance with s. 611.19, 613.19 or 614.19.

(31) “Mutual” means “mutual insurance corporation”.

(32) “Nondomestic insurer” means a foreign or alien insurer. Compare “domestic insurer”.

(34) “Office” means the office of the commissioner of insurance of this state.

(35) “Policy” means any document other than a group certificate used to prescribe in writing the terms of an insurance contract.
including endorsements and riders and service contracts issued by motor clubs.

(37) “Policyholder” means the person who controls the policy by ownership, payment of premiums or otherwise. See also “insured”.

(38) “Premium” means any consideration for an insurance policy, and includes assessments, membership fees or other required contributions or consideration, however designated.

(39) “Principal officers” of a corporation mean the officers designated under s. 611.12 (3), or corresponding sections of other chapters.

(40) “Proceedings” includes “actions” and “special proceedings” under s. 801.01.

(41) “Reciprocal” means any unincorporated association of persons, operating through an attorney in fact and exchanging insurance contracts with one another, which provide insurance coverage to each other thereunder.

(41c) “Risk purchasing group” means a purchasing group as defined in 15 USC 3901 (a) (5).

(41e) “Risk retention group” has the meaning given under 15 USC 3901 (a) (4).

(41g) “Security surplus” is the amount of assets in excess of liabilities needed by a particular insurer to satisfy s. 623.12.

(41m) “Service insurance corporation” means any corporation organized or operating under ch. 613.

(42) “State” means the same as in s. 990.01 (40) except that it also includes the Panama Canal Zone.

(43) “Stock corporation” means “stock insurance corporation”.

(44) “Subsidiary” of a person means a stock corporation more than one-half of the voting shares of which are owned by the person either alone or with its affiliates.

(45) “Surplus” means the excess of assets over the sum of capital and liabilities.

(46) “Town mutual” means a corporation organized or operating under ch. 612 and is synonymous with “town mutual insurance corporation”.

(47) “Trustee” is synonymous with “director”.

(48) “Unauthorized insurer” means any insurer not holding a valid certificate of authority to do an insurance business in this state, and any insurer holding a valid certificate, with respect to business not authorized by the certificate. “Unauthorized insurer” includes a surplus lines insurer.

(49) “Wholly owned subsidiary” of a person is a subsidiary all of the voting shares of which are owned by the person either alone or with its affiliates, except for the minimum number of shares required by the law of the subsidiary’s domicile to be owned by directors or others.


Cross-reference: See also ss. Ins 3.13, 3.14, 3.15, and 3.23, Wis. adm. code.

“Insurance” is not defined by sub. (25). Under s. 600.02 (2), statements that a term ‘includes’ or ‘excludes’ something else are not definitions. “Insurance” has a commonly understood meaning of being a contract that shifts the risk of loss in exchange for premiums. Sub. (25) was not unconstitutionally vague as applied to the facts of this case, nor was the use of the term “insurance” in other applicable sections of chs. 600 and 601. National Motorists Association v. Office of the Commissioner of Insurance, 2002 WI App 308, 259 Wis. 2d 240, 655 N.W.2d 179, 02−0511.

600.12 Construction. (1) Unless otherwise provided, chs. 600 to 655 shall be liberally construed to achieve the purposes stated therein. Unless expressly provided otherwise or clearly appearing from the context the purposes stated shall constitute an aid and guide to interpretation but not an independent source of power.

(2) If a provision of chs. 600 to 655 conflicts with another statutory provision, the provision of chs. 600 to 655 shall prevail.

History: 1971 c. 260; 1979 c. 89 ss. 543; 1979 c. 102, 177; 1983 a. 358 ss. 14; 1989 a. 187 s. 29.

600.13 Orders relaxing restrictions. (1) ISSUANCE. After notice under sub. (2) and a hearing, the commissioner may issue an order freeing a person from any requirement of chs. 600 to 647 otherwise applicable to the person if the commissioner finds that the interests of residents, as defined in s. 647.01 (11), insureds, creditors and the public will not be endangered thereby.

(2) PUBLICATION. Unless the order is issued under specific authorization of another section of chs. 600 to 647, the notice preceding the hearing under sub. (1) and any such order shall be published as a class 1 notice, under ch. 985, in the official state newspaper before it is effective.

History: 1971 c. 260; 1979 c. 89; 1979 c. 102 ss. 236 (22); 1979 c. 177; 1983 a. 358 ss. 3, 14.