

★★★ **NOTICE OF RULEMAKING HEARING** ★★★

NOTICE IS HEREBY GIVEN that pursuant to the authority granted under s. 601.41(3), Stats., and the procedures set forth in under s. 227.18, Stats., OCI will hold a public hearing to consider the adoption of the attached proposed rulemaking order affecting Section Ins 6.50, 6.59, 26 and 28, Wis. Adm. Code, relating to licensing for travel insurance.

HEARING INFORMATION

Date: November 28, 2007

Time: 10:00 a.m., or as soon thereafter as the matter may be reached

Place: OCI, Room 227, 125 South Webster St 2nd Floor, Madison, WI

Written comments can be mailed to:

Robert Luck
Legal Unit - OCI Rule Comment for Rule Ins 6
Office of the Commissioner of Insurance
PO Box 7873
Madison WI 53707-7873

Written comments can be hand delivered to:

Robert Luck
Legal Unit - OCI Rule Comment for Rule Ins 6
Office of the Commissioner of Insurance
125 South Webster St - 2nd Floor
Madison WI 53703-3474

Comments can be emailed to:

Robert Luck
robert.luck@wisconsin.gov

Comments submitted through the Wisconsin Administrative Rule Web site at: <http://adminrules.wisconsin.gov> on the proposed rule will be considered.

The deadline for submitting comments is 4:00 p.m. on the 14th day after the date for the hearing stated in this Notice of Hearing.

SUMMARY OF PROPOSED RULE & FISCAL ESTIMATE

For a summary of the rule see the analysis contained in the attached proposed rulemaking order. There will be no state or local government fiscal effect. The full text of the proposed changes, a summary of the changes and the fiscal estimate are attached to this Notice of Hearing.

INITIAL REGULATORY FLEXIBILITY ANALYSIS

This rule does not impose any additional requirements on small businesses.

OCI SMALL BUSINESS REGULATORY COORDINATOR

The OCI small business coordinator is Eileen Mallow and may be reached at phone number (608) 266-7843 or at email address eileen.mallow@wisconsin.gov

CONTACT PERSON

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the OCI internet Web site at <http://oci.wi.gov/ocirules.htm> or by contacting Inger Williams, Public Information and Communications, OCI, at: inger.williams@wisconsin.gov, (608) 264-8110, 125 South Webster Street – 2nd Floor, Madison WI or PO Box 7873, Madison WI 53707-7873.

**PROPOSED ORDER OF THE COMMISSIONER OF INSURANCE
AMENDING AND CREATING A RULE**

To amend Ins. 6.59(2) & (4)(a), 26.04(2)(a), 28.04(2)(a);

To create Ins 6.50(2)(b)5

Relating to creating a limited line of authority for travel insurance in Wisconsin.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)

1. Statutes interpreted:

s. 628.04(3), Stats.

2. Statutory authority:

ss. 601.41(3) and 628.04(3), Stats.

3. Explanation of OCI's authority to promulgate the proposed rule under these statutes:

The proposed rule is promulgated under the commissioner's authority to prescribe classifications of intermediaries by kind of authority, or kind of insurance, or in other ways and authority to prescribe different standards of competence, including examinations and educational prerequisites for each class.

4. Related statutes or rules:

None

5. The plain language analysis and summary of the proposed rule:

A new limited line license is created for travel insurance. Wisconsin currently has four limited lines of insurance authority: credit, title, legal expense and miscellaneous limited lines insurance. Each limited line has requirements set by the commissioner for testing, prelicensing education and continuing education.

In order to simplify multi-state licensing of insurance producers, Wisconsin and other states, through the National Association of Insurance Commissioners ("NAIC") have committed to make licensing standards more uniform. The NAIC has adopted Uniform Resident Licensing Standards. Included in these standards is a definition for limited line travel insurance. This rule creates a new limited line for travel insurance, adopting the uniform definition approved by the NAIC.

The rule exempts persons holding a travel insurance license from prelicensing education, examination and continuing education requirements. These exemptions are consistent with the NAIC uniform standards.

In addition, the rule revises 2 sections to clearly state the current requirements regarding prelicensing education for Managing General Agents and when prelicensing must be taken.

6. Summary of, and preliminary comparison with, any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:

There are no federal regulations which address licensing of travel insurance agents.

7. Comparison of similar rules in adjacent states as found by OCI:

According to the NAIC, 44 states accept license applications for the limited line of travel insurance.

An independent fifty state review of insurance laws and regulations found that a majority of states have some form of limited line travel license available for resident producers. A number of these states do not provide express authority to issue limited lines travel insurance licenses; however, there are other references to these licenses in the statutes or regulations.

The only states in which express or implied authority to issue limited line travel licenses were not found are as follows: Alabama, District of Columbia, Nebraska, Rhode Island and Wisconsin. The following states do not provide express authority for these licenses but reference the licenses in statutes or regulations which may imply availability: Arkansas, Connecticut (although there is no statutory authority, a bulletin issued by the Connecticut Department of Insurance states that a Travel Limited Line license is available), Iowa (only express authority is for vehicle rental companies), Kansas, Michigan, Montana, North Dakota, Pennsylvania, Texas (offers a specialty license) and West Virginia.

Illinois – Illinois offers limited lines licenses for travel insurance under 215 ILCS 5/500-100.

Iowa – Iowa provides an exception to licensing for travel agents under s. 522B.3(i).

Michigan – Michigan provides a limited Property & Casualty license that covers a variety of products including travel accident and baggage. An exam is required. Chapter 12 Michigan Insurance Code.

Minnesota – An insurance producer may receive qualification for a license in the limited line of “travel baggage insurance.” Minn. Ins. Code § 60K.38(1)(c)(4).

8. A summary of the factual data and analytical methodologies that OCI used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule:

A majority of states have adopted a limited line travel insurance license. The definition used in this rule is consistent with the recommended uniform definition. Without a limited line license in Wisconsin, Wisconsin residents who sell travel insurance in other states cannot obtain nonresident licenses in the other states. Therefore, these individuals are subjected to an additional regulatory burden in order to obtain these licenses in other states. Adoption of this rule will facilitate regulatory compliance in other states for Wisconsin residents.

9. Any analysis and supporting documentation that OCI used in support of OCI's determination of the rule's effect on small businesses under s. 227.114:

Promulgation of this rule will facilitate Wisconsin-based businesses that offer travel insurance in obtaining non-resident insurance licenses in other states that provide limited line travel insurance licenses. The most efficient method of obtaining a nonresident insurance producer license is to hold a license with the same authority in the producer's state of residence. This allows the producer to apply for nonresident licenses in other states and comply with the licensing requirements of the producer's state of residence.

10. See the attached Private Sector Fiscal Analysis.

11. A description of the Effect on Small Business:

This rule would have a positive effect on small businesses that offer travel insurance in Wisconsin and other states.

12. Agency contact person:

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the OCI WEB sites at: <http://oci.wi.gov/ocirules.htm> or by contacting Inger Williams, OCI Services Section, at:

Phone: (608) 264-8110
Email: Inger.Williams@wiconsin.gov
Address: 125 South Webster St – 2nd Floor Madison WI 53702
Mail: PO Box 7873, Madison WI 53707-7873

13. Place where comments are to be submitted:

Mailing address:

Robert Luck, Legal Unit - OCI Rule Comment for Rule Ins 6
Office of the Commissioner of Insurance
PO Box 7873
Madison WI 53707-7873

Street address:

Robert Luck, Legal Unit - OCI Rule Comment for Rule Ins 6
Office of the Commissioner of Insurance
125 South Webster St – 2nd Floor
Madison WI 53703-3474

Email address:

Robert Luck, Robert.Luck@oci.state.wi.us

WEB Site: <http://oci.wi.gov/ocirules.htm>

The proposed rule changes are:

SECTION 1. Section Ins. 6.50(2)(b)5 is created to read:

Ins 6.50(2)(b)5. Travel insurance - insurance coverage for trip cancellation, trip interruption, baggage, life, sickness and accident, disability and personal effects when limited to a specific trip and sold in connection with transportation provided by a common carrier.

SECTION 2. Section Ins. 6.59(2) is amended to read:

Ins. 6.59(2) EXAMINATION. An examination is required of each resident applicant for each kind of license authority listed in s. Ins 6.50, except a reinsurance intermediary license, Managing General Agent and a limited line travel insurance license. Each examination will test the applicant's basic knowledge of the kinds of insurance to be solicited or function to be performed and the applicant's basic understanding of the applicable laws and regulations.

SECTION 3. Section Ins. 6.59(4)(a) is amended to read:

Ins. 6.59(4) PROCEDURE. (a) *Application for resident intermediary agents.* Application for a permanent resident agent license or an enlargement of authority requiring an examination shall be made on-line ~~prior to the time of following successful completion of any required prelicensing education and the examination~~. A completed application consists of the agent's name, the current address for the residence of the applicant; an original exemption form as required under ch. Ins 26, if required by s. Ins 26.04 (3); an electronic confirmation of prelicensing education completion for the specific lines of authority or a paper "Certificate of Prelicensing Education"; an electronic confirmation of criminal history provided from the Wisconsin department of justice, crime information bureau, completed not more than 180 days prior to the test date; payment of the fees to the testing vendor, an electronic photograph of the applicant taken by the test service at the time of testing; confirmation of previous license in another state, if applicable; and any documentation required in answer to questions on the application.

SECTION 4. Section Ins. 26.04(2)(a) is amended to read:

Ins. 26.04(2)(a) Any applicant applying for a limited line insurance license for credit insurance, legal expense insurance, miscellaneous limited line, ~~or title or travel insurance~~.

SECTION 5. Section Ins. 28.04(2)(a) is amended to read:

Ins. 28.04(2)(a) Any intermediary exclusively holding a limited line insurance license in the following lines: credit insurance, legal expense insurance, miscellaneous limited line, managing general agent, ~~and title insurance~~ and travel insurance.

SECTION 6. Effective date. This rule will take effect on the first day of the month after publication, as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 22nd day of October, 2007.

Sean Dilweg
Commissioner of Insurance

**Office of the Commissioner of Insurance
Private Sector Fiscal Analysis**

for Section Ins 6.50, 6.59, 26 and 28 relating to licensing
for travel insurance

This rule change will have no significant effect on the private sector regulated by OCI.

FISCAL ESTIMATE WORKSHEET

Detailed Estimate of Annual Fiscal Effect

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB Number	Amendment No. if Applicable
Bill Number	Administrative Rule Number INS 6

Subject
licensing for travel insurance

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):
Programming costs of \$2,000. An initial surge of perhaps 250 applications would result in one time revenues of \$12,500. No Local government costs or revenues.

Annualized Costs:	Annualized Fiscal impact on State funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations - Salaries and Fringes	\$ 0	\$ -0
(FTE Position Changes)	(0 FTE)	(-0 FTE)
State Operations - Other Costs	0	-0
Local Assistance	0	-0
Aids to Individuals or Organizations	0	-0
TOTAL State Costs by Category	\$ 0	\$ -0
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$ 0	\$ -0
FED	0	-0
PRO/PRS	0	-0
SEG/SEG-S	0	-0
C. State Revenues	Increased Rev.	Decreased Rev.
<small>Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)</small>		
GPR Taxes	\$ 0	\$ -0
GPR Earned	0	-0
FED	0	-0
PRO/PRS	\$2500	-0
SEG/SEG-S	0	-0
TOTAL State Revenues	\$ 2,500	\$ -0 None

NET ANNUALIZED FISCAL IMPACT

	<u>STATE</u>	<u>LOCAL</u>
NET CHANGE IN COSTS	\$ <u>None 0</u>	\$ <u>None 0</u>
NET CHANGE IN REVENUES	\$ <u>\$2,500.00</u>	\$ <u>None 0</u>

Prepared by: Robert Luck	Telephone No. (608) 266-0082	Agency Insurance
Authorized Signature:	Telephone No. 608-267-3782	Date (mm/dd/ccyy) 10/22/07

FISCAL ESTIMATE

- ORIGINAL UPDATED

 CORRECTED SUPPLEMENTAL

LRB Number	Amendment No. if Applicable
Bill Number	Administrative Rule Number INS 6

Subject
licensing for travel insurance

Fiscal Effect
State: No State Fiscal Effect
 Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.
 Increase Existing Appropriation Increase Existing Revenues
 Decrease Existing Appropriation Decrease Existing Revenues
 Create New Appropriation
 Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
 Decrease Costs

Local: No local government costs
 1. Increase Costs
 Permissive Mandatory
 2. Decrease Costs
 Permissive Mandatory
 3. Increase Revenues
 Permissive Mandatory
 4. Decrease Revenues
 Permissive Mandatory
 5. Types of Local Governmental Units Affected:
 Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected
 GPR FED PRO PRS SEG SEG-S
Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

It is unknown how many agents will seek this authority. The fee for each agent seeking only this line is \$50 under Ins 6.59(3), Wisc. Admin. Code. OCI is making the assumption that there will be about 250 applications initially. One large insurer in this line of business estimates that about 60 employees would be initially licensed for travel insurance. After the initial surge, there might be about 50 total new applications per year resulting in annual revenues of \$2,500.

To implement a new line of insurance, OCI will incur one time programming expenses both for OCI employees and OCI's licensing vendor. It is unknown precisely the cost but probably around \$2,000 in one time costs.

Long-Range Fiscal Implications

None

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Authorized Signature:	Telephone No. 608-267-3782	Date (mm/dd/ccyy) 10/22/07