

Clearinghouse Rule 18-093

**STATE OF WISCONSIN
OFFICE OF THE COMMISSIONER OF INSURANCE**

**PROPOSED ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE
REPEALING A RULE**

The Office of the Commissioner of Insurance is petitioning the Joint Committee for Review of Administrative Rules to repeal rules the office has determined to be an unauthorized rule using the process under s. 227.26(4), Stats.

PROPOSED ORDER

An order of the Office of the Commissioner of Insurance to repeal Ins 2.04, Wis. Adm. Code, relating to life insurers exceeding filed rates when insuring substandard risks.

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

Statutes interpreted:

ss. 227.10 (2), and 227.26 (4), Stats.

Statutory authority:

s. 227.26 (4), Stats.

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

Pursuant to s. 227.26 (4), Stats., OCI may petition for repeal of an unauthorized rule. An unauthorized rule is one that "an agency lacks the authority to promulgate due to the repeal or amendment of the law that previously authorized its promulgation." Pursuant to s. 227.10 (2), Stats., no agency may promulgate a rule which conflicts with state law.

The plain language analysis and summary of the proposed rule:

The proposed rule repeals s. Ins 2.04, Wis. Adm. Code, relating to rating practices of life insurance companies insuring substandard risks. Section Ins 2.04, permits insurers to exceed filed rates when the risk insured is considered substandard or due to the insured's engagement in hazardous work.

This practice of exceeding filed rates was repealed by Chapter 374, laws of 1975. Section Ins 2.04 was originally promulgated in 1956, and last modified in 1976.

Therefore, OCI has determined that s. Ins 2.04 is an unauthorized rule and seeks repeal under s. 227.26 (4), Stats.

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The proposed rule changes are:

SECTION 1. Ins 2.04 is repealed.

SECTION 2. EFFECTIVE DATE. The rule repealed in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, pursuant to s. 227.22 (2) (intro.)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.

(END OF TEXT OF RULE)
