

State of Wisconsin Department of Workforce Development

DWD 80.67 Worker's Compensation Insurer Name Change

The Wisconsin Department of Workforce Development proposes an order to repeal and recreate s. DWD 80.67, relating to worker's compensation insurer name change or reorganization.

Analysis Prepared by the Department of Workforce Development

Statutory authority: Sec. 102.15(1), Stats.

Statute interpreted: Sec. 102.31(2), Stats.

The current s. DWD 80.67 provides that when there is a change in the name, ownership, or control of a worker's compensation insurance company the insurer must notify DWD and the Wisconsin Compensation Rating Bureau (WCRB) 90 days prior to the change. It also requires insurers to notify its insured employers by issuing a new policy.

The proposed rule shortens the length of advance notice that a worker's compensation insurance company must provide to DWD and WCRB from 90 days to 30 days when there is a name change and eliminates the notice requirement when there is a change of ownership or control. The 30-day notice for a name change is consistent with the 30-day notice requirement that the Office of the Commissioner of Insurance applies to all insurers. The ownership and control notices have been eliminated because neither DWD nor WCRB does anything with that information, and the Office of the Commissioner of Insurance has similar notice requirements.

The proposed rule also authorizes insurers to notify insured employers of the name change by an endorsement to the existing policies rather than by canceling policies and reissuing new policies with the new name. Notifying employers by endorsement is easier, less expensive, and is the current standard industry procedure.

SECTION 1. DWD 80.67 is repealed and recreated to read:

DWD 80.67 Insurer name change. A worker's compensation insurer shall notify the department and the Wisconsin compensation rating bureau in writing 30 days before the effective date of a change in its name. The insurer shall comply with the name change requirements in its state of domicile and in the state of Wisconsin. On or before the effective date of an approved name change, the insurer shall notify each of its employers insured under ch. 102., Stats., that the insurer's name is changed. Insurers shall notify employers by an endorsement to the employer's existing policy that states the insurer's new name. The insurer shall file a copy of the endorsement with the Wisconsin compensation rating bureau by personal service, facsimile, or certified mail at the same time that it provides notice to its employers insured under ch. 102, Stats.

Note: The State of Wisconsin Office of the Commissioner of Insurance requires advance notice of an insurer name change or reorganization. For further information, contact OCI at (608) 266-3585 or (800) 236-8517.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2)(intro), Stats.