

**Chapter Ins 6**  
**GENERAL**

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**Ins 6.01 Foreign company to operate 2 years before admission.** Experience has demonstrated that until a company has engaged in the business of insurance for at least 2 years there is not a sufficient basis upon which to form a judgment as to whether its methods and practices in the conduct of its business are such as to safeguard the interests of its policyholders and the people of this state. Therefore, no application of a foreign insurance company or mutual benefit society for a license to transact business in Wisconsin will be considered until it has continu-

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ously transacted the business of insurance for at least 2 years immediately prior to the making of such application for license.

**Ins 6.02 Company to transact a kind of insurance 2 years before admission.** (1) Experience has demonstrated that until a company has engaged in a kind of insurance or in another kind of insurance of the same class for at least 2 years, there is not a sufficient basis upon which to form a judgment as to whether its methods and practices in the conduct of its business in such kind of insurance or another kind in the same class of insurance, are such as to safeguard the interests of its policyholders and the people of this state. Therefore, no application of a foreign insurance company or mutual benefit society for a license to transact a kind of insurance business in Wisconsin will be considered until it has continuously transacted that kind of insurance, or another kind of insurance in the same class of insurance as that for which it makes such application; for at least 2 years immediately prior to making such application. For the purposes hereof, insurance is divided into kinds of insurance according to the provisions of s. Ins 6.75 each subsection setting forth a separate kind, and into classes of insurance upon the basis of and including the said kinds as follows:

(a) Fire insurance includes the kinds in s. Ins 6.75 (2) (a).

(b) Life insurance includes the kinds in s. Ins 6.75 (1) (a) and (b) but excluding all insurance on the health of persons other than that authorized in s. 627.06, Stats., and s. Ins 6.70.

(c) Casualty insurance includes the kinds in s. Ins 6.75 (2) (c) through (n).

(2) Provided, however, that nothing herein shall preclude consideration of an application to transact the kind of insurance in Ins 6.75 (1) (e) or (2) (c) if the applicant company has transacted any of the kinds of insurance in Ins 6.75 (1) (a) and (b) or (2) (d), (e), (k) and (n) continuously for 2 years immediately prior to the making of application for license to transact the kind of insurance in Ins 6.75 (1) (e) or (2) (c).

**History:** 1-2-56; emerg. am. eff. 6-22-76; am. Register, September, 1976, No. 249, eff. 10-1-76; am. Register, March, 1979, No. 279, eff. 4-1-79.

**Ins 6.05 Filing of property and casualty insurance forms.** (1) **PURPOSE.** This rule is intended to implement and interpret s. 631.20, Stats., for the purpose of establishing filing procedures for certain property and casualty insurance policy forms.

(2) **SCOPE.** The requirements of this rule shall apply to insurance forms as defined in s. 600.03 (21), Stats., to be used to provide any of the lines or classes of insurance listed in Ins 6.75 (2) (a), (d), (e), (f), (g), (h), (i), (j), (l), (m) and (n).

(3) **DEFINITIONS.** In this rule, unless the context otherwise requires, the following words and terms shall have the following meanings:

(a) "Filing" shall mean:

1. Any matter submitted under this rule.
2. The act of filing such matter.

(b) "Basic policy forms" shall mean the basic insurance contracts used by any insurer including coverage parts or forms necessary to complete the contracts, amendatory endorsements needed to effect statu-

**Ins 6.10 Insurance agents advisory council.** (1) **PURPOSE.** The purpose of this rule is to create an insurance agents advisory council to be appointed by the commissioner of insurance pursuant to ss. 15.04 (1) (e) and 601.20 (1), Stats.

(2) **MEMBERSHIP.** The council shall consist of the commissioner or a member of his staff designated by him and 11 other members, at least 6 of whom are experienced and licensed as resident insurance agents.

(3) **TERM.** Members of the council shall be appointed to serve for a term of 3 years except that the initial appointments under this rule shall be 3 members for a one-year term, 4 members for a 2-year term, and 4 members for a 3-year term.

(4) **DUTIES.** It shall be the duty of the council to:

(a) Advise the commissioner with respect to the carrying out of his functions under ch. 628, Stats.,

(b) Make recommendations to the commissioner for the preparation and conduct of examinations pursuant to ch. 628, Stats.,

(c) Advise the commissioner concerning the relevancy of the content of agents' examinations to the types of licenses being sought by applicants, and

(d) Advise the commissioner with respect to developing, in cooperation with various educational institutions in the state, courses of instruction in various fields of insurance for the education of agents and applicants for agents' licenses.

(5) **OFFICERS.** The council shall annually elect a chairman and a vice-chairman. The commissioner or his designee shall act as secretary and keep a record of all proceedings, transactions, communications, and other official acts of the council. The files and records of the council shall be maintained at the office of the commissioner.

(6) **MEETINGS.** The council shall meet at least twice a year when called by the commissioner and at such other times when requested by the commissioner or 3 or more members.

(7) **EXPENSE REIMBURSEMENT.** Members of the council shall receive no salary or compensation for service on the council but shall be reimbursed for their actual and necessary expenses in attending meetings or while performing other duties as directed by the commissioner.

**History:** Cr. Register, July, 1970, No. 175, eff. 8-1-70; emerg. am. (1) and (4) (a) and (b), eff. 6-26-76; am. (1) and (4) (a) and (b), Register, September, 1976, No. 249, eff. 10-1-76; am. (1), Register, March, 1979, No. 279, eff. 4-1-79.

**Ins 6.11 Insurance claim settlement practices.** (1) **PURPOSE.** This rule is to promote the fair and equitable treatment of policyholders, claimants and insurers by defining certain claim adjustment practices which are considered to be unfair methods and practices in the business of insurance. The rule implements and interprets applicable statutes including but not limited to ss. 601.04, 601.01 (3) (b), and 645.41 (3), Stats.

(2) **SCOPE.** This rule applies to the kinds of insurance identified in Ins 6.75, transacted by insurers as defined in s. 600.03 (27), Stats., and non-profit service plans subject to ch. 613, Stats.

(3) UNFAIR CLAIM SETTLEMENT PRACTICES. (a) Any of the following acts, if committed by any person without just cause and performed with such frequency as to indicate general business practice, shall constitute unfair methods and practices in the business of insurance:

1. Failure to promptly acknowledge pertinent communications with respect to claims arising under insurance policies.

2. Failure to initiate and conclude a claims investigation with all reasonable dispatch.

3. Failure to promptly provide necessary claims forms, instructions and reasonable assistance to insureds and claimants under its insurance policies.

4. Failure to attempt in good faith to effectuate fair and equitable settlement of claims submitted in which liability has become reasonably clear.

5. Failure upon request of a claimant, to promptly provide a reasonable explanation of the basis in the policy contract or applicable law for denial of a claim or for the offer of a compromise settlement.

6. Knowingly misrepresenting to claimants pertinent facts or policy provisions relating to coverages involved.

7. Failure to affirm or deny coverage of claims within a reasonable time after proof of loss has been completed.

8. Failure to settle a claim under one portion of the policy coverage in order to influence a settlement under another portion of the policy coverage.

9. Except as may be otherwise provided in the policy contract, the failure to offer settlement under applicable first party coverage on the basis that responsibility for payment should be assumed by other persons or insurers.

10. Compelling insureds and claimants to institute suits to recover amounts due under its policies by offering substantially less than the amounts ultimately recovered in suits brought by them.

11. Refusing payment of claims solely on the basis of the insured's request to do so without making an independent evaluation of the insured's liability based upon all available information.

12. Failure, where appropriate, to make use of arbitration procedures authorized or permitted under any insurance policy.

13. Adopting or making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration.

(b) Any of the following acts committed by any person shall constitute unfair methods and practices in the business of insurance:

1. Knowingly misrepresenting to claimants pertinent facts or policy provisions relating to coverages involved.

4. Other criteria which the commissioner considers evidence of untrustworthiness or incompetence.

(5) FEES. (a) Biennially, on or before January 1 of even numbered years, a regulation fee of \$10.00 for resident and \$30.00 for non-resident intermediaries will be billed as authorized by s. 601.31 (1) (p) [(m)], Stats.

(b) If payment of the biennial regulation fee is not made within 30 days after the date of billing, the license will be suspended. If payment is made during the suspension, the license will be reinstated.

(c) The license will be revoked if payment is not made within 60 days after suspension.

(6) NOTIFICATION OF CHANGES. Each intermediary corporation or partnership shall, within 30 days, notify the commissioner of insurance in writing of any change in its business mailing address, location of the business records, or a change in the name and address of the designated representative.

**Note:** Intermediary corporations and partnerships are subject to the recordkeeping requirements as set forth in Ins 6.61 (1), Wis. Adm. Code.

Application for the licensing of corporations and partnerships is made on form 11-50. Copies can be obtained at the Office of the Commissioner of Insurance.

**History:** Cr. Register, August, 1980, No. 296, eff. 9-1-80; am. (5) (a), Register, September, 1981, No. 309, eff. 10-1-81; cr. (6), Register, September, 1981, No. 309, eff. 1-1-82; r. and recr. (2), r. (3) and (8), renum. (4) to (7) to be (3) to (6), Register, April, 1982, No. 316, eff. 5-1-82.

THIS IS THE FINAL COPY OF FORM 11-50 AS IT WILL BE PRINTED

APPLICATION FOR PERMANENT CORPORATION OR PARTNERSHIP INSURANCE INTERMEDIARY LICENSE Form 11-50

STATE OF WISCONSIN OFFICE OF THE COMMISSIONER OF INSURANCE 123 W. WASHINGTON AVENUE MADISON, WISCONSIN 53702

SECTION I PLEASE COMPLETE THE BLANKS AND CHECK THE APPROPRIATE BOXES BELOW.

- 1. LICENSE NUMBER (For office use only.) CR #
2. BUSINESS NAME
3. BUSINESS MAILING ADDRESS Number, Street, City, Zip
4. NAME OF CORPORATION OR PARTNERSHIP
5. ADDRESS OF DOMICILE Number, Street, City, Zip
6. RESIDENT CODE Wisconsin Other
7. TYPE Corporation Partnership 8. LICENSE FEE (Initial Application Only) \$100.00 REGULATION FEE Resident \$ 5.00 Nonresident \$ 15.00 (Each year after initial application)
9. DESIGNATED REPRESENTATIVE NAME TITLE ADDRESS Number, Street, City, Zip PHONE

(CONTINUED)  
 FINAL COPY OF FORM 11-50 AS IT WILL BE PRINTED

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SECTION II                      STANDARDS OF COMPETENCE AND TRUSTWORTHINESS

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- a. Have you been fined, reprimanded, or been the subject of a consent decree in any state for a violation of its insurance, real estate or securities statutes or administrative regulations?
- b. Have you had your license to solicit insurance, real estate or securities refused, suspended, denied or revoked in any state?
- c. Have you been convicted on a misdemeanor or felony offense, other than a traffic violation, in the past three years?
- d. If you have ever been employed by an insurance company, has your employment contract been terminated or non-renewed because of allegations of misconduct or wrongdoing by an insurance company?

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A separate sheet of detailed explanation must be included for each principal officer, director or partner answering yes to any of the above questions in Section III.

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SECTION III

PLEASE LIST ALL PARTNERS, DIRECTORS AND PRINCIPAL OFFICERS OR PERSONS HAVING COMPARABLE POWERS AND THEIR TITLES (PARTNER, DIRECTOR, PRESIDENT, VICE PRESIDENT, SECRETARY, TREASURER).

Name	Title	Wisconsin Ins. Intermediary License Number (if applicable)	Section II Answers*			
			a.	b.	c.	d.
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
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_____	_____	_____	_____	_____	_____	_____

\*Answer Y for "Yes" and N for "No" for all questions in Section II. If you answered "Yes" to any of the questions in Section II, attach a detailed explanation.

(CONTINUED)

FINAL COPY OF FORM 11-50 AS IT WILL BE PRINTED

PLEASE LIST ALL WISCONSIN LICENSED AGENTS AUTHORIZED TO DO BUSINESS IN THE CORPORATION'S OR PARTNERSHIP'S NAME. ATTACH A SEPARATE SHEET IF NECESSARY.

Name	Wisconsin Ins. Intermediary License Number
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I, the undersigned, hereby testify that the corporation or partnership of which I am a partner, director or officer has included in its articles of incorporation or association, the intent, in good faith, to do business as an intermediary and will transact business in such a way that all acts that may be performed only by a licensed intermediary, are performed exclusively by natural persons who are licensed under s. 628.04, Stats., and functioning within the scope of the license. If the corporation or partnership is domiciled outside of Wisconsin, it agrees to be subject to the jurisdiction of the commissioner and the courts of this state on any matter related to the corporation's or partnership's insurance activities in this state, on the basis of service of process under ss. 601.72 and 601.73, Stats.

I also certify that the principal officers, directors or partners are competent and trustworthy according to the standards listed in Section II. I further state that I have read and knowingly made the foregoing statements and representations and that each and all statements and representation are true to the best of my knowledge. I understand that any misrepresentation, false statement, or fraud in connection with this application may be cause for revocation or suspension of a license issued thereon or may be cause for denial of application in addition to any other actions or penalties or both.

Signature of Applicant (Officer or Partner) \_\_\_\_\_ Date \_\_\_\_\_

Name (Please Print)	Title	Signature
_____	_____	_____



(e) Automobile and aircraft insurance—insurance against loss, medical or other expense, and liability for damages arising out of the ownership, maintenance or use of any automobile, aircraft or other vehicle;

(f) Fidelity insurance—insurance against loss arising out of the acts or defaults of persons in positions of trust, excluding commercial bail bond insurance except as a surety under s. 345.61, Stats.

(g) Surety insurance—payment for loss arising out of failure to perform contracts or obligations, excluding commercial bail bond insurance except as a surety under s. 345.61, Stats.

(h) Title insurance—insurance against loss by reason of defects in titles to property;

(i) Mortgage guaranty insurance—insurance against loss arising from failure of debtors to meet financial obligations to creditors under evidences of indebtedness secured by a lien or charge on real estate;

(j) Credit insurance—insurance against loss arising from failure of debtors to meet financial obligations to creditors, except as defined in paragraph (i) of this rule;

(k) Worker's compensation insurance—insurance against obligations under ch. 102, Stats., or any similar law, and including employers' liability insurance when written in the same policy;

(l) Legal expense insurance—insurance against expense for the professional services of licensed lawyers;

(m) Credit unemployment insurance—insurance against loss of income of debtors resulting from either labor disputes or involuntary unemployment;

(n) Miscellaneous—insurance against any other property or casualty insurance risk which lawfully may be the subject of insurance not specifically defined in any other paragraph of this rule.

**History:** Cr. Register, August, 1977, No. 260, eff. 9-1-77; am. (2) (f) and (g), Register, March, 1980, No. 291, eff. 4-1-80.

**Ins 6.76 Grounds for disapproval of and authorized clauses for fire, inland marine and other property insurance forms.** (1) **PURPOSE.** The purpose of this rule is to set out characteristics and provisions of fire, inland marine and other property insurance forms, as defined by Wis. Adm. Code section Ins 6.75 (2) (a), which may constitute grounds for disapproval of such forms under the provisions of s. 631.20 (2), Stats., and to promulgate authorized clauses for such forms under s. 631.23 because it has been found that: (a) price or coverage competition is ineffective because diversity in language or content makes comparison difficult; (b) provision of language, content or form of these specific clauses is necessary to provide certainty of meaning of them; (c) regulation of contract forms will be more effective and litigation will be substantially reduced if there is increased standardization of certain clauses; and (d) reasonable minimum standards of insurance protection are needed for policies to serve a useful purpose.

(2) **GROUND FOR DISAPPROVAL.** A fire, inland marine or other property insurance form may be considered misleading, deceptive or obscure within the meaning of s. 631.20 (2), Stats., if it does not clearly state the perils covered, the limitations, and the conditions, or if it contains provi-

sions contrary to the law, or if it does not include clauses covering the following provisions where appropriate:

- (a) Location and description of the property covered;
- (b) Effect of other insurance on the coverage provided;
- (c) Conditions suspending, restricting or voiding the coverage provided;
- (e) Termination of the contract;
- (f) Mortgage interests and obligations;
- (g) Obligations in case loss occurs.

(3) **AUTHORIZED CLAUSES.** The following clauses, or any of them, shall be considered authorized clauses pursuant to s. 631.23, Stats. Appropriate liberalization of the prescribed language shall also be permitted.

(a) *Insuring clause.*

**IN CONSIDERATION OF THE PROVISIONS AND  
STIPULATIONS HEREIN OR ADDED HERETO**

and of the premium above specified this Company, for the term of

from \_\_\_\_\_ at [noon (12:01 a.m.) (choose one)] Standard  
Time to \_\_\_\_\_ at location of property involved, to an  
amount not exceeding the amount (s) above specified does insure

and legal representatives, to the extent of the actual cash value of the property at the time of loss, but not exceeding the amount which it would cost to repair or replace the property with material of like kind and quality within a reasonable time after such loss, without compensation for loss resulting from interruption of business or manufacture, nor in any event for more than the interest of the insured against all **DIRECT LOSS BY FIRE, LIGHTNING AND BY REMOVAL FROM PREMISES ENDANGERED BY THE PERILS INSURED AGAINST IN THIS POLICY, EXCEPT AS HEREINAFTER PROVIDED**, to the property described herein while located or contained as described in this policy, or pro rata for 5 days at each proper place to which any of the property shall necessarily be removed for preservation from the perils insured against in this policy, but not elsewhere.

Assignment of this policy shall not be valid except with the written consent of this Company.

This policy is made and accepted subject to the foregoing provisions and stipulations and those hereinafter stated, which are hereby made a part of this policy, together with such other provisions, stipulations and agreements as may be added hereto, as provided in this policy.

(b) *Uninsurable and excepted property.* This policy shall not cover accounts, bills, currency, deeds, evidences of debt, money or securities; nor, unless specifically named hereon in writing, bullion or manuscripts.

(c) *Perils not included.* This company shall not be liable for loss by fire or other perils insured against in this policy caused, directly or indirectly, by: 1. enemy attack by armed forces, including action taken by

military, naval or air forces in resisting an actual or an immediately impending enemy attack; 2. invasion; 3. insurrection; 4. rebellion; 5. revolution; 6. civil war; 7. usurped power; 8. order of any civil authority except

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