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# WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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**Ronald Sklansky**  
*Clearinghouse Director*

**Richard Sweet**  
*Clearinghouse Assistant Director*

**Terry C. Anderson**  
*Legislative Council Director*

**Laura D. Rose**  
*Legislative Council Deputy Director*

## CLEARINGHOUSE RULE 01-074

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### **2. Form, Style and Placement in Administrative Code**

a. Section Ins 6.50 (2) is being repealed and recreated, so there should not be any underlined text. Also, in pars. (a) (intro.) and (b) (intro.), “Lines” should be lower case and “all of the following” should be inserted before the colon.

b. In s. Ins 6.57, “. . . licensing system ~~was mailed~~ . . .” should be changed to “. . . ~~listing was mailed~~ licensing system . . .” Note that throughout the rule, underlined material should follow adjacent stricken material. [See s. 1.06 (1), Manual.]

c. None of the text in s. Ins 6.57 (1) should be in bold type.

d. SECTION 4 states that s. Ins 6.57 (3) is being created but s. Ins 6.57 (3) already exists. The text of the rule creates s. Ins 6.57 (3) (a) and (b), but neither the substance nor the wording of the paragraphs follows s. Ins 6.57 (3).

e. In s. Ins 6.58 (1m), there should be a more specific definition. As it currently reads, every corporation is an insurance intermediary firm, regardless of the type of business it conducts. Also, “In this section,” should precede the defined term.

f. In s. Ins 6.59 (5) (d) 1. to 12., all of the semicolons should be replaced by periods. In subd. 13., “; or” should be replaced by a period.

g. Section Ins 6.59 (5) (e) should have a title to be consistent with the other paragraphs in sub. (5). [See s. 1.05, Manual.]

h. The title to s. Ins 6.595 should be shown in bold type and with an initial capital letter. [See s. 1.05 (2) (b), Manual.]

i. “In this section:” should be inserted after the title to s. Ins 6.595 (1). Paragraph (a) should begin: ““Negotiate” means to confer directly with or offer advice . . . .”

j. Since the term defined in s. Ins 6.61 (3) (e) is being changed, it will be out of alphabetical order with the other defined terms. Paragraph (e) could be renumbered par. (a) and amended; and pars. (a) to (d) could be renumbered pars. (b) to (e).

k. In the text of SECTION 12, “(16)” should be inserted before the title.

l. Section Ins 6.75 (2) (p) should be renumbered as 6.75 (2) (o) unless there is another proposed rule that is pending that creates par. (o).

m. Section Ins 28.07 (3) should be renumbered s. Ins 28.07 (4) since sub. (3) already exists.

#### **4. Adequacy of References to Related Statutes, Rules and Forms**

a. In s. Ins 28.04 (1) (a), “. . . listed in par. 6.50 (2) (a) . . .” should be changed to “. . . listed in s. Ins 6.50 (2) (a) . . . .” In s. Ins 6.57 (3) (a), two references to “par. 6.59 (5) (d)” should be to “s. Ins 6.59 (5) (d).”

b. The reference to “par. (a) or (b)” in s. Ins 6.57 (3) (b) seems to be incorrect. As drafted, it is referring to s. Ins 6.57 (3) (a) or (b).

c. Does s. Ins 6.59 (5) (d) 6. include all felonies? This subdivision should be reviewed for consistency with ss. 111.321, 111.322, 111.325 and 111.335, Stats.

#### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. In the first sentence of the analysis, the agency should specify what Wisconsin and other states must become reciprocal or uniform with respect to. In the second paragraph, “NASD” should be spelled out.

b. In s. Ins 6.57 (3m), it would be clearer if “. . . policyholder service with the intermediary being . . . .” were changed to “. . . policyholder service which result in the intermediary being . . . .” Further, the first sentence should be drafted in the active voice. [See s. 1.01, Manual.] The phrase “. . . complete explanations and documentation must be submitted in writing . . . .” should be changed to “. . . the insurer should submit complete explanations and documentation in writing . . . .”

c. In s. Ins 6.59 (5) (d) (intro.), the period after the colon should be deleted.

d. In s. Ins 6.595 (2) (a) and (c), the wording is very awkward. In par. (a), should “including” replace “includes.” In par. (b) (intro.), “any of the following apply” should be inserted before the colon. The semicolons and “or” should be deleted from the end of subds. 1. and 2. and replaced by periods, and the semicolon at the end of subd. 3. should be replaced by a period.

e. In s. Ins 6.63, “. . . numbered year a ~~the~~ . . .” should be changed to “. . . numbered year ~~the~~ a . . . .”

f. In s. Ins 6.75 (2) (e), what does “. . . or other vehicle” refer to? It cannot, for example, refer to aircraft, because the proposed changes remove aircraft from this paragraph.

g. In s. Ins 26.04 (2) (b), the wording is awkward. Is the application for a nonresident license to be filed within 90 days of the cancellation in the prior state, or must the applicant have held the license within 90 days of cancelling it?