

CR 84-121

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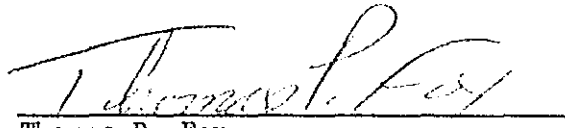
STATE OF WISCONSIN)
)
OFFICE OF THE COMMISSIONER OF INSURANCE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Thomas P. Fox, Commissioner of Insurance and custodian of the official records of said office, do hereby certify that the annexed order creating a rule related to the Wisconsin Automobile Insurance Plan was issued by this office October 15, 1984.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have
hereunto subscribed my name in the
City of Madison, State of Wisconsin,
this 15th day of October, 1984.



Thomas P. Fox
Commissioner of Insurance

0009M

STATE OF WISCONSIN
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OCT 15 1984

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

12-1-84

ORDER OF THE COMMISSIONER OF INSURANCE

CREATING A RULE

To create Ins 3.49 relating to the Wisconsin Automobile Insurance Plan

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

This rule interprets s. 619.01 (6) and the former 204.51 (2) which establish an automobile insurance risk sharing plan. S. 619.01 (6) is a transitional section set up to continue but not restate former s. 204.51 (2) [Stats. 1967]. Ins 3.49 restates the major provisions of former s. 204.51 (2) [Stats. 1967]. The rule provides for the availability of automobile insurance for applicants unable to procure insurance and provides specific access and grievance procedures for the plan.

Pursuant to the authority vested in the Commissioner of Insurance by s. 601.41 (3), Stats., the Commissioner hereby adopts a rule interpreting s. 619.01 (6), Stats., as follows:

SECTION 1. Ins 3.49 is created to read:

Ins 3.49, WISCONSIN AUTOMOBILE INSURANCE PLAN. (1) PURPOSE. This section interprets s. 619.01 (6), Stats., to continue a plan to make automobile insurance available to those who are unable to obtain it in the voluntary market by providing for the equitable distribution of applicants among insurers and outlines access and grievance procedures for such a plan.

(2) DEFINITIONS. In this section (a) "Committee" means the Governing Committee of the Wisconsin Automobile Insurance Plan which is the group of companies administering the Plan.

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SECRETARY OF STATE

(b) "Plan" means the Wisconsin Automobile Insurance Plan, an unincorporated facility established by s. 204.51 [Stats., (1967)] and continued under s. 619.01 (6), Stats.

(3) FILING AND ACCESS. The Committee shall submit revisions to its rules, rates and forms for the Plan to the commissioner. Prior approval by the commissioner of the documents is required before they may become effective. The documents shall provide:

(a) Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers;

(b) Rates and rate modifications applicable to such risks which shall not be excessive, inadequate or unfairly discriminatory;

(c) The limits of liability which the insurer shall be required to assume;

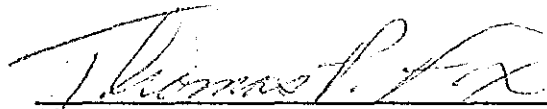
(d) A method by which an applicant to the Plan denied insurance or an insured under the Plan whose insurance is terminated may request the Committee to review such denial or termination and by which an insurer subscribing to the Plan may request the Committee to review actions or decisions of the Plan which adversely affect such insurer. The method shall specify that such requests for review must be made in writing to the Plan and that the decision of the Committee in regard to such review may be appealed by the applicant, insured, or company to the commissioner of insurance as provided for in Ch. Ins 5. A review or appeal does not operate as a stay of termination.

NOTE: These requirements reflect former s. 204.51 (2), Wis. Stats.

(b) The commissioner shall maintain files of the Plan's approved rules, rates, and forms and such documents must be made available for public inspection at the office of the commissioner of insurance.

This section shall take effect on the first day of the month following its publication in the Wisconsin Administrative Register as provided in s. 227.026 (1) (intro.), Stats.

Dated at Madison, Wisconsin, this 15th day of October, 1984.



Thomas P. Fox
Commissioner of Insurance

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The State of Wisconsin
Office of the Commissioner of Insurance

Thomas P. Fox
Commissioner
(608) 266-3585

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DATE: October 15, 1984
TO: Gary Poulson
FROM: M. E. Van Cleave
Assistant Deputy Commissioner of Insurance
SUBJECT: Ins 3.49, Clearinghouse No. 84-121

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Enclosed are two copies of an Order of the Commissioner of Insurance on Ins 3.49, Clearinghouse Rule 84-121 relating to the Wisconsin Automobile Insurance Plan.

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Enclosure
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