



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBa0059/1  
AJM:amn

**SENATE AMENDMENT 1,  
TO SENATE BILL 77**

February 28, 2017 - Offered by Senator LASEE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1d.** 101.654 (2) (a) 2. of the statutes is renumbered 101.654 (2) (a) 2.  
4 (intro.) and amended to read:

5 101.654 (2) (a) 2. (intro.) A policy of general liability insurance issued by an  
6 insurer authorized to do business in this state insuring the applicant in the amount  
7 of at least \$250,000 per occurrence because of bodily injury to or death of others or  
8 because of damage to the property of others. and issued by one of the following:

9 **SECTION 1f.** 101.654 (2) (a) 2. a. of the statutes is created to read:

10 101.654 (2) (a) 2. a. An insurer authorized to do business in this state.

11 **SECTION 1g.** 101.654 (2) (a) 2. b. of the statutes is created to read:

12 101.654 (2) (a) 2. b. An insurer that is eligible to provide insurance as a surplus  
13 lines insurer in one or more states.

1           **SECTION 1j.** 611.02 (1) (a) of the statutes is amended to read:

2           611.02 (1) (a) *Domestic insurers.* This chapter applies to all insurance  
3 corporations, including domestic surplus lines insurers, as defined in s. 618.40 (3m),  
4 organized under the laws of this state, except those expressly governed by other  
5 chapters.

6           **SECTION 1m.** 611.20 (5) of the statutes is created to read:

7           611.20 (5) DOMESTIC SURPLUS LINES INSURANCE. The commissioner may issue to  
8 a domestic insurer a certificate of authority to do business in this state as a domestic  
9 surplus lines insurer, as defined in s. 618.40 (3m).”.

10          **2.** Page 2, line 3: after that line insert:

11          “**SECTION 1r.** 618.41 (1) of the statutes is amended to read:

12          618.41 (1) GENERAL PERMISSION. A domestic surplus lines insurer or a  
13 nondomestic insurer which has not obtained a certificate of authority to do business  
14 in this state under s. 618.12 may negotiate for and make insurance contracts with  
15 persons in this state and on risks located in this state, subject to the limitations and  
16 requirements specified in this section.

17          **SECTION 1t.** 618.41 (3) of the statutes is amended to read:

18          618.41 (3) SOLICITATION PROHIBITED. Nothing in subs. (1) and (2) permits the  
19 solicitation of business in this state by or on behalf of an insurer without a certificate  
20 of authority. The commissioner may by rule prescribe the manner in which  
21 insurance agents or brokers may advertise the availability of their services in  
22 procuring, on behalf of persons seeking insurance, contracts with domestic surplus  
23 lines insurers or with insurers without a certificate of authority.”.

24          **3.** Page 3, line 8: after that line insert:

1           “4. If the insurer applying for a certificate under this subsection has issued  
2 insurance policies in this state as a domestic insurer, the insurer includes in its  
3 application a plan for the insurer’s proposed treatment of those policies in  
4 compliance with chs. 600 to 655.”

5           **4.** Page 3, line 9: delete lines 9 to 11 and substitute:

6           “(b) A domestic surplus lines insurer is subject to chs. 600 to 655 as follows:

7           1. A domestic surplus lines insurer is subject to all requirements of this  
8 subchapter and the requirements that apply to a domestic insurer organized under  
9 ch. 611.

10           2. Notwithstanding subd. 1., a surplus lines insurance policy issued in this  
11 state by a domestic surplus lines insurer is only subject to the requirements of this  
12 section and the rules promulgated under this section and shall be exempt from all  
13 statutory requirements, including requirements relating to insurance rating plans,  
14 policy forms, policy cancellation and nonrenewal, and premium charged to the  
15 insured, in the same manner as a surplus lines insurance policy issued by a  
16 nondomestic insurer.

17           3. Nothing in this section shall be construed to affect the application of ch. 646  
18 to insurance policies that were issued by a domestic insurer prior to that domestic  
19 insurer obtaining a certificate to do business as a domestic surplus lines insurer  
20 under this subsection.”

21           **5.** Page 3, line 21: after that line insert:

22           “(g) A domestic surplus lines insurer, after obtaining a certificate to do business  
23 as a domestic surplus lines insurer under this section, may not apply to the  
24 commissioner to issue policies other than as a domestic surplus lines insurer.”

