



Legislation Text

File #: 130366, Version: 1

130366
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to an affidavit of no interest requirement for city officers and employees provided by bonding or insurance companies.

75-15-11-b	am
95-14-5-b	am
100-53-1-a-2	am
115-27	am
115-28-2	am
218-3-1-b	am
218-3-2-b	am
304-71-1-d	rp

This ordinance repeals code provisions requiring the filing of an affidavit of no interest by an insurance or bonding company setting forth that no officer, official or employe of the city has any interest in any premium, commission or fee, or out of the sale, or furnishing of a certificate of insurance or bond.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 75-15-11-b of the code is amended to read:

75-15. Ambulance Certification Regulations.

11. FINANCIAL RESPONSIBILITY.

b. Cancellation. All certificates shall be executed by an insurance company licensed to do business in the state of Wisconsin ~~[[and shall have affixed an affidavit of no interest]].~~ All certificates shall be approved as to form and execution by the city attorney before they are accepted by the health department, and shall contain a provision or endorsement by which the insurance carrier shall be required to notify the fire department by registered mail or personal service of the cancellation of the insurance policy. Notice of cancellation shall be received by the fire department at least 30 days prior to the effective date of cancellation. If at any time the policy of insurance is cancelled by the issuing company, or the authority of ~~[[such]]~~ >>the<< issuing company to do business in the state of Wisconsin is revoked, the fire chief shall require the certified provider to replace the policy with another policy satisfactory to the chief, and in default thereof the certified provider's certificate issued under this section shall be suspended until proof of valid policy is presented by a certified provider.

Part 2. Section 95-14-5-b of the code is amended to read:

95-14. Home Improvement Contractor and Salesperson Licenses.

5. INSURANCE.

b. Cancellation or Nonrenewal. In the event of a cancellation or nonrenewal of the certificate of insurance, the contractor's license shall be automatically suspended. The suspension shall terminate upon presentation of a certificate of insurance that evidences that the policies required under this subsection have been issued or reissued to the contractor. All certificates shall be executed by an insurance company licensed to do business in the state of Wisconsin ~~[[and shall have affixed thereto an affidavit of no interest]].~~

Part 3. Section 100-53-1-a-2 of the code is amended to read:

100-53. Financial Responsibility.

1. REQUIRED.

a-2. Insurance Policy. A policy of insurance in a company authorized to do business in the state of Wisconsin insuring the owner of the vehicle against loss or damage that may result to any person or property from the operation or defective condition of the vehicle. The policy limits shall be \$50,000 for any one person injured or killed, and subject to such limit for each person, and a total liability of \$100,000 in case of one accident resulting in bodily injury or death to more than one person. Uninsured motorist coverage with limits comparable to the respective liability limits for the vehicle shall be provided. The policy of insurance ~~[[must]]~~ >>shall<< also provide insurance to the extent of \$10,000 for the injury or destruction of any property of either parties. The policy shall guarantee payment of any final judgment rendered against the owner, operator or driver within the limits provided irrespective of the financial responsibility or any act or omission of the owner. If at any time the policy is canceled by the issuing company, or the authority of the issuing company to do business in the state of Wisconsin is revoked, the city clerk shall require the party to whom the permit is issued to replace the policy with another satisfactory to the city attorney and, in default thereof, the permit may be revoked. Each and any of such bonds or policies shall, however, cover loss or damage by any vehicle operated by any such person to the same extent as in this section set forth. ~~[[Such]]~~ >The << bonds shall be continuing liabilities notwithstanding recovery thereon and ~~[[such]]~~ >>the<< policies of insurance shall always remain in force. Provided, further, in lieu of the \$10,000 insurance policy covering property damage, any permittee person may file bond in the sum of \$10,000. The filing of a certificate of insurance, in lieu of a policy, shall be deemed to be in compliance with this section. ~~[[Affidavits of no interest shall not be required for taxicab insurance policies obtained through the Wisconsin automobile insurance plan.]]~~

Part 4. Section 115-27 of the code is amended to read:

115-27. Performance Bond. The performance bond shall be executed by the applicant and a corporate surety and shall provide in substance that the applicant and surety are firmly bound unto the city of Milwaukee in the penal sum of \$5,000, and that ~~[[such]]~~ >>the<< bond shall be void if the applicant shall perform and sufficiently complete all work for which permits are issued in the calendar year of ~~[[such]]~~ >>the<< license and bond in accordance with all ordinances of the city within a reasonable period of time, and shall reimburse the city for all damages to any city property resulting from such work operations, regardless of whether the damage is done by the applicant, his >>or her << agents, employees or subcontractors. In addition to the aforesaid provisions, ~~[[said]]~~ >>the<< bond shall guarantee all work for 3 years from the date of completion thereof. ~~[[Said]]~~ >>The<< corporation surety shall be authorized to execute in the state of Wisconsin and have a power of attorney to file in the city attorney's office. ~~[[Such bonds shall have affixed thereto an affidavit setting forth that no officer, official or employe of the city has any interest, directly or indirectly, in any premium,~~

~~commission or fee or out of the sale or furnishing of such bond.]]~~

Part 5. Section 115-28-2 of the code is amended to read:

115-28. Indemnity Bond.

2. AUTHORIZED AGENCY. The ~~[[said]]~~ corporate surety or insurance carriers shall be authorized to execute bonds or sell insurance in the state of Wisconsin and have a power of attorney on file in the city attorney's office. ~~[[Such bond or certificate of insurance shall have affixed thereto an affidavit setting forth that no officer, official or employe of the city has any interest, directly or indirectly, in any premium, commission or fee, or out of the sale, or furnishing of such bond or certificate of insurance.]]~~

Part 6. Section 218-3-1-b of the code is amended to read:

218-3. Wrecker's and Mover's Bond and Insurance.

1. PERFORMANCE BOND.

b. The wrecker's and mover's performance bond shall be executed by the applicant and a corporate surety, and shall provide in substance that the applicant and surety are firmly bound unto the city in the penal sum of \$20,000 or in such other amount as the commissioner shall deem necessary, and that such bond shall be void if the applicant shall perform and sufficiently complete all work for which the permit is issued in accordance with all ordinances of the city within a reasonable period of time, or within the time specified on the permit, and shall reimburse the city for all damages to any city property resulting from the work operations, regardless of whether the damage is done by the applicant, its agents, employes or subcontractors. The corporate surety shall be authorized to execute bonds in the state of Wisconsin and have a power of attorney on file in the city attorney's office. ~~[[Such bond shall have affixed thereto an affidavit setting forth that no officer, official or employe of the city has any interest, directly or indirectly, in any premium, commission, or fee, or out of the sale or furnishing of such bond.]]~~

Part 6. Section 218-3-2-b of the code is amended to read:

2. INSURANCE.

b. The insurance carrier shall be authorized to sell insurance in the state of Wisconsin and have an agent's license on file in the city attorney's office. ~~[[The certificate of insurance shall have affixed thereto an affidavit setting forth that no officer, official or employe of the city has any interest, directly or indirectly, in any premium, commission or fee, or furnishing or such certificate of insurance.]]~~

Part 7. Section 304-71-1-d of the code is repealed. (Note: The provision being repealed reads as follows:

304-71. Requirements for Approval of Bonds.

1. FORM AND EXECUTION.

d. The bond must be accompanied by an affidavit of no interest prescribed by s. 3.29, charter.)

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB147606-2

Teodros W. Medhin:lp

6/28/2013