
INSURANCE

CHAPTER 157.

[S. B. No. 166—Simpson]

SUICIDE AS A DEFENSE.

AN ACT to Amend and Re-Enact Section 6064 of the Revised Codes of North Dakota for the Year A. D. 1905, Relating to Suicide as a Defense in Suits on Policies of Insurance on Life.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 6064 of the revised codes of North Dakota for the year A. D. 1905, be amended and re-enacted so as to read as follows:

§ 6064. SUICIDE NO DEFENSE AFTER ONE YEAR.] In all suits on policies of insurance on life issued by any regular or assessment or fraternal beneficiary association, company, or corporation, doing business in this state, it shall be no defense after the policy has been in force one year, that the insured committed suicide, and any provision or stipulation in the policy to the contrary shall be void.

§ 2. EMERGENCY.] An emergency exists in this that there is claimed a conflict of law upon this subject, therefore, this act shall be in force from and after its passage and approval.

Approved February 21, 1911.

CHAPTER 158.

[S. B. No. 95—Gunderson]

RELATING TO ACCIDENT OR HEALTH INSURANCE.

AN ACT Regulating the Conditions and Provisions to be Contained in Policies of Health or Accident Insurance Issued in this State.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. No policy of insurance against loss or damage by the sickness, bodily injury or death by accident of the assured shall be issued or delivered in this state unless the same shall be plainly printed, no portion thereof in smaller than long primer type, and every policy so issued and delivered shall contain the following provisions:

1. A provision that notice of accident or disability shall be given within forty (40) days, unless such notice may be shown

not to have been reasonably possible, to some certain office or officer designated therein.

2. A provision that the policy or certificate contains the entire contract.

3. A provision that if a past-due premium is accepted after lapse, such acceptance shall re-instate the policy in full.

4. A provision that if the occupation of the insured be changed to a more hazardous one, then the benefit and payment to be such as the premium would pay for in that occupation.

5. All benefits called for by the policy shall be specifically stated in full therein, and all exceptions shall be stated specifically and with the same prominence as the benefits.

§ 2. No policy of insurance against loss or damage by the sickness, bodily injury, or death by accident of the assured shall be issued or delivered in this state if it contain any of the following provisions:

1. A provision limiting the time in which an action at law or in equity may be commenced to less than two years after date upon which final proof of loss or disability shall have been filed with the company.

2. A provision referring to the constitution, by-laws or rules of the company or association or attempting to make the same a part of the policy.

3. A provision for the deduction of advance premiums or assessments from benefits payable under the terms of the policy.

4. A provision limiting the amount of indemnity to be paid to a sum less than the indemnity as stated in the policy and for which the premium has been paid.

§ 3. This act shall apply to all companies, corporations, or associations issuing a policy of insurance against loss or damage caused by the sickness, bodily injury, or death by accident of the assured, except fraternal beneficiary associations.

§ 4. No policy of insurance against loss or damage by the sickness, bodily injury, or death by accident of the assured shall be issued or delivered in this state by any company, corporation, or association until the form of the same together with a table of rates and classification of risks has been filed with the commissioner of insurance; and after the commissioner of insurance shall have notified any company, corporation, or association of his disapproval of any form, stating his reasons therefor in writing, it shall be unlawful for such company, corporation, or association to issue any policy in the form so disapproved. The commissioner's action shall be subject to review by any court of competent jurisdiction.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 3, 1911.

CHAPTER 159.

[S. B. No. 130—Simpson]

ANNUAL STATEMENTS OF INSURANCE COMPANIES.

AN ACT to Amend and Re-Enact Section 4466 of the Revised Codes of North Dakota for the Year 1905 Relating to the Annual Statements of Insurance Companies.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SECTION 4466. AMENDMENT. ANNUAL STATEMENT, PUBLICATION THEREOF.] Every insurance company doing business in this state must transmit to the commissioner of insurance a statement of its condition and business for the year ending on the preceding thirty-first day of December, which shall be rendered not later than the first day of March in each year. Foreign insurance companies shall have until the following first day of December to transmit their statements of business, other than that taken in the United States. It shall be the duty of the insurance commissioner upon the date of the receipt of any such statement to stamp thereon the date of the receipt of such statement in his office, and the insurance commissioner is hereby prohibited from receiving such statement from any company after the day which is herein designated for the filing of such statement, unless the same be accompanied by the penalty by law provided for each day's delinquency in filing such statement. Such statements must be published at least three times in a newspaper of general circulation printed and published in each judicial district of the state in which such insurance company shall have an agency, provided, however, that the statements of state, county and town mutual insurance companies need only be published once in a newspaper selected at their annual meeting in the county wherein such company does business. Statements for publication shall be made out on blanks furnished by the commissioner of insurance and the certificate of authority of the commissioner of insurance for the company to do business in this state shall be published in connection with such statement. Proof of publication shall be filed with the commissioner of insurance in all cases within four months from the time of such filing of the annual statement. Such publication shall be made at the authorized rate for publishing legal notices. The commissioner of insurance shall select three newspapers of general circulation published in each of the judicial districts from which such companies shall select one in which such statements shall be published.

Approved March 6, 1911.

CHAPTER 160.

[H. B. No. 178—Committee on Insurance]

CAPITAL STOCK OF DOMESTIC STOCK INSURANCE COMPANIES.
AN ACT to Amend Section 4429 of the Revised Codes of North Dakota of 1905, as Amended by Chapter 147 of the Session Laws of 1909 Relating to the Capital Stock of Domestic Stock Insurance Companies.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That section 4429 of the revised codes of North Dakota of 1905 as amended by chapter 147 of the Session Laws of 1909 be and the same hereby is amended to read as follows:

§ 4429. CAPITAL STOCK REQUIRED.] No stock company shall be incorporated under this chapter unless it has a capital stock of at least \$100,000, twenty-five per cent of which must be paid in previous to the issuance of any policy and the residue within twelve months from the time of filing the articles of incorporation; provided, that the commissioner of insurance may for good cause shown extend the time of payment of such residue for the further period of not to exceed one year. No fire, cyclone, tornado, hail, marine, life, or accident insurance company, of any other state, territory or nation shall do business in this state unless it has a paid up capital stock of at least one hundred thousand dollars in available cash assets, over and above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is a conflict in the existing provisions of the law on this subject, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 23, 1911.

CHAPTER 161.

[H. B. No. 299—Hanson]

COUNTY MUTUAL INSURANCE COMPANIES AUTHORIZED TO
BORROW MONEY.

AN ACT Authorizing County Mutual Insurance Companies to Borrow Money.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AUTHORITY TO BORROW MONEY.] That the board of directors of any county mutual fire insurance company is hereby authorized and empowered to borrow money if necessary on

behalf of the company to pay losses occurring prior to the month of October in any year.

§ 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 3, 1911.

CHAPTER 162.

[H. B. No. 335—Gorder]

COUNTY MUTUAL COMPANIES.

AN ACT to Amend Section 4494 of the Revised Codes of North Dakota for 1905, as Amended by Chapter 146 of the Laws of North Dakota for 1909, Relating to County Mutual Companies.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That section 4494 of the revised codes of North Dakota of 1905, be and the same is hereby amended and re-enacted to read as follows:

§ 4494. The directors of each company so formed shall be chosen by a vote at the annual election thereof, which shall be held on the last Friday in June of each year, and every member shall have one vote. Members may vote by proxy but no person shall be allowed as proxy or otherwise to cast more than twenty votes, and no officer shall himself, or by another, ask for, receive, procure to be obtained, or use a proxy vote, provided, that in any company organized under this article, whose policies of insurance shall not run for a longer period than one year, all persons holding policies of insurance therein during the year immediately preceding the annual election, shall be considered as members of said company and shall be entitled to vote at such election.

§ 2. All acts or parts of acts inconsistent with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas, there is now no law providing for a person voting by proxy, this act shall take effect from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 163.

[H. B. No. 357—Gorder]

TERMS OF OFFICE OF BOARD OF DIRECTORS OF TOWN AND COUNTY MUTUAL INSURANCE COMPANIES.

AN ACT to Amend Section 4483 of the Revised Codes of 1905, Relating to Terms of Office of Board of Directors of Town and County Mutual Insurance Companies.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 4483 of the revised codes of 1905 be amended so as to read as follows:

§ 4483. MANAGEMENT IN BOARD OF DIRECTORS. TERM OF OFFICE.] The general management of the business of such company shall be vested in a board of not less than five nor more than thirteen directors, each of whom shall during his term of office be a policy holder in the company. Such directors shall be elected annually and shall hold their office for three years and until their successors are elected and qualified. At the first election after this act takes effect the directors shall divide themselves as nearly as possible into three equal groups, the members of the first group to hold office for one year, of the second for two years and of the third for three years, and thereafter each director shall hold office for three years as provided herein.

Approved March 6, 1911.

INSTITUTION FOR FEEBLE MINDED

CHAPTER 164.

[H. B. No. 297—Fraine]

TRANSFER OF FUNDS.

AN ACT to Amend Section 1168 of the Revised Codes of 1905 as Amended by Section Three of Chapter 237 of the Session Laws of 1907, Relating to the Transfer of Funds by Superintendent of Institution for Feeble Minded.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 1168 of the revised codes of 1905 as amended by section three of chapter 237 of the session laws of 1907, is hereby amended to read as follows: