

INSURANCE

CHAPTER 232.

(S. B. No. 20—Ingerson.)

STATE HAIL INSURANCE.

An Act to Amend and Re-enact Sections 3, 5, 6, 9, 12, 13, 15, 16, 17, 20, 26 and 27 of Chapter 160 of the Session Laws of North Dakota for the year 1919 as amended by Chapter 38 of the Special Session Laws of the Sixteenth Legislative Assembly of the State of North Dakota, as Amended and Re-enacted by Chapter 77 of the Session Laws of North Dakota for the year 1921, relating to State Hail Insurance.

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

AMENDMENT.) That Sections 3, 5, 6, 9, 12, 13, 15, 16, 17, 20, 26 and 27 of Chapter 160 of the Session Laws of North Dakota for the year 1919 as amended by Chapter 38 of the Special Session Laws of the Sixteenth Legislative Assembly of the State of North Dakota, as amended and re-enacted by Chapter 77 of the Session Laws of the State of North Dakota for the year 1921, are hereby amended and re-enacted to read as follows:

Sec. 3. COMMISSIONER TO EMPLOY HELP.) The Commissioner of Insurance shall have authority to employ all necessary assistance, to provide for and furnish all necessary supplies, to appoint a manager, subject to the approval of the Governor, and a chief inspector and such other deputy inspectors as may be necessary to carry out the provisions of this Act; to appoint a chief clerk and as many adjusters and assistants as may be necessary to adjust all claims for losses from hail. The Commissioner of Insurance shall designate the duties and fix the compensation of all such employees, and may remove any or all of them with or without cause. Such compensation together with all other expenditures for the operation and maintenance of the Hail Insurance Department shall remain within the appropriation and surplus available in each year for such purposes and shall not exceed the sum of One Hundred and Seventy-Six Thousand Dollars per annum, except as provided for by Section 16 and 17 of this Act. The Commissioner of Insurance shall pay all salaries and expenses of the department after March 1, 1920, by vouchers issued by him and approved by the State Auditing Board, and reimburse the General Fund of the State out of the Hail Insurance Fund, for all money appropriated, expended or disbursed on behalf of such Department.

Sec. 5. CROPS INSURED.) The crops insured under this Act shall consist of all crops grown on cultivated land listed as actually cropped, subject to and paying the taxes herein specified. Provided that no indemnity shall be allowed or paid for damage to any crop after it is cut, nor shall any indemnity be allowed for loss that occurs after the 15th day of September of any year, nor for loss occurring prior to June 10th of each year, nor upon crops listed for insurance upon which an application for extension of time for withdrawal has been made as provided by Section 12 of this Act during the time of such extension; provided that insurance on fall and winter grain shall take effect June 1st of each year.

Sec. 6. FLAT TAX AND PERMANENT SURPLUS.) There is hereby levied for the years 1923, 1924, and 1925, upon each and every acre of tillable land in the State, a flat tax of one cent per annum for the purpose of carrying out the provisions of this act, and creating a permanent surplus in the Hail Insurance Fund to be applied in paying losses more promptly. Provided, that lands used exclusively for public roads, rights of way of common carriers, mining or manufacturing purposes, and lands included within the platted portion of any incorporated city, town or village, shall be exempt from such tax. Provided, further, that all moneys heretofore or hereafter collected under the provisions of Sections 7 and 10 of this act, over and above that which is required to pay hail losses, also all moneys such as penalties and interest for non-payment of hail taxes and interest on balances already accrued and which may in the future accrue, shall be turned into the permanent surplus as created under the provisions of this section, until such permanent surplus reaches the sum of \$4,000,000.00; Provided further, that the permanent surplus created under the provisions of this section shall at no time exceed the sum of five million dollars. Provided, further, that whenever the fund as created under this section exceeds five million dollars, such excess levy shall be turned back into the State Hail Insurance Fund to pay losses in the next succeeding year. All moneys collected under the provisions of this section shall be paid into the State Hail Insurance Fund, but a separate record of such moneys collected from such flat tax shall be kept by the County and State Treasurer.

Sec. 9. DUTY OF ASSESSORS.) It shall be the duty of every county and township assessor in his respective district at the time of listing property for assessment to return the number of tillable acres in every tract, parcel or sub-division of land, subject to taxation, together with the name of the person in whose name the land is taxed, and also the number of acres of such land, if any, in crop, or to be sowed or planted to crop during such year. He shall note upon a diagram on the crop-listing blank the location of such land in crop or to be planted or

sowed to crop during such year, and shall return and file same with the County Auditor on or before the first day of June in each year. In case the number of acres in crop, as shown on the crop-listing affidavit in the column provided for showing such crop lands, do not correspond with the cropped acreage shown on the diagram on the face of the crop-listing affidavit, the number of acres as given in the cropped lands column shall govern. Such assessor in addition to the compensation allowed by law shall receive the sum of fifteen dollars for each full township of thirty-six sections, or at the rate of seven cents per hundred acres or fraction thereof listed, whether tillable or not. Such compensation shall be paid out of the Hail Insurance Fund on vouchers issued by the Commissioner of Insurance and approved by the State Auditing Board, provided that warrants in payment of such listing of land shall not be issued before the County Auditor shall have filed with the Hail Insurance Department a certified statement that such assessor has listed every tract of land in his township or district.

Sec. 12. WITHDRAWAL.) Any owner of land liable for the indemnity tax herein provided for, may at any time prior to the 15th day of June in each year withdraw any portion or all land owned by such person from the levy of said indemnity tax upon making an affidavit in duplicate, giving the legal description of the land, the number of acres withdrawn and stating that he desires to withdraw therefrom, and filing such affidavit in duplicate with the County Auditor, and the County Auditor shall, within three days, file a copy of same with the Commissioner of Insurance, and the party making withdrawal shall note upon his crop-listing affidavit the number of acres and the legal description of land so withdrawn, and shall note upon a diagram upon such withdrawal of affidavit the location of land so withdrawn. Such affidavit shall be sworn to before any Notary Public or County Auditor or a qualified Justice of the Peace, provided, that no assessor shall acknowledge any affidavit of withdrawal. Provided, further, that it shall be the duty of the Hail Insurance Department to furnish each County Auditor for distribution by the assessors, withdrawal blanks, crop-listing blanks, re-instatement blanks and loss report blanks necessary in their respective townships. Should such owner wish to withdraw all his land subject to indemnity tax, then he should, if possible, surrender also the crop-listing affidavit and file same together with the application for withdrawal with the County Auditor, provided, that, in case said land or any portion thereof is rented, such owner shall first procure the written consent of such tenant for any withdrawal authorized in this Act, such consent to be filed with the County Auditor, together with the owner's application for withdrawal. Provided if land is leased for a money consideration, then the lessee, if he has full interest in all the crops grown

on the land may make affidavit of withdrawal as above provided, and file with same certified copy of his lease in duplicate, provided, further, that if the owner in making an affidavit of withdrawal stating therein that he has no tenant whereas there actually is a tenant on such land, the Hail Insurance Department shall not be relieved from liability for such loss, but the owner making such fraudulent affidavit shall be guilty of a misdemeanor, punishable by a fine of not less than Ten Dollars nor more than Twenty-five Dollars, or to be confined in the county jail for not more than thirty days or both such fine and imprisonment at the discretion of the court, and in case of loss by hail to crops grown on such lands the Hail Insurance Department shall adjust and pay such loss, such indemnity to be the actual percentage of loss based upon the tenant's share in such crop and may recover the amount of any indemnity paid for such loss from such landowners in an action brought in any court of competent jurisdiction. Provided that the owner shall have a self-executing first lien upon all crops and grain belonging to the tenant grown upon the land as security for the payment of said tax or the part of such tax properly chargeable against the tenant's share of such crop or grain. The owner shall also have a first lien chargeable against tenant's share of hail indemnity as security for payment of tenant's share of such tax if filed with the Commissioner of Insurance prior to October 1st. Provided, further, that the withdrawal from hail indemnity tax may be cancelled and the insurance re-instated any time prior to July 5th by filing an affidavit of application for such re-instatement in duplicate with the County Auditor on blanks furnished by the Hail Insurance Department, and the County Auditor shall stamp on both the original and duplicate of such application the hour and the date when such application was received in his office and shall within three days file a copy of such application with the Hail Insurance Department. Provided that, if land is rented, both the owner's and tenant's signatures must appear on such application for re-instatement, one or both of such signatures to be acknowledged by a Notary Public. It is further provided that any portion of the crops originally withdrawn may be re-instated and that such re-instated insurance as above provided shall not take effect prior to twenty-four hours after such application for re-instatement is filed in the County Auditor's office. The Hail Insurance Department shall not be liable for loss during the time withdrawal is in effect and the application for re-instatement shall contain a sworn statement to the effect that such crops have not been damaged or destroyed by hail prior to the making of such application.

Sec. 13. FILING AFFIDAVIT BY COUNTY AUDITOR.) Each County Auditor shall file and keep one copy of the crop-listing affidavit presented to him by the assessor and shall forward the

originals thereof on or before the 10th day of June of each year to the Commissioner of Insurance at Bismarck. Prior to July 15th of each year the County Auditor shall file with the Commissioner of Insurance at Bismarck an itemized and tabulated statement and report on blanks provided by the Hail Insurance Department showing in detail for every description of land in his County subject to listing for State Hail Insurance purposes, acres in crop, acres tillable, acres tillable uncropped, acres withdrawn, acres on which additional \$3.00 per acre is carried and any other information necessary for carrying out the provisions of this Act. Each County shall receive the sum of \$1.50 per each 1,000 acres of cropped area actually listed, to be paid out of the Hail Insurance Fund prior to December 31st of each year on vouchers issued by the Commissioner of Insurance and approved by the State Auditing Board. Provided that any County, where the Auditor shall fail or neglect to make returns, statements and reports to the Commissioner of Insurance at the time specified in this Act or shall fail to forward to the Commissioner of Insurance the originals of crop-listing affidavits or copies of other affidavits and applications at the time specified in this Act, shall forfeit the sum of \$10.00 per day during such time that the County Auditor neglects to make such returns, statements or reports, and the Commissioner of Insurance is hereby authorized to deduct the amount of such fine to the extent of such compensation above provided for to any County. Provided, further, it shall be the duty of the Attorney General to proceed to collect the amount of such penalty for the time of such delinquency in excess of the amount above provided for.

Sec. 15. AMOUNT OF INDEMNITY.) The maximum amount of Indemnity for total loss shall be \$7.00 per acre except where the owner, occupant or tenant shall, prior to the fifth day of July of any year, make application to the County Auditor for an additional \$3.00 per acre indemnity. Such application shall be made out in duplicate upon blanks furnished by the Hail Insurance Department and one of these copies shall be forwarded to the Hail Insurance Department by the County Auditor immediately. Such application shall contain the legal description of the land and the location of the crops upon such land noted upon the diagram on the application on which additional insurance is desired, and that such crop has not been destroyed or damaged by hail. Such application shall be sworn to before someone authorized to administer oaths and be signed by the applicant. If the applicant is a tenant, the signed consent of the person liable for the taxes authorized by this Act must appear upon such application, and, if owner makes such application, the signed consent of the tenant, if any, must appear upon such application. The additional insurance herein provided shall in no event take effect prior to 24 hours after the making of the

application. Provided that no indemnity shall be allowed to any claimant for the loss of less than ten percent, and a loss of eighty-five per cent or more shall be deemed a total loss. There shall be no claim allowed for any loss or damage by hail to crops described in this Act, except such portion as is traceable to hail.

Sec. 16. NOTICE OF LOSS.) Any person claiming a loss by hail under this Act shall notify the Commissioner of Insurance by registered mail within three days thereafter. Such notice shall give the legal description of the land, the interest in such crop which he claims, the name and post office address of the person liable for the tax on the land and the name and post-office address of any other person claiming a direct interest in the crop or indemnity, the date of the loss and the estimated per cent of the damage claimed. The Commissioner shall, as soon as possible after receiving such notice of loss, direct an official adjuster to visit the place of loss and proceed to estimate and adjust such loss. If for any reason notice of loss is not given within three days of such damage, if adjustment is granted, the cost of adjustment may in the discretion of the Hail Insurance Commissioner be charged against the claimant, or deducted from the indemnity allowed and shall accrue to the Hail Insurance Fund and may be expended by the Hail Insurance Department for operation and maintenance in addition to the sum provided in Section 3 of this Act.

Sec. 17. ADJUSTMENT OF CLAIMS.) In making adjustments of claims it shall be the duty of the adjuster to inspect the crops on which damage is claimed and he shall have the authority to administer oaths and, if deemed necessary to call witnesses to testify as to the condition of the crop before and after loss and he shall establish the fact that hail fell from other evidence than that found in the field by examining witnesses living adjacent to or near the land on which loss is claimed. It shall be the duty of the adjuster, whenever possible, to secure the written concurrence of the claimant, or his legal representative, in the award made by the adjuster of the claim, and to immediately forward same to the Commissioner of Insurance. In case the claimant does not concur in the findings and award of the adjuster, the adjuster shall immediately notify the Commissioner of Insurance of such fact, and upon the request of the claimant duly made within three days upon blanks furnished by the Department for that purpose, or by notice in writing, the Hail Insurance Department, through its authorized adjuster or adjusters, shall re-inspect the crops claimed to have been damaged, and, if, upon such re-inspection the insured still refuses to concur in the adjustment as found by the inspector, then the inspector shall immediately offer the claimant to submit the case to arbitration; and the inspector shall thereupon appoint one disin-

terested person, and the claimant shall appoint one disinterested person, and these two shall appoint a third person, and the findings of the majority of the three so appointed shall be final and binding upon the State Hail Insurance Department and the claimant. If the finding be more than the amount allowed by the inspector, the expenses of such adjustment shall be paid by the Commissioner of Insurance, as other expenses of this Department are paid. Otherwise, the expenses of such adjustment, including witness fees, if any, shall be borne by the claimant. Provided, that if claimant shall refuse to arbitrate or shall neglect or refuse to appoint and produce on the premises one of the board of arbitration within twenty-four hours after the re-inspection of the loss shall have been made, the claim shall be considered settled and the findings of the last adjuster shall govern in paying indemnity for such loss. Provided, further, that when such arbitration is resorted to, the claimant shall first deposit with the inspector not less than Twenty-five dollars nor more than Fifty dollars in certified check or draft, drawn to the order of the State Hail Insurance Commissioner as security for the payment of the fees and expenses of the members of the board of arbitration in case the findings of such board be in the amount not greater than that offered by the inspector. Provided, further, that the inspector shall immediately forward such moneys to the Hail Insurance Commissioner together with vouchers drawn by the members of the board of arbitration and certified by him and the Hail Insurance Commissioner shall deposit such money to the credit of the State Hail Insurance Fund and warrants shall be drawn in payment to the members of the board of arbitration and the balance of such deposit returned to the claimant. Provided, further, that such deposits shall be considered separate from and above the allowance made for operating and maintenance expense under Section 3 of this Act. The fee to be paid witnesses and arbitrators, under this Section, shall be the same as those allowed to witnesses in civil actions. Provided, that all adjustments as made shall be subject to the approval of the Commissioner of Insurance. Provided, further, that if any loss is found to be less than 10 per cent, the Commissioner of Insurance may in his discretion charge the cost of such inspection to the claimant, and the adjuster shall certify to the Commissioner the amount of such cost.

Sec. 20. DIVERSE INTEREST IN CROP.) In case of diverse ownership of interest in any crop upon which damages are allowed, proof of the percentage of interest in the award shall be made to the Commissioner of Insurance by affidavit or other showing under such rules and regulations as the Commissioner may provide, and the award shall be disbursed to the owner of the land, tenant or different claimants as their interest may ap-

pear, or by a joint warrant. Such affidavits or other showings must be made to the Commissioner of Insurance prior to October 15th of the year in which the loss occurs. Provided, that, interest in the indemnity shall follow the direct interest in the crop. Provided further that ownership on account of liens and mortgages, garnishment, levy, execution and any other legal process shall not be considered a direct interest. If land bought on crop-payment plan, title owner to receive certain part of crop each year, indemnity shall be distributed to him in same proportion as he has interest in the crop or by joint warrant, if proper showing has been made to the Department prior to October 15th. The mere retaining of title in crop shall not constitute an absolute or direct interest as interpreted by this Act.

Sec. 26. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 8th, 1923.

CHAPTER 233.

(H. B. No. 238—Peters.)

STATE HAIL INSURANCE FUND.

An Act to Amend and Re-enact Section 23 of Chapter 77 of the Session Laws of North Dakota for the year 1921, Relating to State Hail Insurance.

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

Sec. 1. AMENDMENT.) Section 23 of Chapter 77 of the Session Laws of North Dakota for the year 1921 is hereby amended and re-enacted to read as follows:

Sec. 23. All moneys collected under the provisions of Sections 6 and 7 of this Act shall be paid to the State Treasurer and shall be kept in a separate fund to be designated "State Hail Insurance Fund," and all expenses of conducting the department, and the payment of all losses provided for under the provisions of this Act, shall be paid out of said fund, as hereinbefore provided, and all of said moneys so collected are hereby appropriated for the purpose of carrying out the provisions of this Act. Whenever the moneys in the State Hail Insurance Fund are insufficient to pay warrants drawn, or about to be drawn, upon such Fund in payment of hail losses, the Commissioner of Insurance, with the approval and assistance of the Industrial Commission, may, and hereby is vested with authority to, negotiate a loan or loans upon the best terms possible. The proceeds of such loan or loans shall be turned over to the State Treasurer and by him placed in the State Hail

Insurance Fund, and disbursed accordingly. In order to negotiate such loan or loans, and as evidence thereof, the Commissioner of Insurance, with the approval of the Industrial Commission may issue warrants or certificates of indebtedness in such amounts, and payable at such times as is deemed advisable. Such warrants or certificates of indebtedness shall be drawn upon the State Treasurer, and shall be payable out of the State Hail Insurance Fund. All warrants or certificates of indebtedness so issued shall be countersigned by the State Auditor, and he shall enter the same upon his records as obligations issued against and properly payable out of the State Hail Insurance Fund. The State Treasurer shall pay all such warrants or certificates of indebtedness out of any funds in the State Hail Insurance Fund properly applicable thereto. The State Treasurer shall deposit all funds received under the provisions of this Act so as to draw the rate of interest most advantageous to the State Hail Insurance Department and all interests so earned shall accrue to the Hail Insurance Fund. The State Hail Insurance Department shall pay annually the sum of \$2,000.00 to the General Fund of the State on account of the extra work entailed upon the State Auditor and State Treasurer's offices by the State Hail Insurance Department.

Sec. 2. If any provision of this Act shall be held invalid, the other provisions therein shall not be affected. And the law now in force relating to the same subject shall continue in full force and effect.

Approved February 27th, 1923.

CHAPTER 234.

(S. B. No. 59—Garberg.)

INSURANCE COMPANIES FEES.

An Act To Amend and Re-enact Section 4929 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 76 of the Session Laws for the year 1921, relating to the fees to be paid by insurance companies doing business in this state.

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

Sec. 1. AMENDMENT.) That Section 4929 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by Chapter 76 of the Session Laws for the year 1921, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 4929. FEES.) There shall be paid by every insurance company doing business in this state, except county mutual insurance companies, the following fees:

Upon filing articles of incorporation or copies thereof, twenty-five dollars.

Upon filing the annual statement, ten dollars.

For each certificate of authority and certified copy thereof, two dollars, provided, that domestic insurance companies shall pay fifty cents for each agent's license or certificate or copy thereof.

For every copy of any paper filed in the insurance department, the sum of twenty center per folio; and for affixing the official seal on such copy and certifying the same, the sum of one dollar.

For official examination of companies under this article, the actual expense and per diem charge incurred, such per diem charge not to exceed twenty dollars.

Approved March 8th, 1923.

CHAPTER 235.

(S. B. No. 304—Rusch.)

MUTUAL INSURANCE, CLASSIFICATION.

An Act to Permit Mutual Insurance Companies to Classify Their Business by Trades, Occupations or Professions, and to pay Dividends to Policyholders Based Upon Each Trade, Occupation or Profession's Proportion of Losses Received to the Premiums Paid by them; and Providing the Method of Determining such Dividends.

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

Sec. 1. Any Mutual Insurance Company, writing fire, accident or other forms of insurance protection, now doing business in, or in the future admitted to do business in the State of North Dakota, may on their own motion, or at the request of policyholders, pay dividends to the different classes of policyholders based upon the losses sustained as compared with the income received from those engaged in a particular trade, occupation or profession.

Sec. 2. In determining the rate of dividend due a given trade, occupation or profession, the income received and losses sustained shall be tabulated for a period of not less than five years immediately preceding the determination of such dividend rate, and the return dividend to policyholders based upon the experience of such period, after deduction for expenses and allowances for reserves as required by law.

Approved March 7th, 1923.

CHAPTER 236.

(S. B. No. 72—Hamilton.)

LIFE AND ACCIDENT INSURANCE, LICENSE, REBATES, MISREPRESENTATIONS.

An Act Requiring all Agents Acting for or on behalf of any Life or Accident Insurance Company doing business in this State to be Licensed, Regulating the Methods, Practices and Transactions of such Agents in conducting such Insurance Business, and Providing Penalties for the Violation of any of the Provisions of this Act,

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

Sec. 1. AGENTS MUST NOT ACT WITHOUT CERTIFICATE.) That no agent shall act for any life or accident insurance company directly or indirectly in taking risks or transacting the business of insurance without procuring from the commissioner of insurance a certificate of authority, stating that such corporation or company has complied with all requirements of law and is authorized for transaction of business in this state. The Commissioner of Insurance may submit to any person, making application for license as insurance agent, any interrogatories on forms and supplements such as he shall prepare, to which the applicant shall first make answer, in writing and under oath, to the end that the Commissioner of Insurance may satisfy himself that said applicant is worthy of a license.

Sec. 2. REBATES AND INDUCEMENTS PROHIBITED.) No insurance agent or solicitor, personally or by any other party, shall offer, promise, allow, give, set off, or pay, directly or indirectly, any rebate of, or part of, the premium payable on the policy or on any policy or agent's commission thereon, or earnings, profit, dividends, or other benefit founded, arising, accruing or to accrue thereon or therefrom, or any special advantage in date of policy or age of issue, or any paid employment or contract for services of any kind, or any other valuable consideration or inducement, to or for insurance on any risk in this State, now or hereafter to be written, which is not specified in the policy contract of insurance; nor shall any such agent or solicitor, personally or otherwise, offer, promise, give option, sell or purchase any stocks, bonds, securities, or property, or any dividends or profits accruing or to accrue thereon, or other thing of value whatsoever, as inducement to insurance or in connection therewith. Nothing in this section shall be construed to prevent the taking of a bona fide obligation, with legal interest, in payment of any premium.

Sec. 3. INSURED PERSONS AND APPLICANTS FOR INSURANCE PROHIBITED FROM ACCEPTING REBATES.) No insured person or party or applicant for insurance shall, directly or indirectly, re-

ceive or accept, or agree to receive or accept, any rebate of premium, or of any part thereof, or all or any part of any agent's or solicitor's commission thereon or any favor or advantage, or share in any benefit to accrue under any policy of insurance, or any valuable consideration or inducement, other than such as are specified in the policy.

Sec. 4. MISREPRESENTATION OF TERMS OF POLICY AND FUTURE DIVIDENDS BY AGENTS OR SOLICITORS.) No agent or solicitor of any life or accident insurance company or association, shall issue, circulate, or use, or cause or permit to be issued, circulated or used, any written or oral statement or circular misrepresenting the terms of any policy issued or to be issued by such company or association, or make an estimate, with intent to deceive, of the future dividends payable under such policy.

Sec. 5. MISREPRESENTATIONS, ET CETERA, FOR PURPOSE OF INDUCING POLICYHOLDERS TO DROP PRESENT POLICIES AND INSURE WITH OTHER COMPANIES, ET CETERA.) No agent or solicitor of any life or accident insurance company or association, shall make any misrepresentation or incomplete comparison of policies, oral, written, or otherwise, to any person insured in any company or association, for the purpose of inducing or tending to induce a policyholder in any company or association to lapse, forfeit, or surrender his insurance therein, and to take out a policy of insurance in the same or another company or association insuring against similar risks.

Sec. 6. REVOCATION, ET CETERA, OF LICENSE.) Upon satisfactory evidence of the violation of any of the provisions of this act by any agent or solicitor of any life or accident insurance company or association, the Commissioner of Insurance shall suspend or revoke the license of such offending solicitor or agent; and he shall have the right, in his discretion, to refuse, for a period of not to exceed one year thereafter, to issue a new license to such offending agent or solicitor. When a certificate shall be refused or suspended or revoked, the party aggrieved may appeal to the District Court of Burleigh County.

Sec. 7. PENALTY.) Any agent or solicitor of any life or accident insurance company or association, or any other person violating the provisions of this act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine of not more than five hundred dollars (\$500.00) for each and every violation, or, at the discretion of the court to imprisonment in the county jail for a period of not more than six months, or both.

Sec. 8. PRODUCTION OF EVIDENCE.) No person shall be excused from testifying, or from producing any books, papers, con-

tracts, agreement, or documents, at the trial or hearing of any person charged with violating any of the provisions of this act on the ground that such testimony or evidence may tend to incriminate himself; but no person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Sec. 9. STATE'S ATTORNEY TO PROSECUTE.) Upon evidence satisfactory to the Commissioner of Insurance that any of the provisions of this act have been violated by an agent, solicitor or any other person, he shall certify to the State's Attorney of the County in which the violation occurred, all evidence thereof in his possession; and it shall be the duty of such State's Attorney to prosecute the case.

Sec. 10. Provided nothing in this Act shall be construed as applying to fraternal benefit societies.

Approved February 19th, 1923.

JUDGMENT

CHAPTER 237.

(H. B. No. 210—Starke.)

UNIFORM DECLARATORY JUDGMENTS ACT.

An Act Concerning Declaratory Judgments and Decrees and to Make Uniform the Laws Relating Thereto.

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

Sec. 1. SCOPE.) Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

Sec. 2. POWER TO CONSTRUE, ETC.) Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, con-