

Section 1. Minnesota Statutes 1965, Section 471.705, is amended to read:

471.705 Political subdivisions; meetings; recording of votes. Except as otherwise expressly provided by law, all meetings, including executive sessions, of the governing body of any school district however organized, unorganized territory, county, city, village, town or borough and of any board, department or commission thereof, shall be open to the public. The votes of the members of such governing body, board, department or commission on any action taken in a meeting herein required to be open to the public shall, ~~unless the vote is unanimous,~~ be recorded in a journal kept for that purpose, which journal shall be open to the public. *The vote of each member shall be recorded on each appropriation of money, except for payments of judgments, claims and amounts fixed by statute.* ~~In case the action is questioned where there is an unrecorded vote, the vote shall be deemed unanimous.~~

Approved May 16, 1967.

CHAPTER 463—H. F. No. 322

[Coded]

An act relating to casualty insurance; regulating the non-cancellability and notice of non-renewal of automobile liability insurance.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[72A.141] Insurance; cancellation or non-renewal of automobile policies; definitions.** Subdivision 1. "Policy of automobile liability insurance" means a policy delivered or issued for delivery in this state, insuring a natural person as named insured, and any relative or relatives of the named insured who is a resident of the same household covering automobiles owned by the insured of (a) the private passenger type, including a private passenger, station wagon or jeep type automobile not used as a public or livery conveyance for passengers, nor rented to others, or (b) the utility automobile type which shall mean any other four-wheel vehicle whether having a pick-up, sedan delivery, or panel truck type body with a load capacity of 1500 pounds or less not used primarily in the occupation, profession or business of the insured; provided, however, that this act shall not apply to any policy of automobile liability insurance: (1) issued under an automobile assigned risk plan; (2) in-

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insuring more than four automobiles; or (3) covering garage, automobile sales agency, repair shop, service station or public parking place operation hazards; and, *provided further, that this act shall apply only to that portion of an automobile liability policy insuring against bodily injury and property damage liability and to the provisions therein, if any, relating to medical payments and uninsured motorists coverage.*

Subd. 2. "Renewal" or "to renew" means the issuance and delivery by an insurer of a policy superseding at the end of the policy period a policy previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term; provided, however, that any policy with a policy period or term of less than six months or any policy with no fixed expiration date shall for the purpose of this act be considered as if written for successive policy periods or terms of six months.

Subd. 3. "Nonpayment of premium" means failure of the named insured to discharge when due any of his obligations in connection with the payment of premiums on a policy of automobile liability insurance or any installment of such premium, whether the premium is payable directly to the insurer or its agent or indirectly under any premium finance plan or extension of credit.

Sec. 2. [72A.142] **Cancellation or reduction in limits during policy period; grounds; notice.** Subdivision 1. No cancellation or reduction in the limits of liability of coverage during the policy period of any policy shall be effective unless notice thereof is given and unless based on one or more reasons stated in the policy which shall be limited to the following:

1. Nonpayment of premium; or
2. The policy was obtained through a material misrepresentation; or
3. Any insured made a false or fraudulent claim or knowingly aided or abetted another in the presentation of such a claim; or
4. The named insured failed to disclose fully his motor accidents and moving traffic violations for the preceding 36 months if called for in his written application; or
5. The named insured failed to disclose in his written application any requested information necessary for the acceptance or proper rating of the risk; or

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6. The named insured knowingly failed to give any required written notice of loss or notice of lawsuit commenced against him, or, when requested, refused to cooperate in the investigation of a claim or defense of a lawsuit; or

7. The named insured or any other operator who either resides in the same household or customarily operates an automobile insured under such policy:

(a) has, within the 36 months prior to the notice of cancellation, had his driver's license under suspension or revocation; or

(b) is or becomes subject to epilepsy or heart attacks, and such individual does not produce a written opinion from a physician testifying to his medical ability to operate a motor vehicle safely, such opinion to be based upon a reasonable medical probability; or

(c) has an accident record, conviction record (criminal or traffic), physical condition or mental condition, any one or all of which are such that his operation of an automobile might endanger the public safety; or

(d) has been convicted, or forfeited bail, during the 24 months immediately preceding the notice of cancellation for criminal negligence in the use or operation of an automobile, or assault arising out of the operation of a motor vehicle, or operating a motor vehicle while in an intoxicated condition or while under the influence of drugs; or leaving the scene of an accident without stopping to report; or making false statements in an application for a driver's license, or theft or unlawful taking of a motor vehicle; or

(e) has been convicted of, or forfeited bail for, one or more violations within the 18 months immediately preceding the notice of cancellation, of any law, ordinance, or regulation which justify a revocation of a driver's license.

8. The insured automobile is:

(1) so mechanically defective that its operation might endanger public safety; or

(2) used in carrying passengers for hire or compensation, provided however that the use of an automobile for a car pool shall not be considered use of an automobile for hire or compensation; or

(3) used in the business of transportation of flammables or explosives; or

(4) an authorized emergency vehicle; or

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(5) subject to an inspection law and has not been inspected or, if inspected, has failed to qualify within the period specified under such inspection law; or

(6) substantially changed in type or condition during the policy period, increasing the risk substantially, such as conversion to a commercial type vehicle, a dragster, sports car or so as to give clear evidence of a use other than the original use.

Subd. 2. This section shall not apply to any policy of automobile liability insurance which has been in effect less than 60 days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

Subd. 3. Nothing in this section shall apply to non-renewal.

Sec. 3. [72A.143] Statement of reasons for cancellation or reduction. No notice of cancellation or reduction in the limits of liability of coverage of an automobile insurance policy under section 2 shall be effective unless the reason or reasons for such cancellation or reduction in the limits of liability of coverage are stated in such notice and the notice is mailed or delivered by the insurer to the named insured at least 30 days prior to the effective date of cancellation; provided, however, that when nonpayment of premium is the reason for cancellation at least ten (10) days notice of cancellation accompanied by the reason therefor shall be given.

Sec. 4. [72A.144] Renewal; notice not to renew. No insurer shall fail to renew an automobile liability insurance policy unless it shall mail or deliver to the named insured, at the address shown in the policy, at least 30 days advance notice of its intention not to renew. When the failure to renew is based upon a termination of the agency contract, the notice shall so state. This section shall not apply:

- (a) If the insurer has manifested its willingness to renew; or
- (b) In case of nonpayment of premium;

Provided that, notwithstanding the failure of an insurer to comply with this section, the policy shall terminate on the effective date of any other automobile liability insurance policy procured by the insured, with respect to any automobile designated in both policies. Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal.

Sec. 5. [72A.145] Proof of mailing of notice. Proof of mailing of notice of cancellation, reduction in the limits of liability of

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coverage, or nonrenewal of a policy and, if required herein, the reason or reasons therefor to the named insured at the address shown in the policy, shall be sufficient proof that notice required herein has been given. A certificate of mailing on United States Postal Form 3817, as defined in Section 165 of the United States Postal Manual as now existing or hereafter changed by the United States Postal Department, shall constitute proof of mailing.

Sec. 6. [72A.146] Notice of right to complain. When the insurer notifies the policyholder of cancellation or reduction in the limits of liability of coverage, the insurer shall also notify the named insured of his right to complain within seven days of his receipt of notice of cancellation or reduction in the limits of liability to the commissioner of such action and of the nature of and his possible eligibility for insurance through the automobile assigned risk plan. Such notice shall accompany or be included in the notice of cancellation or reduction in the limits of liability of coverage, and shall state that such notice of the insured's right of complaint to the commissioner and of the availability of the automobile assigned risk plan is given pursuant to this act.

Sec. 7. [72A.147] Immunity of insurer or commissioner; use of reasons for cancellation. There shall be no liability on the part of and no cause of action of any nature shall arise against the commissioner or against any insurer, its authorized representative, its agents, its employees, or any firm, person or corporation furnishing to the insurer information as to reasons for cancellation, for any statement made by them in any written notice of cancellation, for the providing of information relating thereto, or for statements made or evidence submitted at any hearings conducted in connection therewith.

Sec. 8. [72A.148] Objections; investigation; determination. Subdivision 1. Any individual who believes such cancellation or reduction in the limits of liability of coverage of his policy is arbitrary, capricious or otherwise in violation of this provision may, within seven days after receipt of notice thereof, file in writing an objection to such action with the commissioner upon payment to the commissioner of a fifteen dollar (\$15) filing fee.

Subd. 2. Upon receipt of a filing fee and a written objection pursuant to the provisions herein, the commissioner shall notify the insurer of receipt of such objection and of the right of the insurer to file a written response thereto within ten days of receipt of such notification. The commissioner in his discretion may also order an investigation of the objection or complaint, the submission of additional information by the insured or the insurer about the action by the insurer or the objections of the insured, or such other

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procedure as he deems appropriate or necessary. Within 23 days of receipt of such written objection by an insured the commissioner shall approve or disapprove the insurer's action and shall notify the insured and insurer of his final decision. Either party may institute proceedings for judicial review of the commissioner's decision; provided, however, that the commissioner's final decision shall be binding pending judicial review.

Sec. 9. This act shall be effective on January 1, 1968.

Approved May 16, 1967.

CHAPTER 464—H. F. No. 489

An act authorizing the registrar of motor vehicles to determine the size and form of motor vehicle number plates; designating the number of plates to be displayed; amending Minnesota Statutes 1965, Sections 168.37, Subdivision 1, and 169.79.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 168.37, Subdivision 1, is amended to read:

168.37 Motor vehicles; number plates; size, form. Subdivision 1. ~~Those number plates shall be substantially of the following size and form: A plate or placard of metal, enamel, or other suitable material, approximately five and five-eighths inches wide and approximately 12 inches long, the length to vary with the number of digits in the number. On the body of such the number plate there shall be the year of registration, the word "Minnesota" which may be abbreviated as "Minn." where space limitations preclude the use of the complete state name and the distinctive registration number assigned to the vehicle; in figures approximately three inches high, each stroke of which shall be of such width as will be most conducive to legibility. A letter or letters similar in size to the figures may be used as a part of the registration number at the beginning thereof to indicate class of registration. Below the registration number shall be the year of registration number and the word "Minnesota" in characters three-fourths of an inch high. Motoreycles shall be assigned plates of substantially the same design, but three inches wide and seven inches long, with such proportionate reduction in size of letter and numerals may be necessary. Dealers' number plates shall be of substantially the same size and design as passenger vehicle and truck plates. The registrar shall determine the dimensions~~

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