

Sec. 2. This act shall take effect and be in force from and after its passage.

Approved April 24, 1929.

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CHAPTER 321—S. F. No. 264

*An act to amend Sections 3608 and 3609, General Statutes, 1923, relating to approval of rating agreements and fire insurance rates by insurance commissioner.*

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

Section 1.—That Section 3608, General Statutes 1923, be and the same hereby is amended so as to read as follows:

**"3608. Rating agreements to be submitted for approval to insurance commissioner.**—No fire insurance company or any other insurer and not rating bureau, or any representative of any fire insurance company or other insurer or rating bureau, shall enter into or act upon any agreement with regard to the making, fixing or collecting of any rate for fire insurance upon property within this state, unless in compliance with this act.

Such agreement *must be in writing, and, prior to its taking effect, must be approved by the commissioner of insurance, and a copy thereof, together with a copy of the order of approval, be filed with the commissioner of insurance and with each rating bureau of which any of the parties thereto shall be a member or subscriber.*

The commissioner of insurance, *shall, after notice to interested parties and hearing, as provided in Section 3609, General Statutes 1923, make an order either approving or disapproving any such agreement. Such order shall be subject to review by the district court, in the same manner provided in Section 3609, General Statutes 1923."*

Sec. 2. That Section 3609, General Statutes 1923, be, and the same hereby is amended so as to read as follows:

**"3609. Commissioner to review rate fixed by bureau—Appeals.**—The commissioner of insurance shall have power, *at any time, on written petition or upon his own motion, to review any rate fixed by any bureau for fire insurance upon property within this state, for the purpose of determining whether the same is discriminatory or unjust. He shall have power to order the discrimination or*

unjust rate removed and fix and order a rate in lieu of the bureau rate found to be discriminatory or unjust and the rate so ordered and fixed shall become the bureau rate.

*No increase in fire insurance rates affecting the general rates or rating classification in the entire state or in an entire zone, city, village, town, county or other political subdivision, shall go into effect until the same has been approved by the commissioner of insurance after notice to the interested parties hereinafter provided and hearing thereon. Provided that the commissioner of insurance may also hold a hearing on any decrease of rates as herein provided at his discretion."*

*Proceedings for the review of any rate increase fixed by any bureau or for an increase in fire insurance rates affecting the entire state or an entire zone, city, village, town or county shall be had as follows: Upon the institution of such proceedings or the filing of a petition for an order approving an increase in rates, the commissioner shall make an order fixing a time and place for a public hearing and shall give notice of said hearing by mailing a copy of said order to the chief executive officer and the recording officer of each political subdivision affected by such change at least three weeks prior to the date fixed by such order; provided that the insurance commissioner in his discretion may give additional notice by publication of a copy of said order in a legal newspaper in the seat of government in the various political subdivisions affected.*

Any person aggrieved by any such order or decision made by the commissioner of insurance may appeal therefrom to the district court of the county where the aggrieved party may reside within thirty (30) days from the making and filing of such order or decision by filing in the office of said commissioner a notice of such appeal in writing, and in such case the said commissioner shall within ten (10) days after the filing of such notice make and return to said district court a full and complete certified transcript of the findings and order appealed from, and of all parts relating thereto on file in his office, including such notice of appeal, and upon the filing of such certified transcript such appeal and all matters involved therein shall be brought on for trial upon the merits at the next term of said court after the filing of such transcript, unless otherwise ordered by the court; and upon such trial the findings of fact on which said order is based shall be prima facie evidence of the matters therein stated.

During the pendency of such proceedings upon review the order of the commissioner of insurance shall be suspended, but in event of final determination against any insurer, any overcharge by such insurer during review shall be refunded to the persons entitled thereto."

Approved April 24, 1929.