

"3046. The state treasurer as custodian for vocational education *funds* shall make to the legislature at each biennial session a report of the receipts and disbursements of moneys received by him under the provisions of such acts and the *state board for vocational education* shall make to the legislature at each biennial session a report of its administration of such acts and the expenditure of money allotted to the state under the provisions of such acts."

Sec. 11. This act shall take effect and be in force from and after its passage.

Approved April 5, 1939.

CHAPTER 146—S. F. No. 913

An act relating to accident and health insurance and amending Mason's Minnesota Statutes of 1927, Sections 3415 and 3416.

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

Section 1. **Form of policy to be approved by commissioner.**—Mason's Minnesota Statutes of 1927, Section 3415 be amended so as to read as follows:

"3415. *Subdivision 1.* On and after the first day of January, 1914, no policy of insurance against loss or damage from the sickness, or the bodily injury or death of the insured by accident shall be issued or delivered to any person in this state until a copy of the form thereof and of the classification of risks, if more than one class of risks is written and the premium rates pertaining thereto have been filed with the commissioner of insurance; nor shall it be so issued or delivered until the expiration of thirty days after it has been so filed unless the said commissioner shall sooner give his written approval thereto. If the said commissioner shall notify, in writing the company, corporation, association, society or other insurer which has filed such form that it does not comply with the requirements of law, specifying the reasons for his opinion, it shall be unlawful thereafter for any such insurer to issue any policy in such form. The action of the said commissioner in this regard shall be subject to review by any court of competent jurisdiction, provided, however, that nothing in this act shall be so construed as to give jurisdiction to any court not already having jurisdiction.

Subdivision 2. Group accident and health insurance is hereby declared to be that form of accident and health insurance covering not less than twenty-five employees or members, and which may include the employee's or member's dependents, consisting of husband, wife, children, and actual dependents residing in the household, written under a master policy issued to any governmental corporation, unit, agency or department thereof, or to any corporations, co-partnership, individual, employer, or to any association having a constitution or by-laws and formed in good faith for purposes other than that of obtaining insurance under the provisions of this act, where officers, members, employees or classes or divisions thereof, may be insured for their individual benefit.

Any insurance company authorized to write accident and health insurance in this State shall have power to issue group accident and health policies. No policy of group accident and health insurance may be issued or delivered in this State unless a copy of the form thereof has been submitted to the commissioner of insurance for his inspection and by him accepted for filing in his office. Such forms shall contain the standard provisions relating and applicable to health and accident insurance insofar as they may be applicable to group accident and health insurance, and also the following provisions:

(a) A provision that the policy and the application of the employer, or executive officer or trustee of any association, and the individual applications, if any, of the employees or members insured shall constitute the entire contract between the parties, and that all statements made by the employer or any executive officer or trustee in behalf of the group to be insured, or by the individual employees or members to be insured shall (in the absence of fraud), be deemed representations and not warranties, and that no such statement shall be used in defense to a claim under the policy, unless it is contained in the written application.

(b) A provision that the insurer will issue a master policy to the employer, or to the executive officer or trustee of the association. Such insurer shall also issue to the employer or to the executive officer or trustee of the association, for delivery to the employee or member, who is insured under such policy, an individual certificate setting forth a statement as to the insurance protection to which he is entitled and to whom payable, together with a statement as to when and where such master policy or a copy thereof may be seen for inspection by the individual insured. Such individual certificate may contain

the names of and insure the dependents of such employee or member as provided for herein.

(c) A provision that to the group or class thereof originally insured may be added from time to time all new employees of the employer or members of the association eligible to and applying for insurance in such group or class and covered or to be covered by such master policy.

Family group accident and health insurance is hereby declared to be that form of accident and health insurance covering members of any one family including husband, wife, children, and dependents residing in the household, written under a master or single policy issued to the head of such family. Any insurance company authorized to write accident and health insurance in this state shall have the power to issue family group accident and health insurance. No policy of family group accident and health insurance may be issued or delivered in this state unless a copy of the form thereof has been submitted to the commissioner of insurance and by him accepted for filing in his office. Such forms shall contain the standard provisions relating to and applicable to accident and health insurance and the following provisions:

(a) A provision that the policy and the application of the head of the family shall constitute the entire contract between the parties, and that all statements made by the head of the family shall in the absence of fraud, be deemed representations and not warranties, and that no statement of the insured in connection with the application shall be used in defense to a claim under the policy, unless it is contained in the written application.

(b) A provision that to the family group originally insured may be added from time to time all new members of the family eligible for insurance in such family group."

Sec. 2. Provisions.—Mason's Minnesota Statutes of 1927, Section 3416 be amended so as to read as follows:

"3416. No such policy shall be so issued or delivered (1) unless the entire money and other considerations therefor are expressed in the policy; nor (2) unless the time at which the insurance thereunder takes effect and terminates is stated in a portion of the policy preceding its execution by the insurer; nor (3) if the policy purports to insure more than one person *except as provided by Section 3415, Subdivision 2*, nor (4) unless every printed portion thereof and of any endorsements or

attached papers shall be plainly printed in type of which the face shall be not smaller than ten-point; nor (5) unless a brief description thereof be printed on its first page and on its filing back in type of which the face shall be not smaller than fourteen point, nor (6) unless the exceptions of the policy be printed with the same prominence as the benefits to which they apply, provided, however, that any portion of such policy which purports, by reason of the circumstances under which a loss is incurred, to reduce any indemnity promised therein to an amount less than that provided for the same loss occurring under ordinary circumstances, shall be printed in bold face type and with greater prominence than any other portion of the text of the policy."

Approved April 5, 1939.

CHAPTER 147—H. F. No. 1074

An act to legalize foreclosure sales heretofore made and the records of mortgage foreclosure proceedings and limiting the time within which actions may be brought or defenses interposed questioning the validity of foreclosure proceedings.
Be it enacted by the Legislature of the State of Minnesota:

Section 1. Mortgage foreclosures legalized.—Every mortgage foreclosure sale by advertisement heretofore made in this state, under power of sale in the usual form contained in any mortgage duly executed and recorded in the office of the register of deeds or registered with the registrar of titles of the proper county of this state, together with the record of such foreclosure sale, is hereby legalized and made valid and effective to all intents and purposes, as against any or all of the following objections, viz:

1. That the power of attorney, recorded or filed in the proper office prior to the passage of this act, to foreclose the mortgage, provided for by Mason's Minnesota Statutes of 1927, Section 9606:

a. Did not definitely describe and identify the mortgage.

b. Was not sufficiently witnessed or acknowledged, or was witnessed, and/or the acknowledgment of the execution of the same was taken, by the person to whom such power was granted, or if executed by a corporation that the corporate seal was not affixed thereto.