

## CHAPTER 70

## INSURANCE DIVISION; COMPENSATION INSURANCE DIVISION

GENERAL. Laws 1921, Chapter 85, is not retrospective in its operation. Builders L.M.L. Ins. Co. v Compensation Ins. Board, 151 M 427, 186 NW 860.

**70.01 DEFINITIONS.**

HISTORY. 1921 c. 85 s. 1; G.S. 1923 s. 3612; M.S. 1927 s. 3612; 1931 c. 353 s. 1.

Increased workmen's compensation premiums which plaintiff had to pay in consequence of an employee's death caused by a negligent act of defendant, a subcontractor, are too remote and indirect results of such wrongful act to be recoverable. Northern States v Oakes, 191 M 89, 253 NW 371.

Under Laws 1929, Chapter 237, the compensation insurance bureau does not have power to substitute a new insured and a new risk in existing policies of insurance previously issued as assigned risks under the statute. Yoselowitz v Peoples Bakery, 201 M 600, 277 NW 221.

Increased insurance premiums resulting from negligent killing of plaintiff's employee are too remote. 18 MLR 877.

**70.02 COMPENSATION INSURANCE BOARD.**

HISTORY. 1921 c. 85 s. 2; 1923 c. 263 s. 1; G.S. 1923 s. 3613; 1925 c. 405 s. 1; M.S. 1927 s. 3613.

**70.03 EXPENSES; QUORUM; OFFICE; SESSIONS AND INVESTIGATIONS.**

HISTORY. 1921 c. 85 s. 3; G.S. 1923 s. 3614; M. S. 1927 s. 3614.

**70.04 ORGANIZATION; SECRETARY; RULES; POWERS.**

HISTORY. 1921 c. 85 s. 4; G.S. 1923 s. 3615; M.S. 1927 s. 3615.

**70.05 HEARINGS; SUBPOENAS; WITNESSES.**

HISTORY. 1921 c. 85 s. 5; G.S. 1923 s. 3616; M.S. 1927 s. 3616.

**70.06 BOARD TO APPOINT REPRESENTATIVE.**

HISTORY. 1921 c. 85 s. 6; G.S. 1923 s. 3617; M.S. 1927 s. 3617.

**70.07 DUTIES; RATES OF INSURANCE.**

HISTORY. 1921 c. 85 s. 7; G.S. 1923 s. 3618; M.S. 1927 s. 3618.

**70.08 BOARD MAY REQUIRE SURVEY.**

HISTORY. 1921 c. 85 s. 8; G.S. 1923 s. 3619; M.S. 1927 s. 3619.

**70.09 CLASSIFICATION OF WORKMEN'S COMPENSATION INSURANCE.**

HISTORY. 1921 c. 85 s. 9; G.S. 1923 s. 3620; M.S. 1927 s. 3620; 1931 c. 392 s. 1.

**70.10 BOARD TO REVIEW ACTS OF INSURERS.**

HISTORY. 1921 c. 85 s. 10; G.S. 1923 s. 3621; M. S. 1927 s. 3621.

**70.11 INSURERS SHALL BE MEMBERS OF BUREAU.**

HISTORY. 1921 c. 85 s. 11; G.S. 1923 s. 3622; M.S. 1927 s. 3622.

**NATURE OF BUREAU.** It is a quasi public agency with only the powers and duties conferred on it by law. It is not a general insurance agency with the powers of a general insurance agent to represent insurance companies, write insurance, transfer policies, receive notices, and represent companies in connection with business handled through it by them. The authority of the bureau being wholly statutory, it must be exercised in conformity with the statute. *Yoselowitz v Peoples Bakery*, 201 M 600, 277 NW 221.

Where the legislature has prescribed a statutory form of policy any provision to the contrary is ineffective. If there be no statute governing the form or content of the policy, the parties to it are free to incorporate such provisions and conditions as they desire, subject to the general law of contracts. *Maryland Casualty v American Co.* 204 M 44, 282 NW 806.

**70.12 ORGANIZATION OF BUREAU.**

HISTORY. 1921 c. 85 s. 12; G.S. 1923 s. 3623; M.S. 1927 s. 3623.

**70.13 EXPENSE, HOW PAID.**

HISTORY. 1921 c. 85 s. 13; G.S. 1923 s. 3624; M.S. 1927 s. 3624.

**70.14 REPRESENTATION.**

HISTORY. 1921 c. 85 s. 14; G.S. 1923 s. 3625; M.S. 1927 s. 3625.

**70.15 LICENSE; FEE.**

HISTORY. 1921 c. 85 s. 15; G.S. 1923 s. 3626; M.S. 1927 s. 3626.

**70.16 ANNUAL STATEMENT.**

HISTORY. 1921 c. 85 s. 16; G.S. 1923 s. 3627; M.S. 1927 s. 3627.

**70.17 BUREAU SHALL MAKE CLASSIFICATION.**

HISTORY. 1921 c. 85 s. 17; G.S. 1923 s. 3628; M.S. 1927 s. 3628.

**70.17 to 70.21.**

**LEGAL RATE MANDATORY.** The insurer and employer agreed to a flat rate to cover premiums on all employees of a repair crew. Held, that, upon reformation, the rates approved by the compensation board for each classification must be substituted therefor. The contract rate must yield to the legal rate. *London G. & Acc. Co. Ltd. v Board of Ed.* 166 M 295, 207 NW 634.

**70.18 RECORD; SHALL FURNISH INFORMATION.**

HISTORY. 1921 c. 85 s. 18; G.S. 1923 s. 3629; M.S. 1927 s. 3629.

**70.19 INSURERS SHALL NOT DISCRIMINATE.**

HISTORY. 1921 c. 85 s. 19; G.S. 1923 s. 3630; M.S. 1927 s. 3630.

**70.20 RATES SHALL BE FILED.**

HISTORY. 1921 c. 85 s. 20; G.S. 1923 s. 3631; M.S. 1927 s. 3631.

**70.21 RATES TO BE UNIFORM; EXCEPTIONS.**

HISTORY. 1921 c. 85 s. 21; G.S. 1923 s. 3632; M.S. 1927 s. 3632.

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COMPENSATION INSURANCE DIVISION 70.30

**CONSTRUCTION.** This section is to be construed as mandatory, not permissive. 1934 OAG 545.

The rating bureau should first pass upon rates, and may then be acted upon by the compensation insurance board. The board may at any time call upon the bureau for its recommendation. The statutes intend the bureau should make rules subject to approval of the board. OAG Feb. 28, 1944 (517K).

## **70.22 DUTIES OF COMMISSIONER.**

**HISTORY.** 1921 c. 85 s. 22; G.S. 1923 s. 3633; M.S. 1927 s. 3633.

## **70.23 VIOLATIONS; PENALTIES.**

**HISTORY.** 1921 c. 85 s. 23; G.S. 1923 s. 3634; M.S. 1927 s. 3634.

## **70.24 INSURERS REQUIRED TO TAKE CERTAIN RISKS; REFUSAL TO WRITE.**

**HISTORY.** 1929 c. 237 s. 1; M. Supp. s. 3634-1; 1937 c. 175 s. 1.

**NOT COMPLIANCE WITH SECTION.** Notification that a new corporation was to take over the business of the old ones and a verbal request to place the insurance in one company was not a compliance with the statute and did not impose a duty on the bureau to make a designation. The bureau was without power under the statute to extend or transfer the existing policies. *Yoselowitz v Peoples Bakery*, 201 M 600, 277 NW 221.

The fact that "A. F. Peavey, doing business as Northwestern Sand Blast Company," took in a partner, did not vitiate the policy. *Moreault v Northwestern*, 199 M 98, 271 NW 246.

See *Maryland Casualty v American Co.* 204 M 45, 282 NW 806.

Where decedent, a labor organizer, was shot by an unknown person after returning from work in the scope of his employment; that the evidence indicated that decedent was subject to call day and night; that he worked unlimited hours and at various places; that he intended to make up his reports at home the evening of his death; and that he had been threatened because of his work as an organizer; the commission was justified in finding that the injuries resulting in his death arose out of the course of his employment. *Corcoran v Teamsters Council*, 209 M 289, 297 NW 4.

## **70.25 BUREAU TO FIX PREMIUM RATES.**

**HISTORY.** 1929 c. 237 s. 2; M. Supp. s. 3634-2.

## **70.26 BUREAU TO ADOPT RULES.**

**HISTORY.** 1929 c. 237 s. 3; M. Supp. s. 3634-3.

## **70.27 APPLICATION.**

**HISTORY.** 1929 c. 237 s. 4; M. Supp. s. 3634-4.

## **70.28 LIABILITY OF INSURERS.**

**HISTORY.** 1935 c. 103 s. 1; M. Supp. s. 3634-6.

## **70.29 ASSESSMENTS.**

**HISTORY.** 1935 c. 103 s. 2; M. Supp. s. 3634-7.

## **70.30 SUBROGATION UPON INSOLVENCY.**

**HISTORY.** 1935 c. 103 s. 3; M. Supp. s. 3634-8.

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## 70.31 COMPENSATION INSURANCE DIVISION

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### 70.31 RATING BUREAU TO BE PARTY IN INTEREST.

HISTORY. 1935 c. 103 s. 4; M. Supp. s. 3634-9.

### 70.32 DUTIES OF RATING BUREAU.

HISTORY. 1935 c. 103 s. 5; M. Supp. s. 3634-10.