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CHAPTER 71

FOREIGN COMPANIES; MUTUAL COMPANIES; HAIL INSURANCE; FIDELITY AND SURETY COMPANIES

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NOTE: For definitions, see Section 60.02.

- 71.01-71.06** [Repealed, 1947 c 120 s 17]
71.07 [Renumbered 60.511, Subd. 1]
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FOREIGN COMPANIES

71.16 REQUIREMENTS, CERTIFICATES. Any insurance company of another state, upon compliance with all laws governing such corporations in general and with the foregoing provisions so far as applicable and the following requirements, shall be admitted to do business in this state:

(1) It shall deposit with the commissioner a certified copy of its charter or certificate of incorporation and its bylaws, and a statement showing its financial condition and business, verified by its president and secretary or other proper officers;

(2) It shall furnish the commissioner satisfactory evidence of its legal organization and authority to transact the proposed business and that its capital, assets, deposits with the proper official of its own state, amount insured, number of risks, reserve and other securities, and guaranties for protection of policyholders, creditors, and the public, comply with those required of like domestic companies;

(3) By a duly executed instrument filed in the office of the commissioner, it shall appoint him and his successors in office its lawful attorneys in fact and therein irrevocably agree that legal process in any action or proceeding against it may be served upon them with the same force and effect as if personally served upon it, so long as any of its liability exists in this state;

(4) It shall appoint, as its agents in this state, residents thereof, and obtain from the commissioner a license to transact business therein.

[R. L. s. 1705] (3711)

71.17 SERVICE OF GARNISHEE PROCESS. When garnishee process is served upon the commissioner, as attorney for any insurance company, no garnishee fee shall be paid him. After the receipt of copy of the process the insurance company may demand of the attorney of the person making the garnishee the proper fees, and if the demand is not complied with before the day fixed for the disclosure of the garnishee, the proceeding may be dismissed.

[1905 c. 229 s. 7] (3712)

71.18 COMMISSIONER APPOINTED ATTORNEY FOR SERVICE OF PROCESS. Before any corporation, association, or company issuing policies of insurance of any character and not organized or existing pursuant to the laws of this state is admitted to or authorized to transact the business of insurance in this state, it shall, by a duly executed instrument to be filed in the office of the commissioner, constitute and appoint the commissioner and his successors in office its true and lawful attorney, upon whom proofs of loss, any notice authorized or required by any contract with the company to be served on it, summonses and all lawful processes in any action or legal proceeding against it may be served, and that the authority thereof shall continue in force irrevocable so long as any liability of the company remains outstanding in this state.

This instrument shall contain a provision and agreement declaring that the company, association, or corporation desires to transact the business of insurance in this state, and that it will accept a license therefor according to the laws of this state.

In case of the failure of any such insurance company to comply with any of the provisions of sections 71.18 and 71.19, or if it shall violate any of the conditions or agreements contained in the instrument filed, its right to transact insurance business in this state shall cease and it shall be the duty of the commissioner to immediately declare its license revoked; and, in case of revocation, the company shall not be again licensed to transact business in this state for the period of one year from date of the revocation.

[1911 c. 312 s. 1] (3713)

71.19 FEES; APPOINTMENT OF ADDITIONAL CLERK. The commissioner shall be entitled to charge and receive a fee of \$3 for each notice, proof of loss, summons, or other process served upon him under the provisions of sections 71.18 and 71.19, to be paid by the persons serving the same. The fees so collected shall be paid into the state treasury as is now provided by law for other fees collected by the commissioner. The commissioner is authorized to employ a clerk to carry out the provisions of sections 71.18 and 71.19 at a salary of not to exceed \$1,200, which sum is hereby annually appropriated out of the revenue fund of the state.

[1911 c. 312 s. 3; 1959 c. 184 s. 1] (3715)

71.20 DEPOSIT MADE WITH COMMISSIONER. Such company of any foreign country, except fraternal beneficiary associations, shall not be admitted until, besides complying with the foregoing requirements, it has made a deposit with the commissioner, or with the proper officer of some other state of the United States, of a sum not less than the capital required of a like company by the laws of this state and this deposit shall be of the same class of securities and subject to the same limitations required for the deposit of domestic companies that must by law maintain a deposit.

This deposit shall be in exclusive trust for all its policyholders and creditors in the United States, and for all purposes of the insurance laws shall be deemed its capital.

[R. L. s. 1706; 1909 c. 478 s. 1] (3716)

71.21 TRUSTEES APPOINTED, WHEN. Any company of a foreign country may duly appoint one or more citizens of the United States, approved by the commissioner, to hold funds or other property for the benefit of its policyholders and creditors therein. A certified copy of their appointment and of the instrument of trust shall be filed with the commissioner, who shall have the same authority in the premises as in the case of the affairs of all companies. These funds shall be invested in the same securities as required of other insurance companies and, together with the deposits required, shall constitute the assets of the company in respect to its policyholders and creditors in the United States.

[R. L. s. 1707] (3719)

71.22 [Renumbered 60.519]

71.23 RETALIATORY PROVISIONS. Subdivision 1. When by the laws of any other state or country any taxes, fines, deposits, penalties, licenses, or fees, in addition to or in excess of those imposed by the laws of this state upon foreign insurance companies and their agents doing business in this state, are imposed on insurance companies of this state and their agents doing business in that state or country, or when any conditions precedent to the right to do business in that state are imposed by the laws thereof, beyond those imposed upon these foreign companies by the laws of this state, the same taxes, fines, deposits, penalties, licenses, fees, and conditions precedent shall be imposed upon every similar insur-

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ance company of that state or country and their agents doing or applying to do business in this state so long as these foreign laws remain in force.

Subd. 2. In the event that a domestic insurance company, after complying with all reasonable laws and rulings of any other state or country, is refused permission by that state or country to transact business therein after the commissioner of insurance of Minnesota has determined that that company is solvent and properly managed and after he has so certified to the proper authority of that other state or country, then, and in every such case, the commissioner may in his discretion forthwith suspend or cancel the certificate of authority of every insurance company organized under the laws of that other state or country to the extent that it insures, or seeks to insure, in this state against any of the risks or hazards which that domestic company seeks to insure against in that other state or country. Without limiting the application of the foregoing provision, it is hereby determined that any law or ruling of any other state or country which prescribes to a Minnesota domestic insurance company the premium rate or rates for life insurance issued or to be issued outside that other state or country shall not be deemed reasonable.

[1907 c 420 s 1; 1959 c 156 s 1] (3721)

71.24 INSURANCE FROM UNLICENSED FOREIGN COMPANIES. When any person, firm, or corporation desires to obtain insurance upon any property, interests, or risks of any nature other than life insurance in this state in companies not authorized to do business therein he or they shall give bond to the commissioner in such sum as he shall deem reasonable, with satisfactory resident sureties, conditioned that the obligors, on the expiration of a license to obtain such insurance, shall pay to the commissioner, for the use of the state, a tax of two percent upon the gross premiums paid by the licensee. Thereupon the commissioner shall issue such license, good for one year, and all insurance procured thereunder shall be lawful and valid and the provisions of all policies thereof shall be deemed in accordance, and construed as if identical in effect, with the standard policy prescribed by the laws of this state and the insurers may enter the state to perform any act necessary or proper in the conduct of the business. This bond may be enforced by the commissioner in his own name in any district court. The licensee shall file with the commissioner on June thirtieth and December thirty-first annually a verified statement of the aggregate premiums paid and returned premiums received on account of such insurance.

[R L s 1649; 1957 c 475 s 1] (3722)

71.25 [Repealed, 1953 c 163 s 1]

71.26 [Repealed, 1953 c 163 s 1]

MUTUAL COMPANIES

71.27 MUTUAL COMPANIES; WHEN PERMITTED. No policy shall be issued by a mutual fire company, other than a town or farmers' company, until not less than \$750,000 of insurance in not less than 300 separate risks, upon property in this state, has been subscribed for and entered upon the books, except in the following cases:

(1) Those organized to insure creamery and cheese factory buildings, their contents and equipments, exclusively, which may issue policies when not less than \$50,000 of insurance, in not less than 25 separate risks, upon such buildings and contents, in this state, has been subscribed for and so entered; and the name of every such company shall include the words "Mutual creamery fire insurance company," and it shall issue no policy except upon the class of risks aforesaid;

(2) Those organized to insure the stock in trade, tools, and fixtures of retail hardware dealers, or the buildings containing the same when owned by the owner of the stock, tools, and fixtures, or both, which may issue policies when not less than \$500,000 of insurance, in not less than 200 separate risks, upon such property in this state, has been subscribed for and entered upon the books; and the name of every such company shall include the words "Mutual retail hardware fire insurance company," and it shall issue no policy except as above specified;

(3) Those organized to insure dwelling houses, their contents, barns, live stock, and vehicles, which may issue policies when not less than \$250,000 of insurance, in not less than 200 separate risks, upon such property located within the state, has been subscribed for and entered upon their books; and the name of every such

company shall include the words "Mutual dwelling house fire insurance company," and it shall issue no policy except upon the class of risks aforesaid; and

(4) Those organized to insure printing material, machinery, and stock in trade of newspaper publishers and printers, or the building containing the same, or the dwelling house and contents when owned by the owner of the printing material, machinery, and stock in trade, or both, which may issue policies when not less than \$200,000 of insurance, in not less than 200 separate risks, upon such property located within this state, has been subscribed for and entered upon their books.

[R. L. s. 1648] (§535)

71.28 MUTUAL FIRE COMPANIES; POLICIES, WHEN AUTHORIZED. No policy shall be issued by a purely mutual fire insurance company hereafter organized until not less than \$750,000 of insurance, in not less than 300 separate risks, upon property located in this state, has been subscribed for and entered upon the books and the premiums thereon for one year paid in cash, which premiums shall aggregate not less than \$7,500 in cash, except that where the mutual insurance company is organized to issue policies exclusively upon dwelling houses, their contents, barns, livestock, and vehicles, or exclusively upon the property of any one church or of any one religious denomination, and the church property or properties and equipment and furnishings thereof, or exclusively upon the stock in trade, tools, fixtures, building containing the same, of one specified line of business, and the dwelling houses, barns, and buildings appurtenant thereto and vehicles and live stock contained therein, and when the same are owned and occupied by the person so engaged in the business, trade, or vocation, it may issue policies insuring such stock in trade, tools, fixtures, buildings containing the same, the dwelling houses and the contents thereof, barns, livestock, and vehicles when there has been subscribed the amount of insurance hereinafter specified:

(1) Those organized to insure creamery and cheese factory buildings, their contents and equipments, and the dwelling house and contents, and barn, live stock, and vehicles of the owner of the creamery or factory, may issue policies when not less than \$50,000 of insurance, in not less than 25 separate risks, upon these buildings and contents in this state, has been subscribed for and so entered and the premiums thereon for one year paid in cash, which premiums shall aggregate not less than \$1,000 in cash; and the name of every such company shall include the words "Mutual creamery fire insurance company," and it shall issue no policy except upon the class of risks aforesaid;

(2) Those organized to insure the stock in trade, tools, and fixtures of retail hardware dealers, the buildings containing the same, and the dwelling house and its contents, barns, live stock, and vehicles owned by these dealers, may issue policies when not less than \$500,000 of insurance, in not less than 200 separate risks, upon such property in this state, has been subscribed for and entered upon its books and the premiums thereon for one year paid in cash, which premiums shall aggregate not less than \$5,000 in cash; and the name of every such company shall include the words "Mutual retail hardware fire insurance company," and it shall issue no policy except as above specified;

(3) Those organized to insure dwelling houses, their contents, barns, livestock, and vehicles, exclusively, may issue policies when not less than \$250,000 of insurance, in not less than 200 separate risks, upon such property located within this state, has been subscribed for and entered upon their books and the premiums thereon for one year paid in cash, which premiums shall aggregate not less than \$2,500 in cash; and the name of every such company shall include the words "Mutual dwelling house fire insurance company," and it shall issue no policy except upon the class of risks aforesaid;

(4) Those organized to insure printing material, machinery, and stock in trade of newspaper publishers and printers, the buildings containing the same, and the dwelling house and its contents, barns, livestock, and vehicles, when such buildings and contents are owned and occupied by the owner of the printing material, machinery, and stock in trade may issue policies when not less than \$200,000 of insurance, in not less than 200 separate risks, upon such property located in this state, has been subscribed for and entered upon such companies' books and the premiums thereon for one year paid in cash, which premiums shall aggregate not less than \$2,000 in cash; and the name of every such company shall include the words "Mutual publishers' fire insurance company," and it shall issue no policy except upon the class of risks aforesaid;

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(5) Those organized to insure grain elevators, warehouses and cribs, machinery, grain, sacks, and tools appurtenant to or contained in such elevators, warehouses, and cribs, and dwelling house and contents, barns, live stock, and vehicles when such buildings and contents are owned and occupied by the owner of the grain elevator, may issue such policies when not less than \$100,000 of insurance, in not less than 50 separate risks, upon such property in this state, has been subscribed for and entered upon the books of such companies and the premiums thereon for one year paid in cash, which premiums shall aggregate not less than \$1,000 in cash; and the name of the company shall include the words "Mutual grain dealers' fire insurance company," and it shall issue no policy except upon the class of risks aforesaid; and

(6) Those organized to insure exclusively the property of any one church or any one religious denomination, and the church property and equipment and furnishings thereof of any one church or any one religious denomination may issue policies when not less than \$100,000, in not less than 50 separate risks, upon these properties, has been subscribed for and so entered, and the premiums thereon for one year paid in cash, which premiums shall aggregate not less than \$1,000 in cash; and the name of every such company shall include the words "Mutual denominational fire insurance company," and it shall issue no policy except upon the class of risks aforesaid.

This section shall not be construed as a repeal of section 66.17.

[*R L s 1648; 1905 c 117 s 1; 1925 c 172 s 1*] (3536)

71.29 POWERS. Any company heretofore organized and doing business under section 71.28, clause (1), which for 15 years prior to the passage of Laws 1935, Chapter 97, has insured creamery and cheese factory buildings, their contents and equipments, and the dwelling houses and contents and barn, livestock, and vehicles of the owner of the creamery or factory, and which has assets of \$100,000, may issue policies in addition thereto to cover farmers' elevators, cooperatively owned warehouses, cooperative filling stations, cooperative oil companies, and all cooperatively owned or organized enterprises.

[1935 c. 97 s. 1] (3536-1)

HAIL INSURANCE

71.30 HAIL INSURANCE, POLICIES, LOSS ADJUSTMENT. Every policy of insurance against damage by hail issued by any company, however organized, shall provide as follows: "In case of loss under this policy, and failure of the parties to agree as to the amount of such loss, it is mutually agreed that such amount shall be referred to three disinterested men, the company and the insured each choosing one out of three persons named by the other, the third being selected by such two. The written award of a majority of such referees shall be final and conclusive upon the parties as to amount of loss, and such reference, unless waived by the parties, shall be a condition precedent to any right of action to recover for such loss, and no suit for the recovery of any claim by virtue of this policy shall be sustained unless commenced within six months after the loss occurred," and shall provide the form, manner, and length of notice to be given to the company by the insured of any loss sustained.

[1927 c 419 s 1] (3532-1)

FIDELITY AND SURETY COMPANIES

71.31 FIDELITY AND SURETY COMPANIES. No company for guaranteeing the fidelity of persons in fiduciary positions, public or private, or for acting as surety, shall transact any business in this state until it shall have satisfied the commissioner that it has complied with all the provisions of law relative to security prescribed for foreign life companies so far as applicable and obtained his certificate to that effect. Thereupon it shall be authorized to execute as sole or joint surety any bond, undertaking, or recognizance which, by any municipal or other law, or by the rules or regulations of any municipal or other board, body, organization, or officer, is required or permitted to be made, given, tendered, or filed for the security or protection of any person, corporation, or municipality, or any department thereof, or of any other organization, conditioned for the doing or omitting of anything in such bond or other instrument specified or provided; and any and all courts, judges,

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officers, and heads of departments, boards, and municipalities required or permitted to accept or approve of the sufficiency of any such bond or instrument may in their discretion accept the same when executed, or the conditions thereof guaranteed solely or jointly by any such company, and the same shall be in all respects full compliance with every law or other provisions for the execution or guaranty by one surety or by two or more sureties, or that sureties shall be residents or householders, or freeholders, or all or either.

[R. L. s. 1686] (3710)

71.32 [Renumbered 15.38]

71.321 [Renumbered 15.39]

71.33 [Renumbered 15.40]

71.34 [Repealed, 1957 c 509 s 1]