

MINNESOTA STATUTES 1979 SUPPLEMENT

FIRE AND RELATED INSURANCE 65A.08

- (a) Name, address, age, and length of time at residence of the applicant;
- (b) Name, address, and age of spouse and children if any, if they are to be insured;
- (c) Evidence of rejection, a requirement of restrictive riders, a rate up, or a pre-existing conditions limitation on a qualified plan, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk, by at least two association members within six months of the date of the certificate, or other eligibility requirements adopted by rule by the commissioner which are not inconsistent with this chapter and which evidence that a person is unable to obtain coverage substantially similar to that which may be obtained by a person who is considered a standard risk; and
- (d) A designation of the coverage desired.

An eligible person may not purchase more than one policy from the state plan. Upon ceasing to be a resident of Minnesota a person is no longer eligible to purchase or renew coverage under the state plan.

[For text of subs 2 and 3, see M.S.1978]

[1979 c 272 s 10]

CHAPTER 64A. FRATERNAL BENEFICIARY ASSOCIATIONS

Sec.
64A.221 Payment to welfare recipients.

64A.221 Payment to welfare recipients.

No association authorized to do business in this state which provides or pays for any health care benefits shall issue any certificate which contains any provision denying or reducing benefits because services are rendered to a certificate holder or beneficiary who is eligible for or receiving medical assistance pursuant to chapter 256B or services pursuant to sections 252.27; 260.251, subdivision 1a; 261.27; or 393.07, subdivision 1 or 2.

[1979 c 174 s 4]

CHAPTER 65A. FIRE AND RELATED INSURANCE

Sec.		Sec.	
65A.01	Minnesota standard fire insurance policy.	65A.29	Cancellation; nonrenewal; refusal to write.
65A.08	Special provisions.	65A.35	Fair plan business; distribution and placement.
65A.27	Definitions.		
65A.28	Disclosure and filing requirements.		

65A.01 Minnesota standard fire insurance policy.

[For text of subs 1 and 2, see M.S.1978]

Subd. 2a. **Facsimile signatures authorized.** On any policy of insurance regulated under this chapter, the signature of an officer or agent of the insurer may be a facsimile signature.

[For text of subs 3 to 6, see M.S.1978]

[1979 c 115 s 2]

65A.08 Special provisions.

Subdivision 1. [Repealed, 1979 c 175 s 1]

[For text of subs 2 to 6, see M.S.1978]

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65A.27 FIRE AND RELATED INSURANCE

65A.27 Definitions.

Subdivision 1. For purposes of sections 65A.27 to 65A.29 the following terms have the meanings given.

Subd. 2. "Commissioner" means the commissioner of insurance.

Subd. 3. "Decline" or "declination" means an agent's refusal to accept an application for homeowner's insurance or an insurer's refusal to issue a policy of homeowner's insurance to a person who has submitted a written application.

Subd. 4. "Homeowner's insurance" means insurance coverage, as provided in section 60A.06, subdivision 1, clause (1)(c), normally written by the insurer as a standard homeowner's package policy or as a standard residential renter's package policy.

Subd. 5. "Insurer" means any insurer licensed to write insurance, as defined in section 60A.06, subdivision 1, clause (1), and writing homeowner's insurance in this state.

Subd. 6. "Metropolitan area" means the area defined in section 473.121, subdivision 2.

Subd. 7. "Nonpayment of premium" means a failure of the named insured to pay the premium when due on a policy of homeowner's insurance or any installment of the premium, whether the premium is payable directly to the insurer or its agent or indirectly under a premium finance plan or an extension of credit.

Subd. 8. "Renewal" or "renew" means an insurer's issuance and delivery to the insured of a new insurance policy at the end of the policy period of an existing policy written by the insurer or an insurer's issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or term.

[1979 c 207 s 2]

65A.28 Disclosure and filing requirements.

Subdivision 1. Each insurer writing homeowner's insurance for property located in the metropolitan area or a statutory or home rule charter city of the first class shall compile and file annually with the commissioner on or before May 1 a report for the preceding calendar year. This report shall contain the following information reported by postal zip code areas for each zip code area located in a city of the first class which contains property for which the insurer wrote, declined to write, or cancelled homeowner's insurance:

- (a) the number of policies written;
- (b) the number of policies cancelled;
- (c) the number of policies nonrenewed; and
- (d) the number of applications for homeowner's insurance declined.

If the commissioner determines that additional information is necessary to effectuate the purposes of sections 65A.27 to 65A.29 and section 72A.20, subdivision 13, he may require, by rule:

- (i) that the required information be reported for additional areas of the state, or
- (ii) that additional types of information, including premium and claims data, be reported for some or all of the areas subject to the reporting requirements.

If the commissioner has reason to believe that an insurance company or insurance agent has violated section 72A.20, subdivision 13 or 14, the commissioner may issue an order requiring the company or agent to compile and submit within a reasonable time information on its homeowner's insurance marketing, underwriting, or rating practices for a specific geographic area or areas. This information may be in addition to the types and categories of information required to be reported by this section or rules promulgated under subdivision 4.

Subd. 2. The commissioner shall make the reports filed pursuant to subdivision 1 available for public inspection.

Subd. 3. Any insurer required to report under this section which fails to file a report, containing the data and within the time prescribed by this section or rules promulgated under subdivision 4, shall be subject to a penalty of \$10 for each day in default.

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Any penalty imposed under this section may be recovered in a civil action brought by and in the name of the state.

Subd. 4. The commissioner may prescribe rules necessary to carry out the purposes of this section. The rules may provide for classifications, differentiations, adjustments or exceptions, as in the judgment of the commissioner are necessary and proper to effectuate the purposes of, prevent circumvention or evasion of, or to facilitate compliance with this section.

[1979 c 207 s 3]

65A.29 Cancellation; nonrenewal; refusal to write.

Subdivision 1. **Cancellation.** No insurer may cancel a policy of homeowner's insurance except for the reasons specified in section 65A.01.

Subd. 2. **Renewal; notice requirement.** No insurer may refuse to renew a policy of homeowner's insurance unless it delivers or mails to the named insured, at the most recent address furnished by the insured, at least 30 days advance notice of its intention not to renew. This notice shall state the specific underwriting or other reason for nonrenewal. This subdivision shall not apply to a refusal to renew for nonpayment of the premium.

Subd. 3. **Refusal to write.** Upon completion in writing of the insurer's application form for homeowner's insurance, any person having an insurable interest in real or tangible property at a fixed location shall be entitled upon written request either (a) to the insurer's offer of coverage, including type, amount and premium cost of coverage, or (b) to a written declination, stating specifically the underwriting or other reason for the refusal to write. For purposes of this subdivision, "insurer" means only an insurer writing or offering to write homeowner's insurance for property in the same statutory or home rule charter city or town in which the applicant's property is located.

Subd. 4. **Form requirements.** Any notice or statement required by subdivisions 1 to 3 shall be written in language which is easily readable and understandable by a person of average intelligence and understanding. The statement of reason shall be sufficiently specific to convey, clearly and without further inquiry, the basis for the insurer's refusal to renew or to write the insurance coverage.

Subd. 5. **Inclusion in policies after 1980.** Notwithstanding sections 65A.01 and 65A.07, any policy of homeowner's insurance issued after January 1, 1980 shall contain nonrenewal provisions consistent with this section.

Subd. 6. **Immunity of insurer or commissioner.** 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 insured information as to reasons for declination, nonrenewal, or cancellation, for any statement made by them in any written notice of declination, nonrenewal or cancellation, for the providing of information relating thereto, or for statements made or evidence submitted at any hearings or investigations conducted in connection therewith. This subdivision shall not apply to any action or proceeding arising under section 72A.20.

[1979 c 207 s 4]

65A.35 Fair plan business; distribution and placement.

[For text of subs 1 to 4, see M.S.1978]

Subd. 5. **Administration.** (1) The facility shall be administered by a governing committee of five members, elected annually by the members of the facility, and four additional members appointed by the commissioner, at least three of whom shall be public members. At least one elected member of the governing committee shall be a domestic stock insurer, and at least one elected member of the governing committee shall be a domestic non-stock insurer. In the election of members of the governing committee, each member of the facility shall be allotted votes bearing the same ratio to the total number of votes to be cast as its degree of participation in the facility bears to the total participation. Pending the determination of the degree of participation of the members in the

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facility, each member of the facility shall be allotted votes bearing the same ratio to the total number of votes to be cast as each member's written premium on basic property insurance during calendar year 1968 bears to the statewide total written premium for basic property insurance during such year. The first governing committee shall be elected at a meeting of the members or their authorized representatives.

(2) Any vacancy among the elected members on the governing committee shall be filled by a vote of the other elected members of the governing committee.

(3) If at any time the members fail to elect the required number of members to the governing committee, or a vacancy remains unfilled for more than 15 days, the commissioner may appoint the members necessary to constitute a full governing committee.

[For text of subd 6, see M.S.1978]

[1979 c 207 s 5]

CHAPTER 65B. AUTOMOBILE INSURANCE

Sec. 65B.13	Automobile insurance, discrimination in automobile policies forbidden.	Sec. 65B.61	Benefits primary; subtractions; coordination.
65B.131	Repealed.	65B.64	Persons entitled to participate in assigned claims plan.
65B.43	Definitions.	65B.67	Penalties for failure to provide security for basic repairment benefits.
65B.44	Basic economic loss benefits.	65B.68	Rules of commissioner of public safety.
65B.53	Indemnity; arbitration between obligors; subrogation.	65B.685	Standardizing coverage.
65B.54	Reparation obligor's duty to respond to claims.		

65B.13 Automobile insurance, discrimination in automobile policies forbidden.

No insurance company, or its agent, shall refuse to issue any standard policy of motor vehicle insurance or make any discrimination in the acceptance of risks, in rates, premiums, dividends, or benefits of any kind, or by way of rebate:

(a) between persons of the same class, or

(b) on account of race, or

(c) on account of physical handicap if the handicap is compensated for by special training, equipment, prosthetic device, corrective lenses, or medication and if the physically handicapped person;

(1) is licensed by the department of public safety to operate a motor vehicle in this state, and

(2) operates only vehicles which are equipped with auxiliary devices and equipment necessary for safe and effective operation by the handicapped person.

Every company or agent violating any of the foregoing provisions shall be fined not more than \$100 per violation, and every officer, agent, or solicitor violating the same shall be guilty of a misdemeanor. The commissioner of insurance is authorized to treat violations of this section as an unfair insurance practice and to enforce this section using the procedures, remedies, and penalties provided in sections 72A.17 to 72A.32.

[1979 c 215 s 1]

65B.131 [Repealed, 1979 c 215 s 2]

65B.43 Definitions.

[For text of subds 1 to 3, see M.S.1978]

Subd. 4. "Owner" means a person, other than a lienholder or secured party, who owns or holds legal title to a motor vehicle or is entitled to the use and possession of a motor vehicle subject to a security interest held by another person. If a motor vehicle is the subject of a lease having an initial term of six months or longer, the lessee shall be deemed the owner for the purposes of sections 65B.41 to 65B.71, and 170.54, notwithstanding the fact that the lessor retains title to the vehicle and notwithstanding the fact that the lessee may be the owner for the purposes of chapter 168A.