

**60A.053 HOLOCAUST VICTIMS INSURANCE RELIEF.**

Subdivision 1. **Definitions.** For purposes of this section, the following terms have the meanings given them in this subdivision unless the context clearly requires otherwise:

(a) "Holocaust survivor" or "Holocaust victim" means any person who was persecuted, imprisoned or liable to imprisonment, or had property taken or confiscated during the period of 1933 to 1945, inclusive, by Nazi Germany, its allies, or sympathizers based on that person's race, religion, ethnicity, physical or mental disability, sexual orientation, or similar class or group-based animus;

(b) "related company" means an affiliate, as defined in section 60D.15, subdivision 2; a successor in interest; or a managing general agent, of another company or insurer;

(c) "insurer" means an entity holding a certificate of authority or license to conduct the business of insurance in this state, or whose contacts with this state satisfy the constitutional requirements for jurisdiction, that sold Holocaust-related insurance policies, whether directly or through or as result of sales by a related company, or is itself a related company to any person, entity, or insurance company that sold such policies, whether the sale of the insurance occurred before or after becoming related;

(d) "proceeds" means the face or other payout value of policies and annuities plus reasonable interest to date of payments, without diminution for wartime or immediate postwar currency devaluation, legally due under any insurance policy issued by an insurer or any related company;

(e) "international commission" means the International Commission on Holocaust Era Insurance Claims, referenced in and established under a memorandum of understanding originally dated April 8, 1998, between and among various state insurance regulators, various alien insurance companies, and worldwide Jewish groups, which commission held its first meeting in the state of New York on October 21, 1998, and any successor; and

(f) "Holocaust-related insurance policies" means life, property, liability, health, annuities, dowry, educational, casualty, or any other type of insurance policies sold to persons in Europe, that were in effect at any time between 1933 and 1945, regardless of when the policy was initially purchased or written.

**Subd. 2. Assistance to Holocaust victims.** (a) The commissioner shall assist residents of this state who are Holocaust victims or heirs or beneficiaries of Holocaust victims to settle and resolve claims and to recover proceeds from insurance policies that were improperly denied or processed.

(b) The commissioner may cooperate and exchange information with other states working on the Holocaust survivor insurance claims issue and with the international commission, and may

enter into agreements whereby a single processing office may be established on behalf of, and to provide services to the residents of, several states.

**Subd. 3. Holocaust Insurance Company Registry.** (a) To facilitate the work of the commissioner under this section, the commissioner may establish and maintain a central registry to be known as the Holocaust Insurance Company Registry, containing records and information relating to Holocaust-related insurance policies, provided by insurers as required in subdivision 4. The commissioner shall establish standards and procedures to make the information in the registry available to the public to the extent necessary and appropriate to determine the existence of insurance policies and to identify beneficiaries, successors in interest, or other persons entitled to the proceeds of the policies, and to enable persons to claim proceeds to which they may be entitled, while protecting the privacy of policyholders, their survivors, and their family members. All information received by the Holocaust insurance company registry from any insurer, related company, or foreign government or regulator is considered to be working papers or documents obtained in the course of an examination that may be treated as confidential under section 60A.031, subdivision 4, paragraph (f). To the extent necessary and appropriate to secure access to documents and information located in or subject to the jurisdiction of other states and countries, the commissioner may enter into agreements or provide assurances that any or all documents and information received from an entity regulated by or subject to the laws of such other state or country, or received from any agency of the government of any state or country, will be treated as confidential by the commissioner and will not be disclosed to any person except with the approval of the appropriate authority of the state or country or except as permitted or authorized by the laws of the state or country. Any such agreement is binding and enforceable. To the extent necessary and appropriate to secure access to documents and information from or in the possession of the international commission as to which the international commission has given assurances of confidentiality or privacy, the commissioner may enter into agreements or to provide assurances that the documents and information will be treated as confidential or protected as nonpublic by the commissioner and will not be disclosed to any person except with the approval of the international commission or as permitted by any agreement or assurances given by the international commission, and any such agreement or assurance is binding and enforceable.

(b) The commissioner may cooperate and exchange information with other states establishing similar registries and with the international commission, and may enter into agreements whereby a single registry may be established on behalf of, and to provide services to the citizens and residents of, several states.

**Subd. 4. Operations of Holocaust Insurance Company Registry.** (a) Any insurer that sold Holocaust-related insurance policies shall within 180 days following April 14, 2000, or a later

date the commissioner may establish, file or cause to be filed the following information with the commissioner for entry into the Holocaust Insurance Company Registry:

(1) a list of the insurance policies and, for each policy, the names of the insureds and beneficiaries and the face amount of the policy;

(2) for each policy, whichever of the following that applies:

(i) that the proceeds of the policy have been paid to the designated beneficiaries or their heirs where that person or persons, after diligent search, could be located and identified;

(ii) that the proceeds of the policies where the beneficiaries or heirs could not, after diligent search, be located or identified, have been distributed to Holocaust survivors or to qualified charitable nonprofit organizations for the purpose of assisting Holocaust survivors;

(iii) that a court of law has approved in a legal proceeding resolving the rights of unpaid policyholders, their heirs, and beneficiaries, a plan for the distribution of the proceeds; and

(iv) that the proceeds have not been distributed and the amount of those proceeds.

(b) An insurer currently doing business in this state that did not sell any Holocaust-related insurance policies except through or as a result of sales by a related company is not subject to this subdivision if a related company, whether or not authorized and currently doing business in this state, has made a filing with the commissioner under this subdivision.

(c) The commissioner may fund the costs of operating the Holocaust Insurance Company Registry by assessments upon those insurers providing information to the registry. The commissioner shall allocate the assessments based upon the number of policies reported.

(d) The commissioner may conduct investigations and examinations of insurers for the purpose of determining compliance with this section, verifying the accuracy and completeness of any and all information furnished to the Holocaust Insurance Company Registry, and developing and securing additional information as may be necessary or appropriate to determine those entitled to payment under any policy and the proceeds to which the person may be entitled, if any. An investigation under this paragraph is considered to be an examination under section 60A.031. The costs of the examination must be borne by the insurer investigated, or the insurer to whom the related company is related, pursuant to section 60A.031, subdivision 3. Examinations may be conducted in this state, or in the state or country of residence of the insurer or related company, or at the place or country where the records to be examined may be located.

(e) Notwithstanding the restrictions of section 60A.03, subdivision 9, or 60A.031, subdivision 4, the commissioner may cooperate with and exchange information with other states with similar Holocaust insurance company registries, with the National Association of Insurance

Commissioners, with foreign countries, and with the international commission. The commissioner may enter into agreements to handle the processing of claims and registry functions of other states, and to have other states handle all or part of the registry and claims processing functions for this state, as the commissioner may determine to be appropriate. The commissioner may enter into agreements with other states and the international commission to treat and consider information submitted to them as submitted to this state for the purpose of complying with this section. As part of any such agreement, the commissioner may agree to reimburse any other state for expenses or costs incurred and to accept reimbursement from any other state for services with regard to residents of the other state.

(f) A finding by the commissioner that a claim subject to the provisions of this section should be paid must be regarded by any court as highly persuasive evidence that the claim should be paid.

**Subd. 5. Suspension of certificate of authority for failure to comply with this section.**

The commissioner may, in accordance with section 60A.052, suspend the certificate of authority to conduct insurance business in the state of Minnesota of any insurer that has violated this section, until the time that the insurer complies with this section. The suspension does not affect or relieve the insurer from its obligations to service its existing insureds, and does not permit the insurer to terminate its existing insureds, except pursuant to the terms of the insurance contract, but does prohibit the insurer from writing new business in this state until the suspension is lifted by the commissioner.

**Subd. 6. Cooperation with international commission.** The commissioner may suspend the application of this section to any insurer if the commissioner has determined, in consultation with the international commission, that:

(1) the international commission has, by December 31, 2000, established and maintained a mechanism to accomplish identification, adjudication, and payment of insurance policy claims of Holocaust survivors or victims and their heirs or beneficiaries, within a reasonable period of time; and

(2) the international commission's mechanism is functioning effectively; and

(3) the insurer is participating in the international commission in good faith and is working through the international commission to resolve outstanding claims with offers of fair settlements in a reasonable time frame.

**Subd. 7. Private rights of action preserved; venue.** Any Holocaust survivor, or heir or beneficiary of a Holocaust survivor or victim, who resides in this state and has a claim against an insurer arising out of Holocaust-related insurance policies, may bring a legal action against that insurer to recover on that claim in the district court of the county in which a plaintiff resides.

Subd. 8. **Extension of statute of limitations.** An action brought by a Holocaust survivor or the heir or beneficiary of a Holocaust survivor or victim, seeking proceeds of Holocaust-related insurance policies, must not be dismissed for failure to comply with the applicable statute of limitations, provided the action is commenced on or before December 31, 2010.

Subd. 9. **Title of act.** This section may be known as the "Holocaust Victims Insurance Relief Act of 2000."

Subd. 10. **Expiration.** This section expires December 31, 2010.

**History:** 2000 c 367 s 1