

grading or other construction work and the maintenance of the cartway is the responsibility of the petitioner, subject to the provisions of section 164.10. After the cartway has been constructed the town board, or the county board in the case of unorganized territory, may by resolution designate the cartway as a private driveway with the written consent of the affected landowner in which case from the effective date of the resolution no town road and bridge funds shall be expended for maintenance of the driveway; provided that the cartway shall not be vacated without following the vacation proceedings established under section 164.07.

Sec. 3. **EFFECTIVE DATE.** Section 2 is effective on the day following final enactment.

Approved April 3, 1980

CHAPTER 436—S.F.No. 1749

An act relating to insurance; providing for the regulation of mass marketed life or health insurance; providing the commissioner with rule-making power on the subject of unfair methods and unfair or deceptive acts and practices; amending Minnesota Statutes 1978, Sections 72A.13; 72A.19; and 72A.41, Subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 72A.13, is amended to read:

72A.13 ACCIDENT AND HEALTH INSURANCE, VIOLATIONS OF CERTAIN SECTIONS; PENALTIES. Subdivision 1. Any company, corporation, association, society, or other insurer, or any officer or agent thereof, which or who solicits, issues or delivers to any person in this state any policy in wilful violation of the provisions of sections 62A.01 to 62A.10, ~~shall~~ may be punished by a fine of not more than \$100 for each offense, and the commissioner may revoke the license of any company, corporation, association, society, or other insurer of another state or country, or of the agent thereof, which or who wilfully violates any provision of sections 62A.01 to 62A.10.

Subd. 2. No insurer, company, corporation, association, society, trust or other person may solicit, deliver or issue to any person in this state mass marketed life or health insurance if the total charges for the insurance to the persons insured are unreasonable in relation to the benefits provided. As to health insurance, the applicable standards are those established pursuant to section 62A.02, subdivision 3. A finding that total charges are unreasonable in relation to the benefits provided shall be made pursuant to the contested case provisions of chapter 15. After the finding is made, the commissioner may institute the penalties provided in subdivision 1 and may issue an order directing the insurer to cease and desist the solicitation, delivery or issuance of the insurance. The order shall be in effect until the total charges for the insurance are

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found to be reasonable in relation to the benefits. For the purposes of this section:

(a) "Mass marketed life or health insurance" means the insurance under any individual, franchise, group or blanket policy of life or health insurance which is offered by means of direct response solicitation through a sponsoring organization or through the mails or other mass communications media under which the person insured pays all or substantially all of the cost of the insurance.

(b) "Direct response solicitation" means any offer by an insurer to persons in this state, either directly or through a third party, to effect life or health insurance coverage which enables the individual to apply or enroll for the insurance on the basis of the offer. It does not include solicitations for insurance through an employee benefit plan which is defined in P.L. 93-406, 88 Stat. 829, nor does it include such a solicitation through the individual's creditor with respect to credit life or credit health insurance.

Subd. 3. Any insurer extending mass marketed life or health insurance under a group or blanket policy issued outside this state to residents of this state shall:

(a) Comply with respect to such insurance with the requirements of this state relating to advertising and to claims settlement practices; and

(b) Upon request of the commissioner make available, for the purpose of determining compliance with the provisions of this section, copies of any such policy or certificates issued thereunder, and advertising material used within this state in connection with the insurance.

Sec. 2. Minnesota Statutes 1978, Section 72A.19, is amended to read:

72A.19 UNFAIR METHODS AND UNFAIR OR DECEPTIVE ACTS AND PRACTICES PROHIBITED. Subdivision 1. No person shall engage in this state in any trade practice which is defined in sections 72A.17 to 72A.32 as or determined pursuant to sections 72A.17 to 72A.32 to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance.

Subd. 2. The commissioner may, in accordance with chapter 15, promulgate reasonable rules and regulations as he deems necessary to enforce and administer the provisions of this chapter.

Sec. 3. Minnesota Statutes 72A.41, Subdivision 1, is amended to read:

72A.41 TRANSACTING BUSINESS WITHOUT CERTIFICATE OF AUTHORITY PROHIBITED. Subdivision 1. It ~~shall be~~ is unlawful for any company to enter into a contract of insurance as an insurer or to transact insurance business in this state, as set forth in subdivision 2, without a certificate of authority from the commissioner; provided that this subdivision ~~shall~~ does not apply to: (a) contracts of insurance procured by agents under the authority of section 60A.20; (b) contracts of reinsurance and contracts of ocean or wet marine and transportation insurance; (c) transactions in this state involving a policy lawfully solicited, written and delivered outside of this state covering only subjects

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of insurance not resident, located or expressly to be performed in this state at the time of issuance and which transactions are subsequent to the issuance of ~~such~~ the policy; (d) transactions in this state involving group or blanket insurance and group annuities where the master policy of such groups was lawfully issued and delivered in a state in which the company was authorized to do an insurance business where, except for group annuities, the insurer complies with section 72A.13. The commissioner may require the insurer which has issued such master policy to submit any information as the commissioner reasonably requires in order to determine if probable cause exists to convene a hearing to determine whether the total charges for the insurance to the persons insured are unreasonable in relation to the benefits provided under the policy; (e) transactions in this state involving a policy of insurance or annuity issued prior to July 1, 1967; or (f) contract of insurance procured under the authority of section 60A.19, subdivision 8; or (g) transactions in this state involving contracts of insurance covering property or risks not located in this state.

Sec. 4. This act is effective the day following final enactment.

Approved April 3, 1980

CHAPTER 437—S.F.No. 1764

An act relating to taxation; property tax; providing for uncontested hearings for property valuation; clarifying the definition of family farm corporation; information to be included on valuation notices; clarifying the computation of agricultural aid credit; clarifying acreage available for homestead credit; changing date for county board of equalization meeting and transfer of books to treasurer; changing penalty and interest rates; clarifying the role of administrative auditor in fiscal disparities; amending Minnesota Statutes 1978, Sections 270.11, Subdivision 6; 273.111, Subdivision 3; 273.121; 273.13, Subdivision 6a; 273.135, Subdivision 1; 274.13, Subdivision 1; 274.14; 276.01; 279.01; 279.37, Subdivision 2; 282.01, Subdivisions 1 and 4; 282.222, Subdivision 4; 282.261; and 473F.08, by adding a subdivision; Minnesota Statutes, 1979 Supplement, Sections 273.13, Subdivision 6; 279.03 and 282.15; repealing Minnesota Statutes 1978, Sections 275.31; 275.32; 275.33; 275.34; 275.35; and 473F.08, Subdivisions 7 and 8.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1978, Section 270.11, Subdivision 6, is amended to read:

Subd. 6. **CHANGE OF ASSESSED VALUATIONS.** The commissioner of revenue shall raise or lower the assessed valuation of any real or personal property, including the power to raise or lower the assessed valuation of the real or personal property of any individual, copartnership, company, association, or corporation; provided, that before any such assessment against the property of any individual, copartnership, company, association, or corporation is so raised,

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