

CHAPTER 241—H.F.No.101

[Coded in Part]

An act relating to insurance; establishing certain compulsory insurance for aircraft; amending Minnesota Statutes 1974, Sections 60A.081; 360.59, by adding a subdivision; and Chapter 360, by adding sections.

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

Section 1. Minnesota Statutes 1974, Section 60A.081, is amended to read:

60A.081 AIRCRAFT, INSURANCE. Subdivision 1. No policy of insurance issued or delivered in this state covering any loss, damage, expense, or liability arising out of the ownership, maintenance, or use of an aircraft, shall exclude or deny coverage because the aircraft is operated in violation of federal or civil air regulations, state law or regulations, or local ordinances. This section does not prohibit the use of specific exclusions or conditions in the policy which relate to:

(1) Certification of an aircraft in a stated category by the federal aviation administration.

(2) Certification of a pilot in a stated category by the federal aviation administration.

(3) *Establishing requirements for pilot experience.*

(4) Establishing limitations on the use of the aircraft.

Subd. 2. Except as provided in subdivision 1, no policy of insurance issued or delivered in this state covering an aircraft equipped with passenger seats and covering liability hazards shall be issued excluding coverage for injury to or death of passengers or non-passengers except as to a policy of insurance exclusively covering "commercial operations" as defined by section 360.013, subdivision 11, where the pilot of the aircraft has in force a separate policy of insurance providing for coverage on the aircraft as required by section 3 of this act.

Subd. 3. The provisions of this section shall not apply as to any policy issued covering aircraft being used in air commerce as defined by Minnesota Statutes, Section 360.511, Subdivision 4.

Sec. 2. Minnesota Statutes 1974, Chapter 360, is amended by adding a section to read:

[360.0216] OPERATOR OF AIRCRAFT DEEMED AGENT OF

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OWNER. When an aircraft is operated within the airspace above this state or upon the ground surface or waters of this state by a person other than the owner, with the consent of the owner, expressed or implied, the operator shall in case of accident be deemed the agent of the owner of the aircraft in its operation.

Sec. 3. Minnesota Statutes 1974, Section 360.59, is amended by adding a subdivision to read:

Subd. 10. CERTIFICATE OF INSURANCE. Every owner of aircraft in this state when applying for registration, reregistration, or transfer of ownership shall supply any information the commissioner reasonably requires to determine that the aircraft is covered by an insurance policy with limits of not less than \$25,000 per passenger seat liability both for passenger bodily injury or death and for property damage; not less than \$25,000 for bodily injury or death to each non-passenger in any one accident; and not less than \$50,000 per occurrence for bodily injury or death to non-passengers in any one accident. The information shall include but is not limited to the name and address of the owner, the name of the insurer, the insurance policy number, the term of the coverage, policy limits and any other data the commissioner requires. No certificate of registration shall be issued pursuant to subdivision 3 in the absence of the information required by this subdivision or the commissioner. In the event of cancellation of the insurance the insurer shall notify the department of aeronautics at least ten days prior to the date on which the insurance coverage is to be terminated. Unless proof of a new policy of insurance is filed with the department the registration certificate for the aircraft shall be revoked forthwith.

Sec. 4. Minnesota Statutes 1974, Chapter 360, is amended by adding a section to read:

[360.92] PROVISION RELATING TO OPERATION OR PERMISSION TO OPERATE AIRCRAFT WITHIN STATE OF MINNESOTA WITHOUT LIABILITY INSURANCE. It is a misdemeanor for an owner to operate or permit to be operated an aircraft registered or based within the state of Minnesota without liability insurance protecting passengers and third persons for both personal injury and property damage resulting from the operation of the aircraft; provided, that the limits of coverage for personal injury and property damage protection shall be not less than those limits provided for under section 3 of this act, and the specific exclusions or conditions, if any, in the policy shall be limited to those provided for in section 1 of this act.

Sec. 5. Minnesota Statutes 1974, Chapter 360, is amended by adding a section to read:

[360.93] RESPONSIBILITY OF PERSONS ENGAGED IN COMMERCIAL OPERATION TO ASCERTAIN EXISTENCE OF MINIMAL INSURANCE COVERAGES. Any person engaged in commercial opera-

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tions as defined by section 360.013, subdivision 11, who causes or authorizes the operation of aircraft, with or without the right of legal control (in capacity of owner, lessee or otherwise) of the aircraft, shall be responsible for determining that there is in force such minimal insurance coverages required by this chapter for the protection of passengers and third persons from damages for personal injury or death, or property damage, resulting in the operation of any such aircraft; provided that in any case and subject to the penalties provided for herein, every commercial operator causing or authorizing the operation of such aircraft shall disclose to such authorized pilot using or operating such aircraft both the limits and extent of any liability insurance coverages that may be applicable to the operation of such aircraft. Whoever violates or fails to comply with this section is guilty of a misdemeanor.

Sec. 6. This act is effective July 1, 1976.

Approved April 13, 1976.

CHAPTER 242—H.F.No.348

[Coded]

An act relating to insurance; establishing a temporary joint underwriting association for medical malpractice insurance; requiring membership; setting standards; providing for appeals; recovery of contributions and reporting of financial conditions; extending the required inclusion of chiropractic services under group accident and health policies and subscriber contracts; amending Minnesota Statutes 1974, Section 62A.15, by adding a subdivision.

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

Section 1. Minnesota Statutes 1974, Section 62A.15, is amended by adding a subdivision to read:

Subd. 4. MEDICAL MALPRACTICE INSURANCE; DENIAL OF BENEFITS. No carrier referred to in subdivision 1 shall, in the payment of claims to employees in this state, deny benefits payable for services covered by the policy or contract if the services are lawfully performed by a duly licensed chiropractor.

Sec. 2. **[62F.01] CITATION.** Sections 2 to 15 may be cited as the "Temporary Joint Underwriting Association Act."

Sec. 3. **[62F.02] JOINT UNDERWRITING ASSOCIATION. Subdivision 1. CREATION.** There is created a temporary joint underwriting association to provide medical malpractice insurance coverage to any licensed health care provider unable to obtain this insurance through ordinary methods. Every insurer authorized to write and writing per-

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