

For digital amputation, not to exceed ten dollars (\$10.00);

For major operations, not to exceed fifty dollars (\$50.00).

Approved May 5, 1919.

## CHAPTER 46.

### AN ACT

(S. B. 64)

Providing for the entrance of insurance companies into the Territory of Alaska; for the licensing of agents and brokers and prescribing fees and penalties; and for repealing existing Acts and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That no company, corporation, association, firm or individual shall be permitted to transact a life, fire, marine, guaranty, or other insurance business in the Territory of Alaska until he or it has filed in the office of the Secretary of the Territory of Alaska, and in the office of the Clerk of the District Court for the Division wherein the business of insurance is intended to be carried on, a certificate by the Secretary of State, or other proper officer, of some State of the United States or the Territory of Alaska, setting forth that the said company, corporation, association, firm, or individual is qualified to carry on the business of insurance in such State in accordance with the laws thereof.

Section 2. Such insurance company, corporation, association, firm, or individual shall also file, at the same time and in the same offices, a power of attorney which shall set forth that such company is a corporation or duly organized insurer (Naming the principal place of business of the company and principal place of business for the Pacific Coast), which power of attorney shall authorize a citizen and resident of the

Certificate of qualification to transact business to be filed with Secretary, etc.

Appointment of attorney for service of process

Territory of Alaska to receive and accept service in any proceeding in a court of justice of the Territory.

Section 3. In case of the death, removal from the Territory, or disqualification of the person so designated by power of attorney, it shall be the duty of such company, corporation, association, firm, or individual, within sixty days thereafter, to designate another person in the manner hereinbefore provided.

In case of death or disability of attorney

PENALTY FOR FAILURE TO FILE

Section 4. Such insurance company, corporation, association, firm or individual, shall annually and on or before the first day of May of each year file a certificate in the office of the Secretary of the Territory of Alaska and in the office of the Clerk of the Court for the Division wherein the business of insurance is being carried on, which certificate shall be in the same form and contain the same information as required in the certificate mentioned in Section 1 of this Act. And for a failure to file said annual certificate of qualification on or before said first day of May of each year, as required by this section, such insurance company, corporation, association, firm or individual, so failing and desiring to file the same thereafter shall pay to the Secretary of the Territory of Alaska a penalty of Two Dollars and Fifty Cents, in addition to the filing fee hereinafter provided.

Certificate of qualification to be filed before May 1st, annually

Penalty for failure to file

SHALL NOT MAINTAIN SUIT UNLESS ANNUAL QUALIFICATIONS FILED. NAMES TO BE STRICKEN FROM RECORDS BY SECRETARY OF THE TERRITORY, OF ALASKA.

Section 5. No insurance company, corporation, association, firm or individual shall be permitted to commence or maintain any suit, action or proceeding in any court in this Territory, without alleging and proving that it has filed its annual qualification last due.

Not to maintain suit unless annual qualification filed

A certificate of the filing of such annual qualification or any duplicate of such certificate under the seal of the Secretary of the Territory of Alaska, shall be prima facie evidence of such payment; and the Secretary of the Territory of Alaska is hereby required to issue such duplicate certificate, upon request, at a charge of twenty-five cents for each thereof. The Secretary of the Territory of Alaska may institute suits to enforce the filing of any annual qualification due to be filed from any insurance company, corporation, association, firm or individual, under this law. Failure upon the part of any insurance company, corporation, association, firm or individual to file its annual qualification for a period of one year from and after the date when such payment first became due, shall be prima facie evidence of the insolvency of such insurance company, corporation, association, firm or individual, and the fact of such insolvency may be shown by the Territory or by any private person or corporation; Provided, that as to insurance companies, corporations, firms or individuals, now delinquent in the filing of their annual qualifications for a period of one or more years, such presumption of insolvency shall not exist until after one year from the date of the passage of this Act and the continuation of such delinquency. It shall be the duty of the Secretary of the Territory of Alaska to strike from the records of his office the names of all insurance companies, corporations, associations, firms, or individuals, which have neglected for a period of two years to file their annual qualification and any insurance company, corporation, association, firm, or individual thereafter organized may take and shall have the exclusive right to use the corporate name of any insurance company, corporation, association, firm or individual, so stricken from the records; Provided, that no corporate name shall be so stricken from the records for a period of one year from the date of the passage of this act.

Secretary of  
Territory may  
enforce filing by  
action

Failure to file  
for one year  
presumption of  
insolvency

Proviso

Names to be  
stricken from  
records by Sec-  
retary—when

VOLUNTARY WITHDRAWAL

Section 6. Any insurance company, corporation, association, firm, or individual, should they so desire, may, at any time subsequent to their entry into the Territory, upon payment of all taxes and charges due the Territory, withdraw from said Territory upon filing in the offices mentioned in Section 1 of this Act, a certificate of their intention to withdraw, together with an affidavit by the proper officer that all taxes and charges due the Territory have been paid. For filing such Certificate of Withdrawal and affidavit, the Secretary of Alaska shall collect a fee of five dollars. The charge of filing in the office of a Clerk of the Court shall be the same as for filing the annual qualification.

Withdrawal from Territory

Prerequisites for withdrawal and certificate

REINSTATEMENT.

Section 7. Every insurance company, corporation, association, firm or individual whose name has been or shall hereafter be stricken from the records of the office of the Secretary of the Territory of Alaska in pursuance of law for failure to file its annual qualification for two years is hereby authorized and permitted to apply to the Secretary of the Territory of Alaska for reinstatement at any time within six months from the approval of this Act, or within six months after its name has been stricken from the records of the office of the Secretary of the Territory of Alaska.

When reinstatement can be made

PENALTIES TO BE PAID FOR REINSTATEMENT.

Section 8. Any insurance company, corporation, association, firm, or individual so applying for reinstatement shall at the time of its application pay to the Secretary of the Territory of Alaska, for the use of the Territory, all filing fees and penalties, and file all annual qualifications then due from it and the sum of one hundred dollars as additional penalty; Provided, that this shall apply to the reinstatement of in-

Penalties to be paid on reinstatement by companies now delinquent

Penalties to be paid by companies hereafter delinquent

insurance companies, corporations, associations, firms, or individuals, the names of which shall have been stricken at the present time, and hereafter whenever any insurance company, corporation, association, firm or individual, shall have its name stricken from the records by the Secretary of the Territory of Alaska it shall, in applying for reinstatement, file all annual qualifications and pay all filing fees and penalties then due from it and the additional sum of twenty dollars for each and every year that its name has been stricken from the records, and upon the making of such application and such payment, it shall be the duty of the Secretary of the Territory of Alaska to enter upon his records a notation that such insurance company, corporation, association, firm, or individual is reinstated.

#### RIGHTS RESTORED.

Rights restored on reinstatement and acts validated

Section 9. Thereafter such insurance company, corporation, association, firm, or individual, shall have and enjoy the same rights and powers as if its name had never been stricken from the records, and all things done by it in the exercise of its corporate powers before such reinstatement, are hereby validated and confirmed.

#### DISSOLUTION FOR NON-PAYMENT

Secretary to note dissolution for nonpayment

Section 10. If, however, within the period named within which an insurance company, corporation, association, firm, or individual, may make application to be reinstated, such insurance company, corporation, association, firm or individual shall not have made such application, the Secretary of the Territory of Alaska shall enter upon his records a notation that such insurance company, corporation, association, firm or individual, is dissolved and it shall thereupon be dissolved or barred forever from doing business in the Territory, and the trustees of such insurance company,

corporation, association, firm, or individual, should it be a domestic corporation, shall hold the title to the property of the insurance company, corporation, association, firm, or individual, for the benefit of its stockholders and creditors to be disposed of under appropriate court proceedings.

ADOPTION OF NAME OF DELINQUENT CORPORATION.

Section 11. The name of any insurance company, corporation, association, firm, or individual which has been stricken from the records of the office of the Secretary of the Territory of Alaska for failure to file its annual qualifications shall not be adopted by another insurance company, corporation, association, firm, or individual, until the expiration of the time within which such delinquent insurance company, corporation, association, firm, or individual is allowed in which to apply for reinstatement, or while such application for reinstatement is pending.

Name of delinquent corporation may be adopted by another - when

SECRET SOCIETIES ETC. EXEMPT.

Section 12. All orders or secret societies, such as Free Masons, Odd Fellows, Druids, Knights of Pythias, Ancient Order of United Workmen, Modern Woodmen of America, are hereby declared not to be fire, or life insurance companies in the sense and meaning of this Act, and they are exempt from the provisions hereof.

Secret societies not within purview of act

APPLICATION OF TERMS

Section 13. The provisions of this Act, under either term or designation of insurance company, corporation, association, firm or individual in either case, where term or designation is used, shall apply to any insurer, company, corporation, association, firm, or individual engaged as insurers or who may hereafter engage as insurers in the Territory, or who may engage in offering or affording indemnity against the casualties of fire or life.

Provisions of act to apply to every insurer

## FEES

Schedule of fees  
to be charged by  
Secretary of  
Territory

Section 14. The Secretary of the Territory of Alaska shall collect from each company, corporation, association, firm or individual for services provided in this Act the following fees; For filing original certificates of qualification, Twenty-five Dollars; For filing power of attorney, Five Dollars; For filing annual certificates of qualification, Fifteen Dollars.

### ALL FEES SHALL BE PAID IN ADVANCE

Fees to be paid  
in advance

Section 15. All fees provided for in this Act are due in advance and shall be paid to the Secretary of the Territory of Alaska before the services desired are performed.

### DISPOSITION OF FEES.

Fees to be cov-  
ered into the  
Territorial  
Treasury

Section 16. All fees collected by the Secretary of the Territory, under the provisions of this Act, shall be covered into the treasury of the Territory of Alaska, except as may be otherwise provided.

### MUST OBTAIN LICENSE.

License required  
to carry on busi-  
ness of insur-  
ance

Section 17. That any insurance company, corporation, association, firm or individual carrying on or prosecuting, or attempting to carry on or prosecute the business of fire, marine, life, accident or other insurance within the Territory of Alaska, shall first apply for and obtain license so to do from the Territorial Treasurer, and pay for said license, as herein provided.

### MUST FILE ANNUAL STATEMENT

Annual state-  
ment required  
and when

Section 18. All insurance companies, corporations, associations, firms, or individuals now doing business in this Territory, or that may hereafter do business in this Territory, unless otherwise provided by law, must make and file with the Territorial Treasurer annually on or before the first day of March in each

year, a statement under oath stating the amount of all premiums collected or contracted for by the company making such statement in this Territory, during the year ending December thirty-first next preceding; the amounts actually paid policy holders on losses; the amounts paid policy holders as return premiums; the amounts paid policy holders as dividends; the amount of insurance re-insured in other companies authorized to do business in this Territory, and the amount of premiums paid therefor; the amount of insurance re-insured in companies naming them, not authorized to do business in this Territory and the amount of premiums paid therefor, and the amount of re-insurance accepted from admitted companies and the premiums received for such re-insurance on risks located in this Territory with the name of the companies so re-insured. And said company, corporation, association, firm, or individual shall pay to the Territorial Treasurer a tax of one per centum on all premiums collected or contracted for; Provided, that in the case of companies engaged in fire or marine insurance the tax shall be collected on such premiums after deducting from the gross amount thereof the amounts paid to policy holders as returned premiums and the amounts paid as premiums to admitted companies for re-insurance, and in the case of life insurance companies the tax shall be collected on the gross amount of premiums after deducting therefrom the amounts paid as premiums to admitted companies for re-insurance.

Contents of annual statement

Tax on premiums of 1 per cent to be paid

Deductions provided for

TAXES DUE MARCH 31.

Section 19. The taxes herein provided for shall be due and payable on or before the thirty-first day of March succeeding the filing of the statement provided for herein.

Taxes due March 31st

PENALTY.

Section 20. Any company, corporation, association, firm or individual, failing or refusing to render such

Penalty for failure to file statement or pay tax

statement and information, and to pay taxes herein specified, for more than thirty days after the time specified, shall be liable for a forfeiture of double the amount due for such license and shall be prohibited from doing any more business in the Territory of Alaska until such fine is paid, and shall also pay as further penalty a sum equal to ten per cent of such forfeiture for every month that the sum remains unpaid.

POLICIES MUST BE COUNTERSIGNED BY  
LICENSED RESIDENT AGENTS.

Policies to be  
countersigned by  
resident agents

Section 21. No corporation or association authorized to transact business in this Territory, and no co-partnership or individual, resident or non-resident, shall write any policy of insurance, or assume any liability in the matter of insurance upon any property, real or personal, situated in this Territory, unless such policy, certificate, or other evidence of liability assumed by said corporation, association, firm or individual shall have been previous to delivery, signed or countersigned by an officer or agent, resident of this Territory, authorized by law to sign such policy or contract.

It is provided, however, that where an applicant for a policy of insurance calls at the principal or home office of the insurance company or association or at the office of a broker or of a non-resident agent of the insurance company, or association, and requests a policy, the risk may be covered and the policy procured through a duly authorized agent or officer of the company or association residing in the Territory.

Any insurance company, association, corporation, firm or individual violating any of the provisions of this section shall be fined not less than \$100 nor more than \$500 for each offense and each policy issued in violation of any of the provisions of this section shall be considered a separate offense.

Penalty for vio-  
lation section

AGENTS' LICENSES.

Section 22. Annually on or before the first day of July each agent representing companies other than those organized under the laws of the Territory shall procure an agent's license from the Treasurer of the Territory and the company, or association represented by him shall pay therefor a license fee of \$1.00, and should the same person or party represent several companies, then and in that event each company so represented must pay the agent's license fee provided for in this Act. Where the agent consists of a firm or corporation, the license shall be made in the name of such firm or corporation. All agents' licenses shall be transferable upon approval of the Treasurer of the Territory.

Agents must procure license

License fee

It shall be the duty of the Treasurer of the Territory to withhold any licenses applied for, or revoke any license issued to any person or party, or to his or their employee, when he is satisfied that the principal use of such license is to effect insurance upon the property or liability or such person or party.

When license fee shall be withheld

Any person, firm, corporation or association representing fire insurance companies other than those organized in the Territory who shall fail to procure an agent's license as required in this section shall be subject of a fine of not more than \$500.

Penalty for failure to procure agent's license

INSURANCE BROKER.

Section 23. All licenses for the purpose of conducting the occupation or business of an insurance broker shall be granted by the Treasurer of the Territory of Alaska, and all such licenses granted by said Territorial Treasurer shall expire on the first day of July thereafter. Whoever, for compensation, acts or aids in any manner in negotiating contracts of insurance or reinsurance, or placing risks or effecting insurance or reinsurance for a person other than himself, and not being duly appointed solicitor, agent or officer

Broker's licenses to be issued

Insurance broker defined

of the company in which such insurance or reinsurance is effected, shall be deemed an insurance broker within the meaning of this article.

Broker's license fees

Section 24. Any natural person, bona fide co-partnership or corporation applying therefor as hereinafter set forth, and paying to the Territorial Treasurer the sum of one hundred dollars (\$100.00) for the use of the Territory and an additional sum of one dollar (\$1.00) as a fee to the said Territorial Treasurer for issuing said license, may obtain a license for carrying on the business of an insurance broker. A license issued to a copartnership or corporation shall authorize only those members of the co-partnership, not exceeding three in number, who are specified in the license, or those officers, agents and employees of the corporation, not exceeding three in number, who are specified in the license, to act for the said co-partnership or for the said corporation thereunder. The Territorial Treasurer shall from time to time, upon application, and payment of an additional sum of fifty cents in each case as a fee to the Treasurer, change the designations of members of co-partnership, and of officers, agents and employees of corporations in licenses issued under this section to co-partnerships and corporations. Every application for a license under this section shall be addressed to the Treasurer in writing, shall set forth in full the name and address of such applicant and the name and address of each person who proposes to act under a license issued as aforesaid to any co-partnership or corporation, that each such applicant or person proposing to act under such license has not willfully violated any of the insurance laws of this Territory during the past year and that he will not violate any such law during the term of license applied for if issued; that he has not dealt unjustly with or deceived any citizen of this Territory or misrepresented the conditions of any insurance policy or contract;

License fees to corporations, etc., acting as brokers

Application for license and what to contain

whether or not he is indebted to any insurance company or general agent by virtue of any contract as former agent or broker, whether or not his license as insurance agent or broker has been declined or revoked in any State of the United States for a violation of law; where and in what business engaged during the past year, and shall give full answers to the following questions; Do you understand that it is against the laws of this Territory (a) to act as broker for any company without license from this department, (b) to misrepresent the conditions of any policy contract, (c) to make any discrimination between citizens of this Territory in premiums, or in rebating any part of premiums or commissions, or to twist or attempt to twist policies by misrepresentation. Said application and declaration shall be signed by the person, a member of the co-partnership, or a duly authorized officer of the corporation, applying as the case may be. If any such license shall be issued for any portion of any year, a ratable sum shall be charged therefor up to the first day of July next, succeeding the date of such application.

Section 25. Any person who shall use or exercise the business or occupation of an insurance broker without having procured a license therefor, as required by section 23 and 24 of this Act, shall be subject to a penalty of five hundred dollars for each offense.

Penalty for acting without license

**PENALTY FOR TRANSACTING BUSINESS WITH UNAUTHORIZED COMPANIES**

Section 26. No person, firm or corporation shall act as agent for any insurance company, corporation, association, firm or individual, in the transaction of any business of insurance within this Territory, or negotiate for or place risks or in any way or manner aid such corporation, association, firm, or individual in effecting insurance, or otherwise, in this Territory, unless such corporation, association, firm or individual

Agents forbidden to act for insurance companies not qualified hereunder

shall have fully complied with the provisions of this Act.

Penalty

Any person, firm or corporation violating the provisions of this section shall be liable to a fine of five hundred dollars for the first offense and an additional sum of one hundred dollars for each month during which such violation shall be continued.

REBATES PROHIBITED

Giving rebates prohibited

Section 27. No insurance company, by itself or any other party, and no licensed insurance agent, solicitor, or broker, personally or by any other party, shall offer, promise, allow, give, set off, or pay, directly, or indirectly, any rebate of, or part of, the premium payable on the policy, or on any policy, or agents' commission thereon, or earnings, profits, dividends, or other benefit founded, arising, accruing or to accrue thereon, or therefrom, on any risk in this Territory now or hereafter to be written, which is not specified in the policy contract of insurance. The License of any insurance company, agent, solicitor or broker who violates the provisions of this section shall be revoked and no license shall be issued to such company, agent, solicitor, or broker within one year from the date of the revocation of the license.

License of companies, agents and brokers revoked for

Acceptance of rebates prohibited

No insured person or party shall receive or accept, directly or indirectly, any rebate of premium or part thereof, or agents', solicitor's, or broker's commission thereon, payable on the policy of insurance, or any favor or advantage or share in the dividend or other benefits to accrue thereon or therefrom not specified in the policy contract of insurance; the amount of the insurance whereon the insured has received or accepted, either directly or indirectly, any rebate of the premium or agent's, solicitor's, or broker's commission thereon, shall be reduced in such proportion as the amount or value of such rebate, commission, dividend, or other consideration so received by the insured, bears to the

Penalty for acceptance of rebates

total premium on such policy, and any such insured shall be liable, in addition to having the insurance reduced, to a fine of not more than two hundred dollars. No person shall be excused from testifying, or from producing any books, papers, contracts, agreements, or documents at the trial of any person charged with violating any provision of this act, on the ground that such testimony or evidence may tend to incriminate himself, but no person shall be prosecuted for any act concerning which he shall be compelled so to testify or produce evidence, documentary or otherwise, except for perjury committed in so testifying.

Excuses from testifying on ground of incrimination not accepted

Immunity from prosecution

POLICY FEES FORBIDDEN

Section 28. It shall be unlawful hereafter for any insurance company or for any officer, manager, agent or other representative of any such company doing business in this Territory, to include in the sum charged or designated in any policy as the consideration for insurance, any fee, compensation, charge, or perquisite whatsoever except the premium for said insurance.

Policy fees forbidden

EXACT CONSIDERATION TO BE REPORTED.

Section 29. Every agent or other representative of any insurance company, corporation, association, firm or individual, issuing a policy on its own behalf in this Territory, shall report to the company the exact consideration charged and written in the policy, as a premium for the risk assumed.

Consideration for insurance to be sent to company

PENALTY.

Section 30. Any agent or other representative of any insurance company, corporation, association, firm or individual, violating any of the provisions of Sections 28 and 29 of this Act shall be fined not less than \$25 nor more than \$100.

Penalty for violation

AGENTS AUTHORIZED TO COUNTERSIGN.

Section 31. Any person, firm or corporation acting as agent of one or more fire insurance companies, cor-

Compliance with terms of act before July 1st validates contracts made

porations or associations authorized to do business in the Territory, at the time of the passage of this Act, may, on or before the first of July, 1919, comply with the provisions hereof and thereupon all its acts and contracts done and made before this Act goes into effect shall be valid and shall be deemed to have been done by a duly authorized agent.

Conflicting acts  
repealed

Chapter 39 of the Session Laws of Alaska, 1917, and Chapter 57 of the Session Laws of Alaska, 1915, and all other Acts or parts of Acts in conflict with this Act are hereby repealed.

Emergency

Section 32. An emergency is hereby declared and this Act shall take effect upon its passage and approval.

Approved May 5, 1919.

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## CHAPTER 47.

### AN ACT

(S. B. 45)

To amend Section 8, 13, and 20 of Chapter 37 of Session Laws of Alaska, 1913, entitled: "An Act to regulate the practice of pharmacy in the Territory of Alaska and to prescribe penalties for the violation thereof."

Be it enacted by the Legislature of the Territory of Alaska:

Section 8, Chap-  
ter 37, Laws of  
1917, amended

Section 1. That Section 8 of Chapter 37 of the Session Laws of Alaska, 1913, entitled: "An Act to regulate the practice of pharmacy in the Territory of Alaska and to prescribe penalties for the violation thereof," be, and the same is hereby, amended to read as follows:

Board of Pharm-  
acy to elect  
president and  
secretary

"Section 8. The Territorial Board of Pharmacy shall elect a president and a secretary from the number of its own members, who shall be elected for the term of two years, and until their successors are elected, and who shall perform the duties prescribed by the board.

Duties of board

It shall be the duty of the board to examine all