

services rendered in furnishing preliminary plans, estimates and other work, with the Pioneer Home Committee of the Legislature, and including traveling expenses and conference in connection with the erection of the Alaska Pioneer Home, at Sitka, Alaska, said services rendered being requested by the Governor and the Pioneer Home Committee; and said appropriation to be paid on vouchers approved by the Governor to the following person in the amount stated, to wit:

N. Lester Troast & Associates\$375.00

Section 2. An emergency is hereby declared to exist^{Emergency.} and this Act shall be in full force and effect immediately upon its passage and approval.

Approved March 9, 1939.

CHAPTER 66.

AN ACT

[S. B. 54]

To amend Chapter 22, Session Laws of 1937, by adding thereto eight additional sections, numbered 45 to 52, both inclusive; to amend the title thereof by adding thereto and including therein the title of this Act; to provide for the effecting of insurance with resident and non-resident associations and the licensing of non-resident agents and brokers; to authorize non-licensed associations to effect insurance in the Territory under certain conditions; to provide for the qualification of agents and brokers effecting such insurance; to provide for annual statements and premium tax; to regulate the writing and effecting of insurance; to prohibit the placing of insurance with impaired or insolvent associations, to provide for the service of process upon associations, and to provide penalties for violations, and declaring an emergency.

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

Section 1. That Chapter 22, Session Laws of 1937,^{Amended.} be hereby amended by adding thereto eight additional

sections, numbered 45 to 52, both inclusive, and reading as hereinafter set forth, and by amending the title thereof by adding thereto and including therein the title of this Act.

Authorizing
associations to
write insurance.

“Section 45. The Insurance Commissioner may authorize the placing of insurance, other than life, fire and automobile, except in those cases in which fire and automobile insurance cannot otherwise be obtained in admitted companies, with an association or associations of individuals, or a member or members of such associations, whether organized within this Territory or elsewhere, formed upon or under a plan whereby five or more Associate Underwriters of such association become liable for a proportion of the whole amount insured by a group of, or all of, the members of such association; provided, that every policy or contract of insurance placed with such association, upon its issuance and delivery, shall have permanently attached thereto an endorsement reading as follows:

All insurance
policies to have
endorsement
submitting to
jurisdiction of
Alaska Courts

Appointment of
agent for
service of
process.

“Service of Suit Clause. It is agreed that, in the event of dispute as to the validity of any claim made by the assured under this policy or contract of insurance, the insurer and insurers hereon, at the request of the assured, (a) will submit to the jurisdiction of the District Court for the Territory of Alaska in that Judicial Division, in the discretion of the assured, in which is located the insured property or the assured's residence, or the assured's principal office or place of business, and (b) will comply with all legal requirements necessary to give such court jurisdiction, and, (c) in any suit instituted by the assured against any one or more of the insurers upon this contract, will abide by the final decision of such court or any appellate court in the event of an appeal; provided, however, where in any suit

the amount in dispute is such as to give jurisdiction to the Commissioner's Court of the Precinct in which is located the insured property, or the assured's residence, principal office or place of business the insurers, at the request of the assured, will submit to the Jurisdiction of such Commissioner's Court in such suit;

Appointment agent for service of process.

..... (insert herein the name of an individual, co-partnership, association or corporation having an office or place of business within the Territory of Alaska) is hereby duly authorized and empowered to accept service on behalf of the insurers in and on submission to jurisdiction as aforesaid."

"Section 46. Licensing non-resident Agents and Brokers. The Insurance Commissioner may issue licenses to non-resident agent and brokers authorizing them, during the time such agent or broker shall conform to the provisions hereof, to solicit, accept applications for, write, issue, or place policies or contracts of insurance, or to effect insurance upon risks located within the Territory, other than life, with an association or associations of individuals, or a member or members of such association, whether organized within this Territory or elsewhere formed upon or under a plan whereby one or more Associate Underwriters of such association become liable for a proportion of the whole amount insured by a group of, or all of, the members of such association, and to make delivery of such policies or contracts of insurance when so written, effected, issued or placed.

Non-resident agents and brokers licensed.

Such license shall be obtained only on a written application in form prescribed by the Insurance Commissioner, stating the kinds of insurance which the applicant desires to transact.

Written application for license.

Non-resident
agents and brok-
ers must file
bond.

Every application for a non-resident license to act as an insurance agent or broker shall file with his, its or their application, and maintain in effect, a satisfactory bond, duly executed by an admitted insurer or insurers, approved by the Insurance Commissioner, in the amount of \$5,000.00, which bond shall run in favor of the Territory and may be continuous in form and shall remain in force and effect until cancelled as hereinafter provided. The total aggregate liability on such bond shall be limited to the sum of \$5,000.00, and it shall be conditioned that the applicant will conduct such business in accordance with the provisions of this Act and will pay to the Commissioner of Insurance the taxes levied by and in the manner as provided in this Act, and will, on or before March first of each year, file a true and correct statement of all insurance premiums collected or contracted for by such agent or broker on risks within the Territory during the year ending December 31st next preceding, with the names of the associations issuing such policies of insurance, and the amounts paid policy holders as return premiums. Either the principal or the surety on said bond may cancel it and be relieved of further liability thereon from and after thirty days following the delivery by either said principal or said surety of a written notice to the Insurance Commissioner of the cancellation of said bond; provided, however, such bond shall remain in effect as to any liability originating or accrued thereunder prior to the termination of said thirty-day period.

Provide.

License fee.

Any individual, corporation, co-partnership, or association licensed hereunder as a non-resident agent or broker shall pay in advance to the Commissioner of Insurance an annual license fee of \$300.00 per year, payable on or before the issuance of such non-resident agent or broker license.

Who qualified
have license.

The Insurance Commissioner shall not grant a license to act as a non-resident agent or broker to any minor

or to any person who is not a citizen of the United States.

Any individual, co-partnership, corporation, or association licensed as a non-resident agent or broker shall file a duly verified list, on a form to be provided by the Insurance Commissioner, setting forth the names and addresses of the individual, co-partnership, association or corporation who actually represents the non-resident agent or broker in effecting insurance in the Territory. Non-resident agents or brokers shall not be required to maintain an office within the Territory for the transaction of business.

To file report of persons representing them.

The Commissioner of Insurance shall have the power to revoke any license granted to any non-resident agent or broker for cause, upon hearing, after reasonable notice has been given to such non-resident licensed agent or broker; but, such revocation shall not relieve or discharge such agent or broker or his surety from civil liability under the aforesaid bond.

License revoked for cause.

Section 47. No person, copartnership, association or corporation shall place, procure or effect insurance upon any risk located in this Territory, or place, procure or effect insurance on any marine risk destined for, or departing from, any port in this Territory, in any association not licensed to do business therein, until such person, copartnership, association or corporation shall have (a) first procured a license from the Commissioner of Insurance as herein provided, and (b) furnished a bond to the Territory in the penal sum of \$5,000.00, and conditioned as required in the last preceding section hereof. Any agent or broker, licensed as a resident agent or broker, may place such insurance through any resident or non-resident who has qualified hereunder as a non-resident agent or broker. Every such agent or broker, whether resident or non-resident, must keep a true and complete record of all insurance business transacted by him showing; First, the exact amount of

Requirements before authorized write insurance.

Records to be kept by all agents—contents, etc.

such insurance; second, the gross premiums charged therefor; third, the return premiums paid thereon; fourth, the rate of premium charged for such insurance upon the different items of the property; fifth, the date of such insurance and terms thereof; sixth, the name and address of the association making such insurance; seventh, the name and address of the assured, and a brief and general description of the property insured, where located, and, if a marine risk, the name of the ship, vessel, boat or craft, and voyage covered by such insurance; and such other facts and information as the Insurance Commissioner may direct and require, which record at all times shall be open and subject to the inspection and examination of the Insurance Commissioner, his deputy, or examiner.

Section 48. Every policy procured, written and delivered under the provisions hereof shall have stamped upon it and be initialed by the agent or broker, whether resident or non-resident, effecting and writing it, the following endorsement:

“This policy is registered and delivered at _____, Alaska, this _____ day of _____, 19....., under the provisions of Chapter 22, Session Laws of 1937, of the Territory of Alaska, as amended.”

Section 49. Every agent or broker, whether resident or non-resident, who places, procures, effects or delivers any contract of insurance or insurance policy, as herein provided, shall annually, on or before the first day of March in each year, make and file with the Commissioner of Insurance a verified statement, in duplicate, upon a form to be prescribed and furnished by the Commissioner, which shall exhibit the true amount of all such business transacted by such agent or broker during the year ending on the thirty-first day of December next preceding the making of such annual

Necessary endorsement on all policies.

Report to be filed, when, contents, etc.

statement, showing the gross amount of each kind of insurance, the gross premiums charged for such insurance, the aggregate amount of return premiums paid to the insured, the amount of the net premiums, and such other facts and information as the Commissioner may prescribe and require.

The Insurance Commissioner shall charge for the filing of the aforesaid verified statement in his office a fee equal to one-half of one percentum on all premiums collected or contracted for during the preceding calendar year as shown on said statement, after deducting from the gross amount thereof the amounts paid to policy holders as return premiums, which fee shall not be less than \$50.00 and shall be paid at the time of the filing of said verified statement with the Commissioner and shall be deposited with the Treasurer of the Territory in the general fund.

The agent or broker making such statement shall pay to the Insurance Commissioner the taxes which are hereby levied upon said business, namely; a tax of 2% on all premiums collected or contracted for, as and at the time and in the manner provided for the payment of tax under Chapter 22, Session Laws of the Territory of Alaska, 1937.

Section 50. Every such agent or broker, who fails or refuses to make and file said annual statement and to pay the taxes required to be paid thereon the thirty-first day of March of each year, shall be liable to a fine of Twenty-five Dollars for each day of such delinquency, beginning with the thirty-first day of March of said year, and said tax may be collected by distraint, or such tax and such fine may be recovered by an action, to be instituted by and in the name of the Territory, in any court of competent jurisdiction, and the fine, when so collected, shall be paid to the Insurance Commissioner of the Territory, and placed to the credit of the general fund. If any such agent or broker shall fail to make

Fee for filing reports.

Tax on gross premiums.

How tax collected.

License revoked for failure keep records, file report or pay tax.

and file said annual statement and pay said taxes and filing fee, or shall refuse to allow the Insurance Commissioner to inspect and examine his records of the business transacted by him, pursuant to this Amendatory Act, or shall fail to keep such records in manner as required by the Insurance Commissioner, or shall refuse or neglect to immediately notify the insurance association for whom he has placed, registered, or delivered a contract or policy of insurance of the commencement of any action or proceeding in any court in this Territory against such association, the license of such agent or broker shall be immediately revoked by the Insurance Commissioner after hearing upon reasonable notice and proof of such delinquency and no license shall be issued to such agent or broker within one year from the date of such revocation, nor until all taxes, filing fees and fines are paid, nor until the Insurance Commissioner shall be satisfied that such agent or broker will fully comply with the provisions of this Amendatory Act.

Fine and penalty
for placing
insurance in
impaired
association.

Section 51. Any such agent or broker, whether resident or non-resident, who knowingly shall place any insurance with, or procure any insurance from, any insurance association, who said agent or broker knows is then financially impaired or insolvent, shall be fined in any sum not less than Fifty (\$50.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars, and his license shall immediately be revoked by the Insurance Commissioner after hearing upon reasonable notice and proof of such delinquency, and no license shall be issued to such agent or broker within two years of such revocation.

Suits brought
when, where.

Section 52. Every association making, effecting or writing any insurance under the provisions of this Amendatory Act shall be deemed and held to be doing business in this Territory as an unlicensed association, and may be sued upon any cause of action, arising

under any policy of insurance so issued and delivered by them, in the District Court in that Judicial Division of Alaska, in the discretion of the assured, in which is located the insured property, or the assured's residence, or the assured's principal office or place of business, or, when the amount in dispute is such as to give jurisdiction to the Commissioner's Court of the (Commissioner's) Precinct within which is located the insured property, the assured's residence, or the assured's principal office or place of business then, in the discretion of the assured, in such Commissioner's Court, with the same right of appeal, from said Commissioner's Court and from said District Court as is allowed in other causes of action. The Insurance Commissioner, by virtue of the issuance of any policy of insurance in pursuance hereof, is hereby constituted the attorney-in-fact of the insurance association issuing such policy for the purpose of being served with and accepting service of process in such suits, action or other proceedings. The summons or other processes together with a certified copy of the complaint, or other plea, shall be served upon the Commissioner of Insurance in triplicate, and it shall be the duty of the Commissioner to forthwith forward a true copy thereof, under registered cover with proper postage affixed thereon, properly addressed to the person or persons designated for service of suit in the policy or contract sued upon, and to the agent or broker effecting such insurance; and the name or names and the address or addresses, if known to the assured, of such person or persons designated for service of suit and of such agent or broker, shall be endorsed by the assured, or by his attorney or agent, upon the bottom of such complaint or other plea, and the association so served shall have sixty days after the date of such service upon the Commissioner in which to appear and plead or answer to any such cause. Upon service of process being had on such association the court in which such action is begun shall be deemed

Insurance
Commissioner
Attorney-in-fact.

Process may be
served on Insur-
ance Commis-
sioner.

Time for
answer.

to have duly acquired jurisdiction in personam of such defendant associaton and the members thereof so served.

Emergency.

Section 2. An emergency is hereby declared to exist and this Act shall take effect immediately after its passage and approval.

Approved March 9, 1939.

CHAPTER 67.

AN ACT

[S. B. 40]

To amend Chapter 20, Session Laws of Alaska, 1937, the same being an Act entitled "An Act to provide for a tax on mines and mining and to repeal Sub-section 14, of Section 3138 of the Compiled Laws of Alaska, 1933, as amended by Chapter 74, of the Session Laws of Alaska, 1935" by adding thereto Sections 3 and 4 providing for interest on unpaid license taxes and providing for liens; and declaring an emergency.

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

Amended.

Section 1. That Chapter 20 of the Session Laws of Alaska, 1937, be, and the same is hereby amended by adding thereto the following sections, to be known as Sections 3 and 4:

**Due date of
mine tax.**

Section 3. All license taxes shall be due and payable on December 31st of each year and must be paid on or before January 15th following; provided, that the Treasurer shall have the power to extend such time until the fifteenth of the next ensuing March upon the special showing made by the licensee that such extension is necessary in order to enable him to ascertain the amount of taxes due, and it shall be the duty of the person, firm or cor-