

April 1, 1953, and for all other sections herein the effective date shall be July 5, 1953.

Effective dates.

Approved March 28, 1953.

CHAPTER 100

AN ACT

[H. J. C. S. S. B. 99]

To supplement Chapter 2, Title 42, Alaska Compiled Laws Annotated 1949, by adding Sections 42-2-15, 42-2-16, and 42-2-17 thereto, providing that certain kinds of insurance, when not obtainable from admitted companies, may be placed with non-admitted companies of whose solvency the Insurance Commissioner is satisfied, and providing for service of process upon such non-admitted companies; and declaring an emergency.

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

Section 1. Chapter 2, Title 42, Insurance, Alaska Compiled Laws Annotated 1949, is hereby supplemented by adding thereto the following three Sections respectively numbered, entitled, and reading as follows:

Sec. 42-2-15. Insurance by Non-Admitted Companies. The Insurance Commissioner may authorize the placing of fire, accident, liability, automobile, and other miscellaneous, but not life, insurance, in those cases where such fire, accident, liability, automobile, and other miscellaneous insurance cannot be obtained from an admitted company, with a non-admitted company, of whose solvency the Insurance Commissioner is satisfied by reasonable evidence which may consist of statements contained in reputable insurance publications or digests; provided, that every policy or contract of insurance placed with such non-admitted company, upon its issuance and delivery, shall have permanently attached thereto an endorsement reading as follows:

Insurance by
non admitted
companies.

Policy endorse-
ment required.

“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.”

Actions against
non-admitted
companies.

Sec. 42-2-16. Actions Against Non-Admitted Companies: Process. Every non-admitted company making, effecting, or writing any insurance under the provisions of this Act shall be deemed and held to be doing business in this Territory as an unlicensed non-admitted company, and may be sued upon any cause of action, arising under any policy of insurance so issued by it 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 non-admitted company 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 non-admitted company 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

Service of process
upon Insurance
Commissioner.

on such non-admitted company the court in which such action is begun shall be deemed to have duly acquired jurisdiction in personam of such defendant non-admitted company so served.

Obligations of agents and brokers.

Sec. 42-2-17. Conditions and Obligations for Writing Insurance under this Act. The Insurance Commissioner may issue license to non-resident agents 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 any non-admitted company; provided, that any agent or broker, who so solicits, accepts applications for, writes, issues, or places policies or contracts of insurance with any non-admitted company under such license, shall do so in conformity with and subject to Sections 42-1-9, 42-1-26, 42-3-2, 42-3-8, 42-3-9, and 42-3-10, ACLA 1949, which sections shall apply, in addition to the placing of insurance with Associate Underwriters, to the placing of insurance under this Act with non-admitted companies, and shall be complied with in the same manner as those sections require of non-resident agents and brokers placing insurance with Associate Underwriters; provided, further, such non-resident agent and broker placing any such insurance with both a Lloyds group of insurers and a non-admitted company shall be required to pay only one annual license fee under Section 42-3-2, ACLA 1949.

Annual license fee.

Section 2. An emergency is hereby declared to exist,

and this Act shall take effect immediately upon its passage and approval. Emergency clause.

Approved March 28, 1953.

CHAPTER 101

AN ACT

[S. B. 7]

Relating to Old Age Assistance, eliminating the citizenship requirement, and restating provisions regarding residence in public institutions; redefining public medical institutions; increasing the maximum assistance benefit; amending Section 51-2-51 ACLA 1949, as last amended by Chapter 49 S.L.A. 1951; repealing Section 2, Chapter 49 S.L.A. 1951; and fixing an effective date.

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

Section 1. Section 51-2-51 ACLA 1949, as last amended by Chapter 49 S.L.A. 1951, is amended to read as follows:

Sec. 51-2-51. PERSONS ENTITLED TO ASSISTANCE: LIMITATION OF AMOUNT.

Qualifications
for assistance.

Financial assistance shall be given under this Act, so far as practicable under the conditions in this Territory, to any aged, needy resident of the Territory who has resided therein for five years during the nine years immediately preceding the date of application, who has attained the age of 65 years, and who has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance. Assistance granted shall be in such amount as will provide the applicant with a reasonable subsistence compatible with decency and health, but shall in no case exceed the rate of \$90.00 per calendar month.

Maximum
payment.

No payment under the provisions of this Act