

No. 225, S.]

[Published May 6, 1911.]

CHAPTER 84.

AN ACT to create section 1960 of the statutes, relating to stand-
ard provisions for accident and health policies of insurance.

*The people of the State of Wisconsin, represented in Senate and
Assembly, do enact as follows:*

SECTION 1. There is added to the statutes a new section to
read: Section 1960. 1. On and after the first day of January,
nineteen hundred and twelve, no policy of insurance, against
any of the risks specified in subsections 4 and 5 of section 1897
shall be issued or delivered in this state by any domestic or for-
eign company:

a. unless every portion is plainly printed in type not smaller
than long primer or ten point type;

b. unless there is printed on the first page thereof and on its
filing back, in type not smaller than eighteen point or great
primer, a brief description of the policy;

c. unless the exceptions be printed with the same prominence
as the benefits to which such exceptions apply;

d. unless it contains, in substance, the following provisions:

(1) That such policy, with a copy of the application therefor,
if any, and of such other papers as may be attached to or in-
dorsed thereon shall constitute the entire contract of insurance,
except as the same may be affected by any table of rates or
classification of risks filed by the corporation with the commis-
sioner of insurance.

(2) That no statement made by the applicant for insurance,
which statement is not incorporated in or indorsed on the pol-
icy issued to such applicant, shall avoid the policy or be used in
evidence, and no provision of the charter, constitution, or by-
laws shall be used in defense of any claim arising under any
such policy, unless such provisions are incorporated in full in
the policy; but this requirement shall not be deemed to apply to
the table of rates or manual of classification of risks of any cor-
poration filed with the commissioner of insurance prior to the
date of the occurrence of the injury or commencement of the
sickness for which indemnity is claimed.

(3) Specifying the time within which such notice of accident
or disability shall be given, which time shall not be less than
twenty days from the date of the accident nor less than ten days
from the date of the beginning of the disability from sickness
upon which the claim is based, provided, however, that in case
of accidental death, immediate notice thereof may be required,
unless the notice herein specified shall be shown not to have been
reasonably possible.

(4) That notice of a claim for indemnity shall be deemed sufficient when given to the office or agent of the corporation specified in the policy.

(5) That, under every such policy, if a past due premium shall be accepted by the corporation or by a branch office or by an authorized agent of the corporation, such acceptance shall reinstate the policy in full as to disability resulting from accidental bodily injuries sustained, at least one day after such acceptance and shall only reinstate the policy as to disability from disease beginning more than ten days after the date of such acceptance.

(6) That, if the insured is injured or contracts disease after having changed his occupation to one classified by the corporation as more hazardous than that stated in the policy or while he is doing any act or thing pertaining to any occupation so classified (except ordinary duties about his residence or while engaged in recreation), the corporation shall pay such proportion of the indemnities provided in the policy as the premium paid would have purchased at the rate and within the limits fixed by the corporation for such more hazardous occupation according to the corporation's rates and classification of risks filed with the superintendent of insurance prior to the occurrence of the injury or the commencement of the disease for which indemnity is claimed.

(7) That the corporation will pay the benefits promised within sixty days of the receipt by it of due proofs of death or disability.

(8) That the policy may be cancelled at any time by the corporation by written notice delivered to the insured or mailed to him at his last address as shown by the records of the corporation and the tender of the corporation's check for the unearned portion of the premium, but that such cancellation shall be without prejudice to any claim arising on account of disability commencing prior to the date on which the cancellation takes effect.

(9) That the policy shall be cancelled at the request of the insured at any time and the unearned premium returned to him at customary short rates, corresponding to those used in fire insurance.

2. No such policy shall be so issued or delivered in this state, if it contains, in substance, any provision:

a. Limiting the time within which proofs of claims shall be furnished to the corporation to a period less than ninety days from the date of death, dismemberment, or loss of sight, or from the termination of any other disability.

b. Limiting the time within which an action at law or in equity may be commenced to less than two years from the date when the final proof of claim is filed with the corporation.

c. Authorizing the deduction of any premium or assessment from any indemnity payable under the terms of the policy, except such premium or assessment as may be due or covered by written order or note at the time of payment of the indemnity.

d. Limiting the amount of indemnity to be paid to a sum less than the indemnity as stated in the policy and for which the premium has been paid; provided, however, if the assured shall carry other insurance covering the same hazard, without giving written notice to the companies, corporations, or associations issuing the policies, then and in that case each or any company, corporation, or association may limit its liability to such proportionate amount of benefits as the indemnity promised bears to the total amount of indemnity in all the policies covering such hazard, and for the return of such part of the premium paid as shall exceed the pro rata of the premium for the benefits paid.

3. A policy issued in violation of this section shall be held valid but shall be construed as provided in this section, and when any provision in such a policy is in conflict with any provision of this section, the rights, duties, and obligations of the corporation and policy holder and the beneficiary shall be governed by the provisions of this section.

4. The policies of insurance against any of the risks specified in subsections 4 and 5 of section 1897, issued by a corporation not organized under the laws of this state, may contain any provision which the law of the state, territory, or district of the United States, or of a country outside of the United States (under which the corporation is organized) prescribes shall be in such policies when issued in this state; and such policies of insurance issued by a domestic corporation may, when issued or delivered in any other state, territory, district, or country contain any provision required by the laws of the state, territory, district, or country in which the same are issued, anything in this section to the contrary notwithstanding.

5. Nothing in this section, however, shall apply to or affect any general or blanket policy of insurance issued to any municipal corporation or department thereof, or to any corporation, co-partnership, association, or individual employer, police or fire department, underwriters' corps, salvage bureau, or like associations or organizations, where the officers, members, or employees or classes of departments thereof are insured against specified accidental bodily injuries or diseases while exposed to

the hazards of the occupation or otherwise, in consideration of a premium intended to cover the risks of all the persons insured under such policy.

6. Nothing in this section shall apply to or in any way affect contracts of life insurance or contracts supplemental thereto which shall contain provisions intended to safeguard such life insurance against lapse that shall provide a special surrender value therefor, in the event that the insured thereunder shall, by reason of accidental bodily injury or disease, be unable to continue the premium payment thereon.

7. Any corporation or association to which this section applies, or any officer or agent thereof, which or who issues or delivers in this state, or to any citizen thereof, any accident or health policy or contract in wilful violation of the provisions of this section shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 5, 1911.

No. 296, S.]

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CHAPTER 85.

AN ACT to create section 1774m of the statutes, relating to perfecting the title of stockholders in a corporation after the dissolution of the same.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There is added to the statutes a new section to read: Section 1774m. 1. Whenever any corporation organized under the laws of the state of Wisconsin shall have been dissolved, whether by expiration of time or otherwise, owning any real property in this state, the certificate of the president, or secretary, of said corporation at the time of such dissolution, with the seal of the corporation annexed, giving the names of the persons holding stock in said corporation at the time of its dissolution, and the shares or proportional interest of said persons in the corporate property, whether said certificate be made before or after the passage of this act, shall be prima facie evidence of the title of said persons in said corporate property, and said certificate may be recorded in the office of the register of deeds of the county where said property is located, and the record thereof shall be likewise prima facie evidence.