

s. 1976 sub. 7; 1923 c. 291 s. 3; Stats. 1923 s. 209.04 (7); 1933 c. 144 s. 3; 1933 c. 487 s. 239; 1933 c. 489 s. 30; Stats. 1933 s. 206.41; 1949 c. 399, 639; 1951 c. 261 s. 10; 1957 c. 321 s. 6 to 9; 1957 c. 624; 1957 c. 672 s. 78; 1961 c. 397, 562; 1963 c. 301, 344, 459, 464; 1965 c. 461; 1967 c. 92 s. 22; 1969 c. 337 ss. 68, 88.

A provision in an application for a life insurance policy, that the policy should not take effect until the first premium was paid and the policy delivered to the insured while in good health, was unavailable as a defense to a company whose agent delivered the policy and then cashed a check given him by a relative of the insured as payment of the first premium and delivered a receipt therefor after he had heard of the insured's illness and had consulted the company's medical examiner. *Stilp v. New York Life Ins. Co.* 168 W 264, 169 NW 606.

Power to make rules conferred by 206.41 (14), Stats. 1949, does not authorize acceptance of a certificate of a life insurance company that an applicant has satisfactorily completed its agent's training course and is recommended as qualified for a license as a life insurance agent, as a substitute for an application pursuant to 206.41 (4) and written examination under 206.41 (5). 40 Atty. Gen. 20.

See note to 201.44, citing 43 Atty. Gen. 181.

Payments by employers, pursuant to a collective bargaining agreement, to be used to provide group life insurance for local union employees with an insurer not authorized to do business in the state violates 206.41 (2). Group accident and health insurance is not within 206.41 (2). 45 Atty. Gen. 186.

A state bank officer or employee can obtain a special license to sell to bank borrowers credit life insurance only. The licensed officer or employee can turn over to his employer bank part or all of any commissions received and the bank can accept and retain such payments. If an individual credit life insurance policy plan is used, the licensed officer or employee may turn over to the bank by which he is employed any commissions received from the sale of such insurance and the bank may accept them. 47 Atty. Gen. 317.

206.45 History: 1907 c. 127; Stats. 1911 s. 1953b; 1923 c. 291 s. 3; Stats. 1923 s. 206.45; 1933 c. 487 s. 240.

206.46 History: 1907 c. 342; Stats. 1911 s. 1953d; 1923 c. 291 s. 3; Stats. 1923 s. 206.46; 1933 c. 487 s. 241.

206.47 History: 1907 c. 131; Stats. 1911 s. 1953e; 1923 c. 291 s. 3; Stats. 1923 s. 206.47; 1933 c. 487 s. 242.

206.49 History: 1931 c. 256; Stats. 1931 s. 206.49; 1933 c. 322; 1933 c. 487 s. 243a; 1967 c. 89 s. 18; 1969 c. 337.

206.51 History: 1907 c. 126; Stats. 1911 s. 1946f; 1913 c. 517; 1915 c. 323; 1923 c. 291 s. 3; Stats. 1923 s. 203.15; 1929 c. 296; 1933 c. 487 s. 244; Stats. 1933 s. 206.51; 1935 c. 214 s. 6; 1935 c. 463; 1969 c. 337.

It is not a violation of law for the agent of an insurance company to induce a person insured in another company to drop his policy

with that company and insure in the company represented by such agent. 2 Atty. Gen. 435.

206.54 History: 1919 c. 652; Stats. 1919 s. 4202t; Stats. 1921 s. 1977—5; 1923 c. 291 s. 3; Stats. 1923 s. 209.10; 1933 c. 487 s. 245; Stats. 1933 s. 206.54.

206.59 History: 1965 c. 260; Stats. 1965 s. 206.59.

206.60 History: 1949 c. 458; Stats. 1949 s. 206.60; 1957 c. 122; 1961 c. 463; 1963 c. 464; 1969 c. 319, 346, 368.

A certificate under a group life insurance policy, requiring contributions by the employee, is a contract between the insurer and the employee. *Jensen v. John Hancock Mut. Life Ins. Co.* 266 W 595, 64 NW (2d) 183.

A group life insurance plan based on 11 "major industries" is outside the scope of 206.60 (4). 47 Atty. Gen. 16.

A foreign life insurance company licensed to do business in this state may not enter into a group life insurance plan to cover residents of this state, which plan is of a type not authorized by 206.60 even though the master group policy was applied for and delivered in another state. 47 Atty. Gen. 184.

A state bank can obtain a group credit life insurance policy to cover its borrowers and under 206.60 (2) (b) can charge them for coverage. 47 Atty. Gen. 317.

47 Atty. Gen. 16 is supplemented by the opinion in 47 Atty. Gen. 326.

206.61 History: 1949 c. 458, 560; Stats. 1949 s. 206.61; 1957 c. 122, 321; 1961 c. 333.

206.62 History: 1957 c. 95; Stats. 1957 s. 206.62.

206.63 History: 1957 c. 321 s. 11; 1957 c. 672 s. 79; Stats. 1957 s. 206.63; 1961 c. 354; 1967 c. 92 s. 22.

206.64 History: 1963 c. 464; Stats. 1963 s. 206.64; 1965 c. 304; 1969 c. 346.

CHAPTER 207.

Unfair Insurance Business Methods.

207.01 History: 1947 c. 520; Stats. 1947 s. 207.01.

207.02 History: 1947 c. 520; Stats. 1947 s. 207.02.

207.03 History: 1947 c. 520; Stats. 1947 s. 207.03.

207.04 History: 1947 c. 520; Stats. 1947 s. 207.04; 1953 c. 415; 1961 c. 463; 1967 c. 76, 278; 1969 c. 337 s. 88.

Editor's Note: The legislative proposals which led to the enactment of ch. 415, Laws 1953, creating 207.04 (3) and (4), were considered in an opinion published in 42 Atty. Gen. 137. A legislative proposal which led to the enactment of ch. 76, Laws 1967, creating 207.04 (1) (k), was considered in an opinion published in 56 Atty. Gen. 132.

To charge persons of unequal expectations of life the same premium would be palpable

discrimination. Interest on quarterly and semiannual premiums may be charged when transactions constitute a bona fide loan to the insured. 1910 Atty. Gen. 431.

207.09 History: 1947 c. 520; Stats. 1947 s. 207.09; 1969 c. 276 s. 585 (3); 1969 c. 337 s. 88.

207.10 History: 1947 c. 520; Stats. 1947 s. 207.10.

207.13 History: 1947 c. 520; Stats. 1947 s. 207.13; 1969 c. 337.

CHAPTER 208.

Fraternal Benefit Societies.

208.01 History: 1911 c. 216; 1911 c. 664 s. 27; Stats. 1911 s. 1956; 1917 c. 55 s. 1, 2; 1923 c. 291 s. 3; Stats. 1923 s. 208.01; 1925 c. 130; 1927 c. 170; 1931 c. 176; 1933 c. 344 s. 1; 1945 c. 517; 1961 c. 545.

Revisor's Note, 1933: The absence of a revisor's note to any section in this bill is to be understood as indicating that the changes are only verbal and that no change of substance is proposed. [Bill 51-S, s. 1]

Editor's Note: Ch. 344, Laws 1933, amended and revised ch. 208, Stats. 1931, which was derived from various enactments of prior years and which related to fraternal benefit societies.

It is doubtful whether a subordinate branch of the Modern Woodmen of America, organized under ch. 188, is a benevolent society. The fact that the members of a fraternal benefit society are identical with the stockholders of a corporation does not prevent dealings between the 2 bodies. Trustees Onalaska Camp v. Onalaska M. W. H. Asso. 179 W 486, 192 NW 33.

Under the plan of a mutual benefit association, which includes levying an assessment on the members of a particular class on the death of a member of such class to pay over to the beneficiary of the deceased member the amount collected less certain deductions, the association is engaged in the business of insurance, and is therefore violating the general incorporation law, ch. 180. State ex rel. Martin v. Dane County Mut. Ben. Asso. 247 W 220, 19 NW (2d) 303.

208.02 History: Stats. 1931 s. 208.01 (3) (b), (c); 1933 c. 344 s. 2; Stats. 1933 s. 208.02.

208.03 History: Stats. 1931 s. 208.01 (4), (5); 1933 c. 344 s. 3; Stats. 1933 s. 208.03; 1945 c. 586; 1947 c. 40; 1959 c. 462; 1965 c. 501; 1967 c. 338; 1969 c. 337.

It is very doubtful whether a mutual benefit company which issues a policy upon the life of a person at the instance of the insured for the benefit of one to whom he was under great moral, if not legal, obligations can resist its payment. At any rate one who is substituted as beneficiary in such a policy under an agreement to receive the money which might be paid pursuant to it in trust for another person cannot avoid the performance of that agreement because the person originally named as beneficiary had no insurable interest in the life of the insured. Hurd v. Doty, 86 W 1, 56 NW 371.

A benefit society organized for the mutual support of its members, their families or kindred cannot issue a certificate to one not of a member's family or kindred; and a new certificate issued in favor of a person not of his family or kindred in lieu of one for the benefit of the parents of a member is void. Groth v. Central Verein, 95 W 140, 70 NW 80.

A mutual benefit association licensed as a fraternal or beneficiary association in 1902 and continually as such since that time was a mutual benefit society, and its agents were without powers conferred on other insurance agents generally, and consequently were unauthorized to bind the association by an oral contract of life insurance, the bylaws of the association being construed to negative authority of an agent to so bind it. Neuberger v. Aid Asso. for Lutherans, 207 W 133, 240 NW 885.

Provisions in the constitution of a fraternal benefit society, an accident insurance certificate issued thereby, and a form for application therefor, in relation to statements, representations or warranties by an insured in an application, are subordinate to, and are of no effect insofar as conflicting or inconsistent with 209.06, Stats. 1933. Spray v. Order of U. C. T. 221 W 329, 267 NW 50.

A voluntary association which upon the death of a member sends out notices to surviving members requesting payment of a dollar from each member but having no bylaws requiring such payment is not amenable to the insurance laws of the state. 18 Atty. Gen. 142.

A benevolent association granting a maximum disability benefit of \$240 a year is not exempt from provisions of ch. 208, Stats. 1927, although incorporated prior to the effective date of that chapter. 18 Atty. Gen. 144.

A labor union composed of more than 500 members not restricted to persons engaged in hazardous occupations, maintaining a sick and health benefit plan, is subject to ch. 208, Stats. 1937. 27 Atty. Gen. 260.

Ch. 208 applies to a labor organization which provides for a death benefit plan included in monthly dues at no extra cost. The mere fact that there is no enforceable obligation on the part of the organization to make any payments of death benefits is immaterial. 27 Atty. Gen. 718.

A fraternal benefit society under ch. 208, Stats. 1947, may not issue group life insurance policies. 38 Atty. Gen. 44.

208.06 History: Stats. 1931 s. 208.01 (8); 1933 c. 344 s. 6; Stats. 1933 s. 208.06.

208.07 History: Stats. 1931 s. 208.01 (9); 1933 c. 344 s. 7; Stats. 1933 s. 208.07.

208.09 History: Stats. 1931 s. 208.02 (1), (2); 1933 c. 344 s. 9; Stats. 1933 s. 208.09; 1943 c. 162; 1959 c. 51.

208.10 History: Stats. 1931 s. 208.02 (5); 1933 c. 344 s. 10; Stats. 1933 s. 208.10.

A member of a mutual benefit society may change the beneficiary named in his certificate without the consent of such beneficiary, by complying with the society's bylaws. Ormond v. McKinley, 163 W 205, 157 NW 786.

The enactment of ch. 376, Laws 1891, did