

CHAPTER 13.

[Published February 17, 1871.]

AN ACT to protect the public against unauthorized insurance agents.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Whoever solicits insurance on behalf of any fire, marine, inland, life or accident insurance company, or transmits for any person other than himself an application for insurance, or a policy of insurance, to or from said company, or advertises that he will receive or transmit the same, shall be held to be an agent of such company to all intents and purposes, unless it can be shown that he receives no commission or other compensation or consideration for such service.

shall be held to be an agent.

SECTION 2. No corporation, association, partnership or individual, doing business in this state under any charter, compact or agreement involving any insurance, guaranty, contract or pledge for the payment of annuities or endowments, or for the payment of moneys to the families or representatives of policy or certificate holders or members, shall make such insurance, guaranty or contract therein or with any residents of this state, except in accordance with and under the conditions and restrictions of the statutes now or hereafter regulating the business of life insurance.

shall do all business of insurance under provisions of the statutes.

SECTION 3. No officer, agent or sub-agent of any insurance company shall act or aid in any manner in transacting the business of insurance of or with such company, or placing risks, or effecting insurance therein, without first procuring from the secretary of state a certificate of authority so to do for each company for which he proposes to act, which shall state in substance that such company is duly authorized to do business in this state under the laws thereof, and that such agent or other person has duly complied with the laws relating to the agents of such companies. The secretary of state, upon being satisfied of the facts to be stated therein shall grant such certificate, which in

Not to act without a certificate of authority.

case of fire, marine or inland companies shall continue in force until the thirty-first day of January next after the date thereof, and in case of life or accident companies, until the first day of March next after the date thereof, unless sooner revoked by the secretary of state for non-compliance with the laws aforesaid, and shall be renewed on said days annually thereafter, as long as the company and its agents continue to comply with said laws.

Agents shall exhibit certificate.

SECTION 4. Every agent soliciting insurance shall exhibit his certificate of authority, when requested to by any person, and a refusal or failure so to do shall be presumptive evidence that such agent is doing business contrary to law.

Penalty for violating this act.

SECTION 5. Whoever violates the provisions of this chapter shall be punished by a fine not exceeding five hundred dollars, nor less than fifty dollars for each offense, which shall be sued for and recovered in the name of the state by the district attorney of the county in which the company or the agent or agents so violating shall be located or doing business, and one-half of said penalty when recovered shall be paid into the treasury of said county, and the other half to the informer of such violation. In case of the non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof; such penalties may also be sued for and recovered in the name of the state by the attorney general, and when sued for and collected by him, shall be paid into the state treasury.

SECTION 6. This act shall take effect and be in force from and after its passage.

Approved February 16, 1871.