

SENATE BILL NO. 63

INTRODUCED BY ANDERSON

BY REQUEST OF THE COMMISSIONER OF INSURANCE

IN THE SENATE

January 5, 1979	Introduced and referred to Committee on Judiciary. On Motion Senator Anderson was added as author to the Pre-Filed Bill.
January 11, 1979	Committee recommend bill do pass. Report adopted.
January 12, 1979	Printed and placed on members' desks.
January 13, 1979	On motion rules suspended. Bill referred to Second Reading for consideration this day. Second Reading, do pass.
January 15, 1979	Considered correctly engrossed.
January 16, 1979	Third Reading passed. Transmitted to Second House.

IN THE HOUSE

January 17, 1979	Introduced and referred to Committee on Judiciary.
January 25, 1979	Committee recommend bill be concurred in. Report adopted.
January 26, 1979	Second Reading, concurred in.
January 27, 1979	Third Reading, concurred in.

IN THE SENATE

January 29, 1979

Returned from Second House.
Sent to enrolling.

Report correctly enrolled.

1 SENATE BILL NO. 63
 2 INTRODUCED BY _____
 3 BY REQUEST OF THE COMMISSIONER OF INSURANCE
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 6 33-18-202, MCA, RELATING TO MISREPRESENTATION OF INSURANCE
 7 POLICIES."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 10 Section 1. Section 33-18-202, MCA, is amended to read:
 11 "33-18-202. Misrepresentation ~~and false advertising~~ of
 12 policies prohibited. No person shall ~~make, issue,~~ make, issue,
 13 circulate, or cause to be made, issued, or circulated any
 14 estimate, illustration, circular, sales presentation,
 15 omission, comparison, or statement ~~misrepresenting the terms~~
 16 ~~of any policy issued or to be issued or which:~~
 17 (1) misrepresents the benefits, or advantages, promised
 18 ~~thereby or conditions, or terms of any insurance policy;~~
 19 (2) misrepresents the dividends or share of the
 20 surplus to be received thereon on any insurance policy;
 21 ~~(2)(3) make~~ (2)(3) makes any false or misleading statement as
 22 to the dividends or share of surplus previously paid on
 23 ~~similar policies~~ any insurance policy;
 24 ~~(3)(4) make any is~~ (3)(4) misrepresents any is misleading representation or any is
 25 a misrepresentation as to the financial condition of any

1 insurer person or as to the legal reserve system upon which
 2 any life insurer operates; or
 3 ~~(4)(5) use~~ uses any name or title of any insurance
 4 policy or class of insurance policies misrepresenting the
 5 true nature thereof;
 6 ~~(6) is a misrepresentation for the purpose of~~
 7 ~~effecting a pledge or assignment of or effecting a loan~~
 8 ~~against any insurance policy; or~~
 9 ~~(7) misrepresents any insurance policy as being shares~~
 10 ~~of stock."~~

-End-

Approved by Committee
on Judiciary

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16 ~~of any policy issued or to be issued or which:~~

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18 ~~thereby or conditions, or terms of any insurance policy;~~

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20 surplus to be received thereon ~~on any insurance policy;~~

21 ~~(2)(3) make~~ ~~makes~~ any false or misleading statement as
22 to the dividends or share of surplus previously paid on
23 ~~stater-policies~~ ~~any insurance policy;~~

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-End-

March 30, 1979

SENATE COMMITTEE OF THE WHOLE

PROPOSED AMENDMENTS TO House Bill No. 63, third reading bill, Senate Standing Committee Report as follows:

1. Title, line 7.

Following: "CENT"

Strike: "AND TO PROVIDE FOR ITS DISTRIBUTION"

Following: "SECTIONS"

Strike: "15-70-101."

Following: "15-70-101,"

Strike: ",,"

2. Page 2, line 2.

Following: "GASOLINE"

Insert: "to be allocated solely for the purpose of matching federal funds available for completion of the federal-aid interstate system as defined in 23 U.S.C. 103 and spent only after any existing highway construction and maintenance funds currently allocated and scheduled for use have been obligated."

3. Page 2, line 9.

Following: "1983"

Insert: ",," or within 30 days of legislative termination of the federal interstate matching funds program, whichever comes first."

4. Page 3, line 8.

Following: "GAS"

Insert: "or within 30 days of legislative termination of the federal interstate matching funds program, whichever comes first."

5. Page 3, line 14.

Following: "1983"

Insert: ",," to be allocated solely for the purpose of matching federal funds available for completion of the federal-aid interstate system as defined in 23 U.S.C. 103 and spent only after any existing highway construction and maintenance funds currently allocated and scheduled for use have been obligated."

6. Page 3.

Following: line 16

Strike: "~~Section 37--Section 15-70-1017-MCA7-IS-AMENDED-TO-READ:~~

~~"15-70-1017--Disposition-of-funds--All-taxes7-interest7-and penalties-collected-under-this-chapter-shall-be-turned-over-promptly to-the-state-treasurer-who-shall-place-the-same-in-the-earmarked revenue-fund-to-the-credit-of-the-department-of-highways7-except those-funds-hereinbelow-allocated-to-cities7-towns7-and-counties7 which-funds-shall-be-paid-by-the-state-treasurer-directly-to-such cities7-towns7-and-counties7~~

~~{1}--\$6,500,000-\$8,500,000-of-the-funds-collected-under-this chapter-shall-be-allocated-each-fiscal-year-on-a-monthly-basis-to the-counties-and-incorporated-cities-and-towns-in-Montana-for construction7-reconstruction7-maintenance7-and-repair-of-rural-roads and-city-or-town-streets-and-alleys7-as-provided-in-subsections-(a) and-(b)-hereof:~~

~~(a)--\$27,950,000-\$37,250,000 shall be divided among the various counties in the following manner:~~

~~(i)--40% in the ratio that the rural road mileage in each county, exclusive of the federal-aid interstate system and the federal-aid primary system, bears to the total rural road mileage in the state, exclusive of the federal-aid interstate system and the federal-aid primary system;~~

~~(ii)--40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;~~

~~(iii)--20% in the ratio that the land area of each county bears to the total land area of the state;~~

~~(b)--\$3,550,000-\$5,250,000 shall be divided among the incorporated cities and towns in the following manner:~~

~~(i)--50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;~~

~~(ii)--50% in the ratio that the city or town street and alley mileage, exclusive of the federal-aid interstate system and the federal-aid primary system, within corporate limits bears to the total street and alley mileage, exclusive of the federal-aid interstate system and federal-aid primary system, within the corporate limits of all cities and towns in Montana.~~

~~(2)--All funds hereby allocated to counties, cities, and towns shall be used exclusively for the construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys or for the share which such city, town, or county might otherwise expend for proportionate matching of federal funds allocated for the construction of roads or streets which are part of the federal-aid primary or secondary highway system or urban extensions thereto.~~

~~(3)--Upon receipt of the allocation provided herein, the governing bodies of the recipient counties, cities, and towns shall inform the department of highways of the purposes for which the funds will be expended so that the county commissioners, the governing body, and the department of highways may coordinate the expenditure of public funds for road improvements.~~

~~(4)--All funds hereby allocated to counties, cities, and towns shall be disbursed to the lowest responsible bidder according to applicable bidding procedures followed in all cases where the contract for construction, reconstruction, maintenance or repair is in excess of \$47,000.~~

~~(5)--For the purposes of this section where distribution of funds is made on a basis related to population, the population shall be determined by the last preceding official federal census.~~

~~(6)--For the purposes of this section where determination of mileage is necessary for distribution of funds, it shall be the responsibility of the cities, towns, and counties to furnish to the department of highways and state treasurer a yearly certified statement indicating the total mileage within their respective areas applicable to this chapter.--All mileage submitted shall be subject to review and approval by the department of highways.~~

~~(7)--None of the funds authorized by this section shall be used for the purchase of capital equipment."~~