HOUSE BILL NO. 467

INTRODUCED BY J. JENSEN, SAUNDERS

IN THE HOUSE

January 24, 1983	Introduced and referred to Committee on Judiciary.
February 14, 1983	Committee recommend bill do pass as amended. Report adopted.
February 15, 1983	Bill printed and placed on members' desks.
February 16, 1983	Second reading, do pass as amended.
February 18, 1983	Correctly engrossed.
February 19, 1983	Third reading, passed. Transmitted to Senate.
	IN THE SENATE
February 21, 1983	Introduced and referred to Committee on Judiciary.
March 19, 1983	Committee recommend bill be concurred in. Report adopted.
March 21, 1983	Second reading, concurred in.
March 23, 1983	Third reading, concurred in. Ayes, 49; Noes, 1.
	IN THE HOUSE
March 23, 1983	Returned to House.
March 24, 1983	Sent to enrolling.
	Reported correctly enrolled.

MISSING

FIRST READING

48th Legislature

HE 0467/02

Approved by Committee on Judiciary

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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	4	<u>notice:to:bs_giveny_the:coroner==sball=_give==pa==mony==doys</u>
5	INQUEST STATUTES; AMENDING SECTIONS 46-4-201, 46-4-202, AND	5	<u> aotice-corpossiblex-clf=tbc=cstate-cc=aox=ibterested-beir-or</u>
6	46-4-234, MCA.T	6	derivescofstbesdeedentsdesicestosobtainscounselstosattend
7		7	the_inguest_but_ixungble_to_=qosowithout=_substantial
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	fingneial==hardabipx==the==district==court==aball=appgint=ap
ç	Section 1. Section 46-4-201, MCA, is amended to read:	9	<u>attoroex:to:represent=:the=:estate=:or=:interested==heir=:or</u>
13	*46-4-201. Inquest definition, when held, how	10	derizear
11	conducted. (1) An inquest is a formal inquiry into the	11	<pre>t3tttlll If an inquest is held, the proceedings shall</pre>
12	causes of and circumstances surrounding the death of any	12	be public. The coroner shall conduct the inquest with the
13	person.	13	aid and assistance of the county attorney. Such inquest is
14	(2) The coroner shall hold an inquest only if	14	to be held in accordance with this part.
15	requested to do so by the county attorney of the county in	15	t51(4)(a)_Acoronerwboalsoservesasa_law
16	which death occurred or by the county attorney of the county	16	<pre>enforcement_PEACE_officer_may_not_conduct_aninquestinto</pre>
17	in which the acts or events causing death occurred. However,	17	the_death_of_a_person_who:
18	when the death of any person occurs in a jail or penal	18	<u>fil_died_io_a_jail_or_penal_iostitution:</u>
19	institution or from the use of a firearm by a peace officer,	19	<pre>(ii)_died_wbile_in_the_custody_of_a_textenforcement</pre>
20	except where criminal charges have been or will be filed,	20	<u>PEACE_officer:_or</u>
21	the county attorney shall direct the coroner to hold an	21	[iii]_was_killed_by_a_tex-coforcement_PEACE_officer.
22	inquest.	22	<pre>(b)If_a_coconer_is_disgualified_under_subsection_15).</pre>
23	<u>t}t==if=death=eccura=in==jail=or=penal=institution==or</u>	23	the county attorney shall request the A QUALIFIED coroner of
24	<u>from::the:use:of:s:firearm=by:s:peace:officer:and:aninguest</u>	24	a_neighboring_county_to_conduct_the_inguestIheexpenses
25	<u>is_beldy_the=coroner_aboll=give_st_lesst_30=doya1=noticeof</u>	25	ofa_corposr_fulfilling_tbe_request.including_salary.must

-2- HB 467 SECOND READING

be_paid_by_the_requesting_county_" L

Section 2. Section 46-4-202, MCA, is amended to read: 2 3 #46-4-202. Summoning and swearing in of jurors == instructions. (1) For holding such inquest, the coroner must 4 5 summon a jury of not more than nine persons qualified by law 6 to serve as jurors.

7 (2) When six or more of the jurors attendy they must 8 be sworn by the coroner to inquire who the person was and when, where, and by what means he came to his death and into 9 the circumstances attending his death and to render a true 10 11 verdict thereon, according to the evidence offered to them or arising from the inspection of the body. 12

13 [3] The coroner must instruct the jurors as to their 14

duties."

Section 3. Section 46-4-204, MCA, is amended to read: 15 #46-4-204. Witness compelled to attend -- examination. 16 17 (1) A witness served with a subpoena may be compelled to atten: and testify or be punished as upon a subpoena issued 18 19 by a justice of the peace.

20 [2] The coroner shall and the county attorney and -- nor 21 attorney===coresecting===the==estate==or==represecting==enx 22 interested_beir_or_devisee__of_the_decedent_way_examine_each 23 witness.after_which_the_witness_may_be_examined_by_the 24 iurors."

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THIRD READING

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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	4	notice=to=be=Siyeny=tbe=corodec==aholl==giye==eax==daya
5	INQUEST STATUTES; AMENDING SECTIONS 46-4-201, 46-4-202, AND	5	ostice_ss_possiblexif_the_estate_or_eny_interested_beir_or
6	45-4-204, MCA."	6	<u>deviace==of=tbe=decedent=desires=to=otoin=counsei=to=attend</u>
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	fineusial==bordabipy==tbe==diatcist==cowrt==abeli=oppoint=ao
9	Section 1. Section 46-4-201, MCA, is amended to read:	9	attornex=to=topcesent==to==catete==or==intorested==beic==or
10	*46-4-201. Inquest definition, when held, how	10	dexiaetz
11	conducted. (1) An inquest is a formal inquiry into the	11	<pre>t3tttll If an inquest is held, the proceedings shall</pre>
12	causes of and circumstances surrounding the death of any	12	be public. The coroner shall conduct the inquest with the
13	person.	13	aid and assistance of the county attorney. Such inquest is
14	(2) The coroner shall hold an inquest only if	14	to be held in accordance with this part.
15	requested to do so by the county attorney of the county in	15	f5t(4)(a)_Acoronerwhoalsoservesasatew
16	which death occurred or by the county attorney of the county	16	coforcement_PEACE_officer_say_got_conduct_an_inquestinto
17	in which the acts or events causing death occurred. However,	17	the_death_of_a_person_who:
18	when the death of any person occurs in a jail or penal	18	<u>{ildied_in_a_jail_or_penal_institution:</u>
19	institution or from the use of a firearm by a peace officer.	19	<pre>[li]_diedwhileinthecustody_of_a_tex=coforcement</pre>
20	except where criminal charges have been or will be filed,	20	PEACE_officer:_or
21	the county attorney shall direct the coroner to hold an	21	<u>[ili]_was_killed_by_a_tow_coforcement_PEACE_officer.</u>
22	inquest.	22	<pre>(bllf_a_coroner_is_disgualified_under_subsectiontft</pre>
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			-2- HB 467

1 salary, sust be paid by the requesting county,"

2 Section 2. Section 46-4-202, MCA, is amended to read: 3 #46-4-202. Summoning and swearing in of jurors == 4 instructions. (1) For holding such inquest, the coroner must 5 summon a jury of not more than nine persons qualified by law 6 to serve as jurors.

7 (2) When six or more of the jurors attend, they must 8 be sworn by the coroner to inquire who the person was and when, where, and by what means he came to his death and into 9 10 the circumstances attending his death and to render a true 11 verdict thereon, according to the evidence offered to them or arising from the inspection of the body. 12

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20 [2]____The___coroner_shall_and_the_county_attorney_and-nav 21 interested_hetc:pr:deviage__pf_the_decedent_way_examine_each 22 23 witness._after_which_the_witness_Bay_be_examined_by_the 24 iucocs."

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2	INTRODUCED BY J. JENSEN, SAUNDERS	2	heirarorrdeviaceasrriftherinterestsrofriusticerrequirerron
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	4	notice_to_be_givenx_the_coroneraballgiveaswooydaya
5	INQUEST STATUTES; AMENDING SECTIONS 46-4-201, 46-4-202, AND	5	notice_sarpossiblexif_tbe_estate_or_spx_interested_beirsor
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8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	8	financialbardabiaxtbsdiatrictsqurtaball_appaint_ap
9	Section 1. Section 46-4-201, MCA, is amended to read:	9	ettecosystercepresentsstersettersetstersetedbetcser
10	"46-4-201. Inquest definition, when held, how	10	derister
11	conducted. (1) An inquest is a formal inquiry into the	11	t=>t==================================
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15	requested to do so by the county attorney of the county in	15	tst(4)(a)_Acoronerwbgalsoserves_asa_tow
14	which death occurred or by the county attorney of the county	16	enforcement_PEACE_officer_may_oot_conductaninquestinto
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]9	institution or from the use of a firearm by a peace officer,	19	fiil_died_whileinthecustody_of_a_tow_enforcement
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27	inquest.	22	<pre>(b)if_a_coroner_is_disoualified_under_subsectiontat</pre>
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1	salary.must_be_paid_by_the_requesting_county.*
2	Section 2. Section 46-4-202; MCA, is amended to read:
3	*46-4-202. Summoning and swearing in of jurors
4	instructions. (1) For holding such inquest, the coroner must
5	summon a jury of not more than nine persons qualified by law
6	to serve as jurors.
7	(2) When six or more of the jurors attend, they must
8	be sworn by the coroner to inquire who the person was and
9	when, where, and by what means he came to his death and into
10	the circumstances attending his death and to render a true
11	verdict thereon, according to the evidence offered to them
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13	<u>[3] The coroner must instruct the jurors as to their</u>
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15	Section 3. Section 46-4-204, MCA, is amended to read:
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17	(1) A witness served with a subpoena may be compelled to
18	attend and testify or be punished as upon a subpoena issued
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24 jurors."

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HOUSE BILL NO. 465 L INTRODUCED BY HENSTAD, GAGE 2 BY REQUEST OF THE MONTANA DEPARTMENT OF INSURANCE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND 5 CLARIFY THE LAWS RELATING TO INSURANCE; CHANGING FORM FILING 5 REQUIREMENTS; CLARIFYING PROVISIONS RELATING TO REINSURANCE 7 AGREEMENTS AND BULK REINSURANCE; PROVIDING THAT INLAND 8 MARINE INSURANCE IS TAXED AT 374-86-1 2_324 PERCENT OF NET 9 10 PREMIUMS WRITTEN: ELARIFYING--THAT--SELF-GOVERNING--LOCAL GBVERNMENTS-MAY-NOT--TAX--OR--LICENSE--INSURERS--OR--AGENTS+ 11 DELETING--THE-REQUIREMENT-FOR-FILING-SUPPORTING-DATA-ON-RATE 12 EHANGES-BY--INSURERSY--RATING-BROANIZATIONSY--AND--ADVISBRY 13 URGANTZATTUNS; DEFINING AND PROVIDING FOR THE REGULATION OF 14 "PUBLIC_ADJUSTERS": DEFINING A "MANAGING GENERAL AGENT" AND 15 PROVIDING FOR LICENSURE; CLARIFYING WHEN INSURANCE 16 INFORMATION MAY BE OBTAINED ABOUT AN INDIVIDUAL; CLARIFYING 17 THE POLICY AMOUNT THAT MUST BE OFFERED ON TERMINATION OF A 18 GROUP LIFE POLICY; AND PROVIDING THAT A POLICY CLAUSE ON 19 CONFORMITY WITH STATE STATUTES BE MANDATORY: AMENDING 20 SECTIONS 33-1-501, 33-2-119, 33-2-705, 33-2-707, 33-2-1206, 21 33-16-203+ 33-17-102, 33-17-103, 33-17-201, 33-19-304, 22 23 33-20-1210, AND 33-22-229, MCA."

24

25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Section 33-1-501; MCA; is amended to read: 2 #33-1→501. Filing and approval of forms. (1) No insurance policy or annuity contract form, application form, 3 4 printed rider or endorsement form, or form-of--renewal EDRM 5 <u>OF_RENEWAL</u> certificate <u>of insurance</u> shall be delivered or issued for delivery in this state unless the form has been 6 7 filed with and approved by the commissioner of this state в and the state of domicile of the insurer, where so required. 9 This provision shall not apply to surety bonds+--specially 10 reted----infand---marine---risks; or policies; riders; 11 endorsements, or forms of unique character designed for and 12 used with relation to insurance upon a particular subject or 13 which relate to the manner of distribution of benefits or to 14 the reservation of rights and benefits under life or 15 disability insurance policies and are used at the request of 16 the individual policyholder, contract holder, or certificate 17 holder. As to forms for use in property, marine (other than 18 ocean marine and foreign trade coverages), casualty, and 19 surety insurance covarages, the filing required by this 20 subsection may be made by rating organizations on behalf of 21 its members and subscribers, but this provision shall not be deemed to prohibit any such member or subscriber from filing 22 23 any such forms on its own behalf.

24 (2) Every such filing shall be made not less than 60
25 days in advance of any such delivery. Approval of any such

-2- HB 465 DUE TO LENGTH HB 465 WILL NOT BE RE-RUN. PLEASE REPLACE PAGES 1-4 REFERENCE COPY. CLERICAL ERROR. HB 0465/03

1 form by the commissioner shall constitute a waiver of any 2 unexpired portion of such waiting period. The commissioner 3 may extend by not more than an additional 60 days the period within which he may so affirmatively approve or disapprove 4 5 any such form by giving notice of such extension before 6 expiration of the initial 60-day period. The commissioner may at any time, after notice and for cause shown, withdraw 7 8 any such approval.

9 (3) Any order of the commissioner disapproving any 10 such form or withdrawing a previous approval shall state the 11 grounds therefor and the particulars thereof in such details 12 as reasonably to inform the insurer thereof.

13 (4) The commissioner may, by order, exempt from the 14 requirements of this section for so long as he deems proper 15 any insurance document or form or type thereof as specified 16 in such order to which, in his opinion, this section may not 17 practicably be applied or the filing and approval of which 18 are, in his opinion, not desirable or necessary for the 19 protection of the public.

(5) This section shall apply also to any such form
used by domestic insurers for delivery in a jurisdiction
outside this state, if the insurance supervisory official of
such jurisdiction informs the commissioner that such form is
not subject to approval or disapproval by such official, and
upon the commissioner's order requiring the form to be

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submitted to him for the purpose. The applicable same
 standards shall apply to such forms as apply to forms for
 domestic use.

4 (6) This section and 33-1-502 shall not apply as to: 5 (a) reinsurance;

6 (b) policies or contracts not issued for delivery in
7 this state or delivered in this state, except as provided in
8 subsection (5);

(c) ocean marine and foreign trade insurances.

10 171 AS TO GROUP INSURANCE POLICIES EFFECTUATED AND

11 DELIVERED DUTSIDE_IHIS_STATE_BUT_COVERING_PERSONS_BESIDENT

12 IN THIS STATES GROUP CERTIFICATES WHICH ARE DELIVERED OR

13 ISSUED_EOR_DELIVERY_IN_THIS_STATE_SHALL_BE__EILED__WITH__THE

14 COMMISSIONER_UPON_HIS_REQUEST.*

9

15 Section 2. Section 33-2-119, MCA, is amended to read: 16 "33-2-119. Suspension or revocation for violations and 17 special grounds. (1) The commissioner may, in his 18 discretion, suspend or revoke an insurer's certificate of 19 authority if, after a hearing thereon, he finds that the 20 insurer hasi

21 <u>(a)</u> violated any lawful order of the commissioner or 22 any provision of this code other than those for which 23 suspension or revocation is mandatorywi

24 [b] reinsured more than 90% of its risks, resident or

25 to be performed in Montanas in another insurers in

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