
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 186 Session of
1991

INTRODUCED BY HOLL, O'PAKE, SALVATORE, BELAN AND CORMAN,
JANUARY 29, 1991

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 18, 1992

AN ACT

1 Providing for the establishment, organization, operation and
2 termination of fraternal benefit societies; imposing
3 additional powers and duties on the Insurance Department and
4 on the Insurance Commissioner; providing penalties; and
5 making repeals.

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16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 CHAPTER 1

19 GENERAL PROVISIONS

20 Section 101. Short title.

21 This act shall be known and may be cited as the Fraternal
22 Benefit Societies Code.

23 Section 102. Definitions.

24 The following words and phrases when used in this act shall
25 have the meanings given to them in this section unless the
26 context clearly indicates otherwise:

27 "Benefit contract." The agreement for provision of benefits
28 authorized by section 401, as that agreement is described in
29 section 404(a).

30 "Benefit member." An adult member who is designated by the

1 laws or rules of the society to be a benefit member under a
2 benefit contract.

3 "Certificate." The document issued as written evidence of
4 the benefit contract.

5 "Commissioner." The Insurance Commissioner of the
6 Commonwealth.

7 "Department." The Insurance Department of the Commonwealth.

8 "Impaired." For a society that does not write variable
9 contracts, impaired means whenever the society's assets are less
10 than its total liabilities. For a society that does write
11 variable contracts, impaired means whenever the society's assets
12 are less than its total liabilities, plus the required surplus
13 for a mutual life insurer to write such contracts.

14 "Insurance laws." Laws and regulations pertaining to
15 insurance companies.

16 "Laws." The society's articles of incorporation,
17 constitution and bylaws, however designated.

18 "Lodge." Subordinate member units of the society, known as
19 camps, courts, councils, branches or by any other designation.

20 "Premiums." Premiums, rates, dues or other required
21 contributions by whatever name known, which are payable under
22 the certificate.

23 "Rules." Rules, regulations or resolutions adopted by the
24 supreme governing body or board of directors which are intended
25 to have general application to the members of the society.

26 "Society." Fraternal benefit society, unless otherwise
27 indicated.

28 Section 103. Fraternal benefit societies.

29 Any incorporated society, order or supreme lodge, without
30 capital stock, including one exempted under the provisions of

1 section 617(a)(2) whether incorporated or not, conducted solely
2 for the benefit of its members and their beneficiaries and not
3 for profit, operated on a lodge system with or without
4 ritualistic form of work, having a representative form of
5 government and providing benefits in accordance with this act,
6 is hereby declared to be a fraternal benefit society.

7 Section 104. Lodge system.

8 (a) General rule.--A society is operating on the lodge
9 system if it has a supreme governing body and subordinate lodges
10 into which members are elected, initiated or admitted in
11 accordance with its laws, rules and rituals. Subordinate lodges
12 shall be required by the laws of the society to hold regular
13 meetings at least once in each quarter in furtherance of the
14 purposes of the society.

15 (b) Lodges for children.--A society may, at its option,
16 organize and operate lodges for children under the minimum age
17 for adult membership. Membership and initiation in local lodges
18 shall not be required of such children, nor shall they have a
19 voice or vote in the management of the society.

20 Section 105. Representative form of government.

21 A society has a representative form of government when the
22 following circumstances occur:

23 (1) It has a supreme governing body constituted in one
24 of the following ways:

25 (i) The supreme governing body is an assembly
26 composed of delegates elected directly by the members or
27 at intermediate assemblies or conventions of members or
28 their representatives, together with other delegates as
29 may be prescribed in the society's laws. A society may
30 provide for election of delegates by mail. The elected

1 delegates shall constitute a majority in number and shall
2 not have less than two-thirds of the votes and not less
3 than the number of votes required to amend the society's
4 laws. The assembly shall be elected and shall meet at
5 least once every four years and shall elect a board of
6 directors to conduct the business of the society between
7 meetings of the assembly. Vacancies on the board of
8 directors between elections may be filled in the manner
9 prescribed by the society's laws.

10 (ii) The supreme governing body is a board composed
11 of persons elected by the members, either directly or by
12 their representatives in intermediate assemblies, and any
13 other persons prescribed in the society's laws. A society
14 may provide for election of the board by mail. Each term
15 of a board member may not exceed four years. Vacancies on
16 the board between elections may be filled in the manner
17 prescribed by the society's laws. Those persons elected
18 to the board shall constitute a majority in number and
19 not less than the number of votes required to amend the
20 society's laws. A person filling the unexpired term of an
21 elected board member shall be considered to be an elected
22 member. The board shall meet at least quarterly to
23 conduct the business of the society.

24 (2) The officers of the society are elected either by
25 the supreme governing body or by the board of directors.

26 (3) Only benefit members are eligible for election to
27 the supreme governing body, the board of directors or any
28 intermediate assembly.

29 (4) Each voting member has one vote; no vote may be cast
30 by proxy.

1 Section 106. Purposes, powers and limitations of societies.

2 (a) Purposes.--A society shall operate for the benefit of
3 members and their beneficiaries by:

4 (1) providing benefits as specified in section 401; and

5 (2) operating for one or more social, intellectual,
6 educational, charitable, benevolent, moral, fraternal,
7 patriotic or religious purposes for the benefit of its
8 members, which may also be extended to others.

9 These purposes may be carried out directly by the society, or
10 indirectly through subsidiary corporations or affiliated
11 organizations.

12 (b) Powers.--Every society shall have the power to adopt
13 laws and rules for the government of the society, the admission
14 of its members and the management of its affairs. The society
15 shall have the power to change, alter, add to or amend such laws
16 and rules and shall have such other powers as are necessary and
17 incidental to carrying into effect the objects and purposes of
18 the society.

19 (c) Limitations.--~~No subsidiary corporation or affiliated~~ <—
20 ~~organization shall transact insurance or engage in any other~~
21 ~~activity regulated under Pennsylvania law unless the subsidiary~~
22 ~~corporation or affiliated organization complies with all~~
23 ~~provisions of the applicable law.~~ No society or subsidiary
24 corporation or affiliated organization through which a society
25 carries out its purposes shall own or operate a funeral home or
26 undertaking establishment.

27 CHAPTER 2

28 MEMBERSHIP

29 Section 201. Qualifications for membership.

30 (a) General rule.--A society shall specify in its laws or

1 rules:

2 (1) Eligibility standards for each and every class of
3 membership. If benefits are provided on the lives of
4 children, the minimum age for adult membership shall be 15
5 years and the maximum age shall be 21 years.

6 (2) The process for admission to membership for each
7 membership class.

8 (3) The rights and privileges of each membership class.
9 Only benefit members shall have the right to vote on the
10 management of the insurance affairs of the society.

11 (b) Social members.--A society may also admit social members
12 who shall have no voice or vote in the management of the
13 insurance affairs of the society.

14 (c) Membership is personal.--Membership rights in the
15 society are personal to the member and are not assignable.
16 Section 202. Office, meetings, publications and grievance
17 procedures.

18 (a) Office and meetings.--The principal office of any
19 domestic society shall be located in this Commonwealth. The
20 meetings of the supreme governing body of the society may be
21 held in any state or country on the North American continent, or
22 in any other location determined by the supreme governing body.
23 All business transacted at such meetings shall be as valid in
24 all respects as if the meetings were held in this Commonwealth.
25 The minutes of the proceedings of the supreme governing body and
26 of the board of directors shall be in the English language.

27 (b) Publications.--

28 (1) A society may provide in its laws for an official
29 publication in which any notice, report or statement required
30 by law to be given to members, including notice of election,

1 may be published. Any required reports, notices and
2 statements shall be printed conspicuously in the publication.
3 If the records of a society show that two or more members
4 have the same mailing address, an official publication mailed
5 to one member is deemed to be mailed to all members at the
6 same address unless a member requests a separate copy. This
7 paragraph shall not apply to certificate requirements,
8 reports or notices in connection with the issuance of
9 certificates.

10 (2) Not later than June 1 of each year, a synopsis of
11 the society's annual statement providing an explanation of
12 the facts concerning the condition of the society thereby
13 disclosed shall be printed and mailed to each benefit member
14 of the society or, in lieu thereof, the synopsis may be
15 published in the society's official publication.

16 (c) Grievance procedures.--A society may provide in its laws
17 or rules for grievance or complaint procedures for members.

18 Section 203. Personal liability.

19 (a) General rule.--The officers and members of the supreme
20 governing body or any subordinate body of a society shall not be
21 personally liable for any benefits provided by a society.

22 (b) Indemnification and reimbursement.--

23 (1) Any person may be indemnified and reimbursed by any
24 society for expenses reasonably incurred by, and liabilities
25 imposed upon, that person in connection with or arising out
26 of any action, suit or proceeding, whether civil, criminal,
27 administrative or investigative, or threat thereof, in which
28 that person may be involved by reason of the fact that that
29 person is or was a director, officer, employee or agent of
30 the society or of any firm, corporation or organization which

1 the person served in any capacity at the request of the
2 society.

3 (2) A person shall not be so indemnified or reimbursed:

4 (i) in relation to any matter in an action, suit or
5 proceeding as to which the person shall finally be
6 adjudged to be or have been guilty of a breach of a duty
7 as a director, officer, employee or agent of the society;
8 or

9 (ii) in relation to any matter in an action, suit or
10 proceeding, or threat thereof, which has been made the
11 subject of a compromise settlement;

12 unless in either case the person acted in good faith for a
13 purpose the person reasonably believed to be in or not
14 opposed to the best interests of the society and, in a
15 criminal action or proceeding, in addition, had no reasonable
16 cause to believe that his conduct was unlawful.

17 (3) The determination whether the conduct of such person
18 met the standard required in order to justify indemnification
19 and reimbursement in relation to any matter described in
20 paragraph (2) may only be made by the supreme governing body
21 or board of directors by a majority vote of a quorum
22 consisting of persons who were not parties to such action,
23 suit or proceeding or by a court of competent jurisdiction.
24 The termination of any action, suit or proceeding by
25 judgment, order, settlement, conviction, or upon a plea of no
26 contest, as to that person shall not in itself create a
27 conclusive presumption that the person did not meet the
28 standard of conduct required in order to justify
29 indemnification and reimbursement. The foregoing right of
30 indemnification and reimbursement shall not be exclusive of

1 other rights to which that person may be entitled as a matter
2 of law and shall inure to the benefit of that person's heirs,
3 executors and administrators.

4 (c) Insurance.--A society shall have power to purchase and
5 maintain insurance on behalf of any person who is or was a
6 director, officer, employee or agent of the society, or who is
7 or was serving at the request of the society as a director,
8 officer, employee or agent of any other firm, corporation or
9 organization against any liability asserted against that person
10 and incurred in any such capacity or arising out of that
11 person's status as such, whether or not the society would have
12 the power to indemnify the person against such liability under
13 this section.

14 Section 204. Waiver.

15 The laws of the society may provide that no subordinate body
16 nor any of its subordinate officers or members shall have the
17 power or authority to waive any of the provisions of the laws of
18 the society. Such provision shall be binding on the society and
19 every member and beneficiary of a member.

20 CHAPTER 3

21 GOVERNANCE

22 Section 301. Organization.

23 (a) General rule.--A domestic society organized on or after
24 the effective date of this act shall be formed as provided in
25 this section.

26 (b) Articles of incorporation.--Seven or more citizens of
27 the United States, a majority of whom are citizens of this
28 Commonwealth, who desire to form a fraternal benefit society may
29 make, sign and acknowledge before some officer competent to take
30 acknowledgment of deeds, articles of incorporation in which

1 shall be stated:

2 (1) The proposed corporate name of the society, which
3 shall not so closely resemble the name of any society or
4 insurance company as to be misleading or confusing.

5 (2) The purposes for which it is being formed and the
6 mode in which its corporate powers are to be exercised. Such
7 purposes shall not include more liberal powers than are
8 granted by this chapter.

9 (3) The names and residences of the incorporators and
10 the names, residences and official titles of all the
11 officers, trustees, directors or other persons who are to
12 have and exercise the general control of the management of
13 the affairs and funds of the society for the first year or
14 until the ensuing election at which all the officers shall be
15 elected by the supreme governing body, which election shall
16 be held not later than one year from the date of issuance of
17 the permanent certificate of authority.

18 (c) Filing.--Such articles of incorporation, duly certified
19 copies of the society's bylaws and rules, copies of all proposed
20 forms of certificates and applications therefor and circulars to
21 be issued by the society and a bond conditioned upon the return
22 to applicants of the advanced payments if the organization is
23 not completed within one year shall be filed with the
24 commissioner, who may require such further information as the
25 commissioner deems necessary. The bond with sureties approved by
26 the commissioner shall be in an amount, not less than \$300,000
27 nor more than \$1,500,000, as required by the commissioner. All
28 documents filed shall be in the English language. If the
29 purposes of the society conform to the requirements of this
30 chapter and all provisions of the law have been complied with,

1 the commissioner shall so certify, retain and file the articles
2 of incorporation and furnish the incorporators a preliminary
3 certificate of authority authorizing the society to solicit
4 members as provided in this section.

5 (d) Duration of preliminary certificate.--No preliminary
6 certificate of authority granted under the provisions of this
7 section shall be valid after one year from its date of issuance
8 or after a further period, not exceeding one year, as may be
9 authorized by the commissioner upon cause shown, unless the 500
10 applicants required under subsection (e) have been secured and
11 the organization has been completed as provided in this section.
12 The articles of incorporation and all other proceedings
13 thereunder shall become null and void in one year from the date
14 of the preliminary certificate of authority, or at the
15 expiration of the extended period, unless the society shall have
16 completed its organization and received a certificate of
17 authority to do business as provided in this section.

18 (e) Solicitation of members.--Upon receipt of a preliminary
19 certificate of authority from the commissioner, the society may
20 solicit members for the purpose of completing its organization,
21 shall collect from each applicant the amount of not less than
22 one regular monthly premium in accordance with its table of
23 rates, and shall issue to each applicant a receipt for the
24 amount collected. No society shall incur any liability other
25 than for the return of the advance premium, nor issue any
26 certificate, nor pay or allow, or offer or promise to pay or
27 allow, any benefit to any person until the following conditions
28 are met:

29 (1) Actual bona fide applications for benefits
30 aggregating at least \$500,000 have been secured on not less

1 than 500 applicants, and any necessary evidence of
2 insurability has been furnished to and approved by the
3 society.

4 (2) At least ten subordinate lodges have been
5 established into which the 500 applicants have been admitted.

6 (3) There has been submitted to the commissioner, under
7 oath of the president or secretary, or corresponding officer
8 of the society, a list of the applicants, giving the name and
9 address of each, the date each was admitted, the name and
10 number of the subordinate lodge of which each applicant is a
11 member, and the amount of benefits to be granted and premiums
12 for each applicant.

13 (4) It shall have been shown to the commissioner, by
14 sworn statement of the treasurer, or corresponding officer of
15 the society, that at least 500 applicants have each paid in
16 cash at least one regular monthly premium as provided in this
17 subsection, which premiums in the aggregate shall amount to
18 at least \$150,000. These advance premiums shall be held in
19 trust during the period of organization and if the society
20 has not qualified for a certificate of authority within one
21 year, as provided in this section, the premiums shall be
22 returned to the applicants.

23 (5) The commissioner may make such examination and
24 require such further information as the commissioner deems
25 advisable. Upon presentation of satisfactory evidence that
26 the society has complied with all the provisions of law, the
27 commissioner shall issue to the society a certificate of
28 authority to that effect and to the effect that the society
29 is authorized to transact business pursuant to the provisions
30 of this chapter. The certificate of authority shall be prima

1 facie evidence of the existence of the society at the date of
2 the certificate. The commissioner shall cause a record of the
3 certificate of authority to be made. A certified copy of the
4 record may be given in evidence with like effect as the
5 original certificate of authority.

6 (f) Limitations.--The provisions of subsection (e) shall not
7 apply to:

8 (1) Any society organized prior to April 6, 1893, under
9 any statute of this Commonwealth which was engaged in doing
10 business in this Commonwealth on that date. After the
11 effective date of this act, any such society may exercise all
12 the rights conferred by this act and all the rights, powers,
13 privileges and exemptions now exercised or possessed by it,
14 under its charter or articles of incorporation or articles of
15 association, and neither its existence as a corporation nor
16 its rights to exercise any corporate rights, vested in it by
17 virtue of its past incorporation, shall be affected by
18 anything contained in this act.

19 (2) Any fraternal benefit society incorporated under the
20 provisions of the act of April 6, 1893 (P.L.10, No.6), the
21 act of May 20, 1921 (P.L.916, No.324), the act of July 17,
22 1935 (P.L.1092, No.357) or the act of July 29, 1977 (P.L.105,
23 No.38), relating to fraternal benefit societies. For the
24 purposes of this act, a corporation which is exempt from the
25 requirements of this section by reason of paragraph (1) shall
26 be deemed to be a holder of a certificate of authority issued
27 under this act.

28 (g) Reincorporation not required.--Any incorporated society
29 authorized to transact business in this Commonwealth at the time
30 this act becomes effective shall not be required to

1 reincorporate.

2 Section 302. Amendments to laws.

3 (a) General rule.--A domestic society may amend its laws in
4 accordance with the provisions thereof by action of its supreme
5 governing body at any regular or special meeting thereof or, if
6 its laws so provide, by referendum. The referendum may be held
7 in accordance with the provisions of its laws by the vote of the
8 voting members of the society, by the vote of delegates or
9 representatives of voting members or by the vote of local
10 lodges. A society may provide for voting by mail. No amendment
11 submitted for adoption by referendum shall be adopted unless,
12 within six months from the date of submission thereof, a
13 majority of the members voting shall have signified their
14 consent to the amendment by one of the methods specified in this
15 section. A society having a direct election form of organization
16 as described in section 105(1)(ii) may amend its constitution or
17 articles of incorporation only by referendum.

18 (b) Approval of amendment.--No amendment to the laws of any
19 domestic society shall take effect unless approved by the
20 commissioner who shall approve the amendment if the commissioner
21 finds that it has been duly adopted and is not inconsistent with
22 any requirement of the laws of this Commonwealth or with the
23 character, objects and purposes of the society. Unless the
24 commissioner shall disapprove the amendment within 60 days after
25 the filing, the amendment shall be considered approved. The
26 approval or disapproval of the commissioner shall be in writing
27 and shall be mailed to the secretary or corresponding officer of
28 the society at its principal office. If the commissioner
29 disapproves the amendment, the reasons for the disapproval shall
30 be stated in the written notice.

1 (c) Copies to members.--Within 90 days from the approval
2 thereof by the commissioner, the amendments, or a synopsis
3 thereof, shall be furnished to all members of the society either
4 by mail or by publication in full in the official publication of
5 the society. The affidavit of any officer of the society or of
6 anyone authorized by it to mail any amendments or synopsis
7 thereof, stating facts which show that same have been duly
8 addressed and mailed, shall be prima facie evidence that the
9 amendments or synopsis thereof have been furnished the
10 addressee.

11 (d) Filings of foreign societies.--Every foreign or alien
12 society authorized to do business in this Commonwealth shall
13 file with the commissioner a duly certified copy of all
14 amendments of, or additions to, its laws within 90 days after
15 their enactment.

16 (e) Certified copies as evidence.--Printed copies of the
17 laws as amended, certified by the secretary or corresponding
18 officer of the society, shall be prima facie evidence of the
19 legal adoption.

20 Section 303. Institutions.

21 A society may create, maintain and operate or may establish
22 organizations to operate, not-for-profit institutions to further
23 the purposes permitted by section 106(a)(2). These institutions
24 may furnish services free or at a reasonable charge. Any real or
25 personal property owned, held or leased by the society for this
26 purpose shall be reported in every annual statement but shall
27 not be allowed as an admitted asset of the society except as
28 provided in section 501(b).

29 Section 304. Reinsurance.

30 (a) General rule.--A domestic society may, by a reinsurance

1 agreement, cede any individual risk or risks in whole or in part
2 to an insurer (other than another fraternal benefit society)
3 having the power to make such reinsurance and authorized to do
4 business in this Commonwealth, or if not so authorized, one
5 which is approved by the commissioner, but no society may
6 reinsure substantially all of its insurance in force without the
7 written permission of the commissioner. It may take credit for
8 the reserves on the ceded risks to the extent reinsured, but no
9 credit shall be allowed as an admitted asset or as a deduction
10 from liability, to a ceding society for reinsurance made, ceded,
11 renewed or otherwise becoming effective after the effective date
12 of this chapter, unless the reinsurance is payable by the
13 assuming insurer on the basis of the liability of the ceding
14 society under the contract or contracts reinsured without
15 diminution because of the insolvency of the ceding society.

16 (b) Reinsurance by another society.--Notwithstanding the
17 limitation in subsection (a), a society may reinsure the risks
18 of another society in a consolidation or merger approved by the
19 commissioner under section 305.

20 Section 305. Consolidations and mergers.

21 (a) General rule.--A domestic society may consolidate or
22 merge with any other society by complying with the provisions of
23 this section. It shall file with the commissioner:

24 (1) A certified copy of the written contract containing
25 in full the terms and conditions of the consolidation or
26 merger.

27 (2) A sworn statement by the president and secretary or
28 corresponding officers of each society showing the financial
29 condition of the society on a date fixed by the commissioner
30 but not earlier than December 31 next preceding the date of

1 the contract.

2 (3) A certificate of the officers, duly verified by
3 their respective oaths, that the consolidation or merger has
4 been approved by a two-thirds vote of the supreme governing
5 body of each society, which vote had been conducted at a
6 regular or special meeting of each body or, if the society's
7 laws permit, by mail.

8 (4) Evidence that at least 60 days prior to the action
9 of the supreme governing body of each society, the text of
10 the contract was furnished to all members of each society
11 either by mail or by publication in full in the official
12 publication of each society.

13 (b) Approval by commissioner.--If the commissioner finds
14 that the contract is in conformity with the provisions of this
15 section, that the financial statements are correct and that the
16 consolidation or merger is just and equitable to the members of
17 each society, the commissioner shall approve the contract and
18 issue a certificate to that effect. Upon this approval, the
19 contract shall be in full force and effect unless any society
20 which is a party to the contract is incorporated under the laws
21 of any other state or territory. In such event the consolidation
22 or merger shall not become effective unless and until it has
23 been approved as provided by the laws of that state or territory
24 and a certificate of the approval filed with the commissioner of
25 this Commonwealth or, if the laws of that state or territory
26 contain no such provision, then the consolidation or merger
27 shall not become effective unless and until it has been approved
28 by the commissioner of insurance of that state or territory and
29 a certificate of the approval filed with the commissioner of
30 this Commonwealth.

1 (c) Vesting of rights and liabilities.--When the
2 consolidation or merger becomes effective as provided in this
3 section, all the rights, franchises and interests of the
4 consolidated or merged societies in and to every species of
5 property, real, personal or mixed, and things in action
6 thereunto belonging shall be vested in the society resulting
7 from or remaining after the consolidation or merger without any
8 other instrument, except that conveyances of real property may
9 be evidenced by proper deeds, and the title to any real estate
10 or interest therein, vested under the laws of this Commonwealth
11 in any of the societies consolidated or merged, shall not revert
12 or be in any way impaired by reason of the consolidation or
13 merger, but shall vest absolutely in the society resulting from
14 or remaining after the consolidation or merger.

15 (d) Effect of affidavit.--The affidavit of any officer of
16 the society or of anyone authorized by it to mail any notice or
17 document, stating that such notice or document has been duly
18 addressed and mailed, shall be prima facie evidence that the
19 notice or document has been furnished the addressees.

20 Section 306. Conversion of fraternal benefit society into
21 mutual life insurance company.

22 Any domestic fraternal benefit society may be converted and
23 licensed as a mutual life insurance company by compliance with
24 all the requirements of the act of May 17, 1921 (P.L.682,
25 No.284), known as The Insurance Company Law of 1921, if the plan
26 of conversion has been approved by the commissioner. A plan of
27 conversion shall be prepared in writing by the board of
28 directors setting forth in full the terms and conditions of
29 conversion. The affirmative vote of two-thirds of all members of
30 the supreme governing body at a regular or special meeting shall

1 be necessary for the approval of such plan. No conversion shall
2 take effect unless and until approved by the commissioner who
3 may give approval if the commissioner finds that the proposed
4 change is in conformity with the requirements of law and not
5 prejudicial to the certificateholders of the society.

6 SECTION 307. DOMESTICATION. ←

7 (A) FILING REQUIREMENTS.--A FOREIGN OR ALIEN SOCIETY
8 AUTHORIZED TO DO BUSINESS IN THIS COMMONWEALTH MAY BECOME A
9 DOMESTIC SOCIETY BY FILING WITH THE COMMISSIONER IN THE ENGLISH
10 LANGUAGE:

11 (1) ARTICLES OF DOMESTICATION WHICH SHALL SET FORTH THE
12 NAME OF THE SOCIETY, THE ADDRESS, INCLUDING STREET AND
13 NUMBER, OF ITS PRINCIPAL OFFICE IN THIS COMMONWEALTH AND ANY
14 OTHER PROVISIONS OF ITS CURRENT ARTICLES OF INCORPORATION
15 THAT THE SOCIETY DESIRES TO RETAIN.

16 (2) A STATEMENT THAT UPON DOMESTICATION THE SOCIETY WILL
17 BE SUBJECT TO ALL THE LAWS OF THIS COMMONWEALTH APPLICABLE TO
18 DOMESTIC FRATERNAL BENEFIT SOCIETIES.

19 (3) A BRIEF STATEMENT OF THE PURPOSE OR PURPOSES FOR
20 WHICH IT IS TO BE DOMESTICATED, WHICH SHALL BE A PURPOSE OR
21 PURPOSES FOR WHICH A DOMESTIC SOCIETY MAY BE INCORPORATED
22 UNDER THIS CHAPTER.

23 ~~(4) A LETTER OR ORDER APPROVING THE REDOMESTICATION FROM~~ ←
24 ~~THE INSURANCE DEPARTMENT OF THE CURRENT STATE OF DOMICILE.~~

25 ~~(5)~~ (4) A CERTIFICATE OF THE PRESIDENT AND SECRETARY OF
26 THE SOCIETY DULY VERIFIED BY THEIR RESPECTIVE OATHS THAT THE
27 DOMESTICATION HAS BEEN APPROVED ~~BY THE MAJORITY OF THE VOTES~~ ←
28 ~~CAST BY THE SUPREME GOVERNING BODY OF THE SOCIETY, UNLESS A~~
29 ~~GREATER PERCENTAGE OF AFFIRMATIVE VOTES IS REQUIRED EITHER BY~~
30 ~~THE SOCIETY'S CONSTITUTION AND BYLAWS OR BY THE STATUTE IN~~

1 ~~THE SOCIETY'S STATE OF DOMICILE.~~
2 ~~(B) APPROVAL BY COMMISSIONER. IF THE COMMISSIONER FINDS~~
3 ~~THAT THE FILING BY THE SOCIETY IS IN PROPER ORDER, THAT THE~~
4 ~~DOMESTICATION IS IN THE BEST INTEREST OF THE MEMBERS OF THE~~
5 ~~SOCIETY, THAT THE SOCIETY HAS COMPLIED WITH THE REQUIREMENTS FOR~~
6 ~~THE ISSUANCE OF A CERTIFICATE OF AUTHORITY TO DO BUSINESS IN~~
7 ~~THIS COMMONWEALTH AND THAT THE SOCIETY WILL MAINTAIN ITS~~
8 ~~PRINCIPAL OFFICE IN THIS COMMONWEALTH, THE COMMISSIONER SHALL~~
9 ~~APPROVE THE ARTICLES OF DOMESTICATION AND ISSUE A CERTIFICATE TO~~
10 ~~THAT EFFECT. IN ACCORDANCE WITH THE CONSTITUTION AND BYLAWS OF~~ <—
11 THE SOCIETY AS REQUIRED BY APPLICABLE LAWS AND REGULATIONS OF
12 THE DOMICILIARY JURISDICTION.

13 (B) APPROVAL BY COMMISSIONER.--IF THE COMMISSIONER FINDS
14 THAT THE FILING BY THE SOCIETY IS IN PROPER ORDER, THAT THE
15 SOCIETY COMPLIES WITH THE REQUIREMENTS FOR ISSUING A CERTIFICATE
16 OF AUTHORITY TO A DOMESTIC SOCIETY, THAT THE SOCIETY WILL
17 MAINTAIN ITS PRINCIPAL OFFICE IN PENNSYLVANIA, AND THAT THE
18 DOMESTICATION IS IN THE BEST INTEREST OF THE MEMBERS OF THE
19 SOCIETY, THE COMMISSIONER SHALL APPROVE THE ARTICLES OF
20 DOMESTICATION AND ISSUE A CERTIFICATE TO THAT EFFECT.

21 (C) EFFECT OF DOMESTICATION.--UPON APPROVAL OF THE ARTICLES
22 OF DOMESTICATION BY THE COMMISSIONER, THE SOCIETY SHALL
23 THEREAFTER BECOME A DOMESTIC SOCIETY AND SHALL BE SUBJECT TO ALL
24 THE LAWS OF THIS COMMONWEALTH APPLICABLE TO DOMESTIC SOCIETIES.

25 CHAPTER 4

26 CONTRACTUAL BENEFITS

27 Section 401. Benefits.

28 (a) General rule.--A society authorized to do business in
29 this Commonwealth may provide the following contractual benefits
30 in any form:

- 1 (1) Death benefits.
- 2 (2) Endowment benefits.
- 3 (3) Annuity benefits.
- 4 (4) Temporary or permanent disability benefits.
- 5 (5) Hospital, medical or nursing benefits.
- 6 (6) Other benefits which are authorized for insurers
- 7 licensed to write life, accident and health insurance and
- 8 which are not inconsistent with this chapter.

9 (b) Eligible members.--A society shall specify in its rules
10 those persons who may be issued, or covered by, the contractual
11 benefits in subsection (a), consistent with providing benefits
12 to members and their dependents. A society may provide benefits
13 on the lives of children under the minimum age for adult
14 membership upon application of an adult person.

15 Section 402. Beneficiaries.

16 (a) Designation.--The owner of a benefit contract shall have
17 the right at all times to change the beneficiary or
18 beneficiaries in accordance with the laws or rules of the
19 society unless the owner waives this right by specifically
20 requesting in writing that the beneficiary designation be
21 irrevocable. A society may, through its laws or rules, limit the
22 scope of beneficiary designations and shall provide that no
23 revocable beneficiary shall have or obtain any vested interest
24 in the proceeds of any certificate until the certificate has
25 become due and payable in conformity with the provisions of the
26 benefit contract.

27 (b) Payment of funeral benefits.--A society may make
28 provision for the payment of funeral benefits to the extent of
29 that portion of any payment under a certificate as might
30 reasonably appear to be due to any person equitably entitled

1 thereto by reason of having incurred expense occasioned by the
2 burial of the member, provided the portion so paid shall not
3 exceed the sum of \$2,000.

4 (c) Absence of beneficiary.--If, at the death of any person
5 insured under a benefit contract, there is no lawful beneficiary
6 to whom the proceeds shall be payable, the amount of the
7 benefit, except to the extent that funeral benefits may be paid
8 as provided in this section, shall be payable to the personal
9 representative of the deceased insured, or if none, then payment
10 may be made in accordance with 20 Pa.C.S. § 3101(d) (relating to
11 payments to family and funeral directors). If the owner of the
12 certificate is other than the insured, the proceeds shall be
13 payable to the owner.

14 Section 403. Benefits not attachable.

15 No money or other benefit, charity, relief or aid to be paid,
16 provided or rendered by any society shall be liable to
17 attachment, garnishment or other process, or to be seized,
18 taken, appropriated or applied by any legal or equitable process
19 or operation of law to pay any debt or liability of a member or
20 beneficiary, or any other person who may have a right
21 thereunder, either before or after payment by the society.

22 Section 404. Benefit contract.

23 (a) General rule.--Every society authorized to do business
24 in this Commonwealth shall issue to each owner of a benefit
25 contract a certificate specifying the amount of benefits
26 provided by the contract. The certificate, together with any
27 riders or endorsements attached to it, the laws of the society,
28 the application for membership, the application for insurance
29 and declaration of insurability, if any, signed by the
30 applicant, and all amendments to each thereof, shall constitute

1 the benefit contract, as of the date of issuance, between the
2 society and the owner, and the certificate shall so state. The ←
3 ~~certificate shall also incorporate by reference the laws of the~~
4 ~~Society.~~ The society shall maintain a copy of its laws at each
5 lodge for inspection by the benefit member, and shall furnish a
6 copy to each benefit member upon request. A copy of the
7 application for insurance and declaration of insurability, if
8 any, shall be endorsed upon or attached to the certificate. All
9 statements on the application shall be representations and not
10 warranties. Any waiver of this provision shall be void.

11 (b) Effect of subsequent changes.--Any changes, additions or
12 amendments to the laws of the society duly made or enacted
13 subsequent to the issuance of the certificate shall bind the
14 owner and the beneficiaries, and shall govern and control the
15 benefit contract in all respects the same as if the changes,
16 additions or amendments had been made prior to and were in force
17 at the time of the application for insurance, except that no
18 change, addition or amendment shall destroy or diminish benefits
19 which the society contracted to give the owner as of the date of
20 issuance.

21 (c) Effect on minority.--Any person upon whose life a
22 benefit contract is issued prior to attaining the age of
23 majority shall be bound by the terms of the application and
24 certificate and by all the laws and rules of the society to the
25 same extent as though the age of majority had been attained at
26 the time of application.

27 (d) Payment of deficiencies.--A society shall provide in its
28 laws that, if its reserves as to all or any class of
29 certificates become impaired its board of directors or
30 corresponding body may require that there shall be paid by the

1 owner to the society the amount of the owner's equitable
2 proportion of such deficiency as ascertained by its board, and
3 if the payment is not made:

4 (1) it shall stand as an indebtedness against the
5 certificate and draw interest not to exceed the rate
6 specified for certificate loans under the certificates; or

7 (2) in lieu of or in combination with paragraph (1), the
8 owner may accept a proportionate reduction in benefits under
9 the certificate.

10 The society may specify the manner of the election and which
11 alternative is to be presumed if no election is made.

12 (e) Certified copies as evidence.--Copies of any of the
13 documents mentioned in this section, certified by the secretary
14 or corresponding officer of the society, shall be received in
15 evidence of the terms and conditions thereof.

16 (f) Content.--No certificate, application, rider or
17 endorsement used in connection therewith shall be delivered or
18 issued for delivery in this Commonwealth unless the form
19 contains provisions required for like forms issued by life,
20 accident and health insurers in this Commonwealth and a copy of
21 the form has been filed with and approved by the commissioner in
22 the manner provided for like policies issued by life, accident
23 and health insurers in this Commonwealth. Every life, accident,
24 health or disability insurance certificate, every annuity
25 certificate, and every application, rider or endorsement used in
26 connection therewith approved prior to the effective date of
27 this act shall be brought into compliance with this chapter
28 within one year of the effective date of this act.

29 (g) Premium grace period.--The certificate may contain a
30 provision for a grace period for payment of premiums of one full

1 month in its certificates.

2 (h) Additional provisions.--The certificate shall also
3 contain the following:

4 (1) A provision stating the amount of premiums which are
5 payable under the certificate and a provision reciting or
6 setting forth the substance of any sections of the society's
7 laws or rules in force at the time of issuance of the
8 certificate which, if violated, will result in the
9 termination or reduction of benefits payable under the
10 certificate.

11 (2) A provision that any member expelled or suspended,
12 except for nonpayment of a premium or within the contestable
13 period for material misrepresentation in the application for
14 membership or insurance, shall have the privilege of
15 maintaining the certificate in force by continuing payment of
16 the required premium.

17 (3) A provision that in case the age or sex of the
18 member or of any other person is considered in determining
19 the premium and it is found at any time before final
20 settlement under the certificate that the age or sex has been
21 misstated, and the discrepancy and premium involved have not
22 been adjusted, the amount payable under the certificate shall
23 be such as the premium would have purchased at the correct
24 age and sex. If the correct age was not an insurable age
25 under the society's charter or laws, only the premiums paid
26 to the society, less any payments previously made to the
27 member, shall be returned or, at the option of the society,
28 the amount payable under the certificate shall be such as the
29 premium would have purchased at the correct age according to
30 the society's promulgated rates and any extension thereof

1 based on actuarial principles.

2 (i) Transfer of contract or ownership.--Benefit contracts
3 issued on the lives of persons below the society's minimum age
4 for adult membership may provide for transfer of control or
5 ownership to the insured at an age specified in the certificate.
6 A society may require approval of an application for membership
7 in order to effect this transfer and may provide in all other
8 respects for the regulation, government and control of the
9 certificates and all rights, obligations and liabilities
10 incident thereto and connected therewith. Ownership rights prior
11 to the transfer shall be specified in the certificate.

12 (j) Assignment.--A society may specify the terms and
13 conditions on which benefit contracts may be assigned.

14 Section 405. Nonforfeiture benefits, cash surrender values,
15 certificate loans and other options.

16 (a) Existing certificates.--For certificates issued prior to
17 one year after the effective date of this act, the value of
18 every paid-up nonforfeiture benefit and the amount of any cash
19 surrender value, loan or other option granted shall comply with
20 the provisions of law applicable immediately prior to the
21 effective date of this act.

22 (b) New certificates.--For LIFE certificates issued on or <—
23 after one year from the effective date of this act for which
24 reserves are computed on the Commissioner's 1941 Standard
25 Ordinary Mortality Table, the Commissioner's 1941 Standard
26 Industrial Table or the Commissioner's 1958 Standard Ordinary
27 Mortality Table, or the Commissioner's 1980 Standard Mortality
28 Table, or any more recent table made applicable to life
29 insurers, every paid-up nonforfeiture benefit and the amount of
30 any cash surrender value, loan or other option granted shall not

1 be less than the corresponding amount ascertained in accordance
2 with the laws of this Commonwealth applicable to life insurers
3 issuing policies containing like benefits based upon such
4 tables. FOR ANNUITY CERTIFICATES ISSUED ON OR AFTER ONE YEAR ←
5 FROM THE EFFECTIVE DATE OF THIS ACT, EVERY PAID-UP ANNUITY
6 BENEFIT, CASH SURRENDER VALUE OR DEATH BENEFIT SHALL NOT BE LESS
7 THAN THE CORRESPONDING AMOUNT IN ACCORDANCE WITH THE LAWS OF
8 THIS COMMONWEALTH APPLICABLE TO LIFE INSURERS ISSUING POLICIES
9 CONTAINING LIKE BENEFITS.

10 CHAPTER 5

11 FINANCIAL

12 Section 501. Investments.

13 (a) General rule.--A society shall invest its funds only in
14 investments authorized by the laws of this Commonwealth for the
15 investment of assets of life insurers and subject to the
16 limitations thereon. Any foreign or alien society permitted or
17 seeking to do business in this Commonwealth which invests its
18 funds in accordance with the laws of the state, district,
19 territory, country or province in which it is incorporated,
20 shall be held to meet the requirements of this section for the
21 investment of funds.

22 (b) Real estate.--In addition to the investment of assets as
23 prescribed in this section or any other laws of this
24 Commonwealth, a fraternal benefit society may purchase, receive,
25 hold and convey real estate or any interest therein for the
26 purpose of maintenance or construction of camps or recreational
27 areas with necessary facilities for all its members. These
28 assets shall be shown on the annual statement at cost in the
29 year acquired and may not exceed 5% of other admitted assets of
30 the society.

1 Section 502. Funds.

2 (a) General rule.--All assets shall be held, invested and
3 disbursed for the use and benefit of the society, and no member
4 or beneficiary shall have or acquire individual rights therein
5 or become entitled to any apportionment on the surrender of any
6 part thereof, except as provided in the benefit contract.

7 (b) Special funds.--A society may create, maintain, invest,
8 disburse and apply any special fund or funds necessary to carry
9 out any purpose permitted by the laws of the society.

10 (c) Separate accounts.--A society may, pursuant to
11 resolution of its supreme governing body, establish and operate
12 one or more separate accounts and issue contracts on a variable
13 basis, subject to the insurance laws regulating life insurers
14 establishing those accounts and issuing those contracts. To the
15 extent the society deems it necessary in order to comply with
16 any applicable Federal or State laws, or any rules issued
17 thereunder, the society may:

18 (1) Adopt special procedures for the conduct of the
19 business and affairs of a separate account.

20 (2) For persons having beneficial interests therein,
21 provide special voting and other rights, including, without
22 limitation special rights and procedures relating to
23 investment policy, investment advisory services, selection of
24 certified public accountants, and selection of a committee to
25 manage the business and affairs of the account.

26 (3) Issue contracts on a variable basis to which section
27 404(b) and (d) shall not apply.

28 CHAPTER 6

29 REGULATION

30 Section 601. Valuation.

1 (a) Existing certificates.--~~Standards of valuation~~ THE <—
2 MINIMUM RESERVES for certificates issued prior to one year after
3 the effective date of this act shall be those provided by the
4 laws applicable immediately prior to the effective date of this
5 act.

6 (b) New certificates.--The minimum ~~standards of valuation~~ <—
7 RESERVES for certificates issued on or after one year from the <—
8 effective date of this act shall be based on the following
9 tables:

10 (1) For certificates of life insurance - the
11 Commissioner's 1941 Standard Ordinary Mortality Table, the
12 Commissioner's 1941 Standard Industrial Mortality Table, the
13 Commissioner's 1958 Standard Ordinary Mortality Table, the
14 Commissioner's 1980 Standard Ordinary Mortality Table or any
15 more recent table made applicable to life insurers.

16 (2) For annuity and pure endowment certificates, for
17 total and permanent disability benefits, for accidental death
18 benefits and for ~~noncancelable~~ accident and health benefits - <—
19 such tables as are authorized for use by life insurers in
20 this Commonwealth.

21 (c) Valuation methods and standards.--All of the valuations
22 under subsection ~~(a) or~~ (b) shall be under valuation methods and <—
23 ~~standards, including interest assumptions,~~ INTEREST STANDARDS in <—
24 accordance with the laws of this Commonwealth applicable to life
25 insurers issuing policies containing like benefits.

26 (d) Other valuation standards.--The commissioner may, in his
27 discretion, accept other standards for valuation if the
28 commissioner finds that the reserves produced thereby will not
29 be less in the aggregate than reserves computed in accordance
30 with the minimum valuation standard prescribed in this section.

1 The commissioner may, in his discretion, vary the standards of
2 mortality applicable to all benefit contracts on substandard
3 lives or other extra hazardous lives by any society authorized
4 to do business in this Commonwealth.

5 (e) Excess reserves.--Any society, with the consent of the
6 commissioner of insurance of the state of domicile of the
7 society and under such conditions, if any, which the
8 commissioner may impose, may establish and maintain reserves on
9 its certificates in excess of the reserves required thereunder,
10 but the contractual rights of any benefit member shall not be
11 affected thereby.

12 Section 602. Reports.

13 (a) General rule.--Reports shall be filed in accordance with
14 the provisions of this section.

15 (b) Annual statement.--Every society transacting business in
16 this Commonwealth shall annually, on or before March 1, unless
17 for cause shown the time has been extended by the commissioner,
18 file with the commissioner a true statement of its financial
19 condition, transactions and affairs for the preceding calendar
20 year and shall pay the fee prescribed in section ~~701~~ 611 for the <—
21 filing. The statement shall be in general form and context as
22 approved by ~~the National Association of Insurance Commissioners~~ <—
23 A NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS, APPROVED BY <—
24 THE INSURANCE DEPARTMENT, for fraternal benefit societies and as
25 supplemented by additional information required by the
26 commissioner.

27 (c) Valuation of certificates.--As part of the annual
28 statement required in this section, each society shall, on or
29 before March 1, file with the commissioner a valuation of its
30 certificates in force on December 31 last preceding. The

1 commissioner may, in his discretion for cause shown, extend the
2 time for filing the valuation for not more than two calendar
3 months. The valuation shall be done in accordance with the
4 standards specified in section 601. The valuation and underlying
5 data shall be certified by a qualified actuary.

6 (d) Failure to file statement.--A society neglecting to file
7 the annual statement in the form and within the time provided by
8 this section shall forfeit \$100 for each day during which that
9 neglect continues and, upon notice by the commissioner to that
10 effect, its authority to do business in this Commonwealth shall
11 cease while the default continues.

12 Section 603. Annual license.

13 Societies which are now authorized to transact business in
14 this Commonwealth may continue such business until April 1 next
15 succeeding the effective date of this act. The authority of such
16 societies and all societies hereafter licensed, may thereafter
17 be renewed annually, but in all cases to terminate on the
18 succeeding April 1. However, a license so issued shall continue
19 in full force and effect until the new license is issued or
20 specifically refused. For each license or renewal the society
21 shall pay the commissioner the prescribed fee. A duly certified
22 copy or duplicate of such license shall be prima facie evidence
23 that the licensee is a fraternal benefit society within the
24 meaning of this act.

25 Section 604. Examination of societies.

26 (a) General rule.--The commissioner, or any person he may
27 appoint, may examine any domestic, foreign or alien society
28 transacting or applying for admission to transact business in
29 this Commonwealth in the same manner as authorized for
30 examination of domestic, foreign or alien insurers. Requirements

1 of notice and an opportunity to respond before findings are made
2 public as provided in the insurance laws regulating insurers
3 shall also be applicable to the examination of societies.

4 (b) Payment of expenses.--The expense of each examination
5 and of each valuation, including compensation and actual expense
6 of examiners, shall be paid by the society examined or whose
7 certificates are valued, upon statements furnished by the
8 commissioner.

9 Section 605. Foreign or alien society; admission.

10 No foreign or alien society shall transact business in this
11 Commonwealth without a license issued by the commissioner. Any
12 such society desiring admission to this Commonwealth shall
13 comply substantially with the requirements and limitations of
14 this act applicable to domestic societies. Any such society may
15 be licensed to transact business in this Commonwealth upon
16 filing the following with the commissioner and upon a showing
17 that its assets are invested in accordance with the provisions
18 of this act:

19 (1) A duly certified copy of its articles of
20 incorporation.

21 (2) A copy of its bylaws, certified by its secretary or
22 corresponding officer.

23 (3) A power of attorney to the commissioner as
24 prescribed in section 613.

25 (4) A statement of its business under oath of its
26 president and secretary or corresponding officers in a form
27 prescribed by the commissioner, duly verified by an
28 examination made by the supervising insurance official of its
29 home state or other state, territory, province or country,
30 satisfactory to the commissioner.

1 (5) Certification from the proper official of its home
2 state, territory, province or country that the society is
3 legally incorporated and licensed to transact business
4 therein.

5 (6) Copies of its certificate forms.

6 (7) Such other information as the commissioner may deem
7 necessary.

8 Section 606. Injunction, liquidation and receivership of
9 domestic society.

10 (a) Notice of deficiencies and sanctions.--When the
11 commissioner upon investigation finds that a domestic society:

12 (1) has exceeded its powers;

13 (2) has failed to comply with any provision of this act;

14 (3) is not fulfilling its contracts in good faith;

15 (4) has a membership of less than 400 after an existence
16 of one year or more;

17 (5) is conducting business fraudulently or in a manner
18 hazardous to its members, creditors, the public or the
19 business; or

20 (6) has become impaired;

21 the commissioner shall notify the society of the deficiency or
22 deficiencies and state in writing the reasons for his
23 dissatisfaction. The commissioner shall at once issue a written
24 notice to the society requiring that the deficiency or
25 deficiencies which exist are corrected. After this notice the
26 society shall have a 30-day period in which to comply with the
27 commissioner's request for correction and, if the society fails
28 to comply, the commissioner shall notify the society of the
29 findings of noncompliance and require the society to show cause
30 on a date named why it should not be enjoined from carrying on

1 any business until the violation complained of shall have been
2 corrected or why an action in quo warranto should not be
3 commenced against the society.

4 (b) Action by Attorney General.--If on that date the society
5 does not present good and sufficient reasons why it should not
6 be so enjoined or why such action should not be commenced, the
7 commissioner may present the facts relating thereto to the
8 Attorney General who shall, if he deems the circumstances
9 warrant, commence an action to enjoin the society from
10 transacting business or in quo warranto.

11 (c) Hearing and order.--The court shall thereupon notify the
12 officers of the society of a hearing. If after a full hearing it
13 appears that the society should be so enjoined or liquidated or
14 a receiver appointed, the court shall enter the necessary order.
15 No society so enjoined shall have the authority to do business
16 until all of the following occur:

17 (1) The commissioner finds that the violation complained
18 of has been corrected.

19 (2) The costs of such action shall have been paid by the
20 society if the court finds that the society was in default as
21 charged.

22 (3) The court has dissolved its injunction.

23 (4) The commissioner has reinstated the certificate of
24 authority.

25 (d) Liquidation.--If the court orders the society
26 liquidated, it shall be enjoined from carrying on any further
27 business, whereupon the receiver of the society shall proceed at
28 once to take possession of the books, papers, money and other
29 assets of the society and, under the direction of the court,
30 proceed forthwith to close the affairs of the society and to

1 distribute its funds to those entitled thereto.

2 (e) Validity of action and appointment of receiver.--No
3 action under this section shall be recognized in any court of
4 this Commonwealth unless brought by the Attorney General upon
5 request of the commissioner. Whenever a receiver is to be
6 appointed for a domestic society, the court shall appoint the
7 commissioner as the receiver.

8 (f) Applicability to voluntary dissolution.--The provisions
9 of this section relating to hearing by the commissioner, action
10 by the Attorney General at the request of the commissioner,
11 hearing by the court, injunction and receivership shall be
12 applicable to a society which shall voluntarily determine to
13 discontinue business.

14 Section 607. Suspension, revocation or refusal of license of
15 foreign or alien society.

16 (a) Notice of deficiencies and sanctions.--When the
17 commissioner upon investigation finds that a foreign or alien
18 society transacting or applying to transact business in this
19 Commonwealth:

20 (1) has exceeded its powers;

21 (2) has failed to comply with any of the provisions of
22 this act;

23 (3) is not fulfilling its contracts in good faith; or

24 (4) is conducting its business fraudulently or in a
25 manner hazardous to its members or creditors or the public;

26 the commissioner shall notify the society of such deficiency or
27 deficiencies and state in writing the reasons for his
28 dissatisfaction. The commissioner shall at once issue a written
29 notice to the society requiring that the deficiency or
30 deficiencies which exist are corrected. After such notice the

1 society shall have a 30-day period in which to comply with the
2 commissioner's request for correction and, if the society fails
3 to comply, the commissioner shall notify the society of the
4 findings of noncompliance and require the society to show cause
5 on a date named why its license should not be suspended, revoked
6 or refused. If on that date the society does not present good
7 and sufficient reason why its authority to do business in this
8 Commonwealth should not be suspended, revoked or refused, the
9 commissioner may suspend or refuse the license of the society to
10 do business in this Commonwealth until satisfactory evidence is
11 furnished to the commissioner that the suspension or refusal
12 should be withdrawn or the commissioner may revoke the authority
13 of the society to do business in this Commonwealth.

14 (b) Existing contracts unaffected.--Nothing contained in
15 this section shall be taken or construed as preventing any such
16 society from continuing in good faith all contracts made in this
17 Commonwealth during the time the society was legally authorized
18 to transact business in this Commonwealth.

19 Section 608. Injunction.

20 No application or petition for injunction against any
21 domestic, foreign or alien society, or lodge thereof, respecting
22 any matter pertaining to a regulatory law administered by the
23 commissioner shall be recognized in any court of this
24 Commonwealth unless made by the Attorney General upon request of
25 the commissioner.

26 Section 609. Licensing of agents.

27 (a) General rule.--Agents of societies shall be licensed in
28 accordance with the insurance laws regulating the licensing,
29 revocation, suspension, or termination of license of resident
30 and nonresident agents.

1 (b) Exemptions from licensure.--No examination or license
2 shall be required of any regular salaried officer, employee or
3 member of a licensed society who devotes substantially all of
4 his services to activities other than the solicitation of
5 fraternal insurance contracts from the public and who receives
6 for the solicitation of such contracts no commission or other
7 compensation directly dependent upon the amount of business
8 obtained.

9 (c) Examination.--Any person who in the preceding calendar
10 year has solicited and procured life insurance contracts on
11 behalf of any society in an amount of insurance in excess of
12 \$100,000, or, in the case of any other kind or kinds of
13 insurance which the society might write, on the persons of more
14 than 25 individuals and who has received or will receive a
15 commission or other compensation therefor, shall be required to
16 take an examination. No examination shall be required of any
17 agent who was in the service of a society on January 28, 1978.

18 (d) Limitation.--No society doing business in this
19 Commonwealth shall pay any commission or other compensation to
20 any person for any services in obtaining in this Commonwealth
21 any new contract of life, accident or health insurance, or any
22 new annuity contract, except to a licensed, fraternal insurance
23 agent of that society.

24 Section 610. Unfair methods of competition and unfair and
25 deceptive acts and practices.

26 Every society authorized to do business in this Commonwealth
27 shall be subject to the provisions of the act of July 22, 1974
28 (P.L.589, No.205), known as the Unfair Insurance Practices Act,
29 but nothing in that act shall be construed as applying to or
30 affecting the right of any society to determine its eligibility

1 requirements for membership by reason of common bond, or be
2 construed as applying to or affecting the offering of benefits
3 exclusively to members or persons eligible for membership in the
4 society by a subsidiary corporation or affiliated organization
5 organized to carry out the purposes set forth in section
6 106(a)(2).

7 Section 611. Fees.

8 The commissioner shall charge and collect fees from fraternal
9 benefit societies as set forth in section 612-A of the act of
10 April 9, 1929 (P.L.177, No.175), known as The Administrative
11 Code of 1929. All fees collected shall be paid daily into the
12 State Treasury.

13 Section 612. Taxation.

14 Every society organized or licensed under this act is hereby
15 declared to be a charitable and benevolent institution, and all
16 of its funds shall be exempt from all and every Commonwealth,
17 county, district, municipal and school tax other than taxes on
18 real estate and office equipment.

19 ~~Section 613. Service of process.~~ <—

20 ~~(a) Appointment of commissioner. Every society authorized~~
21 ~~to do business in this Commonwealth shall appoint in writing the~~
22 ~~commissioner and each successor in office to be its true and~~
23 ~~lawful attorney upon whom all lawful process in any action or~~
24 ~~proceeding against it shall be served, and shall agree in~~
25 ~~writing that any lawful process against it which is served on~~
26 ~~the attorney shall be of the same legal force and validity as if~~
27 ~~served upon the society, and that the authority shall continue~~
28 ~~in force so long as any liability remains outstanding in this~~
29 ~~Commonwealth. Copies of the appointment, certified by the~~
30 ~~commissioner, shall be deemed sufficient evidence thereof and~~

1 ~~shall be admitted in evidence with the same force and effect as~~
2 ~~the original thereof might be admitted.~~

3 ~~(b) Service upon commissioner. Service shall only be made~~
4 ~~upon the commissioner or, if absent, upon the person in charge~~
5 ~~of the commissioner's office. It shall be made in duplicate and~~
6 ~~shall constitute sufficient service upon the society. When legal~~
7 ~~process against a society is served upon the commissioner, the~~
8 ~~commissioner shall forthwith forward one of the duplicate copies~~
9 ~~by registered mail, prepaid, directed to the secretary or~~
10 ~~corresponding officer. No such service shall require a society~~
11 ~~to file its answer, pleading or defense in less than 30 days~~
12 ~~from the date of mailing the copy of the service to a society.~~
13 ~~Legal process shall not be served upon a society except in the~~
14 ~~manner herein provided. At the time of serving any process upon~~
15 ~~the commissioner, the plaintiff or complainant in the action~~
16 ~~shall pay to the commissioner a fee of \$10.~~

17 Section ~~614~~ 613. Review. ←

18 All decisions and findings of the commissioner made under the
19 provisions of this act shall be subject to review by proper
20 proceedings in any court of competent jurisdiction in this
21 Commonwealth.

22 Section ~~615~~ 614. Penalties. ←

23 (a) False statements.--It shall be prohibited for any person
24 to willfully make a false or fraudulent statement in or relating
25 to an application for membership or for the purpose of obtaining
26 money from or a benefit in any society.

27 (b) Filing of false statement.--Any person who willfully
28 makes a false or fraudulent statement in any verified report or
29 declaration under oath required or authorized by this act, or of
30 any material fact or thing contained in a sworn statement

1 concerning the death or disability of a member for the purpose
2 of procuring payment of a benefit named in the certificate,
3 commits perjury and shall be subject to the penalties therefor
4 prescribed by law.

5 (c) Solicitation by nonlicensed society.--A person who
6 solicits membership for or in any manner assists in procuring
7 membership in any society not licensed to do business in this
8 Commonwealth commits a summary offense and shall, upon
9 conviction, be sentenced to pay a fine of not less than \$500 nor
10 more than \$1,000.

11 (d) Penalty for other violation.--A person who willfully
12 violates, neglects or refuses to comply with the provisions of
13 this act for which a penalty is not otherwise prescribed,
14 commits a summary offense and shall, upon conviction, be
15 sentenced to pay a fine of not more than \$500. Upon satisfactory
16 evidence of a violation of any provision of this act, the
17 commissioner may in his discretion, in lieu of seeking criminal
18 prosecution, pursue any one or more of the following courses of
19 action:

20 (1) Suspend or revoke or refuse to renew the license of
21 the offending party or parties.

22 (2) Impose a civil penalty of not more than \$1,000 for
23 each and every act in violation of the provisions of this act
24 by the party or parties.

25 Section ~~616~~ 615. Applicability of insurance laws. ←

26 Except as provided in this act, societies shall be governed
27 by this act and shall be exempt from all other provisions of the
28 insurance laws of this Commonwealth unless they are expressly
29 designated therein or unless it is specifically made applicable
30 by this act.

1 Section ~~617~~ 616. Exemption of certain societies. ←

2 (a) General rule.--Nothing contained in this act shall be so
3 construed as to affect or apply to:

4 (1) Grand or subordinate lodges of societies, orders or
5 associations now doing business in this Commonwealth which
6 provide benefits exclusively through local or subordinate
7 lodges.

8 (2) Orders, societies or associations which admit to
9 membership only persons engaged in one or more crafts or
10 hazardous occupations, in the same or similar lines of
11 business, insuring only their own members and their families,
12 and the ladies' societies or ladies' auxiliaries to such
13 orders, societies or associations.

14 (3) Domestic societies which limit their membership to
15 employees of a particular city or town, designated firm,
16 business house or corporation which provide for a death
17 benefit of not more than \$400 or disability benefits of not
18 more than \$350 to any person in any one year, or both.

19 (4) Domestic societies or associations of a purely
20 religious, charitable or benevolent description which provide
21 for a death benefit of not more than \$400 or for disability
22 benefits of not more than \$350 to any one person in any one
23 year, or both.

24 (b) Exclusions from exemption.--Any society or association
25 described in subsection (a)(3) or (4) which provides for death
26 or disability benefits for which benefit certificates are
27 issued, and any society or association included in subsection
28 (a)(4) which has more than 1,000 members, shall not be exempted
29 from the provisions of this act but shall comply with all
30 requirements thereof.

1 (c) Limitation or compensation payments.--No society which,
2 by the provisions of this section, is exempt from the
3 requirements of this act, except any society described in
4 subsection (a)(2), shall give or allow, or promise to give or
5 allow, to any person any compensation for procuring new members.

6 (d) Accidental benefits.--Every society which provides for
7 benefits in case of death or disability resulting solely from
8 accident and which does not obligate itself to pay natural death
9 or sick benefits shall have all of the privileges and be subject
10 to all the applicable provisions and regulations of this chapter
11 except that the provisions thereof relating to medical
12 examination, valuations of benefit certificates and
13 incontestability shall not apply to such society.

14 (e) Submission of information.--The commissioner may require
15 from any society or association, by examination or otherwise,
16 such information as will enable the commissioner to determine
17 whether the society or association is exempt from the provisions
18 of this chapter.

19 (f) Exemption from insurance laws.--Societies exempted under
20 the provisions of this section shall also be exempt from all
21 other provisions of the insurance laws of this Commonwealth.

22 CHAPTER 7

23 REPEALS AND EFFECTIVE DATE

24 Section 701. Repeals.

25 (a) Absolute repeals.--The following acts and parts of acts
26 are repealed:

27 Act of July 29, 1977 (P.L.105, No.38), known as the Fraternal
28 Benefit Society Code.

29 40 Pa.C.S. Ch. 65 (relating to fraternal benefit societies).

30 (b) Inconsistent repeals.--The following acts and parts of

1 acts are repealed insofar as they are inconsistent with this
2 act:

3 Article XIII.1 of the act of April 9, 1929 (P.L.343, No.176),
4 known as The Fiscal Code.

5 Act of June 4, 1937 (P.L.1643, No. 342), entitled "An act
6 relating to certain existing beneficial societies; conferring
7 certain rights, powers and duties upon them, their officers and
8 members; authorizing the payment of benefits by them in the
9 event of sickness, accident, disability or death; regulating
10 such societies and corporations; and limiting the amount for
11 which they may issue membership certificates or policies;
12 providing for reserves; imposing penalties; and repealing
13 certain existing laws and parts of law."

14 Section 702. Effective date.

15 This act shall take effect in 60 days.