

## No. 136

## AN ACT

## HB 647

Amending the act of May 17, 1921 (P.L.789, No.285), entitled, as amended, "An act relating to insurance; establishing an insurance department; and amending, revising, and consolidating the law relating to the licensing, qualification, regulation, examination, suspension, and dissolution of insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and certain societies and orders, the examination and regulation of fire insurance rating bureaus, and the licensing and regulation of insurance agents and brokers; the service of legal process upon foreign insurance companies, associations or exchanges; providing penalties, and repealing existing laws," empowering and authorizing the Insurance Commissioner or a deputy to proceed to prohibit and restrain certain persons and entities from transacting business as an agent or solicitor without being properly licensed and providing for the procedure and conditions for an injunction or other process.

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

Section 1. Article VI, act of May 17, 1921 (P.L.789, No.285), known as "The Insurance Department Act of one thousand nine hundred and twenty-one," is amended by adding a subdivision and sections to read:

ARTICLE VI  
AGENTS AND BROKERS.

\* \* \*

**(e) INJUNCTION OR OTHER PROCESS AGAINST  
UNLICENSED ACTIVITIES.**

**Section 660. Action for Injunction or Other Process Authorized.—The Insurance Commissioner or a duly designated deputy, upon advice of the Attorney General, may maintain as hereinafter provided an action in the name of the Commonwealth for an injunction or other process against any person, partnership, copartnership, association, company, corporation or other entity to restrain and prevent any of the foregoing from transacting business as an agent or solicitor of any insurance company, association or exchange or as an insurance broker or as a manager or exclusive general agent of a domestic insurance company, association or exchange without a license whenever a license to engage in aforementioned activities is required by law and such licenses are issued by the Insurance Commissioner.**

**Section 661. Venue, Temporary Order; Prompt Determination.—Any such action shall be instituted in the court of common pleas in any county where the alleged unlicensed activity was committed. Such court may issue a temporary restraining order or**

*injunction under this act but shall determine any such action on its merits as soon as possible whether in term time or in vacation.*

**Section 662. Bonds and Costs.**—*No bond shall be required of and no costs shall be taxed against the Insurance Commissioner, his duly designated deputy or the Insurance Department on account of any such action.*

**Section 663. Act Supplementary.**—*The provisions of this act shall be construed as supplementary to all other acts dealing with the same subject matter. No action brought under the provisions of this act shall prevent the prosecution or institution of any civil or criminal action otherwise provided by law for violation of any licensing act or departmental rule or regulation promulgated thereunder.*

Section 2. This act shall take effect immediately.

APPROVED—The 3rd day of December, A. D. 1975.

MILTON J. SHAPP