

clared to be the legislative intent that said sections would have been adopted had such invalid or unconstitutional provisions not been included therein.

SECTION 13. This act shall take effect as of July first, nineteen hundred and forty-nine. Effective date.

Approved August 12, 1949.

AN ACT PROVIDING FOR AN ANNUAL AUDIT OF THE ACCOUNTS OF THE METROPOLITAN TRANSIT AUTHORITY BY THE DEPARTMENT OF THE STATE AUDITOR. *Chap. 675*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide, without delay, an audit of the accounts of the Metropolitan Transit Authority, therefore, it is hereby declared to be an emergency law necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

Chapter 544 of the acts of 1947 is hereby amended by striking out section 12 and inserting in place thereof the following:— *Section 12.* The trustees shall determine the character and extent of the services and facilities to be furnished, and in these respects their authority shall be exclusive and shall not be subject to the approval, control or direction of any state, municipal or other department, board or commission. Except as herein otherwise provided, the department shall have the same general supervision and regulation of, and jurisdiction and control over, the services and facilities of the authority as it has over street railway companies. The department of the state auditor shall annually make an audit of the accounts of the authority and make a report thereon to the trustees, the governor and council and the general court. In making said audits, said department of the state auditor may call upon the department of public utilities and other departments, commissions, officers and agencies of the commonwealth for such information as may be needed in the course of making such audits. The state auditor may employ such auditors, accountants and other assistants as he deems necessary for carrying out his duties under this section, and chapter thirty-one of the General Laws and the rules made thereunder shall not apply to such employees.

Approved August 15, 1949.

AN ACT FURTHER DEFINING GROUP LIFE INSURANCE AND BLANKET ACCIDENT AND HEALTH INSURANCE. *Chap. 676*

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to extend without delay the provisions of the General Laws relating to group life insurance and blanket accident and health insurance to additional groups of employees to meet an immediate public demand, therefore this act is hereby declared to be an emer- Emergency preamble.

gency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 133, etc., amended.
Group insurance for industries, trade unions, etc.

SECTION 1. Section 133 of chapter 175 of the General Laws, as amended, is hereby further amended by adding at the end of the first paragraph the following: — ; or (e) all of the employees of two or more employers in the same industry or the members of one or more trade unions or associations of wage workers described in section twenty-nine or the employees of one or more employers in the same industry and one or more such trade unions or such associations, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union or unions or association or associations, or to both, written under a policy issued to the trustees of a fund established by two or more employers in the same industry or by one or more such trade unions or such associations, or by one or more employers and one or more such trade unions or associations, which trustees shall be deemed to be the policyholder, the premium on which is to be paid by the trustees wholly from funds contributed by the employer or employers of the insured persons, or by the union or association or unions or associations, or by both, for amounts of insurance based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or union or unions or association or associations; provided that the policy shall, at date of its issue, cover at least one hundred persons and not less than an average of twenty-five persons for each employer unit.

G. L. (Ter. Ed.), 175, § 134, etc., amended.

SECTION 2. Section 134 of said chapter 175, as amended, is hereby further amended by striking out the first of the three paragraphs inserted by section 4 of chapter 362 of the acts of 1938, and inserting in place thereof the following paragraph: —

Terms "employer" and "employee" defined.

The word "employer", as used in this section and section one hundred and thirty-seven, shall include a trade union or association of wage workers, a financial or other institution including subsidiary or affiliated institutions, a vendor of any property, an association of state, county or municipal employees, and the trustees of a fund established as provided in clause (e) of section one hundred and thirty-three, in the case of a policy issued under clause (b), (c), (d) or (e), respectively, of section one hundred and thirty-three. The word "employee", as used in this section and section one hundred and thirty-five, shall include a member of such a trade union or association, and, as used in this section, shall include a borrower from such a financial or other institution including subsidiary or affiliated institutions, and a purchaser from such a vendor.

G. L. (Ter. Ed.), 175, § 110, etc., amended.
Certain sections

SECTION 3. Said chapter 175 is hereby further amended by striking out section 110, as amended, and inserting in place thereof the following: — *Section 110.* (A). Nothing

in sections one hundred and eight and one hundred and nine shall be construed to apply to or affect or prohibit the issue of any general or blanket policy of insurance to (a) any employer, whether an individual, association, co-partnership, or corporation, or (b) any municipal corporation or any department thereof not referred to in (c), or (c) any police or fire department, or (d) any college, school or other institution of learning, or the head or principal thereof, or (e) any organization for health, recreational or military instruction or treatment, or (f) any underwriters' corps, salvage bureau or like organization, or (g) any trade union or other association of wage workers described in section twenty-nine, or (h) the trustees of a fund established by two or more employers in the same industry or by one or more of such trade unions or associations of wage workers, or by one or more employers and one or more of such trade unions or associations, under which the officers, members of the union or unions, or of the association or associations, or employees of the employer or employers, or classes or departments thereof, or the students or patients thereof, as the case may be, are insured against loss or damage from disease or specified accidental bodily injuries or death caused by such injuries, contracted or sustained while exposed to the hazards of the occupation, the course of instruction or treatment, or otherwise, for a premium intended to cover the risks of all persons insured under such policy. A policy on which the premiums are paid by the employer and the employees jointly, or by the employees, and the benefits of which are offered to all eligible employees, and insuring not less than seventy-five per cent of such employees, or the members of an association of such employees if the members so insured constitute not less than seventy-five per cent of all eligible employees, shall be deemed a general or blanket policy within the meaning of this section. A policy on which the premiums are paid by the trustees of a fund, established as described in clause (h) of this subdivision, wholly from funds contributed by the employer or employers of the employees, or by the union or association, or by the unions or associations, or by both, and insuring all employees of the employer or employers or all the members of the union or unions or association or associations, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union or unions, or association or associations, or to both, shall also be deemed a general or blanket policy within the meaning of this section. In case of a policy issued to a trade union or association under clause (g) of this subdivision on which the premium is to be paid by the trade union or association and its members jointly, or by its members, and the benefits of the policy are offered to all members, not less than seventy-five per cent of such members may be so insured.

not applicable to certain policies of insurance.

(B). (1) The employer, whether an individual, corpora-

Certain persons in

cases of blanket policies to be a member of company and entitled to vote at company meetings.

tion, co-partnership or association, or a municipal corporation or department thereof, including a police or fire department, in case of such a general or blanket policy issued by a domestic mutual life or other domestic mutual company to such employer; or (2) the college, school or other institution of learning, in case of such a policy so issued to such institution; or (3) the head or principal of the college, school or other institution of learning, in case of such a policy so issued to the head or principal of such institution; or (4) such person as the organization for health, recreation or military instruction or treatment, the underwriters' corps, salvage bureau or like organization or the trade union or association of wage workers, or an association described in subdivision (C) of this section shall designate, in case of such a policy so issued to such organization or union or association; or (5) such person as the trustees of a fund established as described in clause (h) of subdivision (A) of this section shall designate, in case of such a policy so issued to such trustees, shall alone be a member of the company and entitled to one vote by virtue of such policy at the meetings of the company.

Certain sections not to prohibit blanket policy to public employees.

(C). Nothing in sections one hundred and eight and one hundred and nine shall be construed to apply to or affect or prohibit the issue of any general or blanket policy of insurance to any association of state, county or municipal employees who are regularly and permanently employed by the commonwealth, a county or a municipality and, if employed by the commonwealth or the city of Boston are paid by a common paymaster, as defined in section one hundred and thirty-three, and are eligible for membership in the retirement association for the employees of the commonwealth or of the city of Boston, or to an association of employees of two or more municipalities within one county who are regularly and permanently employed by one or more such municipalities, insuring the members of the association against loss or damage from disease or specified accidental bodily injuries or death caused by such injuries, contracted or sustained while exposed to the hazards of their occupation, for a premium intended to cover the risks of all the persons insured under such policy. No person shall be eligible for coverage under such a policy as a member of more than one such association. A policy on which the premium is paid by the members of the association and the benefits of which are offered to all its members, and insuring not less than fifty members and seventy-five per cent of all persons eligible for membership in the association shall be deemed to be a general or blanket policy within the meaning of this section. The provisions of section one hundred and thirty-eight A shall apply to deductions on pay-roll schedules from the salary of any state, county or municipal employee for the payment of premiums on a general or blanket policy issued to such an association of state, county or municipal employees.

(D). Any blanket or general policy issued to an employer under clause (a) of subdivision (A) of this section, or to an association of state, county, or municipal employees under subdivision (C) of this section, or to a trade union or association of wage workers under clause (g) of said subdivision (A), or to the trustees of a fund established as described in clause (h) of said subdivision (A), may also insure the dependents of employees or members insured thereunder, in respect to medical, surgical and hospital expenses.

Blanket policies may also insure members and dependents for medical and hospital expenses.

SECTION 4. Said chapter 175 is hereby further amended by inserting after section 134 the following section: — *Section 134A*. If any individual insured under a group life insurance policy hereafter issued becomes entitled under the terms of such policy to convert to another type of life insurance within a specified time after the happening of an event, such certificate-holder shall be notified of such privilege and its duration within fifteen days after the happening of the event; provided, that if such notice be given more than fifteen days, but less than ninety days after the happening of such event, the time allowed for the exercise of such privilege of conversion shall be extended for fifteen days after the giving of such notice. If such notice be not given within ninety days after the happening of the event, the time allowed for the exercise of such conversion privilege shall expire at the end of such ninety days. Written notice by the employer given to the certificate-holder or mailed to the certificate-holder at his last known address, or written notice by the insurer mailed to the certificate-holder at the last address furnished to the insurer by the employer, shall be deemed full compliance with the provisions of this subdivision for the giving of notice. *Approved August 15, 1949.*

G. L. (Ter. Ed.), 175, new § 134A, added. Members of group insurance to be notified of privilege of converting policy.

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO LAY OUT AND CONSTRUCT A PUBLIC WAY OVER FREELOVE CEMETERY IN SAID CITY.

Chap. 677

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River, in laying out and constructing a public way between President avenue and Eastern avenue in said city, may lay out and construct said way over Freeloove cemetery.

SECTION 2. In case any remains are found in any grave in the portion of said Freeloove cemetery over which said way passes, the department of public works of the city of Fall River may agree with the next of kin, or other persons having the right to represent or dispose of such remains, as to the cemetery within the county of Bristol, to and in which such remains shall be removed and reinterred, and in such case said city shall pay the reasonable cost of a burial lot and shall pay the expenses reasonably necessary for such removal, including the removal and resetting of the grave-stones, monuments and markers of such graves. In any case