

Insurance Companies—Advertising.

Advertising in a newspaper in Montana does not constitute doing business in the state as contemplated by section 6116 R. C. M. 1921.

May 25, 1928.

George P. Porter, Esq.,
Commissioner of Insurance,
Helena, Montana.

My dear Mr. Porter:

You have handed me an advertisement of the National Protective Insurance Association of Kansas City, Missouri, which is being run in the newspapers of this state, and requested my opinion as to whether this constitutes doing business in Montana in conflict with the provisions of section 6116 R. C. M. 1921.

While this form of advertising might be construed as engaging in the insurance business in this state indirectly, yet I do not believe it is so doing as contemplated by the laws of this state.

Section 6116, *supra*, provides as follows:

“Every foreign insurance corporation, association, and society, which may hereafter desire to engage in the business of insurance in this state, shall first pay as a fee for filing the documents provided for in section 6149 of this code, the sum of three hundred dollars, and if any person or persons, agents, officers, or trustees of any corporation, association, and society, doing any insurance business, shall cause to be issued or procured, received or forwarded, application for insurance or delivered policies for any company or companies or associations of persons not having complied with the provisions of this act, or shall adjust any loss, or in any manner, either directly or indirectly, aid in the transaction of insurance with any such company in this state, or in any way violate the provisions of this section, shall, upon conviction, be deemed guilty of felony.”

It is apparent that this statute was intended to affect individuals representing any insurance company doing business in this state, that had not complied with our laws. Section 6149 R. C. M. 1921 refers to any insurance company desiring to do business by agent or agents in this state, which would indicate that it was the doing of business by agents which was intended to be prohibited.

It is therefore my opinion that the advertisement in question does not in itself constitute doing business as contemplated by our statute. A different question would be presented, however, if anyone should attempt to act as agent for this company in adjusting claims or delivering policies for the company in Montana.

Very truly yours,

L. A. FOOT,
Attorney General.