

**Mutual Hail & Fire Insurance Companies—License—Fees Of.**

Under Chapter 58, Laws 1905, such companies must pay at the time of beginning business a license of \$125.00, as provided by laws of 1897, p. 77. Thereafter the fees each year for continuing business will be \$40.00, as provided by Section 14 of Chapter 58, Laws of 1905. The Inter Mountain Mutual Life Insurance Company, of Billings, must pay a license of \$125.00 per annum, as provided by laws of 1897, p. 77.

Hon. H. R. Cunningham, State Auditor, Helena, Montana.

Helena, Montana, June 26, 1905.

Dear Sir:—Your letter of the 23rd instant, regarding the license to be collected by you from hail and fire insurance companies, organized under Chapter 58, laws of 1905, to hand.

Section 1 of House Bill No. 258, laws of 1897, p. 76, provides that all corporations, associations and societies organized for the purpose of insurance against loss or damage by fire lightning, tornadoes, or hail, etc., are insurance companies within the meaning of such act. Section 2, of the same act, provides that all such corporations and associations must pay a license of \$125.00 per year, where the premiums amount to \$5,000 or less per annum. Section 4, of the same act, provides that such license must be renewed each year. Section 2, of said Chapter 58, laws of 1905, provides for the forming of mutual hail and fire insurance companies, but makes no provision whatever for the payment of a license at the time they start business. Section 14, of said Chapter 58, provides that on the first day of January of each year, or within a month thereafter, it shall be the duty of the president, vice president and secretary of such a company to make a statement showing the condition of the company on the last day of the month preceding. If the auditor approves of such statement he

shall furnish the company a certificate, which shall be deemed authority to continue business for the ensuing year. For such examination and certificate of the auditor the company shall pay \$10.00, together with \$5.00 for agents certificate of authority, and \$25.00 for the filing of the annual statement.

You are advised that Section 2 of Chapter 58 does not repeal or affect Sections 1 and 2 of House Bill No. 258, laws of 1897, and that you should collect \$125.00 for the license issued to the Gallatin Mutual Hail and Fire Insurance Company for their first year's business; but Section 14, of said Chapter 58, does by implication repeal said law of 1897 to the extent that instead of having to renew their license on the first day of April and pay \$125.00 for a new license, the company must file its statement on the first day of January, or within a month thereafter, and pay \$40.00, being the aggregate fees provided by said Section 14.

As to the Inter Mountain Mutual Life Insurance Company, of Billings, you are advised that this company would come under the provisions of said House Bill No. 258 and would have to pay a license of \$125.00 each year, as provided by said bill.

Respectfully yours,

ALBERT J. GALEN,

Attorney General.