

Licenses of Insurance Solicitor, Authority to Transfer.

A license must be issued by the State Auditor to every person, firm or corporation acting as an agent, solicitor or representative of any insurance company, and such license is not transferable.

Helena, Montana, Nov. 13, 1907.

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

Dear Sir:—

I am in receipt of your favor of October 22nd, requesting an opinion from this office upon the question of whether or not it is within your province as Commissioner of Insurance to authorize the transfer of a license by you issued, from one individual, agent or solicitor of fire, life or indemnity insurance, in whose name the same is issued, to another person, before the expiration of the time for which such license is issued. In this communication you state that it has been the custom of your office in the past to permit a change in membership of a firm conducting an insurance business without requiring said firm or its members to procure a new license, and you make further inquiry as to whether your office is authorized legally to continue such custom.

Having fully and carefully considered what you say with respect to the question presented and the law applicable thereto, you are advised that before any person, firm or corporation can legally act as an agent, solicitor, or representative of any such insurance company a certificate of authority or license must be annually procured from the State Auditor for each corporation or association represented by any such person, firm or corporation, as an agent, which license expires on the 31st. day of March of each year, unless by you sooner revoked or terminated. And for each such license by you issued it is your duty to charge and collect the sum of \$5.00 (See Act of March 4, 1897, Laws 1897, page 76, as amended by Chap. XCVII, Laws of 1903.)

Where there is a change in the agent of any insurance company in this State, it is necessary for the new agent to procure from you a new license; and so likewise, when there is a change in the membership of a co-partnership. The law seems very explicit on this subject, for it says that "before transacting any fire, life or other indemnity or insurance business, each and every agent, firm or corporation, acting as agent, solicitor or representative, * * * shall procure annually

from the State Auditor * * * a license." When there is a change in the personnel of a co-partnership, and change of name of the firm, it necessarily constitutes a new firm, and therefore such new firm must obtain a new license for the conduct of such business as agent or solicitor.

Very truly yours,

ALBERT J. GALLEN,

Attorney General.