

Insurance—Fire Insurance—Automobiles.

Foreign fire insurance companies doing business in Montana are authorized to write only the specific kinds of automobile insurance enumerated in the latter part of subdivision 1 of section 6136 R. C. M. 1921.

George P. Porter, Esq.,
State Auditor and Commissioner of Insurance,
Helena, Montana.

June 23, 1927.

My dear Mr. Porter:

You have requested my opinion whether under sections 6136-6137 of the code a foreign fire insurance company, either stock or mutual, can legally write automobile insurance of any sort or character other than fire.

Subdivision 1 of section 6136 of the code reads as follows:

"It shall be lawful for any corporation organized under this chapter and doing business in this state:

1. To insure houses, buildings, and all other kinds of property against loss or damage by fire or other casualty, and to make all kinds of insurance on goods, merchandise, or other property in the course of transportation, whether on land or water; to insure against loss or damage to motor vehicles resulting from accident, collision, or marine and inland navigation and transportation perils; and to insure growing crops against loss or damage resulting from hail or the elements." Section 6137 provides in part that,

". . . Combinations may be permitted of the different classes herein established, under one incorporation, except that fire insurance companies may not transact any other character of business than that designated in paragraph I of the preceding section. . ."

The paragraph referred to is the one above quoted. You will note that said paragraph specifically authorizes insurance companies to insure motor vehicles against loss or damage resulting from accident, collision, or marine and inland navigation perils. In addition, the section authorizes insurance companies to insure houses, buildings and all other kinds of property against loss or damage by fire and other casualty. The words "other casualty" are, in my opinion, comprehensive enough to permit a fire insurance company to insure all kinds of property against casualties other than loss by fire.

If the statute contained nothing except a general authorization to insure all kinds of property against loss by fire or other casualty, I should be of the opinion that a fire insurance company might lawfully insure either automobiles or any other kind of property against all sorts of casualties, in addition to loss by fire. However, the paragraph

specifically enumerates the particular kinds of motor vehicle insurance that may be written by an insurance corporation.

While the question is by no means free from doubt, it is my opinion that the general language "and other casualty" must be limited by the specific enumeration of the kinds of automobile insurance authorized to be written by insurance companies under subdivision 1 of section 6136.

It is therefore my opinion that foreign fire insurance companies doing business in this state may write only the specific kinds of automobile insurance mentioned in the latter part of subdivision 1 of section 6136, above quoted, to-wit: they may insure against loss or damage to motor vehicles resulting from accident, collision, or marine and inland navigation and transportation perils.

Very truly yours,

L. A. FOOT,
Attorney General.