

Insurance—Corporations—Admission—State Insurance Commissioner.

When articles of incorporation are submitted to the insurance commissioner he may reject the same if in his opinion the similarity of the name with that of an existing company will mislead the public.

August 11, 1928.

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

My dear Mr. Porter:

You have submitted to this office an inquiry from Mr. M. F. O'Sullivan relative to incorporating an insurance company under the Montana insurance laws in which he desires to know whether the name "Business Men's Accident Association of Montana" can be used in view of the fact that there is a company operating in Montana under the name of the "Business Men's Assurance of America."

Section 6128 R. C. M. 1921, after providing for the submission of the proposed articles of incorporation and the examination of the same by the attorney general to ascertain if they are in accordance with the provisions of the state law and not in conflict with the constitution of the United States and this state, further provides that the same shall be returned to the state auditor who shall reject the name or title applied for by any persons when he shall deem the same so similar to any one already appropriated by any other company or corporation as to be likely to mislead the public.

From the foregoing you will see that the question submitted is one entirely within your discretion as insurance commissioner and if in your opinion the similarity of the names of the two companies in question is such as to mislead the public you can reject the same.

Very truly yours,

L. A. FOOT,

Attorney General.