

### Insurance Companies — Foreign Corporations — License Fees — Payment.

California insurance company doing business in Montana is required to pay the license fees at the time provided by our state laws and not at the time provided for payment by the California laws. Where the date for payment fixed by the Montana law is earlier than that fixed for payment by the foreign law a reasonable discount should be allowed on the amount of the license fees to be paid.

Mr. George P. Porter, November 6, 1931.  
State Auditor and Commissioner of Insurance,  
Helena, Montana.

My dear Mr. Porter:

You request my opinion whether a California insurance company, admitted to do business in this state, is required to pay its license fees based upon the premiums to be collected at the time provided by our laws, or, owing to the fact that the retaliatory provisions of section 6155 apply in this case, it should be permitted to pay its said fees at the time provided for by the laws of the state of California.

In my opinion, the fees are required to be paid at the time provided by our laws and not at the time provided for payment by the California laws. However, in view of the fact that retaliatory statutes such as ours have for their purpose the equalization of fees as between a Montana corporation doing business in a foreign state and a foreign corporation doing business in Montana, it is my opinion that where the date for payment fixed by the Montana law is earlier than that which is fixed for payment by the foreign law, a reasonable discount should be allowed the foreign insurance company on the amount of its license fees required to be paid computed upon the difference in time between the date of payment required by our law and the subsequent date of payment fixed by the laws of the foreign state.

This would be equalization in that a Montana corporation doing business in a foreign state, where the date of payment is later than that fixed by our law, is permitted the use of the money for the time elapsing between the date of payment in Montana and the date of payment in the foreign state which a foreign corporation doing business in Montana would be deprived of because of the earlier date of payment fixed by

our law. In this connection see the case of Pacific Mutual Life Insurance Company of California vs. State of Washington, 296 Pac. 813, which is directly in point.

Very truly yours,

L. A. FOOT,

Attorney General.