

**Opinion No. 96****Funeral Director—Undertakers—  
Mortuary—Insurance Agent—  
Incompatibility.**

**Held:** That a licensed funeral director, whether he be actively engaged in his profession or not, cannot be licensed as an agent for a life insurance company.

June 20th, 1952.

Mr. John J. Holmes  
State Auditor  
Capitol Building  
Helena, Montana  
Attention: Mr. J. D. Kelly  
Deputy Insurance Commissioner

Dear Sir:

You have requested my opinion as to whether or not an individual who is licensed as a funeral director and undertaker may also be licensed as an agent for a life insurance company, where the individual is not presently operating a mortuary, but where the individual is the active manager of a crematory and columbarium.

I call your attention to Section 3, Chapter 197 of the Session Laws of 1951 (Section 40-1945, Revised Codes of Montana, 1947), which provides:

"It shall be unlawful for any funeral director, undertaker or mortuary, or any agent, officer or employee thereof to be licensed as agent, solicitor or salesman for any life insurance company, corporation or association doing business within this state."

The Supreme Court of the United States, in *Daniel vs. Family Security Life Insurance Company*, 336 U.S. 220, 93 L.Ed. 632, 69 S.C. 550, overruling 79 Fed. Supp. 62, upheld the constitu-

tionality of a South Carolina statute with provisions identical to those of the Montana statute.

It has been held that reference to principles of statutory construction is unnecessary in construing unambiguous statutes. (State vs. Mountjoy, 82 Mont. 594, 268 Pac. 558). Only the Legislature can alter or amend a clearly expressed intent.

It is therefore my opinion that a licensed funeral director, whether he be actively engaged in his profession or not, cannot be licensed as an agent for a life insurance company.

Very truly yours,  
ARNOLD H. OLSEN  
Attorney General