

## **Opinion No. 61-30**

April 21, 1961

**BY:** OPINION OF EARL E. HARTLEY, Attorney General Patricio S. Sanchez, Assistant Attorney General

**TO:** Mr. R. F. Apodaca, Superintendent of Insurance, Capitol Building, Santa Fe, New Mexico

### **QUESTION**

#### **FACTS**

A person operating an ambulance proposes to offer ambulance service to the general public pursuant to an agreement (attached) which in substance recites that in consideration of \$ 15 the ambulance service will be provided to and from a named hospital within a 25 mile radius for a period of one year to the subscribers of such agreement.

#### **QUESTION**

Is such an arrangement insurance so as to be amenable to regulation under the insurance laws of New Mexico?

#### **CONCLUSION**

No.

### **OPINION**

#### **ANALYSIS**

Upon such facts as are available to this office as recited above, such an arrangement appears to be governed by Opinion No. 60-58, dated March 12, 1960, Opinions of the Attorney General of New Mexico. That opinion and the criteria set out therein, control this case.

It must be kept in mind that each such arrangement presents a question of fact and the ultimate conclusion must necessarily be controlled by the criteria set out in such an opinion. This office makes no comment on the effect of such arrangements as these upon the adherence or non-adherence to the motor transportation laws of New Mexico and goes no further than to pass upon the question presented.