

Opinion No. 12-928 1/2

July 30, 1912

BY: H. S. CLANCY, Assistant Attorney General

TO: State Corporation Commission, Santa Fe, N. M.

INSURANCE.

Domestic insurance companies cannot be charged any fees for filing articles of incorporation.

OPINION

{*72} Replying to your letter of the 18th instant asking for the opinion of this office as to what fees should be charged the Interstate Casualty Company, a corporation organized under the laws of New Mexico, in connection with its filing articles of incorporation, I have to say, that after most careful consideration this office is forced to the conclusion that no fees whatever can be charged by you in connection with the organization of this company for reasons which I will briefly set out.

By Section 17, Chapter 5, Laws of 1905, it is provided that no insurance company, **not incorporated or organized under the laws of this territory**, shall transact any insurance business in the territory {*73} unless it shall first file in the office of the Superintendent of Insurance a duly certified copy of its articles of incorporation. And by Section 2, Chapter 48, Laws of 1909, which amends Section 11 of Chapter 5, Laws of 1905, it is provided that there shall be paid by insurance companies "for filing the certified copy of articles of incorporation, **required by this act**, of the organization of each company, \$ 50." The act of 1905 so far as the payment of fees by insurance companies is concerned, refers only to companies organized in states and territories other than New Mexico, and there seems to have been no provision made for the payment of such fees by a domestic corporation.

Such a company as this cannot be charged fees under the general corporation act of 1905, and for the reasons above stated I am compelled to say that I do not believe it can be charged any fee whatever for the filing of its articles of incorporation with your body.