

Opinion No. 14-1267

July 3, 1914

BY: H. S. CLANCY, Assistant Attorney General

TO: State Corporation Commission, Santa Fe, New Mexico.

OCCUPATION TAX.

Insurance agents must pay an occupation tax of \$ 10.00 per annum.

OPINION

{*128} I am in receipt of a letter addressed to you, presumably, by J. H. Coons, Manager of the Mutual Life Insurance Company, although his signature is not appended thereto.

Mr. Coons inquires whether Section 11, Chapter 5, Laws of 1905, which, after providing for the payment of fees by insurance companies doing business in New Mexico, and also the payment of two per centum on the gross amount of premiums received by such company to the state, "and insurance companies shall be subject to no other taxation than herein provided, except upon real estate," precludes the collection by a county of the license or occupation tax required to be paid by insurance agents by Section 4143 of the Compiled Laws of 1897.

Section 4143 above referred to reads as follows:

"All insurance agents, or those engaged in the business as agents in soliciting or issuing life or fire insurance, shall pay the sum of \$ 10.00 per annum."

This, it will be seen, is not a tax upon insurance companies but is a license or occupation tax required to be paid by insurance agents. The Act of 1905 requires insurance companies to pay certain fees to the state, while Section 4143 requires the payment of \$ 10.00 per annum from insurance agents. Neither law has anything to do with the other, and all insurance agents must pay, as an occupation tax, the amount required by law.

I return herewith the letter of Mr. Coons.