

Opinion No. 25-3821

April 10, 1925

BY: JAMES N. BUJAC, Assistant Attorney General

TO: Requested by: Hon. Walter B. Wagner, Superintendent of Insurance, Santa Fe, New Mexico, April 10, 1925.

Licenses duly Issued to Insurance Agents Prior to the taking Effect of Chapter 135, Session Laws of 1915, (House Bill No. 94) are not Effected thereby.

OPINION

Your request is as follows:

"Section 69 of House Bill No. 94 passed and approved by the Governor of this State, provides that an insurance company may only have one agent in any city or town in this State.

Prior to the passage and approval of this law, licenses were issued to two or more agents to represent certain insurance companies in the same town or city. This was done in accordance with the law at that time.

Kindly advise this Department if a license issued under the provisions of the old law is void because of the provisions of Section 69 above mentioned.

Kindly let me have your opinion at the earliest possible moment."

Section 19, Article 2, Constitution of the State of New Mexico, provides:

"No ex-post facto law, bill of attainder, nor law impairing the obligation of contracts shall be enacted by the legislature."

That being the case the law in question does not and cannot apply to licenses duly issued under the provision of the old law prior to taking effect of the new law.