

Opinion No. 45-4753

July 14, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. R. F. Apodaca Superintendent of Insurance State Corporation Commission
Santa Fe, New Mexico

{*105} In your letter dated July 13, 1945, you refer to Section 60-601, Subsection 14, Paragraph A of the 1941 Compilation, and inquire whether the limitation contained in this subsection applies to accident and health contracts as well as life insurance contracts.

Paragraph A immediately follows the preceding paragraph and provides as follows:

"It shall be unlawful for any life insurance company licensed to contract business in the state of New Mexico to issue any life insurance policy other than industrial insurance, annuities, or pure endowments, if it contains substantially any of the following provisions:

(a) A provision limiting the time within which any action at law or in equity may be commenced to less than five years after the cause of action shall accrue."

Section 60-607 of the 1941 Compilation relates to accident insurance and merely requires that the form of policy for such insurance together with the schedule of rates be filed with you for your approval or disapproval. Since no mention is made of a limitation as to such policies, the general statute of limitation would govern rather than the limitation pertaining to life insurance policies.