

Opinion No. 52-5479

January 23, 1952

BY: JOE L. MARTINEZ, Attorney General

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

{*195} This is in reply to your inquiry of September 12, 1951, concerning the inquiry which you received as to the legality of funeral benefits paid to members of the International Union of the Wood, Wire & Metal Lathers in the State of New Mexico.

You enclosed a copy of the Union's letter to you requesting advice as to the legality of their funeral benefits.

They advised that they pay a funeral benefit to the survivors of their members in an amount running from \$ 50 to \$ 500 and they wish to increase that sum up to a maximum of \$ 1,000. They state that there is no policy issued nor any premium charged their members for this benefit.

An examination of our laws reveals that there is no definite statute which would apply to require this type of benefit or gratuitous payment to come under our insurance laws and regulations, either as direct insurance or the benefit insurance of a fraternal society since no premium is charged therefor.

It is my opinion that the Wood, Wire & Metal Lathers International Union is not required to be registered and licensed as an insurance company or as a fraternal benefit society under the laws of the State of New Mexico.