

Opinion No. 60-64

April 11, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

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

QUESTION

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Can group life insurance be properly issued covering dependents of members of authorized groups?

CONCLUSION

No.

OPINION

{*422} ANALYSIS

The issuance of group life insurance is regulated by **The Model Group Life Insurance Act**, Laws of 1959, Chapter 273 (Section 58-8-14, et seq., N.M.S.A., 1953 Compilation, as amended). This Act permits the issuance of five categories of group life insurance. These are (a) employees, (b) debtors, (c) labor unions, (d) industry funds, and (e) professional and business associations. In each of the above categories the group is carefully defined by statute and no provision is made for dependents of members of such groups.

The answer to your question is resolved by the language found in Section 3 of the Act. This section provides that "no policy of group life insurance shall be delivered in this state unless it conforms to one (1) of the descriptions set forth in * * * the * * Act." Since dependents are not included in any of the descriptions set out in the Act, they are necessarily excluded by force of the above quoted mandate. In reaching this conclusion, it is appropriate to set out a statement of our Supreme Court, speaking through Mr. Justice Sadler, in a recent case, **Schoonover v. Caudill**, (1959), 65 N.M. 325, 337 P. 2d 402, involving statutory construction. Our Court said:

"Where language of a statute is plain, meaningful and unambiguous, there is no room for construction. One has come already to the furrow's end."

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