

**Opinion No. 13-1132**

November 5, 1913

**BY:** H. S. CLANCY, Assistant Attorney General

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

**INSURANCE.**

Non-resident agents of an insurance company cannot solicit business in New Mexico.

**OPINION**

{\*313} I am in receipt of your letter of the 4th inst. enclosing one from Mr. George Roslington of Albuquerque, in reference to the issuance of a license to Johnson & Higgins of New York, or to the First Savings Bank and Trust Company of Albuquerque, as local managers of Johnson & Higgins, to act, presumably, as the agent of an insurance company.

It does not appear from Mr. Roslington's letter whether Johnson & Higgins is a insurance company, or whether this firm is an agent of some insurance company. Chapter 66, of the Session Laws of 1913, provides for the appointment of an agent for a foreign insurance company who shall be a resident of this state, but no {\*314} provision is made for the appointment of an agent of an agent, who is a non-resident. If Johnson & Higgins is an insurance company duly authorized to transact business in New Mexico, there certainly can be no objection to such company appointing a resident agent, but if Johnson & Higgins is merely a firm doing an insurance agency business, I do not see how a license can be issued to it to solicit or represent a foreign insurance company in New Mexico.

I return to you herewith Mr. Roslington's letter.