

Opinion No. 22-3297

February 22, 1922

BY: HARRY S. BOWMAN, Attorney General

TO: Honorable A. W. Hockenull, Attorney at Law, Clovis, New Mexico.

Mutual Insurance Associations Cannot Insure Against Total Disability.

OPINION

{*126} In reply to your letter of the 8th instant asking if it would be possible for a mutual insurance association to extend the benefits of the insurance to cover total disability, I wish to advise you as follows:

Section 2864, Code 1915, as amended by Chapter 41, Laws 1921, authorizes the associating of persons together for the purpose of writing mutual insurance from loss by "fire or death."

There is no statutory authority for the writing of mutual insurance for total disability, and as mutual insurance associations have only such powers as are granted them by law, they would not be authorized to write any class of insurance not specifically provided for in the laws creating such associations and providing for the classes of insurance which they could write.

In my opinion, therefore, mutual insurance associations in this state have no right or authority to write insurance to cover total disability of its members.