

Opinion No. 40-3400

January 20, 1940

BY: FILO M. SEDILLO, Attorney General

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

{*133} We have your letter of January 16 stating:

"That certain provision of Chapter 135, Section 69, Laws of 1925, restricting the appointment of more than one agent in any city, town or village, was held unconstitutional in Franklin Fire Insurance Company vs. Montoya 32 N.M. 88; 251 Pac. 390. Is that portion of this section which relates to Underwriters constitutional?"

It is quite apparent that under the holding of the above case the whole section is invalid. The balance of the section concerning underwriters is so connected with that portion of the section involved in the above case there held invalid, that I am sure the whole section is void.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.