

INSURANCE DEPARTMENT:

What constitutes an insurance contract and the doing of insurance business in this state. Penalty for transacting insurance business in this state without authority.

June 8, 1933 ⁶⁻⁸



Honorable James K. Coolidge
Counsel Insurance Department
Jefferson City, Missouri.

Dear Mr. Coolidge:

This Department acknowledges receipt of your letter dated June 2, 1933, with reference to the New Era Benefit Society with the file of your office attached.

An inspection of the contract issued by the New Era Benefit Society of Springfield, Missouri, reveals that it is not substantially different in form, substance or effect from the certificate forwarded to us by your Department April 12, 1933, issued by Lincoln Aid Association of Wilmington, Delaware.

For the reasons stated in our opinion to your Department of May 12, 1933, we are of the opinion that the New Era Benefit Society above referred to by the issuance, sale and delivery in this state of the character of contract attached to your letter, is engaged in the transaction of insurance business in this state for which authority is required from your Department and in the absence of which authority we are of the opinion that those transacting such business are guilty of a violation of the insurance laws of this state.

The statute does not authorize this Department to take direct action in case of a prosecution.

We suggest, if you think it advisable, that you forward the information you have to the prosecuting attorney of Greene County, Missouri, for

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his consideration and action thereon. Should the prosecuting attorney of that county see fit to request assistance from this office in the prosecution of the case, and upon being notified so to do by the Governor, this Department will assist in the prosecution for the violation of the law growing out of the transaction of the above insurance business.

I am transmitting to you with this letter your file forwarded with your letter of June 2, 1933.

Very truly yours,

GILBERT LAMB
Assistant Attorney General.

APPROVED:

ROY McKITTRICK
Attorney General.

GL:LC

Inclures