

MUNICIPALITIES

CITIES

INSURANCE-RECIPROCAL:

City has authority to insure its property in reciprocal insurance exchanges where the liability of the city under the policy is not contingent or subject to assessments.

June 5, 1934

Honorable W. W. Graves  
Prosecuting Attorney Jackson County  
Kansas City  
Missouri

Dear Mr. Graves:

As per your request we are supplementing our opinion to you of date April 20, 1934 answering your then question as follows:

"Can a state, or a political subdivision of a state, such as a city, county, school district, etc., protect its properties from loss by fire or other casualty through the medium of reciprocal or inter-insurance exchanges."

On the authority of the cases of,

Wysong et al v. Automobile Underwriters  
184 N. E. 783,

Sergeant v. Goldsmith Dry Goods Company  
10 A. L. R. 742,

we are of the opinion that a city or other political subdivision of the state are legally authorized to insure their properties in reciprocal insurance exchanges, if the liability of the insured under the policy is fixed -

Honorable W. W. Graves

-2-

June 5, 1934

that is - if there is no assessments or contingent liability provided for in such policy.

Very truly yours,

GILBERT LAMB  
Assistant Attorney General,

APPROVED:

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ROY McKITTRICK  
Attorney General.

GL:LC