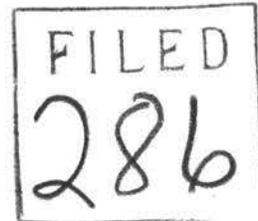


INSURANCE:
INSURANCE AGENCY LICENSE:

An insurance agency originally licensed after January 1, 1968 is required to pay an annual license fee of \$25 on or before July 1, 1968.

June 18, 1968



OPINION NO. 286

Honorable James P. Dalton
General Counsel
Division of Insurance
Department of Business and Administration
Jefferson Building
Jefferson City, Missouri

Dear Mr. Dalton:

This is in answer to your request of May 14, 1968, reading as follows:

"A question has arisen in this office as to whether or not an insurance agency licensed under Section 375.061, RSMo Cum. Supp. 1967, is required to pay a license fee of \$25 on or before July 1, 1968 when the agency was originally licensed after January 1, 1968, and at the time of licensing paid a \$25 fee."

The statutory provision in question, Section 375.061, paragraph 4, reads as follows:

"Upon receipt of an application and a fee of twenty-five dollars, the superintendent, if satisfied that the agency has complied with the provisions herein provided, shall issue a license which shall continue until suspended or revoked or the agency is terminated by operation of law; provided that an annual license fee of twenty-five dollars is paid on or before July first of each year."

Section 1.090, RSMo 1959, relating to the construction of statutes, provides that "Words and Phrases shall be taken in their

Honorable James Dalton

plain and ordinary and usual sense. . ." We think that the plain and ordinary meaning of paragraph 4 of Section 375.061 is that the fee paid at the time of the original application and licensing of an agency is separate and distinct from the annual license fee due July 1 of each year. The first \$25 fee accompanies the application which must be processed and approved by the superintendent of insurance. The second \$25 fee is the annual fee which must be paid on or before July 1 by each and every insurance agency in order to maintain its license regardless of when it first received that license.

CONCLUSION

It is the opinion of this office that an insurance agency originally licensed after January 1, 1968 is required to pay an annual license fee of \$25 on or before July 1, 1968 under the provisions of Section 375.061, paragraph 4, RSMo Cum. Supp. 1967.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Gary G. Sprick.

Yours very truly,


NORMAN H. ANDERSON
Attorney General