March 5, 1963

Honorable William A. Harrison
Commissioner of Insurance
Austin, Texas

Opinion No. C-22

Re: Reconsideration of Attorney General's Opinions WW-1337 and WW-1337-A

Dear Mr. Harrison:

On February 18, 1963, you advised this office that the State Board of Insurance authorized you to request that this office reconsider Attorney General's Opinions WW-1337 and WW-1337-A.

On the 23rd day of May, 1962, the prior Attorney General released his opinion WW-1337 which held:

"The Board of Insurance Commissioners is authorized to issue a local recording agent's license to a firm or partnership composed of active and inactive members, provided that neither the active or inactive partners are limited partners; Sections 5 and 6 of Article 21.14 of the Texas Insurance Code apply to the active partners but do not apply to the inactive partners."

Upon a reconsideration of Opinion WW-1337 (at the request of the Commissioner of Insurance), the then Attorney General on the 27th day of December, 1962, over-ruled his prior Opinion WW-1337 and released Opinion WW-1337-A which held:

"The provisions of Section 5 of Article 21.14 of the Texas Insurance Code prohibit the Insurance Department from issuing a local recording agent's license to a firm or partnership unless each individual or member of the partnership is to be actively engaged in good faith in the
business of insurance and meets all of the other qualifications required for such license."

It is our opinion that Opinion WW-1337 correctly states the applicable law. Therefore, Opinion WW-1337-A is overruled and Opinion WW-1337 is reinstated. We are enclosing herewith copies of the two prior opinions.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By J. C. Davis
Assistant

APPROVED:
OPINION COMMITTEE

Albert Jones, Chairman
Stanton Stone
H. Grady Chandler
Dudley McCalla
Howard Fender

APPROVED: WAGGONER CARR, ATTORNEY GENERAL OF TEXAS