



**THE ATTORNEY GENERAL  
OF TEXAS**

GERALD C. MANN

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ATTORNEY GENERAL

AUSTIN 11, TEXAS

Reaffirmed by WW-1337

Honorable Marvin Hall  
Fire Insurance Commissioner  
Austin, Texas

Dear Sir:

Opinion No. O-2453-A  
Reconsideration of Opinion  
No. O-2453

Re: May a limited partnership  
engage in the insurance  
business as a recording  
agency?

We are in receipt of your letter of July 1, 1940 and the enclosed copy of a letter from Messrs. Tipton & McCorkle, Attorneys, addressed to you, citing the case of Tardy vs. Tarver, et al, 39 SW (2d) 848, requesting a reconsideration of our opinion No. O-2453.

Opinion No. O-2453 of this department holds that the Board of Insurance Commissioners has no legal authority to issue license to a limited partnership for the purpose of engaging in the insurance business as a recording agency.

We have read and carefully considered the case of Tardy vs. Tarver, et al, supra, cited in your enclosure. This case simply holds:

1. A corporation with sufficiently broad charter powers may act as agent for an insurance company, unless specifically prohibited by statute.
2. That the statutes of Texas do not prohibit the licensing of a corporation to act as agent for a fire, marine or casualty insurance company.

Said case does not touch upon nor deal with the question as to whether or not a limited partnership can engage in the insurance business and be licensed as a recording agency.

We again call your attention to Article 6110, Vernon's Annotated Texas Civil Statutes, cited in our opinion No. O-2453, which reads as follows:

"Limited partnerships for the transaction of any mercantile, mechanical, manufacturing or other business, except banking or insurance, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed." (Underscoring ours)

The above quoted statute clearly prohibits limited partnerships from engaging in the business of insurance in this State.

We think Opinion No. O-2453 of this department is correct and the same is in all respects affirmed by this department.

Very truly yours,

ATTORNEY GENERAL OF TEXAS

By s/ Wm. J. Fanning

Wm. J. Fanning  
Assistant

APPROVED JULY 15, 1940  
s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

WJF:AW/cge

APPROVED OPINION COMMITTEE  
By: BWB, Chairman