



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS

**PRICE DANIEL
ATTORNEY GENERAL**

May 5, 1949

Hon. Paul H. Brown
Fire Insurance Commissioner
Land Office Building
Austin, Texas

Opinion No. V-824

Re: Necessity of refunding
fees paid for renewal
of agency licenses upon
refusal to renew the
licenses.

Dear Col. Brown:

You have asked for the opinion of this office on
the following:

"This Department, under 5062b, Section 10,
is engaged in issuing renewal licenses to insur-
ance agencies throughout Texas. These agents
send their renewal applications into this Depart-
ment, generally accompanied by the fee of \$1.00.
In some instances we refuse to issue the renewal
license. The question occurs: Are we required
to refund the \$1.00 sent in?"

Sections 8 and 10 of Article 5062b, Vernon's Civil
Statutes, provide as follows:

"Sec. 8. Every license issued to a local
Recording Agent or Solicitor shall expire on the
first day of March each year, unless an applica-
tion to qualify for the renewal of any such license
shall be filed with the Board of Insurance Commis-
sioners and fee paid on or before such date, in
which event the license sought to be renewed shall
continue in full force and effect until renewed or
renewal is refused.

"Sec. 10. An applicant for the renewal of a
Local Recording Agent's license or for the renewal
of a Solicitor's license shall pay, at the time the
renewal application is filed, a fee of one (\$1.00)
Dollar."

The question asked can be answered only by ar-
riving at the intention of the Legislature as manifested
in Sections 8 and 10 of Article 5062b. It is our opinion

that the Legislature intended for the one dollar fee provided for in the Article to be primarily a filing fee covering the charge for the filing of any renewal application for a Local Recording Agent's license or a Solicitor's license. We are further of the opinion that it is not necessary to refund the one dollar fee paid by an applicant whose license is not renewed.

SUMMARY

It is not necessary to refund the one(\$1.00) dollar fee paid under the provisions of Section 10 of Article 5062b by a person applying for the renewal of a Local Recording Agent's or a Solicitor's license whose license is not renewed by the Board of Insurance Commissioners.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By


Clyde B. Kennelly
Assistant

APPROVED:



FIRST ASSISTANT
ATTORNEY GENERAL

CBK/rt:jrb