



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON**  
ATTORNEY GENERAL

March 18, 1957

Hon. John Osorio, Chairman  
Board of Insurance Commissioners  
International Life Building  
Austin, Texas

Opinion No. WW-63

Re: Whether the contract of  
Union Automobile Club and  
others similar thereto  
constitute contracts of  
insurance so that the is-  
surance and sale thereof  
would violate the Texas  
Insurance laws.

Dear Sir:

You have requested an opinion as to whether the contracts attached to your opinion request of January 29, 1957, and similar contracts, constitute contracts of insurance so that the issuance and sale thereof would violate the Texas insurance laws.

You have enclosed with your opinion request numerous contracts and related membership documents issued by Metropolitan Automobile Club, Inc. (MAC); Accidental International Automobile Association of Texas, Inc. (AIAA); The Union Automobile Club (Union); and Motor Aid Automobile Association Club (Motor Aid). This opinion is based solely upon the documents submitted. We expressly decline to rule upon documents which have not been submitted for examination.

Some of the benefits provided may be summarized in the following manner:

MAC Membership  
Certificate

1. Emergency road service costs paid:
  - (a) Start car if stalled;
  - (b) Tire change in case of flat;
  - (c) Emergency delivery of gasoline, oil, battery or rental battery;
  - (d) Towing and wrecker service;
  - (e) Key service to unlock doors and ignition;
  - (f) Reimbursement when services rendered where MAC service not available.

Union Membership  
Certificate

1. Emergency road service upon occurrence of any type of mechanical trouble of emergency nature which prevents member's automobile from operating.
2. Towing service where automobile fails to operate as a result of mechanical failure or breakdown.
3. Tire change service where member has spare.

Motor Aid  
Membership  
Certificate

5. Towing service.
11. Emergency road service.

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The questions raised in your opinion request were disposed of by National Auto Service Corporation v. State, 55 S.W.2d 209 (Tex.Civ.App. 1932), and are discussed at length in Attorney General's Opinion O-4620, both of which state the existing law as to whether the documents in question are insurance contracts. The benefits enumerated above are similar to the contract benefits discussed in National Auto Service Corporation v. State, supra, and similar to benefits Nos. 2, 3, 4, 5 and 6 discussed on page 2 of Attorney General's Opinion O-4620. The AIAA benefit schedule provides benefits for indemnity for personal injury that are obviously insurance.

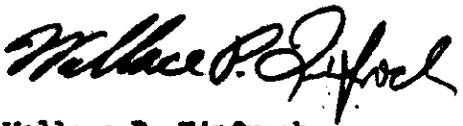
The file does not indicate whether these companies have a valid certificate of authority or have charter powers which include the writing of insurance. Assuming that none of them have so qualified, the issuance of such memberships and the sale thereof would be contrary to Texas insurance laws.

SUMMARY

Based upon the facts and contracts submitted, the issuance and sale of memberships in Metropolitan Automobile Club of Texas, Inc., Accidental International Automobile Association of Texas, Inc., The Union Automobile Club, and Motor Aid Automobile Association Club, constitute the writing of insurance and are prohibited by law.

Very truly yours,

WILL WILSON  
Attorney General

By   
Wallace P. Finfrock  
Assistant

WPF:lm

APPROVED:

OPINION COMMITTEE  
H. Grady Chandler, Chairman