



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**WAGGONER CARR
ATTORNEY GENERAL**

June 28, 1963

Hon. J. M. Falkner, Commissioner
Finance Commission
Department of Banking
Austin 14, Texas

Opinion No. C-104

Re: Whether Section 7(a) of S. B. 15, Acts 58th Leg., R. S., 1963, ch. 205, p. 550, codified as Art. 6165b., V.C.S., is ambiguous, and, if so, are applicants for one or more licenses required to pay an investigation fee of \$200.00 for each license applied for in addition to the annual license fee.

Dear Mr. Falkner:

Your request for an opinion on the referenced subject poses the following question:

"The Finance Commission feels that the emphasized phraseology (set out completely below) of Section 7(a) is somewhat ambiguous and therefore requests your opinion as to whether the applicant for one or more licenses shall pay an investigation fee of \$200.00 for each license applied for in addition to the annual fee."

The pertinent Section is set out below with your emphasis included:

"Application for a license shall be under oath, shall give the approximate location from which the business is to be conducted, and shall contain such relevant information as the commissioner may require including identification of the principal parties in interest, to provide the basis for the findings necessary under Section 8. When making application, for one or more licenses, the applicant shall pay Two Hundred Dollars (\$200) to the commissioner as an investi-

gation fee and One Hundred Dollars (\$100) for each license as the annual fee provided in Section 9(b) of this Act for the current calendar year, provided if a license is granted after June 30th in any year such fee shall be Fifty Dollars (\$50) for that year." (Emphasis added)

We feel that the section is without ambiguity and that the use of the phrase "for one or more licenses" modifies or applies to the singular application, and the words "each license" apply to the annual license fee.

The legislative intent is to be determined from the language of the statute. Gilmore v. Waples, 108 Tex. 167, 188 S.W. 1037 (1916); Magnolia Petroleum Co. v. Walker, 125 Tex. 430, 83 S.W.2d 929 (1935), cert. den. 296 U.S. 623. The pertinent language to which you refer is certainly unique. Neither the report of the Texas Legislative Council, Number 57-1, The Small Loan Business in Texas Through 1961 and the two proposed Acts included therein; the Model Consumer Finance Act; the Uniform Small Loan Act, Seventh Draft; nor the forty-three (43) states with comparable statutes have provisions which include the words "for one or more licenses", or "each license" in the section dealing with applications, investigation fees, and annual license fees. However, they are all quite similar in that they follow the wording of the Uniform Act very closely. Further, there are only two (2) reported cases concerning the section, and they deal with the amount of the fees. It is our opinion that the Texas Legislature, took notice of the fact that a given application might be "for one or more licenses" and provided for one investigation fee per application. This result is confirmed when we follow the dictates set out in Orsinger v. Schoenfeld, 269 S.W.2d 561 (Tex. Civ. App. 1954, err. ref., n. r. e.) which said that, "It is an elementary rule of construction that effect must be given, if possible to every word, clause and sentence of a statute," citing Texas Bank & Trust Co. v. Austin, 115 Tex. 201, 280 S.W. 161 (1926).

You are, therefore, advised that it is our opinion that the investigation fee to be charged for a single application, whether it be for one or more licenses, is \$200.00.

SUMMARY

The Regulatory Loan Commissioner of Texas pursuant to Section 7(a), S. B. 15, Acts 58th Leg., R.S., 1963, ch. 205, p. 550, codified as Art. 6165b, V.C.S., may charge only \$200.00 as in-

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vestigation fee per application whether the
application be for one or more licenses.

Very truly yours,

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APPROVED:

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