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ARIZONA ATTORNEY GENERAL

July 15, 1949

Mr. Carl Betz
Actuary, Insurance Division
Arizona Corporation Commission
Capitol Annex
Phoenix, Arizona

ARIZONA ATTORNEY GENERAL

Dear Carl:

We have before us your request for the opinion of this office as to whether an insurance company may comply only with the provisions of Section 61-201, A.C.A. 1939, when it incorporates or whether it must in addition comply with the requirements for articles of incorporation generally to be found in Section 53-301, A.C.A. 1939.

As per our oral conversation sometime ago, it is the belief of this office that the well settled rule of statutory construction would here apply. Namely, that a general law includes all subjects of a certain class, and when there is a special law covering the same subject applying to a subclass which would otherwise fall within the general law, the special law will be considered to be created as an exception to the general one, and the terms of the general law would have no application to the subclass set forth in the special law.

Kay v. Hillside Mines, Inc.,
54 Ariz. 36, 91 P. 2d 867;

Industrial Commission v.
Hartford A & I Company
61 Ariz. 86, 144 P. 2d 548;

State v. Dickens, 66 Ariz. 86,
183 P. 2d 148.

In the instant case, both statutory sections under consideration deal with what articles of incorporation must state. Section 61-201, A.C.A. 1939, as amended, deals specifically with the incorporation of insurance companies, whereas Section 53-301, A.C.A. 1939, deals with articles of incorporation generally. Applying the aforementioned rule, the former statute would govern as regards insurance companies.

Very truly yours,

FRED O. WILSON
Attorney General

EDWARD JACOBSON
Assistant Attorney General

RJ:ec

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