

Chapter 744

Agents and Adjusters

Chapter 744

ATTY. GEN. OPINIONS: Applicability to insurance companies writing automobile fire insurance only, 1950-52, p 29; power of domestic life insurance companies to merge, 1958-60, p 208.

744.005

NOTES OF DECISIONS

See also cases under ORS 744.075 and 744.155.

FURTHER CITATIONS: Jackson v. N.Y. Life Ins. Co., (1924) 299 Fed 679; Truck Ins. Exch. v. Truck Ins. Exch., (1940) 165 Or 332, 107 P 511; Ramstead v. North-West Ins. Co., (1969) 252 Or 423, 450 P2d 538.

744.045

ATTY. GEN. OPINIONS: Authority to issue temporary license to agent and right of agent to continue business pending entry of order upon renewal application, 1936-38, p 228; licensing one person to represent more than one life insurance company, 1954-56, p 139; providing dental services as a hospital corporation, 1956-58, p 301; discretion of commissioner to issue license, 1960-62, p 54; licensing corporation as life insurance agent, 1960-62, p 340; construing "felony" and "good moral character", application to convictions prior to 1965 amendment, 1964-66, p 365.

744.055

ATTY. GEN. OPINIONS: Whether nonresident corporation must also pay fee provided by corporation laws, 1922-24, p 314, 1932-34, p 326; authority of nonresident brokers to sign policies and to share commissions, 1922-24, p 361; liability for error in qualifying nonresident agent, (1970) Vol 35, p 165.

744.075

NOTES OF DECISIONS

A former similar section was designed to limit the appointment of agents to qualified persons, and to compel them to perform their duties faithfully. Lovejoy v. Portland, (1920) 95 Or 459, 188 P 207.

ATTY. GEN. OPINIONS: Appointment of monitor for examination, 1958-60, p 323; delegation of duty to conduct examination, 1958-60, p 323; licensing corporation as life insurance agent, 1960-62, p 340.

744.135

ATTY. GEN. OPINIONS: Whether separate licenses are required by an agent writing different classes of insurance for the same company, 1924-26, p 378; licensing corporation as life insurance agent, 1960-62, p 340.

744.145

ATTY. GEN. OPINIONS: Licensing one person to represent more than one life insurance company, 1954-56, p 139.

744.155

NOTES OF DECISIONS

1. Under former similar statute

The state's right to regulate the insurance business included the right to control its brokers and agents through whom the business was carried on. Herbring v. Lee, (1928) 126 Or 588, 269 P 236, 60 ALR 1165, aff'd, (1929) 280 US 111, 50 S Ct 49, 74 L Ed 217.

No person was entitled to receive a license as an agent of a company until the company had complied with the conditions precedent to its right to appoint agents. Id.

744.165

NOTES OF DECISIONS

This section makes the agent the company's representative in all matters which, in the usual course of effecting insurance, are incidental to the application and the delivery of the policy. Stipcich v. Metropolitan Life Ins. Co., (1927) 277 US 311, 48 S Ct 512, 72 L Ed 895, rev'g 8 F2d 285.

The agent who procures an application is the company's agent to receive a communication from the applicant advising the company of a serious deterioration in the condition of his health pending issuance of the policy, even though the application provides that the company shall not be bound by statements made to agents and not reproduced therein. Id.

Disclosures of medical history made to a company's soliciting agent are within the phrase "in all matters relating to such application for insurance." Northwestern Mut. Life Ins. Co. v. Cohn Bros., (1939) 102 F2d 84.

Questions and answers concerning the insured's medical history which are made "Part II of the Application" are part of the "application," as that word is used in the section. Id.

Knowledge regarding an insured's health on the part of an agent employed to solicit applications binds the insurer unless the agency had ended when the agent received such knowledge. State Mut. Life Assur. Co. v. Schultz, (1940) 111 F2d 1009.

In case of an agent's receipt of a check for the first premium on a policy which allowed such payment "subject to collection," the agency is not terminated until the check is "paid". Id.

FURTHER CITATIONS: Bunn v. Monarch Life Ins. Co., (1970) 257 Or 409, 478 P2d 363.

744.255

CASE CITATIONS: *Wright v. Bateson*, (1971) 5 Or App 628, 485 P2d 641, Sup Ct review denied.

ATTY. GEN. OPINIONS: Revocation of agent's license, 1930-32, p 71; misrepresenting policy, 1962-64, p 427; authority to act against a company for misappropriations of an agent, 1964-66, p 20; construing authority to suspend a license without a hearing, 1964-66, p 109; construing "false" informal hearing on application, 1964-66, p 284.

744.305

CASE CITATIONS: *Travelers Ins. Co. v. Cimarron Ins. Co.*, (1961) 196 F Supp 681.

ATTY. GEN. OPINIONS: Writing of surplus line business prior to issuance of license, 1924-26, p 185; validity of land value insurance and writing of such policies through surplus line agents, 1926-28, p 576; validity of gross premium tax on premiums of foreign corporations not authorized to do business in Oregon, 1960-62, p 131.

744.345

ATTY. GEN. OPINIONS: Whether the State Industrial Acci-

dent Commission is an insurer within this section, 1936-38, p 31.

744.355**NOTES OF DECISIONS**

A state, as a condition to doing business within its boundaries, may by statute require a foreign corporation to submit to the jurisdiction of its courts and the federal courts located therein. *Travelers Ins. Co. v. Cimarron Ins. Co.*, (1961) 196 F Supp 681.

ATTY. GEN. OPINIONS: Meaning of "unauthorized company," 1932-34, p 587.

744.375

ATTY. GEN. OPINIONS: Validity of gross premium tax on premiums of foreign corporations not authorized to do business in Oregon, 1960-62, p 131.

744.385

CASE CITATIONS: *State v. Johnson*, (1969) 1 Or App 363, 462 P2d 687.