purview of the act from the possible stigma of being charged with or convicted of a crime, and that act so protects them. On the other hand, as heretofore pointed out, you have only the power to suspend or revoke the license of a minor to operate a motor vehicle upon the highways of the State of Indiana.

We believe that the commissioner, or you as his deputy or agent, does have the authority to cite a juvenile licensee in for hearing to determine whether or not a license granted to such juvenile may be suspended or revoked. Such a citation and a hearing thereon by the commissioner or you is only for the purpose of finding whether or not the juvenile should be permitted the right to operate a motor vehicle upon the highways of the state. The only thing you determine is whether or not the license of the juvenile should be suspended or revoked. The only action that you can take upon a finding that a juvenile licensee has committed one of the acts enumerated in Section 47-452, Burns' Indiana Statutes Annotated 1933, is suspension, revocation or denial of granting of a license or permit. The commissioner has the power to suspend or revoke all licenses or permits issued to any person, including minors.

DEPARTMENT OF STATE, CHIEF CORPORATION COUNSEL: Whether the Secretary of State may refuse to permit the filing of Articles of Incorporation under the Not-for-Profit Act where the franchise is to be used to conduct an insurance business.

January 21, 1942.

Honorable Maurice G. Robinson,
Chief Corporation Counsel,
Department of State,
Indianapolis, Indiana.

Dear Sir:

I have before me the letter of your predecessor in which it is requested that an official opinion issue in response to the following inquiry:

"May a corporation organized under the Indiana General Not-For-Profit Corporation Act for charitable
and fraternal purposes pay to its members death benefits of not more than $100.00 and disability benefits of not more than $150.00 to any one person in any one year?"

Also attached to this request is a printed copy of the by-laws of said corporation and its official membership certificate.

The request states that benefits to be paid to members and their beneficiaries will be covered in the appropriate sections of the by-laws of the said corporation and not in its articles of incorporation.

The Indiana Insurance Law, Section 5, Chapter 102, Acts of 1935, defines insurance as follows:

"(a) Insurance means a contract of insurance or an agreement by which one party, for a consideration, promises to pay money or its equivalent or to do an act valuable to the insured upon the destruction, loss or injury of something in which the other party has a pecuniary interest, or in consideration of a price paid, adequate to the risk, becomes security to the other against loss by certain specified risks; to grant indemnity or security against a loss for a consideration."

Section 4, Chapter 157, Acts of 1935, being "The Indiana General Not-For-Profit Corporation Act," specifically provides:

"Nothing in this act shall be construed or interpreted as permitting or authorizing the transaction or conducting of a banking, railroad, insurance, surety, trust, safe deposit, mortgage guarantee, building and loan or credit union business."

By this section, the business of transacting insurance is definitely included from the powers and authorities of corporations that may be or have been incorporated under said Corporation Act. And there are no exceptions therein excepting therefrom associations and corporations that pay benefits less than certain minimum amounts. The conclusion is applicable to any corporation which would write or attempt to write any kind of insurance business, regardless of the amount of benefits to be paid.
After examining the printed copy of the by-laws of the corporation and the official membership certificate, both of which have been submitted, I am of the opinion that no one can examine the by-laws of the corporation and its official membership certificates without realizing that the plan there reflected is a subterfuge, and that the prospective members and members of the corporation doubtless will be led to believe that there is a contract of insurance between themselves and the corporation. The papers submitted are carefully and skilfully drafted to give the definite impression that members are insured. Further, there can be no doubt that if the representations made to the membership are carried out that the practical effect of this plan is to effect the insuring of the members. Under such circumstances, and in view of the patent subterfuge here utilized, I do not believe that the Secretary of State is required to close his eyes to what all practical men can see. Therefore, it is undoubtedly within the province of the Secretary of State to refuse to permit the filing of the Articles of Incorporation of this corporation.

STATE HOUSING BOARD OF INDIANA: Whether the gross receipts of housing authorities under Chapter 207 of the Acts of 1937 are taxable under the Gross Income Tax Act.

January 23, 1942.

Mr. Walter E. Stanton,
Executive Secretary,
State Housing Board of Indiana,
Indianapolis, Indiana.

Dear Sir:

This is in answer to your request for an opinion upon the following questions contained in your letter:

"Are the public bodies corporate and politic known as housing authorities created and established pursuant to Chapter 207, Acts of 1937, approved March 11, 1937, which are exercising the public and essential governmental functions of clearing, replanning and reconstructing areas in which insanitary or unsafe