

## Opinion No. 47-4981

January 24, 1947

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. R. F. Apodaca Superintendent of Insurance State Corporation Commission  
Santa Fe, New Mexico

{\*9} In your letter dated January 22, 1947, you refer to various interpretations placed upon Section 57-903 of the 1941 Compilation pertaining to Workmen's Compensation and made by various insurance companies. You request an opinion clarifying the requirements of this section insofar as the filing of the insurance policy or undertaking by an employer.

This section requires every employer to file such policy or undertaking in the office of the Clerk of the District Court for the county in which such workman is employed or in which it is contemplated at the time of employment that such workman is to be employed. The filing of a policy or undertaking with the Clerk of the District Court in one county would not be compliance with the law if a workman is employed, or it is contemplated that he will be employed, in another county.

There are two exceptions to the general requirement contained in this section. First, public utility corporations doing business generally throughout the State, may satisfy this requirement by filing such policy or undertaking in the office of the District Court of the county wherein such corporation has its principal office in the State. Second, foreign corporations doing business generally throughout the state may satisfy this requirement by filing such undertaking in the office of the Clerk of the District Court of Santa Fe County.

Aside from these two exceptions, all employers, including domestic corporations, are required to file the undertaking in each county where work is done, or in which work is contemplated, at the time of employment.