

Opinion No. 48-5121

January 2, 1948

BY: C. C. McCULLOH, Attorney General

TO: Mr. Charles L. Rose, Superintendent of Public Instruction, Santa Fe, New Mexico.

{*124} We wish to acknowledge receipt of your letter with an enclosure from the Carlsbad City Schools, wherein our opinion was requested as to whether or not it was compulsory for the city schools of Carlsbad to carry employees' casualty and employees' liability insurance.

After diligent search, we have been unable to find any statute requiring schools to carry employees' casualty and employees' liability insurance. Section 55-713 of the New Mexico 1941 Compilation requires insurance on all school buildings be carried, but we evidently have no statute requiring any other type of insurance.

In view of the fact you are also no doubt interested as to the liability of the school in a tort action, I am herewith enclosing a copy of Opinion No. 5108 written by Mr. Federici of this office on November 25, 1947 covering this matter.

Trusting the aforementioned satisfies your inquiry, I am

By ROBERT V. WOLLARD,

Asst. Atty. General