

Opinion No. 49-5254

November 18, 1949

BY: JOE L. MARTINEZ, Attorney General

TO: Elery G. Cooper Field Representative for Contractors License Board and State Building Inspector Box 1179 Albuquerque, New Mexico

{*96} This will acknowledge receipt of your letter of November 10, 1949 in which you request an opinion on the question of whether an examination is required of a contractor who holds a license under Chapter 51-1905 (c) subsection (b) of the New Mexico Statutes Annotated, 1941 Compilation, which requires a license fee of \$ 15.00 for gross annual contract that exceeds \$ 1200 and does not exceed \$ 12,000, and he now desires to acquire a license for gross over \$ 1200 which requires a \$ 30.00 license fee.

The answer to the question is that no examination is necessary {*97} but the contractor will have to pay the additional \$ 15.00 license fee.

The statute does not make an examination mandatory, but optional at the discretion of the Contractors' License Board as stated in 51-1905:

"No license shall be issued except by action of the Board, nor until the Board has satisfied itself upon evidence presented and recorded as to the integrity of the applicant, and upon a proper showing in an examination that **may be given** by the Board, that said applicant is qualified in the following respects to hold a license"

The foregoing applies to the original license, and if the contractor desires to change his classification as stated in § 1917 but not to the situation as stated in the facts of your inquiry.

Trusting the above sufficiently answers your inquiry, I am