

Opinion No. 55-6301

October 17, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. E. P. Corcoran, Chief Inspector, Plumbing Administrative Board, 307 Lead Avenue, N. W., Albuquerque, New Mexico

We are in receipt of your letter of August 11th in which you requested an opinion from this office as to what part of air conditioning system must be installed by a licensed plumber. Accompanying your letter you submitted a diagram of a forced air heating and cooling system using chilled and hot water. Under the provisions of Section 67-22-1 (f), which reads as follows

". . . (f) The word 'plumbing' shall mean the installing, altering and repairing of all plumbing fixtures, fixture traps, and soil, waste, supply and vent pipes with their devices, appurtenances and connections, through which water, waste, sewage, oil and air are carried within or adjacent to the building or other structures in or upon premises of the consumers . . ."

It is the opinion of this office that a person with a plumbing license would have to install all pipes and apparatus which carry the hot and cold water in such heating and cooling system. The duct system should be installed by sheetmetal contractor. The fact that one would have a license from the New Mexico Contractors Licensing Board would not entitle such contractor to install the necessary plumbing apparatus in such system unless licensed by your Board. The Legislature of New Mexico contemplated just such a situation as outlined in your letter and by law took care of the situation by Section 67-16-17 N.M.S.A., 1953, which reads in part as follows:

"Nothing contained in this section shall prohibit a contractor from taking and executing a contract involving the use of two (2) or more crafts, trades or classifications, if the performance of the work in the crafts, trades or classifications other than in which he is licensed, is incidental or supplemental to the performance of the work and the craft, trade or classification for which the contractor is licensed, Provided, however, that the performance of the work other than in which a particular contractor is licensed shall be performed by subcontractors licensed to perform such crafts, trades or classifications."

This law provides that where a contractor has work which involves crafts, trades or classifications in which he is not licensed, that he must use subcontractors licensed to perform such crafts, trades or classifications.

The system outlined in your letter appears to be one particularly designed for the structure in which it is placed, and the remarks above made would refer to such a system. We find nothing in the law which would prevent the heating and air conditioning contractors from planning or contracting such a system so long as that part of the

system which is plumbing as defined by Section 67-22-1, N.M.S.A., 1953, Pocket Supplement, is done by a person authorized by Section 67-22-1 to 67-22-24, N.M.S.A., 1953, Pocket Supplement, to install plumbing. If the air conditioning system is a package system which is purchased as a unit, it is our opinion that the installers of such a system should secure a specialty license from your Board as provided in Section 67-22-8 (c), N.M.S.A., 1953, Pocket Supplement.

Trusting we have answered your question, we remain

By: Paul L. Billhymer

Assistant Attorney General