

Opinion No. 56-6391

February 16, 1956

BY: RICHARD H. ROBINSON, Attorney General

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

We have your letter of December 21st in which you request an opinion from this office upon the following questions:

- "1. Would a person, firm, partnership or corporation installing, altering or repairing plumbing or plumbing fixtures in a farm or ranch not owned or occupied by him be required to possess a master plumbing license?
2. Would the installing agency if licensed be required to comply with all the provisions of the Act pertaining to codes, permits and inspections?
3. Does the word 'individual' as used in the sub-section in question refer to the owner or occupant of a farm or ranch?
4. Does the phrase 'or require a license from an individual doing such work on such premises', prohibit the owner or occupant from engaging the services of an unlicensed person, firm, partnership or corporation to install, alter or repair plumbing on a farm or ranch?
5. Must plumbing installed, altered or repaired on a farm or ranch by the owner or occupant be done in conformity with all other provisions of the act and the orders, rules and regulations of the board, or is the sub-section so worded as to exempt the owner or occupant from compliance with any and all provisions of the Act?"

The answers to your questions depend upon the construction to be placed upon Section 67-22-2 (c), (d), which reads as follows:

"The provisions of this act shall not prohibit an individual from installing, altering or repairing plumbing or plumbing fixtures in a farm or ranch building owned or occupied by him, or require a license from an individual doing such work on such premises."

The Legislature evidently intended to create a particular type of exception by the enactment of this particular provision. The Legislature intended that an individual owner or occupier of a farm or ranch should be able to install, alter or repair the plumbing or plumbing fixtures on such farm or ranch. It also appears that by the use of the term "or require a license from an individual doing such work on such premises," that the Legislature intended that any individual actually doing the installing, altering or repairing

of plumbing or plumbing fixtures would not be required to procure a license from the State Plumbing Board in order to do this work.

In other words, the owner or occupier of a farm or ranch could hire another such person to do the work for him so long as the work was done on the farm or ranch building, and the person so doing this work would not be required to have a license from the State Plumbing Board.

We are of the opinion that this particular provision of the law does not require that on farm or ranch buildings that compliance with the rules, regulations and orders of the State Plumbing Board must be followed, inasmuch as the Legislature saw fit not to provide for the compliance with such rules and regulations.

In answer to Question No. 1 above, we are of the opinion that a person, firm, partnership or corporation installing, altering or repairing plumbing or plumbing fixtures in a farm or ranch not owned or occupied by him would not be required to possess a master plumbing license if such person was hired to do the work by the individual owner or occupier of such ranch or farm.

In answer to your Question No. 2, since the individual owner does not have to comply with the State Plumbing laws, and also since the individual owner is at liberty under the law to hire an unlicensed individual to do the work for him, we are of the opinion that an installing agency that is licensed would not be required to comply with the provisions of the Act so long as he was hired by the owner or occupier of such farm or ranch to install such plumbing, fixtures or to otherwise do plumbing on such farm or ranch.

In answer to your Question No. 3, we feel that the word "individual" as used in the first part of this subsection unquestionably refers to the owner or occupier of such farm or ranch.

In answer to your Question No. 4, we are of the opinion that an owner or occupant of a farm or ranch may employ an unlicensed person to do plumbing work on such farm or ranch.

In answer to your Question No. 5, as pointed out above, we are of the opinion that plumbing work done on a farm or ranch does not have to be done in conformity with the orders, rules or regulations of the State Plumbing Board.

Trusting we have answered your questions, we remain

By: Paul L. Billhymer

Assistant Attorney General