

Opinion No. 57-131

June 12, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Paul L. Billhymer, Assistant Attorney General

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

QUESTIONS

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Is it necessary for a holder of a master plumber's license and a master gas fitter's license to file a bond in the penal sum of \$ 2,500.00 for each license and a bond in the sum of \$ 500.00 for each license?

CONCLUSION

No.

OPINION

ANALYSIS

This question arises under the provisions of § 67-22-24, N.M.S.A., 1953 Compilation, 1955 Pocket Supplement, which reads as follows:

"Any applicant for a master plumber's license or a master gas fitter's license shall, before issuance of such license, execute and deliver or cause to be executed and delivered in his behalf or in behalf of his firm, partnership or corporation to the secretary of state of the state of New Mexico, two (2) good and sufficient bonds with reputable corporate surety authorized to transact business in New Mexico, or other suitable sureties to be approved by the board, the first being in the penal sum of two thousand five hundred dollars (\$ 2,500.00), with the people of the state of New Mexico named as obligee conditioned that applicant will perform all the duties required of him under this act and comply with all requirements of law, and the other being in the penal sum of five hundred dollars (\$ 500), with the plumbing administrative board of the state of New Mexico named as obligee, conditioned for the payment of inspection fees provided for in this act."

The obvious intent of the Legislature was that the public was to be protected by a bond from a person licensed to engage in the work of plumbing or gas fitting. A person having only one license would, of course, have to file bonds as required by this statute. If a person is a holder of the two master licenses, we see no reason why a single

combination bond cannot be issued for each of the bonds required by the statute, namely, a \$ 2,500.00 bond and a \$ 500.00 bond. The public would be adequately protected inasmuch as such bond would cover all activities either as a gas fitter or a plumber. This obviously was the intent of the Legislature, namely, the protection of the public so far as the \$ 2,500.00 bond was concerned and the protection of the State for its fees so far as the \$ 500.00 bond was concerned. So long as the bonds required specifically show that they are to cover the activities of the license holder in each of his capacities as a master plumber and master gas fitter, we see no reason why single bonds should not be sufficient for the compliance with this statute.