

Opinion No. 60-175

September 29, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Joseph R. Howell Secretary Plumbing Administrative Board 712 West Chisum
Artesia, New Mexico

QUESTION

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Does a specialty contractor who is properly licensed under the Plumbing Code (67-22-1 et seq.) have to be licensed under the Contractors' Licensing Code (67-16-1 et seq.) also?

CONCLUSION

See analysis.

OPINION

{*569} **ANALYSIS**

You state that plumbing-heating-cooling contractors who have been properly licensed under the Plumbing Code as specialty contractors are now being asked to become licensed under the Contractors' Licensing Board. As we view the question, licensing is required under only one of the above referred to acts but not both unless work is done falling within the scope of both acts. If a firm is doing specialty work that would require a specialty license under Sec. 67-22-8, N.M.S.A., 1953 Comp. (PS), we are of the opinion that it need not be licensed by the Contractors' Licensing Board under its licensing statute. Sec. 67-22-1, supra, defines a specialty license as follows:

". . . .

I. 'Specialty license' means a license to engage in a limited part of the business or work covered by this act for which a plumber's license is required; * * *"

If a firm does only the type of work that requires a specialty license under the Plumbing Code, we are of the opinion that it need not obtain a license from the Contractors' Licensing Board.

This office ruled in Opinion of the Attorney General No. 58-64, dated March 26, 1958, that a person properly licensed under the Electrical Contractors' statute did not need to comply with the Contractors' Licensing statute. We feel that the result reached in that

opinion was the proper one and was based upon sound reasoning. We are unable to distinguish that situation dealing with electrical contractors from the present situation dealing with specialty plumbing contractors.

Opinion of the Attorney General No. 4726, dated May 31, 1945, is hereby expressly overruled as to those portions in conflict herewith.

By: Boston E. Witt

Assistant Attorney General