

Opinion No. 65-184

September 20, 1965

BY: OPINION OF BOSTON E. WITT, Attorney General George Richard Schmitt,
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TO: David McNeill, Registrar Contractors' License Board, P.O. Box 580, Santa Fe, New Mexico

QUESTION

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Can the Contractors' License Board legally give an extension of time in which contractors may renew their licenses under the Contractors' License Law?

CONCLUSION

See analysis.

OPINION

{*302} ANALYSIS

The renewal of a Contractors' License is governed by Section 67-16-7 of the Contractors' License Law, N.M.S.A., 1953 Compilation and is set forth in its entirety as follows:

"EXPIRATION OF LICENSES. -- **All licenses** issued under the provisions of this act **shall elapse and expire on June thirtieth of each year. Applications for renewal of a current license accompanied by the same fees hereinabove provided for an original license, before the expiration date, shall authorize operation as a contractor by such renewal license for the ensuing fiscal year. All applications for renewal of licenses shall be filed with the registrar not later than July thirtieth of each year;** otherwise such licenses shall be ipso facto suspended, and shall be renewable only on the payment of a fee of twice the amount of the regular license fee of such contractor, and unless so renewed shall remain suspended during the remainder of the fiscal year. After a license has been suspended, as in this section provided, for a period of one or more fiscal years, a new application for license must be made and a new license issued in accordance with the provisions of sec. 5 of this act.

All licensees shall report all changes of personnel and addresses under this act within thirty days after the same shall occur, on such forms as the registrar shall provide in such cases." (Emphasis supplied.)

The statute cited above provides in no uncertain terms that licenses expire on June 30th of each year and that applications for the renewal thereof shall be filed with the Registrar not later than July 30th of each year. The word "shall" appearing throughout the statute is equivalent to the word "must". **Bateman v. Smith**, 183 Tenn. 541, 194 S.W.2d 336. Usually this word is construed in an imperative sense rather than directory, (see 39 Words and Phrases 111), and at least on one occasion was interpreted in this manner by the New Mexico Supreme Court **In Re Armijo's Will**, 57 N.M. 649, 660; 261 P.2d 833.

Therefore, under the analysis above, the Contractors' License Board could not extend the time for the making of an application for a renewal of a license. However, it should be emphasized that once the application is made and if accompanied by the appropriate fees, then as the law provides, the contractor may continue his {*303} operation until the actual issuance of his renewal license by the Registrar.