

Opinion No. 20-2755

December 18, 1920

BY: HARRY S. BOWMAN, Assistant Attorney General

TO: Mr. A. G. Whittier, State Traveling Auditor, Santa Fe, New Mexico.

No Fee Can Be Charged for Filing Copy Policy Under Provisions Workmen's Compensation Act.

OPINION

Referring to your letter of the 14th instant, enclosing one from Esquipula Martinez, County Clerk of Taos County, and one from Berthold Spitz of Albuquerque, all in regard to the fee of fifty cents charged for filing a policy which appeared to be a Workmen's Compensation Policy, authorized by Chapter 83, Laws 1917, I wish to advise you as follows:

The last part of Section 2 of the act above mentioned provides for the filing in the office of the County Clerk of the written agreement mentioned therein, and this office has ruled that it is not necessary to file an original of this written agreement in every county in which the corporation operates, but that a copy of the agreement will be sufficient.

We assume that the policy mentioned in the letters from Mr. Martinez and the London Guarantee and Accident Company was a copy of the contract entered into between the Company and the workman and, therefore, that it is within the provisions of that part of the law which requires the filing of the instrument.

In accordance with previous opinions from this office, therefore, that no fee may be charged except in those cases where a provision is made for such a fee for filing, it is our opinion that no fee could be charged for the filing of this instrument, if it is such as above indicated.

We are returning to you herewith the two letters which accompanied yours of the 14th instant.