

Opinion No. 37-1530

February 16, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. Thomas M. McClure, Secretary, N. M. Board of Registration for Professional Engineers & Land Surveyors, Santa Fe, New Mexico.

{*50} I have your letter of February 15th making inquiry as follows:

"1. If an applicant is registered as a professional engineer, paying the prescribed fee of \$ 15.00, and later (in the cases at hand, many months later) applies for registration as a land surveyor also, would the original \$ 15.00 fee be sufficient to entitle him to the additional registration as a land surveyor, or should the application for land surveyor be treated as a new and separate application and an additional fee of \$ 10.00 be paid?

2. Similarly, if an applicant has been granted registration as a land surveyor and many months later files an application for registration as a professional engineer also, should he be granted registration by paying an additional \$ 5.00 fee, making a total fee of \$ 15.00, or should the application be treated as a new and separate application and an additional fee of \$ 15.00 be paid before a new certificate shall be issued?

3. If you rule that the later applications should be treated as new and separate applications and the full fee of \$ 10.00 or \$ 15.00, as the case may be, should be paid, would the credit of \$ 5.00 for the old surveyor's license be applicable in the new case when a credit of \$ 5.00 had already been allowed when the first certificate was issued?"

In answering these questions, we wish to direct your attention to {*51} Section 1 of Chapter 45 of the Laws of 1935, which provides "That in order to safeguard life, health, and property, any person practicing or offering to practice the professions of engineering or land surveying" shall be required to do and perform certain things.

It will be noted that the statute contemplates two separate and distinct professions: that of engineering and that of land surveying. Following this premise, we find the general requirements for registration set forth in Section 13 of the Act, separate requirements being for professional engineers and for land surveyors.

Section **14 of the Act prescribes** a registration fee of \$ 15.00 for professional engineers and a registration fee of \$ 10.00 for land surveyors. The last sentence of said Section 14 provides that when an applicant for registration qualifies as a professional engineer **and** a land surveyor, he shall be issued a certificate covering both classifications upon payment of the fee provided for professional engineers.

It is my belief that this provision would only have reference to the time when the first application for registration is filed and that it would not apply to cases where a certificate

has been issued and after several months had elapsed the applicant desired additional registration under a different classification.

Therefore, I believe that the application mentioned by you in Sections 1 and 2 should be treated as new and separate applications and the proper fee should be required.

In answer to your question No. 3, which has reference to the credit of the \$ 5.00, wish to advise that I do not believe such credit should be granted in the cases mentioned by you.