

**Opinion No. 40-3477**

March 12, 1940

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Miss Marguerite Sellers, City Clerk, Clovis, New Mexico.

{\*142} In your letter of March 8 you inquire whether Chapter 231, Laws of 1939, in any way affects the right of municipalities to require persons engaged in the small {\*143} loan business to pay a municipal occupation tax.

Chapter 145, Laws of 1937, expressly authorizes municipalities to impose an occupation tax upon loan companies and like businesses.

The fees required of small loan companies under Chapter 231, supra, are payable to the State Bank Examiner for the purpose of administering the Small Loan Act and regulating those engaged in that business. There is no provision in the Small Loan Act expressly exempting those engaged in the small loan business from the payment of municipal occupation taxes, and the municipality, if it so sees fit, may impose an occupation tax for the privilege of doing a small loan business in the particular locality. Our statutes are full of certain fees or taxes, and at the same time the municipality may levy an occupation tax in connection with this local government.

It is my opinion, therefore, that Chapter 231, supra, neither adds to nor detracts from the right of a municipality to require an occupation license or tax from persons engaged in the small loan business within such municipality.

Trusting the foregoing sufficiently answers your inquiry, I am,

By: FRED J. FEDERICI,

Asst. Atty. Gen.