

Opinion No. 43-4432

December 30, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. S. L. Kirk, Chairman, Contractor's Licensing Board, Santa Fe, New Mexico

Your letter of December 18, 1943 requests an opinion on the following matter quoted from your letter:

"Question has come before the Board in regards to shipping mill work made into cabinets into the state. The Board feels that when they are fabricated this work comes under the Contractors License Law."

Section 51-1903 of the N.M. 1941 Compilation defines a contractor as follows:

"A contractor within the meaning of this act is a person, firm, copartnership, corporation, association, or other organization, or any combination of any thereof, other **than** those engaged in highway or railroad construction, who for either a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes or offers to undertake, or purports to have the capacity to undertake to construct, alter, repair, add to or improve any building, excavation, or other structure, project, development or improvement, **other than to personalty**, or any part thereof;"

From the information contained in your letter, it would appear that only cabinets of some types are involved in your question, and since cabinets would be personalty, their fabrication would not come under the Contractor's License Law.

By HARRY L. BIGBEE,

Assistant Attorney General