

Opinion No. 45-4726

May 31, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. John B. Sanchez Assistant District Attorney Taos, New Mexico

{*77} I have your letter of May 28, 1945, in which you request an opinion of this office concerning the necessity of a plumber obtaining a state contractor's license. You indicate that this plumber is carrying on a plumbing business and is not working as an employee. Section 51-1903 of the 1941 Compilation defines a contractor as follows:

"A contractor within the meaning of this act is a person * * * 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 * * *."

You will note that in view of the above definition if the person involved should engage in the plumbing business, such person would undoubtedly undertake to install or repair plumbing for a fixed sum, price, fee, percentage or other compensation other than wages, and would, therefore, be a contractor who would need to obtain a license prior to engaging in such business.

By HARRY L. BIGBEE,

Asst. Atty. General