

Opinion No. 56-6543

November 9, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. William Byron Darden, Special Assistant Attorney General, College of A. & M., State College, New Mexico

We have your letter of October 27th in which you request an opinion from this office upon the following fact situation:

The New Mexico College of A. & M. accepted bids for the installation of certain gas works including the laying of gas pipes on the campus, and received bids from a general contractor and from a plumbing contractor who has no general contracting license. Should the plumbing firm be considered for such work? We are assuming that the plumbing firm has also a master gas fitter license.

We think the answer to your question can be found in Section 67-22-1, (h), N.M.S.A., 1953 Compilation, Pocket Supplement:

"(h) The term 'gas fitting' shall mean the installing, altering and repairing of consumers' gas piping and the installation of appliances utilizing natural gas as fuel and their appurtenances, **in or upon premises of the consumers.**" (Emphasis Supplied).

Attention is also called to Section 67-22-11, N.M.S.A., 1953 Compilation, Pocket Supplement, which reads:

"Before any . . . consumers' gas piping shall be installed . . . or before any gas appliances shall be installed within any building, structure or premises . . . an application for permit therefor shall be made to the inspector in whose jurisdiction such work is to be performed. . . ."

It is our opinion, in view of these two statutes, that the fact that this work deals with the installation of gas work, gas piping and equipment upon the consumer's premises, that it is "gas fittings" within the meaning of the above quoted statutes, and therefore a master licensed gas fitter would have to install such. Such master gas fitter would certainly be eligible to bid on such a contract.

We do not feel, in view of the provisions of the law which regulates and governs plumbing and gas fitting, that it is necessary for a master gas fitter to also have a contractor's license to bid on work which your letter indicates to be wholly within the field of gas fittings on the consumer's premises.

We trust the above answers your inquiry.

By: Paul L. Billhymer

Assistant Attorney General