

Opinion No. 60-234

December 27, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Mr. Sam J. Jackson Chief Inspector State Plumbing Administrative Board 1930 San Mateo, N.E. Albuquerque, New Mexico

QUESTION

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May "riders" be attached to fidelity bonds written in favor of E. P. Corcoran, Chief Inspector, State of New Mexico Plumbing Administrative Board, changing the name of the obligee?

CONCLUSION

Yes.

OPINION

{*658} ANALYSIS

We understand that the bonds required by § 67-22-24, N.M.S.A., 1953 Compilation (P.S.), have been written with the name of the former Chief Inspector of the Board as obligee. This is contrary to the statute. Applicants for master plumbers' licenses or master gas fitters' licenses should deliver a \$ 2,500 bond with **the people of the State of New Mexico** named as obligee, and a \$ 500 bond with the **State Plumbing Administrative Board** named as obligee. Applicants for specialty licenses should deliver a \$ 1,000 bond with **the people of the State of New Mexico** named as obligee. If the bond has been written in accordance with the statute, there would be no need to change the name of the obligee upon the appointment of a new Chief Inspector. For the future, we advise that you require the bonds to be written in strict accordance with the statute, and neither the Chief Inspector by name, nor the Chief Inspector in his representative capacity, should appear as obligee of the bonds.

Since the bonds in question do not name the proper obligee, they must be changed, of course. The statute makes no provision for changing the name of the obligee, but we think it unnecessary to write an entire new bond to accomplish this purely formal result. A "rider" will be sufficient to designate the proper obligee, and the bonds will then conform to the statutory requirements, which is the desired result. Therefore, it is our opinion that a "rider" may be attached to the bonds to change the name of the obligee.

By: Norman S. Thayer

Assistant Attorney General