

**Opinion No. [30-06]**

April 16, 1930

**BY:** J. A. MILLER, Assistant Attorney General

**TO:** Mr. J. E. Barrington, Route 1, Abilene, Texas.

BUSINESS COLLEGES -- Canvassing for students. § 120-2101, Code 1929.

**OPINION**

In answer to yours of the 14th inst., in which you request information with reference to the statute of New Mexico governing the establishment of private business schools in New Mexico, you are advised as follows:

Section 120-2101 of the New Mexico Statutes Annotated, Codification of 1929, makes it unlawful for any correspondence school, business college, or commercial department of any other school, its agents or representatives, to canvass prospective students in the State of New Mexico for the purpose of selling to such prospective student, or anyone for the use of such prospective student, any scholarship or tuition in advance in such school, or to contract in advance for such scholarship or tuition, or to take payment and the same in money, notes, or other evidence of indebtedness before the registration in good faith of such student in such school, college, or commercial department, without the school, its agent, or representative first making application to the State Board of Education and receive from such State Board of Education a permit granting the right to canvass and sell scholarships and to receive tuition in advance.

The statute also provides for the information to be given in such application and provides penalties for violation of the article and provides that nothing in the article shall be construed to prevent canvassing for students where no scholarship is sold, nor fees for tuition are collected in advance, nor to prevent legitimate advertising of any such school.

The above makes reference to probably the only statutes in this state which might be in answer to your inquiry and it will depend entirely upon the plan you contemplate whether or not this statute has application.