

Opinion No. 39-3126

May 3, 1939

BY: FILO M. SEDILLO, Attorney General

TO: New Mexico Board of Registration for Professional Engineers and Land Surveyors, Santa Fe, New Mexico. Attention: Miss Elizabeth Montgomery, Assistant Secretary

{*44} Your letter to this office requesting a ruling on certain questions which you submit has been duly received.

Apparently the law governing the practice of professional engineers and the practice of professional architects as to their powers and duties are quite similar. Chapter 45, Laws of 1935, being an act to regulate the practice of professional engineers and land surveyors, and Chapter 155, Laws of 1931, governing the practice of architects. I do not believe that these two chapters should be read together. They are each for the purpose of regulating a separate and distinct profession in which the actual practice calls for the doing of many similar acts.

It is therefore my opinion, replying to question one, that Mr. Rowe was legally within his rights in drawing plans and constructing a building in Albuquerque, New Mexico, as such power and authority was conferred upon him by the license granted to him by the State Board of Registration for Professional Engineers and Land Surveyors.

Replying to question two, I see no violation of Chapter 154, Laws of 1931, nor will there be any by the amended act, House Bill No. 104, which does not go into effect until June 10, 1939.

Replying to question three, I see no reason why professional engineers licensed under Chapter 45, of the Session Laws of 1935, should be obliged to take out a registration under the law of Chapter 155, Laws of 1931.

As I stated, these chapters must be read separately and similar powers are conferred upon professional engineers as are granted to architects in the chapter covering the powers and duties of architects.

Undoubtedly a joint meeting of the two boards will have a better effect in clarifying the misunderstandings as to the rights of engineers and architects than any advice or suggestions coming from this office.

By: GEORGE LOUGEE,

Asst. Atty. Gen.