

**Opinion No. 46-4928**

July 20, 1946

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. C. M. Page Chief Clerk Motor Vehicle Division Bureau of Revenue Santa Fe, New Mexico

{\*253} Sometime ago you asked for an opinion as to what fee should be charged by the Department to issue an original title and a title on a car newly brought into the state.

Section 68-120 of the 1941 Compilation, as amended by Chapter 73 of the Laws of 1943, insofar as is material, reads as follows:

"The motor vehicle department shall collect in advance for the filing and entry of each such instrument described in Section 10 (Sec. 68-115) hereof and/or the issuance of such certificate of title, the sum of 50 [cents]."

In Opinion No. 4864 this office held that to give effect to the word "or" in the clause "and/or", it was necessary to read the above quoted statute as follows:

"The motor vehicle department shall collect in advance for the issuance of such certificate of title the sum of 50 [cents]."

The words "such certificate of title" obviously refer back to the certificate described in Section 68-106 as amended, since the two sections are a part of the same Act.

In view of the foregoing, it is my opinion that a fee of 50 [cents] should be collected for the issuance of every certificate of title, and that it makes no difference whether the certificate of title is one issued on the original registration of the car, the original registration with New Mexico, or an assignment of the motor vehicle, or on the filing of a lien.

I am sorry to have been so long in answering your request, but I had overlooked the memorandum.

By ROBERT W. WARD,

Asst. Atty. General