

**Opinion No. 47-4985**

February 7, 1947

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

**TO:** Hubert W. Beasley, Chief New Mexico State Police Santa Fe, New Mexico

{\*12} We wish to acknowledge receipt of your inquiry of the 6th instant wherein inquiry was made as to whether or not vehicles owned and operated by the United States Government are required to comply with Section 68-616 of the New Mexico 1941 Compilation, pertaining to periodic inspection of lights, brakes and steering equipment, and the obtaining a certificate therefor.

The Federal Government, through Acts of Congress, has power to regulate and control the operation of motor vehicles, so far as they are engaged in interstate commerce, and so far as they are acting as governmental agencies in performing governmental functions or duties, such as United States mail automobiles {\*13} or trucks; and to this extent such vehicles are not subject to **inconsistent regulations** enacted by a State legislature or a municipality. (See 42 C. J. -- 616)

It is therefore my opinion that such Government owned vehicles must comply with the provisions of 68-616, New Mexico 1941 Compilation, unless same are inconsistent with Federal regulations.

Undoubtedly the legislature, acting under the police power, enacted such a statute for the safety and welfare of the motorists using our highways. Certainly a Government owned vehicle operating on our highways with defective lights, brakes and steering equipment constitutes just as great a menace as a vehicle operated by a resident of our State under like circumstances.

Trusting the aforementioned satisfies your inquiry, I am

By ROBT. V. WOLLARD,

Asst. Atty. General