

Opinion No. 47-5058

July 30, 1947

BY: C. C. McCULLOH, Attorney General

TO: Mike Gallegos Commissioner Motor Vehicle Department Bureau of Revenue Santa Fe, New Mexico

{*74} We are in receipt of your letter of July 28, 1947, in which you state that a member of the armed services obtained a 50% allowance on a license plate which he secured for the year 1947, but which was purchased before the end of hostilities, December 31, 1946. You ask whether he is entitled to the allowance, inasmuch as the license was for the year 1947.

Chapter 39 of the Laws of 1943 provides by Section 3 that a nonresident owner of a motor vehicle who is in the armed forces of the United States may purchase a New Mexico license upon the payment of 50% of the regular annual license fee now in effect. The act is made effective for the duration of hostilities in the present war between the United States and any or all of the Axis powers.

At the time the member of the armed forces purchased the license, the United States was still officially at war and so the Act was still in effect. Therefore, since the license was purchased at a time when the member of the armed forces was entitled to the 50% reduction, it is my opinion that the same should be allowed even, though shortly thereafter the Act ceased to be effective and even though the license was purchased for the following year.

By: ROBERT W. WARD

Asst. Atty. General