

Opinion No. 47-5113

December 17, 1947

BY: C. C. McCULLOH, Attorney General

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

{*117} This will acknowledge receipt of your letter of December 10, 1947, in which you request an opinion on several questions concerning fees to be charged.

I will not repeat the facts since they will be incorporated in the answers.

1. There is no charge for filing a release of a lien or encumbrance alone.
2. If at the same time that the release is filed, a request is made for a new certificate of title, or if a new certificate of title must by law be issued, then a charge for this transaction is 50 cents. The 50 cents is for issuing the new certificate of title.
3. If a release of lien is filed, and a new certificate of title issued, and another lien or encumbrance filed, the charge is \$ 1.00.

In other words, under Section 68-120 the department must charge 50 cents for filing of any lien or encumbrance. Under Section 68-121 a {*118} charge of 50 cents is made only when the release is filed **and a new certificate of title issued**. Trusting the above sufficiently answers your inquiry, I am

By WILLIAM R. FEDERICI,

Asst. Atty. General