

Opinion No. 48-5147

April 30, 1948

BY: C. C. McCULLOH, Attorney General

TO: Mr. Victor Salazar, Commissioner of Revenue, Bureau of Revenue, Santa Fe, New Mexico.

{*146} This will acknowledge receipt of your letter of April 27, 1948 in which you request the opinion of this office as to whether the New Mexico Reciprocity Commission has authority to extend reciprocity to non-residents operating for hire in intrastate commerce, part of whose operations are between fixed termini in New Mexico.

We believe that your question has been answered by Opinions No. 5106 and No. 5139 previously written by this office. However, in order to dispel any doubt, we shall answer your inquiry.

Section 2, Chapter 56, Laws of 1947 (Sec. 68-250, 1941 Compilation) provides that the policy of this state shall be to grant to non-residents, while engaged in interstate commerce in this state, exemption from payment of certain license fees, etc., provided a like exemption is granted by that sister state to owners of vehicles registered in New Mexico; and provided further that such non-residents do not operate legally for hire between fixed termini in New Mexico.

The statute specifically extends the exemption to non-resident owners and not to vehicles as such, and only to those non-resident owners who do not operate legally for hire between fixed termini in New Mexico. Consequently, if a non-resident operates twenty trucks into New Mexico strictly in interstate commerce, but has five, or any number of said trucks operating between fixed termini in New Mexico, {*147} that non-resident is excluded from participating in the reciprocity agreement.

By WILLIAM R. FEDERICI,

Asst. Atty. General