

**Opinion No. 49-5268**

December 14, 1949

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Mr. Tom Cox Chief Clerk State Corporation Commission Santa Fe, New Mexico

{\*114} I am in receipt of your letter of December 2, 1949, in which you ask for an official opinion as to whether a contract carriers' permit issued by virtue of Section 68-1317 of the 1941 Compilation can be transferred from a person holding said permit to a corporation headed by said person who holds 51% of the stock of said corporation.

Section 68-1320 of the 1941 Compilation provides:

"No permit issued by the authority of this act shall be subject to assignment or transfer. No permit issued in accordance with the terms of this act shall be construed to be irrevocable. Every contract motor carrier of property or passengers who shall cease operation or abandon his rights under the permit issued shall notify the commission within thirty (30) days of such cessation or abandonment."

In view of the clear prohibition in the above section and prior Attorney General's Opinion No. 4608, dated October 31, 1944, it is my opinion that said contract carriers' permit No. 290, cannot be transferred although the holder of said permit is the majority stockholders of the corporation desiring to be the transferee of said permit.

Trusting the foregoing sufficiently answers your inquiry, I am