

Opinion No. 51-5350

April 3, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: Mr. Rosendo Garcia Director, Driver's License Division Bureau of Revenue Post Office Box 1686 Santa Fe, New Mexico

{*29} In reply to your letter dated March 20, 1951, you request an opinion as to whether or not a boy under the age of 14 years is required to obtain a New Mexico Driver's License in order to drive a motor scooter on New Mexico highways.

I wish to call your attention to the first paragraph of § 68-305, New Mexico 1941 Compilation, pocket supplement, which reads as follows:

"(a) No license shall be issued by the department except upon recommendation and approval or upon the order of court as hereinafter provided for, and no license shall be recommended and one shall be issued to any person as an operator under the age of fourteen (14) years, or to any person as chauffeur under the age of eighteen (18) years."

The above paragraph is mandatory and specifically states no license shall be issued to any person under the age of fourteen years.

Your letter contained a second question as to whether or not a license is required to operate a bicycle when a motor is attached?

I call your attention to the definition of motor vehicle under § 68-201, New Mexico 1941 Compilation, which reads as follows:

"(b) 'Motor Vehicle.'

Every vehicle, as herein defined, which is self-propelled."

It is, therefore, by opinion that if a bicycle has a motor attached it is a motor vehicle and must be licensed. However, as provided in the section above quoted, no license can be issued to a person under fourteen years of age. This statute is also mandatory.

I trust that this fully answers your questions.