

Opinion No. 51-5357

April 23, 1951

BY: JOE L. MARTINEZ, Attorney General

TO: State Corporation Commission Santa Fe, New Mexico

{*37} In reply to your letter of April 23, 1951, requesting an opinion as to my interpretation of Chapter 35, § 3, 1943 New Mexico Session Laws, particularly as to the question as to whether or not petroleum products, or any other native product, which had their origin in New Mexico but for various reasons have to be refined or processed across the state line and hauled back into New Mexico, would be included in the above section.

Chapter 35, § 3, 1943 New Mexico Session Laws, reads as follows:

"Motor vehicles and trailers coming under the provisions of this act and hauling or transporting livestock and products of New Mexico Mines, forests, agriculture and oil fields shall be permitted a tolerance of the provisions relative to load limitations herein set forth not exceeding 20%."

It is my opinion that the above mentioned section was intended by the Legislature to include all 'products of New Mexico mines, forests, agriculture and oil fields', and if the products in question are clearly from New Mexico oil fields, the fact that the same have been transported outside of the state for refining and are then being hauled inside the state within their refined condition, would permit haulers to take advantage of the 20% load limit tolerance.

There is nothing in the law as I read it which requires that the products be in their raw state and neither is there anything in the law which would not permit the transportation outside of the state and back into the state. Accordingly, as set forth above, in my opinion, these products and the haulers thereof would be entitled to the same tolerance as is granted by the section to any other products of New Mexico as in said section specified.

Trusting that this fully answers your inquiry, I remain