

Opinion No. 53-5743

April 24, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Jess Holmes, Director Safety Education Department of Education Santa Fe, New Mexico

{*145} On April 13th you requested an opinion relative to § 80 of Senate Bill No. 212, which will be Chapter 139 of the 1953 New Mexico Session Laws. This chapter is known as the Revised Motor Vehicle Code. Specifically, you ask the following questions:

1. Whether or not this bill legalizes on automobiles turn signals by a mechanical lighting device.
2. Whether the said bill requires such signals to be installed on trucks used solely within the limits of a city.

This section of the bill reads as follows:

"Section 80. Signals by hand and arm or signal device. -- (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device except as otherwise provided in paragraph (b).

"(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles."

In answer to your first question relative to the authorization given in the bill for the turn signal to be given by a mechanical device on automobiles you will note that the bill, in § (a), requires a signal to be given and provides an option for the giving of that signal by means of the hand and arm or by a signal lamp or lamps. This clearly authorizes the use of mechanical signal devices to indicate that a turn is to be made. This does not, however, require the use of mechanical signal devices but only authorizes use where the automobile has that device installed upon it.

In regard to the question of mechanical signal devices on trucks, § (b) of the law above cited makes the use of mechanical signal device mandatory on a vehicle where the distance from the center of the steering post to the left outside limit of the vehicle or load

thereon exceeds 24 inches, and also where the distance from the top of the steering post to the extreme rear of the vehicle or any attachment made to the vehicle exceeds a distance of fourteen feet. This would make the signal mandatory on all trucks within the categories above described, regardless of where that truck is operated. ^{*146} The fact that the vehicle is operated within the city limits has no effect upon the requirement unless the distances above mentioned prevail on the particular vehicle, and in such case the mechanical turn signal is mandatory regardless of where the vehicle is operated.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General