

Opinion No. 56-6365

January 19, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Senator R. C. Morgan, Portales, New Mexico

We are in receipt of your letter of January 3 in which you request an opinion as to whether or not a person would be in violation of Chapter 276, 1955 New Mexico Session Laws, if he registers a truck as a farm truck and uses that truck for purposes other than exclusively in the hauling of his produce to market.

The pertinent part of Chapter 276, 1955 New Mexico Session Laws, page 752, provides as follows:

"Any vehicle used by the owner thereof only in the transportation of his own poultry, dairy products, livestock, livestock products, and farm products to market, or to other points for sale or processing, and materials, tools, equipment and supplies from the place of purchase or storage, to his own farm or ranch, exclusively for his own use, or use on such farm or ranch."

and is the statutory definition of a farm vehicle.

You state that the Motor Vehicle Department has provided a form of affidavit wherein the registered owner is required to affirm that he is using this vehicle only in the transportation of the items listed above. We do not so construe this provision. We believe that the words "exclusively for his own use" are the words of importance in this section, particularly where they are followed by the words "or use on such farm or ranch."

This section simply provides, as we understand it, that the farmer may not hire the truck to haul the produce or materials belonging to another. The use to which he may put his vehicle, so long as he is using it exclusively himself, has no limitation whatsoever, and the farmer may treat that vehicle exactly as the owner of any other vehicle licensed in New Mexico.

This provision is simply an attempt to provide for the agricultural industry a reduced rate for the licensing of small trucks. This provision is perfectly reasonable as the truck is not used on the highways exclusively but is used on the owner's farm or ranch throughout a large portion of its life.

Therefore, it is the opinion of this office that the licensing of a vehicle as a farm vehicle does not restrict the use of such vehicle to exclusive farm purposes and to trips incidental to farming purposes, but only prevents the owner from licensing the vehicle

as a farm vehicle and using that vehicle for compensation in the hauling of any item whatsoever unless **that item is his own.**

We sincerely hope this answers your inquiry.