

**Opinion No. 56-6417**

April 6, 1956

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. C. C. Boatright, Director, State Corporation Commission, Traffic and Rate Division, Santa Fe, New Mexico

You have requested the opinion of this office as to the limitations for transportation charges on freight moving intra-state in New Mexico. You have stated that there does not appear to be any specific statute covering this matter such as appears in the Interstate Commerce Act, Section 16 (3) (A) and (C). We are in agreement with this statement since our research has not revealed such a statute.

It is therefore our opinion that the limitations for bringing actions concerning freight charges is that provided for written contracts, to-wit; six years. See Section 23-1-3, N.M.S.A., 1953 Compilation, since there is a written contract between the shipper and the carrier covered in a bill of lading.

This opinion, of course, does not affect the right of railroad corporations to sell luggage and freight for non-payment as provided in Section 69-3-15, N.M.S.A., 1953, nor the lien rights of the carriers.

By: Jack A. Smith

Assistant Attorney General