

Opinion No. 57-194

August 7, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Joel B. Burr, Jr., Assistant Attorney General

TO: Mr. J. P. Roach, Chief, New Mexico State Police, Santa Fe, New Mexico

QUESTION

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May trucks with a rated capacity of less than two tons operate at a speed of 70 Miles per Hour on highways in open country?

CONCLUSION

Yes.

OPINION

ANALYSIS

Chapter 73, Section 1, paragraph 5 of the Laws of 1957, provides as follows:

"Trucks of a rated capacity in excess of two tons shall not exceed a speed of 50 miles per hour."

We are informed that many trucks and tractors having a rated capacity of less than two tons are being used to haul large tanks and equipment, and are pulling large semi-trailers and gasoline transports which because of their weight and size, constitute a road hazard at a speed of 70 miles per hour.

This situation presents a safety problem of a grave nature on the public highways of the State. However, it is a problem that must be corrected by the Legislature. The language in the above statute is clear and unambiguous. It sets a speed limit on trucks based on the manufacturer's rated capacity of the vehicle. No reference is made in the statute to the overall weight or size of the unit, nor is any distinction made as to trucks and trailer. We must therefore hold that all trucks of a rated capacity of less than two tons may operate on highways in open country during the day at a speed of 70 miles per hour regardless of the weight or size of the overall unit.