

Opinion No. 58-115

June 3, 1958

BY: OPINION OF FRED M. STANDLEY, Attorney General Howard M. Rosenthal,
Assistant Attorney General

TO: Jack Love, Esq., Assistant District Attorney, Lovington, New Mexico

QUESTION

FACTS - QUESTION

The unit on which registration question has been raised is named the "Midget Clipper Well Servicing Unit". The unit has no serial number as a truck. The manufacturer submitted blueprints to the New Mexico Bureau of Revenue and the Chief of the Motor Vehicle Division stated that it was not registerable. This unit is cast in the foundry for the very purpose for which it is used and visual inspection discloses that it is cast with apertures for the various gears and for the accommodation of the various elements of pulling and swabbing and that cast on the rear of it is a motor house and on the front a driver cab, very small, with room only for the driver. Various specialty motor units are installed on the unit. Another distinctive feature of this unit is that it is driven directly over the wellhead and the entire apparatus there functions as a single fixture.

These details are given for the purpose of showing beyond question that this unit is designed solely and exclusively for its used purpose and is not a general nature vehicle which has been made over by the owner or his agent to suit his purpose. To rephrase this the unit was not designed for anything save its obvious purpose and especially, was not designed to carry persons or property.

Assuming the above facts to be true and correct, is this vehicle registerable under the laws of the State of New Mexico?

CONCLUSION

No.

OPINION

ANALYSIS

Sec. 64-3-2, N.M.S.A., 1953 Comp., defines:

"Vehicles subject to registration - Exceptions - Every motor vehicle, trailer, semitrailer and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this act except:

* * * *

(d) Any special mobile equipment as herein defined;

* * * *"

Sec. 64-1-12 defines "Special Mobile Equipment" as follows:

"Special mobile equipment - Every vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including farm tractors, road construction or maintenance machinery, ditchdigging apparatus, well-boring apparatus and concrete mixers. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this section."

It would appear that our determination must be based on whether the unit as defined in the Facts is such "special mobile equipment" as is contemplated by our statutory definition thereof and as such exempt from registration.

While it is true that a "well servicing unit" is not included in our statutory definition of special mobile equipment, it would appear to this office that the unit was designed solely and exclusively for the purpose of transporting the particular machinery for which it is designed and for the accommodation of driver for the same. It is not, according to our statute, designed primarily for the transportation of persons or property save as an incident of its use at an appropriate location. Again, while the term "well servicing unit" is not specifically enumerated in our defining statute from the statutory statement, the six items specifically enumerated in the statute do not constitute a limitation thereof but merely a recital of the general nature of machinery to be included and we are of the opinion that a well servicing unit is within the general terms of the defining subsection.

Hence, it is our opinion that the unit is not registerable.