

Opinion No. 60-76

April 14, 1960

BY: OPINION of HILTON A. DICKSON, JR., Attorney General

TO: Hon. George D. Amaya State Representative McKinley County 1028 Navajo Circle Gallup, New Mexico

QUESTION

QUESTIONS

1. Must an agent of the Commissioner of Motor Vehicles issuing registration certificates show on the face of such certificates the type of vehicle, make of vehicle, engine or serial number, plate year, license plate number, body type, year model, weight, county, number of cylinders, number of wheels, name of registered owner, address and signature of registered owner, date of plate purchase and total amount of fees charged?
2. Must all above information be on the registered owner's copy?
3. Must the certificate of registration be carried at all times when operating such registered vehicle?

CONCLUSIONS:

1. No.
2. No.
3. Yes.

OPINION

{*436} ANALYSIS

Sec. 64-3-3 (1), subsection (a), subsections (1), (2) (3) and (4), N.M.S.A., 1953 Comp. (PS), set out the information which shall be contained upon the **application** for registration. This application must be signed and acknowledged by the owner before a person authorized to administer oaths.

The following section, 64-3-3 (2) [a], subsections (1), (2), (3) and (4), sets out the requirements for an application for registration by a person other than the owner, and requires basically the same information as required in the preceding section.

Upon such application and the payment of the fees set out under the schedules contained in Sections 64-11-1 to 64-11-15.1, inclusive, N.M.S.A., 1953 Comp. (PS), the division is required to issue certificates of title and evidence of registration. Section 64-3-9 (1) (b) sets out the information which shall be shown on the face of the registration certificate delivered to the owner. This section requires that the face of the registration certificate shall contain (1) the date issued; (2) the name and address of the owner; (3) the registration number assigned to the vehicle; and (4) such description of the vehicle as may be required by the Commissioner.

After having consulted with the Commissioner of Motor Vehicles, I am advised that the description required by him of the motor vehicle {**437*} to be registered includes the make, year, body type, engine number and weight. There is no statutory requirement that the fees paid be shown upon the owner's copy of the registration certificate. There is a blank on the registration certificate for filling in such information but it is discretionary with the agent or employee issuing the registration certificate as to whether or not this information will be furnished on the certificate itself. The Commissioner does have a regulation promulgated to the effect that on request by any applicant for registration and certificate of title, a separate receipt will be furnished him showing the amount of fees paid.

The answer to your second question, in view of the negative answer to your first question, must also be answered in the negative. We reiterate that the only information required on the owner's copy is that required under Section 64-3-9 (1) (b) and this does not include all of the items set out in your question.

Question 3 is answered by reading together Sections 64-3-11, N.M.S.A., 1953 Comp., which requires that every such registration certificate shall be exhibited upon demand of any police officer and 64-3-1 which makes it a misdemeanor for any person to violate the provisions of the Registration and Certificate of Title Act. It is our opinion, therefore, that an owner who fails to produce his registration certificate upon a proper demand by any police officer is guilty of a misdemeanor.

By: B. J. Baggett

Assistant Attorney General