

Opinion No. 61-39

May 15, 1961

BY: OPINION OF EARL E. HARTLEY, Attorney General Oliver E Payne, Assistant Attorney General

TO: Mr. Pat Hamilton, Chief, Counsel State Highway Department, Santa Fe, New Mexico

QUESTION

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1. Must an oversize permit be obtained from the State Highway Commission prior to operating a 60-foot articulated bus on New Mexico highways?

CONCLUSION

1. No.

OPINION

ANALYSIS

The answer to the question posed depends upon whether or not an articulated bus is to be considered as a single unit or as a two-unit combination.

Section 64-23-15 (b), N.M.S.A., 1953 Compilation, limits the overall length of a single vehicle to 40 feet unless an oversize permit is obtained from the State Highway Commission. Section 64-23-15 (c) limits the over-all length of a two-unit combination to 65 feet unless an oversize permit is obtained from the State Highway Commission.

An articulated bus is a two-section unit that possesses some of the characteristics of a single vehicle and some of the characteristics of a bus-trailer combination. The bus in question is built in two sections articulated in the center with the two units joined by means of an accordion-type connection.

Turning to the definitions contained in the Motor Vehicle Act, we find that "vehicle" and "motor vehicle" are defined as follows in Sections 64-1-6 and 64-14-4, N.M.S.A., 1953 Compilation:

"Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails."

In Section 64-14-6, N.M.S.A., 1953 Compilation, "bus" is defined as "every motor vehicle designed for carrying 10 passengers or more and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation." See Section 64-1-6 (e), N.M.S.A., 1953 Compilation.

"Semitrailer" is defined as follows in Section 64-1-8 (b) and 64-14-7 (b), N.M.S.A. 1953 Compilation:

"Every vehicle with or without motive power . . . designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle."

In the light of the above-quoted statutory definitions, it is the opinion of this office that an articulated bus is a hybrid vehicle with the towing unit falling within the definition of motor vehicle and bus and the towed unit falling within the definition of semi-trailer. The combination of units being less than sixty-five feet in length, no oversize permit is required for operation of this vehicle.