

Opinion No. 65-43

March 9, 1965

BY: OPINION OF BOSTON E. WITT, Attorney General Wayne C. Wolf, Assistant Attorney General

TO: Honorable Harold L. Runnels, State Senator /- Lea County State Capitol Building, Santa Fe, New Mexico

QUESTION

QUESTIONS

1. Do the reciprocity provisions of Section 64-12-2 N.M.S.A., 1953 Compilation, extend to a trailer registered in another state if only the tractor pulling the trailer is the subject of a reciprocal agreement?
2. May the weight load on a tandem axle of a vehicle exceed 34,320 pounds?

CONCLUSIONS

1. See analysis.
2. No.

OPINION

{*75} ANALYSIS

The answer to your first question is found in Sections 64-12-2 and 64-12-3, N.M.S.A., 1953 Compilation. These sections authorize reciprocal agreements with other states and provide for the negotiation of those agreements. The reciprocal agreements extend to vehicles registered in another state and exempt them from license fees, registration fees, permit fees and other fees or taxes which are paid for the unusual use of the highways of the state of New Mexico.

Section 64-12-2 N.M.S.A., 1953 Compilation states:

"The state of New Mexico declares it to be its policy to grant to **nonresidents** of the state, **whose motor vehicles, trailers or semitrailers** are properly registered or licensed in a state or territory of the United States or the District of Columbia, while engaged in interstate commerce in the state of New Mexico, exemption from the payment of all or part of license fees . . ." (Emphasis added.)

It is evident from this section that the benefits of reciprocal agreements extend to nonresidents on equipment registered in another state. The agreement which has been negotiated with Texas pursuant to the provision of Section 64-12-3 N.M.S.A., 1953 Compilation provides that only 3 units registered in Texas by one owner can be covered by reciprocity. Each unit would include a tractor and a trailer. The same unit must be used solely in interstate commerce and a reciprocity cab card must be carried in the tractor. If a Texas trucker operates more than 3 units in interstate commerce, none of his vehicles can be subject to reciprocity with New Mexico.

Our conclusion therefore is that reciprocity benefits extend only to vehicles registered in another state and used solely in interstate commerce. Each unit, to receive reciprocity benefits, must have a cab card indicating it is subject to reciprocity.

Your second question concerns an interpretation of the effect of Section 64-23-19, N.M.S.A., 1953 Compilation on Section 64-23-20, N.M.S.A., 1953 Compilation.

Section 64-23-19 (a) provides:

"the gross weight imposed on the highway by the wheels of any one (1) axle of a vehicle shall not exceed 21,600 pounds, nor shall any one (1) wheel carry a load in excess of 11,000 pounds. Nor shall a tandem axle, as hereinafter defined, carry a load in excess of 34,320 pounds."

This section by itself would indicate that a maximum load of 34,320 pounds could be transmitted to the road under a tandem axle. Section 64-23-20, however, specifically treats load limits for various wheel combinations in accordance with detailed charts which are part of the statute. For example, Section 64-23-20, supra, specifically permits a gross load of 81,000 pounds if the distance between the first and last axles of a trailer is fifty feet. In the event that the trailer has a single axle and a tandem axle, however, Section 64-23-19, supra, limits the load to 55,920 pounds. The 81,000 pound limit therefore applies where there are a group of several axles so located that the distance between the first and last axle is 50 feet and no single axle carries a load greater than 21,600 pounds and no tandem axle carries a load of more than 34,320 pounds. Section 62-23-20 specifically provides that the weight limitations found in that section are subject to the {76} load limitations for one axle.

It is therefore our conclusion that the limitations provided in Section 64-23-20 N.M.S.A., 1953 Compilation, are subject to Section 64-23-19 N.M.S.A., 1953 Compilation and that these two sections can and should be construed harmoniously.