

**Opinion No. 67-114**

October 13, 1967

**BY:** OPINION OF BOSTON E. WITT, Attorney General

**TO:** Mr. E. Lee Francis Lieutenant Governor State of New Mexico Santa Fe, New Mexico

**QUESTION**

**QUESTIONS**

1. Would it be lawful for a citizen to buy a motor vehicle license plate having on it Lieutenant Governor's Aide or Advisor?
2. Would the aforesaid person need to be employed by the State of New Mexico?
3. If the person is not employed by the State of New Mexico, would the Office of the Lt. Governor be held liable should the vehicle be involved in an accident?

**CONCLUSIONS**

1. No.
2. See analysis.
3. See analysis.

**OPINION**

**{\*165} ANALYSIS**

Section 64-3-12C, N.M.S.A., 1953 Compilation (1965 P.S.) provides:

The division shall issue no number plates for privately owned vehicles that contain the words "staff officer" or any other title, except as otherwise provided by law.

Sections 64-7-1 through 64-7-6.1, N.M.S.A., 1953 Compilation authorize the Department of Motor Vehicles to issue special registration plates for certain specified persons. Specifically, Section 64-7-6, supra provides in part that:

A. Upon compliance with all laws relating to registration and licensing of motor vehicles and upon application to the division, special registration plates shall be furnished for motor vehicles owned by:

- (1) Elected state officials;
- (2) Members of the legislature;
- (3) The chief clerk of the house of representatives and of the senate; and
- (4) The sergeant at arms of the house of representatives and of the senate.

B. Special license plates furnished under this section shall identify the officials and members of such. If legislators, they shall indicate whether the members are members of the house of representatives or the senate.

Sections 64-7-1 to 64-7-6, supra do not authorize the Department of Motor Vehicles to issue a special license plate having on it "Lieutenant Governor's Aide" or "Lieutenant Governor's Advisor".

Section 64-3-12.2, N.M.S.A., 1953 Compilation (1967 P.S.) provides {*\*166*} in part that:

A. The division shall establish and issue special personalized prestige license plates, and shall establish and promulgate procedures for applications for and issuance of such special personalized plates.

B. For a fee of twenty-five dollars (\$ 25.00), which fee shall be in addition to the regular motor vehicle registration fees, any owner of a motor vehicle may apply for the issuance of a special personalized license plate. No two owners will be issued identical lettered or numbered plates.

C. An owner must make a new application and pay a new fee each year he desires to obtain special personalized license plates; however, he will have first priority on those plates for each of the following years that he makes timely and appropriate application.

Section 64-3-12.2, supra does not contain a definition of the phrase "special personalized prestige license plate". The language of Section 64-3-12.2, supra indicates, however, the legislature intended to authorize the Department of Motor Vehicles to issue specifically lettered or numbered license plates to owners of motor vehicles applying for them year after year, but that the legislature did not intend to authorize the Department of Motor Vehicles to issue license plates containing a title of or denoting a position held by the owner of the vehicle. The authority to issue such license plates is specifically contained in Sections 64-7-1 through 64-7-6.1, supra.

It is, therefore, our opinion that the Department of Motor Vehicles may not issue a license plate having on it "Lieutenant Governor's Aide" or Lieutenant Governor's Advisor". Section 64-3-12C, supra.

Because of the conclusion reached with respect to the first question, questions 2 and 3 are moot and do not require an answer.

By: Edward R. Pearson

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