

**Opinion No. 67-69**

May 24, 1967

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

**TO:** Lt. Colonel Stephen F. Lagomarsino New Mexico State Police P. O. Box 1628  
Santa Fe, New Mexico

**QUESTION**

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Under Section 64-30-8, N.M.S.A., 1953 Compilation, are all commercial vehicles required to carry either a bill of lading or cargo manifest, or are only those vehicles mentioned in Section 64-26-16, N.M.S.A., 1953 Compilation, required to carry a bill of lading or cargo manifest.

CONCLUSION

See analysis.

**OPINION**

{\*101} **ANALYSIS**

Section 64-26-16, N.M.S.A., 1953 Compilation, provides in pertinent part as follows:

"Every distributor or other person transporting motor fuel from a refinery or tanks appurtenant thereto, or importing motor fuel into this state by tank car, truck, trailer, or by other means except by pipeline, for sale or use in this state or exporting motor fuel to a point outside of this state, shall carry a manifest to be prescribed by the bureau of revenue, . . ."

Section 64-30-8, N.M.S.A., 1953 Compilation, requires the operator of any commercial motor vehicle transporting into, through or out of this state any passengers for hire or property for hire or resale by means of the public highways and all vehicles carrying a cargo requiring a manifest as required by Section 64-26-16, supra, or by any other act of the State of New Mexico to make out and deliver to the agent of the Department of Courtesy and Information a manifest showing several items enumerated in the section. In addition, Section 64-30-8, supra, requires that the operator of any of the vehicles noted just above present for inspection to the person in charge of a registration station a copy of billing or invoice describing the contents of the cargo and the weight thereof. The person in charge of registration is then required to verify the information contained in the billing or invoice and to check numerous other items in and about the vehicles.

The manifest required in Section 64-26-16, supra, is applicable only to those vehicles described in Section 64-26-16. The manifest described in Section 64-30-8 is applicable to all commercial vehicles transporting passengers for hire or property for hire or resale including the vehicles mentioned in Section 64-26-16, supra. However, the manifest described in Section 64-30-8 is not required to be carried in the commercial vehicle. This manifest is to be filled out at the port of entry and delivered to the agent {*\*102*} in charge of that registration station. Again, however, the operator must be carrying a copy of billing or invoice as noted above. Therefore, while neither the manifest described in Section 64-26-16 nor the one described in Section 64-30-8 is required to be carried by all commercial vehicles, it seems apparent that all commercial vehicles transporting passengers for hire or property for hire or resale must have at least a copy of billing or invoice. The vehicles described in Section 64-26-16, supra, in addition to the copy of billing or invoice would be required to carry the manifest as prescribed by the Bureau of Revenue.

By: Roy G. Hill

Assistant Attorney General