

Opinion No. 68-89

September 3, 1968

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Colonel Joseph A. Black Chief, New Mexico State Police P.O. Box 1628 Santa Fe, New Mexico 87501

QUESTION

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Are nonresident persons gainfully employed within the State, but who merely use their vehicle as a means of conveyance to and from such employment, subject to registration of their motor vehicles in New Mexico at the expiration of thirty (30) days in connection with Section 64-6-1 (B), New Mexico Statutes Annotated (1968 Interim Supplement)?

CONCLUSION

Yes.

OPINION

{*141} **ANALYSIS**

Section 64-6-1 (B), N.M.S.A., 1953 Compilation (1968 Interim Supplement), states:

Any person gainfully employed within the boundaries of this state for a period of thirty [30] consecutive days or more shall be presumed to be a resident of this state. However, this presumption shall be rebutted upon a showing that the person's employment in this state is for no more than ninety [90] days.

By the above language, the Legislature imposed the burden of automobile registration upon individuals employed within the State for thirty (30) consecutive days. If these individuals are employed for thirty (30) consecutive days, they are subject to the identical duty imposed upon residents. Indeed, for the purpose of automobile registration, these employees are considered as residents.

The answer to your question is yes.

By: Donald W. Miller

Assistant Attorney General