

Opinion No. 75-60

October 28, 1975

BY: OPINION OF TONEY ANAYA, Attorney General

TO: Jerry Manzagol Commissioner Department of Motor Vehicles Bataan Memorial Building Santa Fe, New Mexico 87503

QUESTIONS

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Does a non-reflectorized baked enamel paint constitute a "reflective material" meeting the requirements of Section 64-3-12, which seeks good registration number legibility as the end result?

CONCLUSION

Yes.

OPINION

{*161} ANALYSIS

N.M.S.A. 64-3-12 (1975 Supp.) reads, in pertinent part, as follows:

(B) Each registration plate shall have a background of reflective material such that the registration number assigned to the vehicle shall be plainly legible from a distance of one hundred [100] feet at night. The reflective material used, as prescribed by the department, shall be of such durability as to be effective for six [6] years.

* * *

(C) Reflectorized registration plates may be issued by the department once every six [6] years, beginning in 1977. In the intervening years the department shall issue suitable validating stickers annually to be affixed to the plates, as provided by section 64-3-14 N.M.S.A. 1953.

The general rule of statutory construction, recognized in New Mexico, is that words used in a statute are to be given their ordinary and usual meaning unless a different intent is clearly indicated. **Winston v. New Mexico State Police Board**, 454 P.2d 967, 80 N.M. 310 (1969). "Reflective" is defined in Webster's Third International Dictionary as "capable of throwing back light." "Reflectorize" is defined as "to provide with reflectors." "Reflector" is defined as a "polished body or surface for reflecting light."

N.M.S.A. 64-3-12 (B) requires registration plates with a "background of reflective material." Applying the language of the statute to the ordinary meaning of the words, it mandates that the background material used be capable of "throwing back light." If a baked enamel background is capable of throwing back light, it meets the requirements of the statute.

Prior to the enactment of N.M.S.A. 64-3-12 in 1975, the statute read as follows:

{*162} (B) Every registration plate shall have a background of reflective material such that the required letters and numerals thereon shall be plainly legible from a distance of one hundred [100] feet at night. The reflectorized material used, as prescribed by the department, shall be of such durability as to be effective for six [6] years. N.M.S.A. 64-3-12 (B) (Pocket Supp. 1973).

The word "reflectorize," in the second sentence of the prior law, which modified the word "reflective" in the first sentence of that section, was replaced with the word "reflective" in the 1975 version of the statute. It is presumed that the Legislature, in enacting a statute, intended to change the law as it theretofore existed. **Stang v. Hertz Corporation**, 81 N.M. 69, 463 P.2d 45 (Ct. App. 1969), Aff'd. 81 N.M. 348, 467 P.2d 14 (1970); **Bettini v. City of Las Cruces**, 82 N.M. 633, 485 P.2d 967 (1971). The action of the Legislature, in changing the word "reflectorize" to the word "reflective" in the 1975 enactment, creates a presumption that the Legislature intended to change the material prescribed by the prior law.

The 1975 statute, prescribing ". . . **reflective** material used, as prescribed by the department . . ." (emphasis added), gives the Department of Motor Vehicles greater leeway in prescribing license plate design and material than did the prior statute which provided for ". . . **reflectorized** material used, as prescribed by the department . . ." (emphasis added), since the word "reflective" encompasses a broader category of materials than does the term "reflectorized."

It is a familiar rule of statutory construction that all of the provisions of the statute, together with other statutes in **pari materia**, must be read together to ascertain the legislative intent.

"Particular words, phrases, and provisions must be construed with reference to a leading idea or purpose derived from the whole statute. Thus each part should be construed with every other part so as to produce a harmonious whole." **Cox v. City of Albuquerque**, 53 N.M. 334, 207 P.2d 1917; **El Paso Electric Company v. Milkman**, 66 N.M. 335, 347 P.2d 1002.

In **State, ex rel. Americromby v. District Court, 4th Jud. Dist.**, 37 N.M. 407, 24 P.2d 365 (1953), our Supreme Court observed:

"Courts must harmonize statutes relating to the same subject, and if possible, give effect to each."

While N.M.S.A. 64-3-12 (G) (1975) and N.M.S.A. 64-11-1.4 (1973) both refer to registration plates as "reflectorized," they do not mandate that the **background** used in the plates must be reflectorized. However, when statute 64-3-12 (B) (1975) is read together with 64-3-12 (G) (1975) and 64-11-1.4 (1973), they indicate that it was the intent of the Legislature to have some portion of the registration plate "reflectorized." Whether the background of the plate or the legend on the plate must be reflectorized is left to the discretion of the department. Whichever method the department selects, however, must conform to the statutory requirement that the "letters and numerals thereon shall be plainly legible from a distance of one hundred [100] feet at night." (Subsection B)

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