

## Opinion No. 14-1183

April 8, 1914

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Honorable Antonio Lucero, Secretary of State, Santa Fe, New Mexico.

### TAXES.

License of dealer in automobiles. Under such license dealer must not operate machines for hire.

### OPINION

{\*40} In response to your oral request for a statement from me as to the scope of the license for dealers in automobiles under Sec. 6 of Chap. 19 of the Laws of 1913, I will preface what I have to say with the quotation of that section, which will make clear the meaning of my statement:

"Every person, firm, association or corporation, manufacturing or dealing in motor vehicles may, instead of registering each vehicle, apply for a dealer's license, which shall be in form as provided by the Secretary of State and shall be a permit allowing the manufacturer or dealer to drive and exhibit motor vehicles on the streets or highways. Such manufacturer or dealer shall have attached to the rear of each vehicle a plate or card of the same size as the number plate, bearing the name of the person, firm or corporation, and the word DEALER. The fee for a dealer's license shall be twelve (\$ 12.00) dollars per annum. Nothing in this section shall be construed to apply to a motor vehicle operated by a manufacturer or dealer for private use, or for hire."

It is quite plain that the legislative intent in enacting the foregoing section was to favor the business of manufacture or sale of motor vehicles by allowing the manufacturer or dealer to have one license, for which he pays only \$ 12.00 per annum, under which he can, in the prosecution of his business, operate and exhibit any number of motor vehicles, but he must not operate any such vehicles for his own private use or for hire. The moment that he does this he would be liable for the payment of the ordinary full license for each vehicle so used or hired. In other words, his stock in trade of vehicles for sale must not be used in any way except to promote the sale thereof, and any other use which gives him any personal benefit would be a violation of the act.