

Opinion No. 23-3718

July 19, 1923

BY: JOHN W. ARMSTRONG, Assistant Attorney General

TO: Requested by: Hon. R. H. Carter, State Comptroller, Santa Fe, New Mexico.

An Additional Registration Fee may be Required on Motor Trucks in Conformity with Section 3, Chapter 96 S. L. 1923. This Act not being Unconstitutional as Impairing the Obligation of the Contract.

OPINION

{*70} Your request for opinion is as follows:

"The last paragraph of Section 3, Chapter 96, Session Laws of 1923 is called to your attention, especially with reference to registration fees required under this Act in case of motor trucks for which annual license fees have heretofore been collected, and for which seals or license plates have been issued by this office, together with certificates of registration.

"The paragraph in question provides that 'Owners who have paid the registration fees heretofore required for 1923 shall remit amounts sufficient to pay the additional fees required by this Act for the half year beginning July 1st, 1923.' The question which I wish to raise is whether the state has a right to set aside its own contracts made in good faith, apparently by both parties thereto, and make the same operative before the expiration of the contract in question."

The provisions of the motor vehicle law to which you refer are doubtless a valid exercise of the state's legislative power.

A license is in no sense a contract which confers upon the licensee a right which is protected by the organic law. The Legislature can pass laws which abrogate the privilege so granted or abridge the term for which it is granted. -- *Lantz v. Hightstown*, 43 N. J. Law Reps. 107.

A license is a mere permit subject to be modified or annulled at the pleasure of the Legislature, who have the power to change or repeal the law under which the license was granted. -- *Ruggles v. State*, 87 ATL. 1082.

Although defendant has taken out a perpetual license to operate under a law permitting such a license, still he may be required, under a later statute, to take out a new license. Such a law is not unconstitutional as impairing the obligation of a contract. -- *Babbitt on Motor Vehicles* (2d ed.) Sec. 93 p 72.