

Opinion No. 24-3776

August 6, 1924

BY: JOHN W. ARMSTRONG, Assistant Attorney General

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

Non-Resident Commercial Automobiles Must be Registered in This State if Operated Here.

OPINION

{*158} Query: Is it necessary for non-resident owners of commercial automobiles to have such cars registered in this State when they make only occasional trips into New Mexico, although such cars are duly registered at such owner's residence?

The statute governing such cases is not more stringent on the non-resident than it is on the resident. In essential particulars, the statute, Sec. 6, Chap. 96, S. L. 1923, provides:

The non-resident or resident owner of every passenger automobile, * * * carrying passengers, * * * for hire, or operated as a * * * commercial car within this State or between points without and points within this State, shall be required to apply for registration and pay the registration fees, * * *.

To permit the non-resident commercial car to operate without license would be to discriminate against the resident commercial car.

Said Section 6 further provides:

No registration or license fee shall be required of a tourist resident of another State or country operating a passenger automobile in this State, not carrying passengers or articles for hire or peddling or delivering goods to customers, for the first three months, provided the owner {*159} of such vehicle shall have paid the registration or license fees and shall constantly display the registration and number plates required by the laws of such another State or country for the then current year.

Non-resident tourists may operate passenger automobiles in this state for a time under the foregoing restrictions. From the correspondence you submit, one may conclude the occupant of the car, except the driver, was a tourist. Apparently, however, the tourist was not "operating" the car. The car was operated by the El Paso company through its agent, the driver. It was a commercial car and the company was operating it for pay.

We conclude, therefore, that such cars must be registered in this State when operated here by other than tourists.