

Opinion No. [29-48]

December 13, 1929

BY: M. A. OTERO, JR., Attorney General

TO: Judge E. R. Wright, Attorney at Law, Santa Fe, New Mexico.

MOTOR VEHICLES -- Not taxicabs unless common carriers.

OPINION

I am just in receipt of your favor of the 12th inst. in which you state that the Motor Vehicle Department of the State Comptroller's office is claiming that the cars operated by the San Gabriel Ranch near Santa Fe come under the definition of "taxi cabs" as contained in chapter 119, Laws of 1929, which definition reads as follows:

"Motor vehicles used in the transportation of persons for hire, having a normal seating capacity of not more than seven persons."

You state that the facts with reference to the use of the cars of San Gabriel Ranch are as follows:

"That these cars are not cars used for the transportation of the public generally for hire, but are used strictly for the business of the ranch, which includes special trips made for the guests of the ranch only; the general public is not entitled to hire one of these cars at any time."

In view of the foregoing situation you request an interpretation of the provisions of said chapter 119 of the Laws of 1929 with reference to this proposition.

In reply thereto will state that we had occasion to go into a somewhat similar case not so very long ago, and it was the opinion of this office that cars used for the purposes for which those of the San Gabriel Ranch are used do **not** come under the definition of taxi cabs, as contained in the Act, since they are in no way open to the public in general, and hence cannot be considered as common carriers in any sense of the word. In order for the San Gabriel Ranch cars to come under the definition of taxi cabs, it would be necessary for them to do the business of a common carrier and hold themselves open to the public in general, that is to anyone who is disposed to ride in them. Since this is not the case, they certainly cannot be classed as taxi cabs.