

Opinion No. [30-46]

August 23, 1930

BY: J. A. MILLER, Assistant Attorney General

TO: Mr. J. E. Candle, Lovington, New Mexico.

MUNICIPAL CORPORATION -- May issue driver's license; may levy poll tax. Sec. 11-1401, Code 1929.

OPINION

I have yours of the 18th inst. in which you make inquiry as to the legality of ordinances passed by the City Council of Lovington, one being an ordinance providing for the payment of \$ 1.00 for a driver's license for the operating of an automobile within the city limits and the other being a city poll tax of \$ 1.00.

By section 11-1401, Codification of 1929 and by section 1 of chapter 28 of the Laws of 1927, municipalities in this state are given the power to prescribe the qualifications for drivers of motor vehicles who are bona fide residents within the limits of such municipality, to examine such drivers and to issue licenses at a reasonable charge not to exceed \$ 1.00 per driver.

As to the right of a city council to impose a poll tax I am of the opinion that such power is granted boards of trustees and city councils by the 85th subsection of section 90-402, Codification of 1929. Chapter 10 of the Laws of 1925 repeals all laws relating to poll taxes but I do not consider this as effecting subsection 85 above referred to inasmuch as that is not a law relating to poll taxes but rather relating to the powers of boards of trustees and city councils.