

Opinion No. 31-54

February 12, 1931

BY: E. K. Neumann, Attorney General

TO: Mr. John E. Miles, Sec'y, State Tax Commission, Santa Fe, New Mexico.

{*43} I am in receipt of your request of February 9, 1931 for an opinion as to whether motor vehicles held in storage and not operated on the highway should be held liable for the payment of a personal property tax.

The general law in regard to assessment and taxation of personal property is found in Section 141-201 of the 1929 Code. Prior to the enactment of the 1929 law in regard to the registration of motor vehicles, they were assessed and taxed as other personal property.

Section 11-332 of the 1929 Code exempts from the payment of such personal property tax vehicles upon which registration fees for have been paid "**for the period for which such fees are paid.**" Section 11-333 provides for the payment of registration fees for operation for less than one year. These two sections are a part of the same act and, in my opinion, should be construed together.

I do not believe that it was the intention of the legislature that cars held in storage within the state, but not operated on the highways, should entirely escape taxation. It is conceivable that a car might be held in storage for the entire year. Certainly the legislature did not intend that in such a case no taxes should be paid upon such property.

In my opinion, cars held in storage on January 1st, for which, during any quarterly period of the ensuing year, no registration fee is paid, are subject to a personal property tax for the period for which such registration fees are not paid.

It is apparent, of course, that until after April 1, 1931, it cannot be said that any cars held in storage on January 1, 1931, will not pay a registration fee for the entire year of 1931. Under Section 11-333, until that date do reduction can be given in the registration fee for operation for less than one year.

By: Quincy D. Adams,

Asst. Atty. General