

Opinion No. 31-65

February 17, 1931

BY: E. K. Neumann, Attorney General

TO: Hon. J. M. Lujan, State Comptroller, Santa Fe, New Mexico. ATTN.: Mr. M. A. Gallegos, Motor Vehicle Department.

{*46} Your letter of February 25th makes an inquiry as to whether or not one John Rawson, ostensibly a {*47} resident of Arizona, is a non-resident and subject to the six months clause on registration of motor vehicles, under our law.

We can only say in this connection that residence is a matter largely of intention, and, from the facts submitted in your letter, it would appear that Mr. Rawson, having maintained his voting residence in Arizona, and his expectation of returning to that State, coupled with his prior returns, at least twice since July, 1930, is in fact a resident of the State of Arizona. At least these factors would be strong evidence in his favor.

The mere fact, standing alone, that this man holds a position in New Mexico would not be sufficient to make him a resident of this State. This is only an element to be considered in connection with the other facts.

It would appear from the facts submitted that this man is entitled to the benefit of the provisions of Section 11-321, with reference to registration by non-residents.

By Frank H. Patton,

Asst. Att'y General