

**Opinion No. 33-695**

December 5, 1933

**BY:** E. K. NEUMANN, Attorney General

**TO:** Hon. Diego Salazar: Motor Vehicle Commissioner, Santa Fe, New Mexico.

{\*98} Your letter of December the 4th, is as follows:

"Will you kindly render us a written opinion regarding a car owned by a U. S. Officer and leased to the United States Government.

Is it your opinion that this car can be registered with a license free of charge?"

Section 11-335 of the 1929 Code, as amended by Section 8, Chapter 169 of the Laws of 1933, is as follows:

"Motor vehicles or trailers owned by and used in the service of the state of New Mexico or any county or municipality thereof, or the United States, or any other state or county need not be registered but must continually display plates or signs plainly setting forth the name of the state, county, municipality or government in whose service they are operated. It shall be unlawful for any person to operate, or transport any such vehicle upon any highway in this state or display such plates or signs without authority from such state, county, municipality or government; provided that such plates and signs shall not be used for any but vehicles owned by the state of New Mexico or any county or municipality thereof, or the United States or any other state or county."

From the wording of said section, it is our opinion that in the case you mention such car cannot be registered or operated upon the highways of this state without procuring a license plate therefor and paying for said plate the amount required by law for vehicles of the type in question. The statute exempting vehicles from fees is very specific and the vehicles which are exempt must be **owned** by the State of New Mexico or any County or municipality thereof or the United States or any other state or county. Consequently, unless the vehicle in question is actually owned by the United States and used in the service thereof, such vehicle is subject to payment of the registration fee required by law.