

## Opinion No. 35-904

February 15, 1935

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. Roy H. Bradley, Supt. of Construction, Office of Indian Affairs, Albuquerque, New Mexico.

{\*44} Your letter of February 14th relates the facts in connection with the operation of trucks transporting government material for use on government projects in the Navajo Indian Reservation.

You state that in every instance the truck is operated and controlled by the United States government and that there is no transportation for hire. The trucks are leased by the government from Indians at a specified rate per mile, and, where the truck owner acts as a driver, he is paid a stipulated wage.

It is my opinion that, unless there is an actual transportation for compensation or for hire, these trucks do not come within the provisions of Chapter 154 of the Session Laws of 1933. That act is regulatory of "transportation for hire" and the type of vehicle is not within the contemplation of the act and the Motor Transportation Department is not to be concerned with contracts for the mere utilization of such vehicle. As above stated, that department is only interested in the matter of "transportation for hire."