

Opinion No. 36-1336

March 19, 1936

BY: FRANK H. PATTON, Attorney General

TO: Port of Entry Board, Santa Fe, New Mexico. Attention: Al S. Roughton, Director.

{*109} In re: Wood Motor Company.

We have your letter of March 17, 1936, enclosing certain correspondence with reference to fees charged to the above company on two automobiles operated over the highways of this state about February 21, 1936.

It appears that a Mr. Lyon representing the Wood Motor Company of San Angelo, Texas, drove a car into this state which was owned by the Wood Motor Company and which had Texas dealer's demonstration plates attached thereto. He went to Carlsbad for the purpose of repossessing a car which had been sold by the Wood Motor Company to one Mr. Garrett. He attached the repossessed car to the car which he was driving and towed it from Carlsbad over the highways of this state to the Texas-New Mexico line. It does not appear from the correspondence whether or not the repossessed car had New Mexico license plates on it but I presume that it did not.

You wish to have our opinion as to whether you were justified in requiring this Texas dealer to register his own car in this state and {*110} to pay the caravan fee required under Chapter 56, Laws of 1935, on the repossessed car which he was towing. Under the facts stated above, I think you were justified in requiring both fees to be paid. Texas apparently has a law similar to ours permitting dealers to purchase demonstration plates and use them on cars which are demonstrated on public highways (Vernon's 1928 Complete Texas Statutes, Article 6686).

Such plates would not, in my opinion, authorize such Texas dealer to operate his car over the highways of this state without purchasing New Mexico license plates since the car has not been duly registered in the state in which the owner is a resident within the meaning of paragraph (a) of Chapter 56, Laws of 1935. Since the repossessed car was being transported on its own wheels for the purpose "of selling or offering for sale," it is my opinion that it was subject to the fee required for a special permit by paragraph (d) of Chapter 56, Laws of 1935.

By QUINCY D. ADAMS,

Asst. Atty. General