

Opinion No. 36-1321

February 25, 1936

BY: FRANK H. PATTON, Attorney General

TO: State Corporation Commission, Santa Fe, New Mexico.

{*105} Your letter dated February 20, 1936, is hereby acknowledged. You request our opinion relative to the following: "whether or not an individual hauling farm commodities and livestock from the place of production to market, when such trucker is receiving compensation for the hauling, would be required to comply with the provisions of Chapter 154, Session Laws of 1933."

Chapter 154, Section 25, Subsection (c), Laws of 1933, provides as follows:

"Sec. 25. Neither this Act nor any provisions hereof shall apply or be construed to apply to any of the following:

(c) To motor vehicles used exclusively in transporting livestock or any farm or dairy products from the place of production to market, and nothing in this Act shall be construed to prevent a return load to be hauled provided no charge for transportation is made therefor."

In view of the foregoing it is our opinion that motor vehicles used **exclusively** in transporting livestock or any farm or dairy product from the place of production to market need not comply with the provisions of the aforesaid Chapter 154, even though a charge is made for such transportation.

By: EDW. P. CHASE,

Asst. Atty. General