

Opinion No. 37-1569

March 23, 1937

BY: FRANK H. PATTON, Attorney General

TO: Mr. Robert C. Dow Regional Attorney Resettlement Administration Amarillo, Texas

{*66} At the request of a representative from the Resettlement Administration Office, I have discussed with the Motor Vehicle Commissioner and with the Director of the Ports of Entry the question of whether or not employees of the Resettlement Administration, traveling from Amarillo into New Mexico in the performance of their duties as such, should be required to register the cars used and owned by them and for the use of which mileage is paid.

It is my opinion that such officers are merely employees of the government and are not engaged in carrying on business within the State of New Mexico, and are not, therefore, subject to the requirements of subsection (c) of Section 1 of Chapter 56 of the Laws of 1935 as amended by Chapter 120 of the Laws of 1937. However, if the use of such vehicle in New Mexico extends for more than ninety days, it is subject to registration under sub-paragraph (a) of Section 11-321 of the 1929 Compilation, as amended. The five-cent mileage contemplates merely, and hardly covers, actual cost of travel, and it certainly cannot be said that that {*67} reimbursement constitutes a business.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.