

Opinion No. 38-1935

April 19, 1938

BY: FRANK H. PATTON, Attorney General,

TO: Bureau of Revenue Motor Vehicle Division Santa Fe, New Mexico. Attention: Mr. C. M. Page

{*229} You request an opinion as to whether or not the bringing of used cars into New Mexico from another state for the purpose of sale by a resident of this State is subject to the provisions of Chapter 137, Laws of 1937, in cases where the regular license tags are bought and attached to such cars previous to or at the time of transportation.

My opinion is that the bringing of such cars into the State of New Mexico for sale in the State as second-hand cars is subject to all the provisions of that statute, even though the yearly automobile license is paid on them. The statute providing for such yearly automobile license and license tags is a revenue statute, whereas Chapter 137, Session Laws of 1937, is a police statute intended for the protection of the public in the State in the purchase of second-hand automobiles. The two statutes are entirely distinct and for an entirely different purpose. The 1937 Act is intended to cover {*230} all cars brought into the State of New Mexico for the purpose of resale with or without a New Mexico license tag, and the duty of filing bond and paying the fee is imposed on the dealer who brings the cars into the State for resale.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.