

**Opinion No. 39-3276**

September 15, 1939

**BY:** FILO M. SEDILLO, Attorney General

**TO:** Mr. J. O. Garcia, Motor Vehicle Commissioner, Bureau of Revenue, Santa Fe, New Mexico. Attention: Mr. Alfonso C. de Baca, Chief Clerk

{\*104} In your letter of September 13 you inquire as to whether or not government owned vehicles are subject to inspection by New Mexico official testing stations.

The Federal Government, through Acts of Congress, has power to regulate and control the operation of motor vehicles so far as they are engaged in interstate commerce and so far as they are acting as governmental agencies and performing governmental actions or duties such as United States mail automobiles or trucks and to this extent such vehicles are not subject to inconsistent regulations enacted by state legislature or a municipality. 42 C.J. 616.

If the government has provided for certain rules and regulations governing its vehicles, then said vehicles will not be subject to inspection by New Mexico official testing stations.