

Opinion No. 39-3260

August 29, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Tom Summers, Chief, New Mexico State Police, Santa Fe, New Mexico.
Attention: Captain A. B. Martinez, Commanding, District No. 1

{*100} In your letter of August 28 you inquire as follows:

"Please give us an opinion as to whether or not the law requiring the operator of an automobile to report an accident, applies in cases where an accident happens within an Indian pueblo, in which a person is injured, and one or both of the cars are being operated by non-Indians."

Section 11-829, New Mexico Statutes Annotated, 1929 Compilation, provides that the driver of any vehicle involved in an accident arising outside of an incorporated municipality resulting in injury to any person shall within twenty-four hours forward a report of such accident to the State Vehicle Department.

Although this question presents one wherein there may be substantial conflict of sovereignties between the federal and state government, nevertheless in view of the language used by our Supreme Court in the cases of Trujillo vs. Prince, 42 N.M. 337, 78 P. (2d) 145, and State vs. Mimms, 43 N.M. , No. 4460, it is my view that it becomes the duty of a non-Indian driver of an automobile involved in an accident within an Indian pueblo resulting in injuries to any person to forward a report of such accident to the State Vehicle Department within twenty-four hours from the time of the accident which resulted in such injury.

By: FRED J. FEDERICI,

Asst. Atty. Gen.