

Opinion No. 39-3291

September 29, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Tom Summers, Chief, New Mexico State Police, Santa Fe, New Mexico. Attention: James M. Roach, Patrolman.

{*111} In your letter of September 28 you inquire as to whether it is the duty of the State Corporation Commission and the New Mexico State Police to investigate aircraft accidents and make and retain reports of same.

Our aircraft statutes are limited to Chapter 12, New Mexico Statutes, Annotated, 1929 Compilation, and Chapter 199, New Mexico Session Laws of 1939, Section 5 of which was held unconstitutional by Attorney General's Opinion No. 3258, dated August 28, 1939.

I find nothing in the foregoing statutes expressly requiring either the State Corporation Commission or the New Mexico State Police to make investigations and reports of aircraft accidents.

This is a matter, however, that could no doubt be taken care of by rule of the State Corporation Commission in conformity with the federal rules covering the same matter, pursuant to the grant of power made to the Corporation Commission under Chapter 12 of the New Mexico Statutes, Annotated, 1929 Compilation.

By: FRED J. FEDERICI,

Asst. Atty. Gen.