

Opinion No. 45-4822

December 6, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. L. D. Wilson Office Engineer State Highway Dept. Santa Fe, New Mexico

{*160} Replying to your request of Dec. 3, 1945 for an opinion on the following question:

May a truck and trailer, used to transport gasoline refined from oil produced in New Mexico, come within the Tolerance Over-load Statute?

Chap. 35, Laws 1943, sec. 3, p. 50, being Sec. 68-603a, 1941 Comp., provides:

"Motor vehicles and trailers coming under the provisions of this act (Secs. 68-602 -- 68-603a, 68-605) and hauling or transporting livestock and products of New Mexico mines, forests, agriculture and oil fields shall be permitted a tolerance of the provisions relative to load limitations herein set forth not exceeding 20%."

It is my opinion that the Legislature, in providing the above exceptions, had in mind Tolerance in Load Limitations, which come within your question and the answer is in the affirmative.

By THOS. C. McCARTY,

Asst. Atty. General