

Opinion No. 46-4906

June 12, 1946

BY: C. C. McCULLOH, Attorney General

TO: M. A. Romero, Commissioner Motor Vehicle Department Bureau of Revenue Santa Fe, New Mexico

{*234} In your letter dated June 10, 1946, you state that since the enactment of Chapter 140, Laws of 1941, you have continued to issue certificates of title to trailers and you are wondering whether this procedure is correct.

Section 68-101 of the 1941 Compilation defines "motor vehicles" and "a vehicle". The definition of a vehicle is broad enough to include trailers. Although Section 68-106, as amended in 1943, would seem to apply only to motor vehicles, yet since the entire motor vehicle law requires registration of trailers, and since under Section 68-115 liens against any vehicle are required to be filed with the Motor Vehicle Department, it appears that the Legislature intended that certificates of title also should be issued on trailers. This is further born out in Section 68-117 dealing with the filing of liens with the Motor Vehicle Department, where this language is used:

"No such instrument shall be filed by said department as provided herein unless the same shall be accompanied by the certificate of title issued by the department to the owner of the vehicle described in such instrument."

I refer you also to opinion No. 3848 in which this office held that liens against trailers are required to be filed with the Motor Vehicle Department the same as liens on motor vehicles.