

## Opinion No. 47-5029

May 22, 1947

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Mike Gallegos, Com'r. Motor Vehicle Department Bureau of Revenue, Santa Fe, New Mexico

{\*51} In your letter of May 22, 1947 you request the opinion of this office as to the method of administering House Bill 292, which is an Act to require Financial Responsibility for Damage Caused the Public by Operation of Motor Vehicles, passed by the Legislature in 1947.

Although this bill is not yet in effect, you desire to prepare forms for administering said act and to be prepared to enforce the act when it does become effective.

H. B. 292 is quite lengthy and somewhat technical, and, I might add, somewhat confusing as to who has the authority to enforce the provisions thereof.

Throughout the bill, it appears that the Commissioner of the Motor Vehicle Department is named to administer and enforce the provisions of the act. However, there are sections in the act which provide that the Commissioner of the Motor Vehicle Department shall, upon certain conditions, suspend the operators' and chauffeurs' licenses. (See Sections 3, 4, etc.) Actually, the Commissioner of the Motor Vehicle Department has no control or authority over the Drivers License Division of the Bureau of Revenue.

I think it appropriate at this time to set out certain general rules of construction which are used to effect legislative purpose. One of these rules is that in construing a statute to give effect to the intent or purpose of the legislation, the **object** of the statute must be kept in mind, and such construction placed upon it as will, if possible, {\*52} effect its purpose. (59 C. J. 961, Sec. 571). The object of House Bill 292 is to require financial responsibility under certain conditions set out in the act and for enforcement of said financial responsibility.

Another rule is that in pursuance of the general object of giving effect to the intention of the Legislature, the literal language of the statute is not necessarily controlling, it being generally recognized that whatever is within the spirit of the statute is within the statute, although it is not within the letter thereof. This rule of construction, according to the spirit of the law, is especially applicable where adherence to the letter would result in contradiction and confusion, or would defeat the plain purpose of the act. (59 C. J. 964, Sec. 573).

Since both the Drivers License Division and the Motor Vehicle Department are a part of and under the jurisdiction of the Bureau of Revenue and the Commissioner thereof, I

am of the opinion that the Legislature intended that the Commissioner of the Bureau of Revenue should administer the act, enforcing and carrying out the act through the Motor Vehicle Department and the Drivers License Division. Any other conclusion might result in defeating the purpose of the Act.

Trusting the above sufficiently answers your inquiry, I remain

By WM. R. FEDERICI,

Asst. Atty. General