

Opinion No. 53-5654

February 2, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Tony Mignardot Assistant Commissioner Motor Vehicle Department Bureau of Revenue Santa Fe, New Mexico

{*41} On January 27, 1953, you addressed an inquiry to this office concerning whether or not a minor may own a vehicle and register that vehicle in his name in the State of New Mexico.

There is nothing in the motor vehicle registration laws, Ch. 68, N.M.S.A., 1941, which prohibits, restricts or forbids the registration of a motor vehicle in this state in a minor's name. The law required that all motor vehicles be registered and licensed, regardless of the age of the owner. The general law relating to minors does not in any way prohibit them from owning, in their own name, personal property such as a motor vehicle.

Therefore, it is the opinion of this office that a motor vehicle must be registered by its **true owner** regardless of the age of that owner.

However, you further state that persons are purchasing motor vehicles and registering them in false or fictitious names. Sec. 68-225, paragraph Fifth, states as follows:

"It shall be unlawful for any person to commit any of the following acts: . . .

To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application."

The penalty for violation of this and other sections relating to registration and licensing of motor vehicles is set out in Section 68-240 N.M.S.A., 1941 Comp., which provides as follows:

"Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one (1) year nor more than five (5) years, or by a fine of not less than five hundred dollars (\$ 500) nor more than {*42} five thousand dollars (\$ 5000), or by both such fine and imprisonment."

In the event a person registers a motor vehicle in the name of another he is guilty of a violation of Section 68-225 N.M.S.A., 1941 Comp., as set out above and is punishable as provided in Section 68-240 N.M.S.A., 1941 Comp. Of course the juvenile laws

provide for the punishment of juveniles and those laws are applicable to punish for violation of the motor vehicle registration laws.

Therefore, it is the opinion of this office that in the event a person, be he minor or adult, registers a motor vehicle under a false or fictitious name, he is in violation of Section 68-225 and may be prosecuted for that violation under said law.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General