

## Opinion No. 53-5724

April 6, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. C. O. Erwin Chief Highway Engineer State Capitol Santa Fe, New Mexico.  
Attention: Mr. L. D. Wilson

{\*119} In your letter of April 3 you inquire as to whether the opinion of this office is properly set forth in a letter of December 19, 1952, to Mr. Hovey of the New Mexico Concrete Manufacturers' Association with reference to Sec. 68-603 N.M.S.A., 1941. Since this letter does constitute our present opinion, we quote as follows:

"The tolerance for native products, which is contained in paragraph 3 of Ch. 35 of the 1943 Session Laws, states:

'Motor vehicles and trailers coming under the provisions of this act 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 {\*120} herein set forth not exceeding 20%.'

This statute has been the consideration of opinions heretofore drawn by this office. The intent of the Legislature can only be inferred from the language used by them. It is my opinion that the word 'product' within the meaning of the act is limited to the original products of 'mines, forests, agriculture and oil fields.' When these products lose their original character or are processed in any way it is my opinion that they no longer come within the exception intended by the Legislature.

Any letters or opinions written by this office heretofore expressing a contrary meaning for this law are erroneous, in my opinion."

The above constitutes our present opinion.

You further inquire as to what part, or if all the load on a vehicle, must consist of New Mexico products in order for the allowance of the 20% tolerance.

It is our opinion that unless the entire load consists of New Mexico products, the tolerance cannot be allowed. To interpret this law otherwise leads to absurdities and permits subterfuge.