

**Opinion No. 53-5735**

April 17, 1953

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

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

{\*133} This is in reply to your request for an opinion upon the question of whether a vehicle described as a trenching machine, which consists of a trenching digger mounted upon a six by six chassis (conforming to the requirements of the New Mexico State Highway Department for operations upon the highways), is required to secure a license plate under the laws of the State of New Mexico.

Specifically you desire to know whether such a vehicle comes within the provisions of § 68-203 N.M.S.A., 1941 Compilation, as Amended, which states the following exception to licensing requirements:

"Tractors, road rollers, and road machinery; except trucks, trailers, and semi-trailers, and pleasure cars; temporarily operated or moved upon the highway, need not be registered under this act."

When construing the meaning of the above quoted enactment the whole enactment should be read together to ascertain its real meaning and the Legislative intent. It is the opinion of this office that the portion of the act which states "temporarily operated or moved upon the highway" infers that the Legislature meant that vehicles which were not designed and used upon the highways regularly should be exempt. From the picture enclosed in your request, and the description of the vehicle, it would appear clearly that the vehicle is designed to be used upon the highways of the State of New Mexico, and its primary facility is its ability to be regularly and easily operated upon the highways. This would be in direct conflict of the indicated intent of the Legislature to exempt vehicles which were going to be temporarily operated or moved upon the highways.

It is therefore the opinion of this office that a trenching machine which is mounted upon a regular truck chassis and which is designed for ready and easy use upon the State Highways of New Mexico and conforms with the requirements of the New Mexico State Highway Department for operation upon the highways is not exempt from registration.

By: William J. Torrington

Assist. Attorney General