

Opinion No. 53-5875

December 18, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Senator Lewis Cox Clovis, New Mexico

{*305} On December 15th, you addressed a letter to this office concerning § 80, Ch. 139, 1953 Session Laws, which reads as follows:

"Section 8. Signals by hand and arm or signal device. -- (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device except as otherwise provided in paragraph (b).

(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by a lighted signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds 24 inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds 14 feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles."

You are particularly interested in sub-section (b) as applied to pickup trucks which measure less than 24 inches from the center of the steering post to the outside limit of the cab and load, and less than 24 inches to the outside limit of the body if the fenders are not included in the term "body", but exceed the distance of 24 inches if the fenders are to be included in the definition of "body".

Fenders are defined as a "guard or protection against danger", (**Cape May, D.B. & S.P.R. Co. v. Cape May**, 59 N.J. Law 396, 36 Atl. 696, 36 LRA 653, and as a well defined and readily understood term defined generally as a guard and protection against danger. **Cape May case**, supra; **Pampa Electric Company v. Bazemore**, 85 Fla. 164, 96 So. 297.

The various automobile dealers were contacted in regard to this matter and technical journals consulted. In each case we understand the automotive industry to define the word "body" as a part of the vehicle exclusive of fenders. Webster defines "fender" as "a device that defends or protects by warding off harm as a splashboard . . ."

The Legislature intended quite obviously to protect the vision of the persons approaching from the front and rear of a vehicle. The distance requirements are such that would indicate that if a lesser distance than 24 inches was available for vision the vehicle would be exempt from this act, unless purchased after the given date in another section of the same act.

Therefore, it is the opinion of this office that the 24 inches tolerance provided for in § 80 (b) of Chapter 139 of the 1953 Session Laws does not include in the computation of the distance the fenders of a vehicle, but only the body, cab or load.

We sincerely hope that this answers your inquiry.

By: Fred M. Standley

Assist. Attorney General