Opinion No. 56-6429

April 25, 1956

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. W. P. Kearns, Jr., Assistant District Attorney, Eighth Judicial District, Raton, New Mexico

You have requested the opinion of this office upon several questions connected with the Uniform Vehicle Act. Your first question is as follows:

Is a vehicle which is used as an implement of husbandry, but which is not specifically designed for agricultural purposes, subject to registration if operated upon a highway?

Section 64-3-2 (c), N.M.S.A., 1953 Compilation, provides an exemption for implements of husbandry only incidentally operated or moved upon a highway. Here the Legislature was referring to implements of husbandry per se.

Section 64-3-2 (b) provided an exemption for vehicles which are not implements of husbandry per se but used as such when these vehicles only cross the highway for the purpose of moving from one property to another. Therefore, a vehicle which is used as an implement of husbandry, but which is not specifically designed for agricultural purposes, would fall within Section 64-3-2 (b). Such a vehicle is subject to registration if used upon the highways, provided, of course, that such vehicle meets the specifications pertaining to width, height, length, etc. Such a vehicle can be used exclusively on one's property and not used on the highway and be exempt from registration. Also under Section 64-3-2 (b) such a vehicle could be exempt from registration if it were used exclusively on one's property and only driven or moved upon a highway to cross from one property to another.

Question 2. Are vehicles which are used as implements of husbandry but which are not specifically designed as such (pickup trucks, trucks, trailers, etc.,), and are operated over extended or substantial distances of highway (between fields which are 15 miles apart -- through a municipality between fields which are opposite directions from the municipality) subject to registration?

A pickup truck, truck or trailer is subject to registration pursuant to Section 64-3-2 when it is driven or moved upon the highway. Section 64-3-2 (b) exempts such vehicles if the same are only driven or moved upon a highway to cross to or move from one property to another. The interpretation of this provision is somewhat difficult, since a farmer or rancher might have the gates to his properties arranged in such a manner as to necessitate movements of various distances on the highways to move from field to field. However, it is our feeling that the Legislature intended that where the crossing required a movement on a highway of more than a relatively short distance, that the exemption

should not apply since a person then would be obtaining a use of the highway for which a registration fee should be exacted.

In the example you submit it appears that the distance traveled is too great to show a mere crossing of the highway to move from one property to another. Normally speaking, any pickup trucks, trucks, trailers, etc., which are operated over extended or substantial distances of highway are subject to registration. The Legislature granted a one-third reduction in rates to farmers and ranchers to cover this situation.

Question 3. What implements of husbandry are exempted from registration under Section 64-3-2 (c), New Mexico Statutes, 1953 Annotated?

It is difficult to give a categorical reply to this question. By way of generalization, farm tractors, wagons, movable implements such as cultivators, combines, etc., are certainly exempt and other vehicles which do not meet the qualifications for registration are exempt.

Question 4. Is a pickup truck an implement of husbandry under Section 64-3-2 (c) and Section 64-1-11, New Mexico Statutes, 1953 Annotated?

As stated above, a pickup truck per se is not an implement of husbandry but could possibly be so used and be exempt from registration. However, if the same is operated on the highways more than just to cross a highway in moving from one property to another, it would be subject to registration.

Hoping this answers your inquiries, I remain