

## **Opinion No. 57-157**

July 8, 1957

**BY:** OPINION OF FRED M. STANDLEY, Attorney General Joel B. Burr, Assistant Attorney General

**TO:** W. D. Badgett, Director, N.M., Liquefied Petroleum Gas Commission, P. O. Box 1357, Santa Fe, New Mexico

### **QUESTIONS**

#### QUESTIONS

Is a dealer in motor vehicles who sells motor vehicles equipped with liquefied petroleum gas fuel tanks and carburetion assemblies for the purpose of utilizing liquefied petroleum gas as a motor fuel subject to licensing by the New Mexico Liquefied Petroleum Gas Commission?

#### CONCLUSION

Yes.

### **OPINION**

#### ANALYSIS

Chapter 214 of the Laws of 1947 was enacted to provide for safety regulation and control of the liquefied petroleum gas industry. Specifically, § 65-7-5 gives the Liquefied Petroleum Gas Commission broad licensing powers and provides in part as follows:

"No person, firm or corporation shall engage in this state in the manufacturing, assembling, repairing, selling, or installing of containers or appliances, to be used with liquefied petroleum gases as a fuel, nor shall such person, firm or corporation engage in the manufacture, sale, transportation, dispensing or storage of liquefied petroleum gases within this state, except where stored by the ultimate consumer for consumption only, without having first obtained from the commission a license so to do for each main or branch office, or business operated within the state, within the scope of this act. . . ."

In our opinion, it is logical to conclude that any installation of a carburetion and fuel tank assembly on a motor vehicle for the purpose of utilizing liquefied petroleum gas as a motor fuel would come within the wording "installing of containers or appliances, to be used with liquefied petroleum gases as a fuel," found in the above quoted statute.

Regulation by the State of the liquefied petroleum industry was prompted by the dangerous nature of liquefied petroleum gas if not handled properly. Certainly, the

public safety is as much endangered by the defective installation of a carburetion system in a motor vehicle as it would be by a defective installation of a gas range in a private home.

Any doubts as to the intent of the Legislature on the above question are dispelled after a reading of subsection (10) of the amendment to § 65-7-8, N.M.S.A., 1953 Compilation, setting up a scale of licensing fees, passed by the 1957 Legislature, which reads in part as follows:

"(10) CARBURETION SALES, SERVICE AND INSTALLATION. Sales, service, installation and repair of liquefied petroleum gas carburetion equipment, and sale of approved fuel tanks when sold as part of a carburetion assembly . . . \$ 25.00."

In conclusion, we hold that any dealer in motor vehicles who sells motor vehicles equipped with liquefied petroleum fuel tanks and carburetion assemblies for the purpose of utilizing liquefied petroleum gas as a motor fuel, is subject to licensing by the New Mexico Liquefied Petroleum Commission.