

**Opinion No. 59-146**

September 18, 1959

**BY:** HILTON A. DICKSON, JR., Attorney General

**TO:** Mr. John Humphrey, Jr. Assistant District Attorney Tenth Judicial District Fort Sumner, New Mexico

{\*222} This is in response to your request for an opinion on the following question:

May the Motor Vehicle Department permit the transfer of registration plates from one motor vehicle to another when the registrant purchases or otherwise acquires ownership of a different automobile during license period?

In my opinion, the answer to your question is no with certain exceptions hereinafter mentioned.

The basic statute for consideration in responding to your request is Section 64-4-1, N.M.S.A., 1953 Comp. (PS). This statute in pertinent part reads as follows:

"(a) Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the registration plates issued for such vehicle shall remain attached thereto, except as provided in (c) of this section."

The language of this statute is clear in stating that when ownership of a registered vehicle is transferred the registration plates issued for the particular vehicle shall remain on that vehicle. The exception provided in Subsection (c) of the above-mentioned statute relates to those automobiles which are registered in a foreign state. The registration plates then in question must be surrendered to the Department of Motor Vehicle and current New Mexico plates purchased.

There are certain other exceptions specifically in those instances when special plates authorized by statute have been issued certain classes of persons. These include New Mexico elected officials (64-3-12, P.S.), members of Congress (64-7-5, P.S.), and those persons included as licensed commercial or amateur radio station operators or employees (64-12-7). Another exception are those plates issued manufacturers, wreckers of vehicles or dealers (64-7-4, P.S.). In some of the above instances the plates may be transferred from one vehicle to another while on others they must be surrendered to the Motor Vehicle Division.

However, the law appears clear that unless the conditions set forth in one of the above exceptions are met, the issued plates must remain affixed to the transferred vehicle.

Thomas O. Olson

Assistant Attorney General