

Opinion No. 67-113

October 13, 1967

BY: OPINION OF BOSTON E. WITT, Attorney General

TO: Mr. Robert R. Salazar, Commissioner Department of Motor Vehicles Santa Fe, New Mexico

QUESTION

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Are students from foreign states attending New Mexico universities, who are sometimes temporarily employed, required to register their motor vehicles in this state?

CONCLUSION

Yes, after thirty days.

OPINION

{*164} **ANALYSIS**

Section 64-3-2, N.M.S.A., 1953 Compilation provides in part that:

Every motor vehicle, . . . when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this act except:

(a) Any such vehicle driven or moved upon a highway in conformance with the provisions of this act relating to . . . nonresidents;

Section 64-6-1A, N.M.S.A., 1953 Compilation provides that:

A nonresident owner owning any foreign vehicle of a type otherwise subject to registration hereunder may use or operate or permit the use or operation of such vehicle within this state for a period of thirty days without registering such vehicle in, or paying any fees to this state, subject to the condition that such vehicle at all times during this thirty day period, when operated in this state, is duly registered in and displays upon it valid registration plate or plates issued for such vehicle in the place of residence of such owner. The commissioner of motor vehicles shall promulgate and publish as required by law, rules and regulations necessary to implement this section.

The term "nonresident" is defined in Section 64-1-16, N.M.S.A., 1953 Compilation, as every person who is not a resident of this state. The term "foreign vehicle" is defined in Section 64-1-10, N.M.S.A., 1953 Compilation, as every vehicle required to be registered

under the Motor Vehicle Code brought into New Mexico from another state, territory, or country. The students referred to in the question are nonresidents and the motor vehicles which they own and bring into New Mexico are foreign vehicles.

{*165} It is our opinion that Sections 64-3-2 and 64-6-1, supra, clearly require nonresident students attending New Mexico universities to register their motor vehicle in New Mexico at the expiration of thirty days. It is important to note that these students may not avoid the requirements of registering their motor vehicles in New Mexico simply by taking the vehicles out of New Mexico for short periods of time. Opinion of the Attorney General No. 63-137, dated October 11, 1963; Opinion of the Attorney General No. 62-113, dated September 4, 1962.

By: Edward R. Pearson

Assistant Attorney General