

**Opinion No. [30-40]**

May 19, 1930

**BY:** M. A. OTERO, JR., Attorney General

**TO:** Mr. Herman W. Atkins, Attorney and Counselor at Law, El Morro Building, Gallup, New Mexico.

MOTOR CARRIERS -- From other states.

**OPINION**

Pardon the delay in acknowledging your letter of the 9th inst. but we have been having an unusually busy season answering official communications and consequently my personal mail has had to wait until I can get around to it.

You state that "certain people living in and running stores in the State of Arizona, have trucks which they use for the purpose and the purpose only, of hauling their products to market, and their supplies back to their stores." You go on to say that these people do no trucking for other purposes; that they have purchased an Arizona truck license; and you wonder whether or not it is necessary that they buy a truck license in the State of New Mexico.

While you do not specifically say so in your letter, I suppose the case is that these Arizona people, with their Arizona trucks, and their Arizona licenses are coming across the line into New Mexico to purchase supplies and one thing and another, returning immediately to their home State. Now then, the proposition is that if they do this only once in a while I hardly see where New Mexico would be interested in forcing them to buy New Mexico license plates.

On the other hand, if they make a regular practice of this sort of thing, in other words, if it is part of their daily run to come into New Mexico and use our roads, etc., then I believe that our Motor Vehicle Department might be justified in having them take out a New Mexico license. Otherwise, it would be most unfair to New Mexico truck owners, and furthermore, it would encourage New Mexico trucksters to drive across the line into Arizona, purchase license plates in that State, and then continue to ply back and forth between New Mexico and Arizona, and thus avoid the payment of a New Mexico license.

The foregoing is simply my own personal views of the matter, and is in no way to be taken as an official utterance on the subject, because, as you of course realize, official opinions from this office can only go through regular official channels.

With kindest personal regards, believe me,