

Opinion No. 31-267

September 8, 1931

BY: E. K. Neumann, Attorney General

TO: Hon. Joseph S. Baca, Chairman, State Corporation Commission, Motor Transportation Dept., Santa Fe, New Mexico.

{*103} We have received your letter of September 4th, enclosing copy of letter from Mr. W. C. Whatley of Las Cruces, in regard to the effect of Chapter 52 of the 1931 Session Laws, in so far as same effects the Porter Lumber Company and employees of said company who deliver merchandise in Las Cruces and the immediate vicinity of said place.

It is stated that these men are engaged exclusively in the service of the Porter Lumber Company and do not haul or transport any property or make any deliveries from any other person or for any other person or concern.

You desire the opinion of this office as to whether the provisions of this act apply to persons engaged exclusively in the service of one individual or concern as outlined above.

We see no reason at this time to hold otherwise, than that the act does apply to such persons.

Aside from our construction of the law we do not believe it would be wise or expedient for your Commission to follow the procedure outlined by Mr. Whatley at this time.

By Frank H. Patton,

Asst. Attorney General