

Opinion No. 35-878

February 1, 1935

BY: FRANK H. PATTON, Attorney General

TO: Hon. George I. Sanchez, Director, Division of Information and Statistics,
Department of Education, Santa Fe, New Mexico.

{*39} In your letter of January 30, 1935, you ask for an opinion as to whether or not motor vehicles owned and used by school districts are exempt from payment of a registration fee, under the provisions of Section 8, Chapter 169, Laws of 1933.

Said Section refers to "motor vehicles or trailers owned by and used in the services of the State of New Mexico or any county or municipality thereof." A school district is a division of the State of New Mexico for governmental purposes. There is also authority to the effect that a school district is a municipality. In *Olsen v. Ind. School District* (Minn.), 220 N.W. 606, the court says that, "In ordinary parlance and general understanding, a school district is a municipality." See also *St. v. Wilson*, 69 P. 172, 65 Kan. 237; *Com. v. Wilkins, Thomas and Borney*, 75 Pa. Super. Ct. 305; *Scober v. Board of Education*, 163, S.W. 472, 157 Ky. 510.

It is, therefore, our opinion that the Legislature intended, by Section 8, Chapter 169, Laws of 1933, to exempt from payment of registration fees all motor vehicles owned and used by school districts within this state.

By: QUINCY D. ADAMS,

Asst. Atty General