

Opinion No. 36-1357

April 30, 1936

BY: FRANK H. PATTON, Attorney General

TO: Bureau of Revenue, Motor Vehicle Department, Santa Fe, New Mexico. Attention: Diego Salazar, Motor Vehicle Commissioner.

{*116} Your letter dated April 29, 1936, requesting our opinion upon the following statement of facts is hereby acknowledged, said facts being: A motor vehicle has been owned and operated for two years last past by the United States Government. During said two year period said motor vehicle displayed United States plates, same being exempt from registration and payment of license plate fees by virtue of Section 8, Chapter 169, Session Laws of 1933. A pertinent question here presented is whether or not the said vehicle (having now been sold by the United States Government) may be registered as a three-year old vehicle and entitled to the third registration as provided by Section 9, Chapter 169, Laws of 1933. Said Section 9, Chapter 169, provides in part as follows:

"11-328. Fees for Registration.

That the following registration fees shall be collected for the registration of all trailers, semi-trailers, and motor vehicles other than tractors, in this state for the year 1930 and for all years subsequent thereto, to-wit:

* * *

(3) When same has been registered **in any state** during at least two years prior to the year for which the vehicle is being registered: \$ 12.00 plus \$ 1.00 for each 100 pounds weight or major fraction thereof, weight of such vehicle in excess of 2400 pounds."

The aforesaid Section 8 provides in part:

"11-335. Public Owned Vehicles Exempt from Fees.

Motor vehicles or trailers owned by and used in the service of the State of New Mexico or any county or municipality thereof, or the United States, or any other state or county **need not be registered** but must continually display plates or signs plainly setting forth the name of the state, county, municipality or government in whose service they are operated. * * *"

Since Section 8 provides that motor vehicles owned by and used in the service of the United States **need not be registered**, we must of necessity ascertain the fees for registration the Legislature intended should be paid when any such motor vehicle as described by said section 8 is registered for the first time.

In 59 C.J., Page 961, Section 571, it is stated:

"In construing a statute to give effect to the intent or purpose of the Legislature, the object of the statute must be kept in mind, and such construction placed upon it as will, if possible, effect its purpose, and render it valid, even though it be somewhat indefinite. To this end it should be given a reasonable or liberal construction; and if susceptible of more than one construction, it must be given that which will best effect its purpose rather than one which would defeat it, even though such construction is not within the strict literal interpretation of the statute, and even though both are equally reasonable. *

* *"

It was clearly the intent of the Legislature in enacting the motor vehicle laws of this state to charge a registration fee based upon the value of the motor vehicle, i.e., a smaller fee each year such vehicle has been in service.

In view of the foregoing, it is our opinion that the aforesaid motor vehicle may be registered under {**117*} Section 9, Paragraph (3), Laws of 1933.

By EDWARD P. CHASE,

Asst. Atty. General