

## Opinion No. 37-1747

August 31, 1937

**BY:** FRANK H. PATTON, Attorney General

**TO:** Honorable C. N. Moore Member, House of Representatives Dexter, New Mexico

{\*153} I have your letter of August 27th, which, in effect, inquires whether farm trucks and vehicles should be exempted from the provisions of Chapter 196 of the Session Laws of 1937. I note your comments in connection with the words used in the first section of the act -- "for compensation." I assume that you are particularly interested in the question of whether farm trucks not hauling for compensation are within the terms of this statute.

Section 1 of said Act reads in part as follows:

"Within thirty days after the effective date of this act, every motor vehicle or motor-drawn vehicle designed or used for the {\*154} transportation of property or for the transportation of passengers for compensation, \* \* \* shall display lighted lamps or illuminating devices as hereinafter respectively required for different classes of vehicles, \* \* \*, etc."

In arriving at constructions and interpretations of statutes, the actual intent of individual legislators is not to be considered. Rather, it is what is known in law as legislative intent which governs and controls.

The act, in its entirety, shows it to be a purely regulatory and safety measure, and the language quoted and as it is written shows that the act applies to vehicles as follows:

1. Motor vehicles used for transportation of property;
2. Motor-drawn vehicles used for transportation of property;
3. Motor vehicles used for transportation of passengers for compensation;
4. Motor-drawn vehicles used for transportation of passengers for compensation.

In other words, the way the statute is drawn it makes no difference whether the vehicle used for hauling property is used for compensation or not. It is only the passengers' vehicle to which the words "for compensation" have application.

Therefore, under the entire statute farm trucks as such are not exempt and it is my belief that the provisions of the statute do apply to such vehicles.