

**Opinion No. 38-1950**

May 12, 1938

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

**TO:** Lieut. W. A. Ehret New Mexico State Police Albuquerque, New Mexico

{\*235} This will acknowledge receipt of your letter dated May 10 wherein you make several inquiries pertaining to brake and light certificates.

Every inquiry asked in your letter except one was by this office answered yesterday (May 11) in an opinion to Mr. Owen B. Marron, District Attorney, Albuquerque, New Mexico. We shall therefore enclose herewith a copy of that opinion.

In your letter you make the additional inquiry as to whether official stations designated for the testing and adjusting of lights, brakes and steering equipment on motor vehicles may charge a fee for the inspection thereof.

It is my opinion that such officially designated stations may charge a fee for the inspection or adjustments made on any motor vehicle. However, it is well to note that under Section 1 (a) of Chapter 198, Laws of 1937, the Legislature directs the Vehicle Commissioner of the State in designating official stations, where other things are equal, to give preference to garages which make no charge for making the test.

Trusting the foregoing, together with the enclosed opinion to Mr. Marron, answers your inquiries, I am,

By: FRED J. FEDERICI,

Asst. Atty. Gen.