

Opinion No. 16-1733

February 9, 1916

BY: FRANK W. CLANCY, Attorney General

TO: Mr. Tom Geren, Alamogordo, New Mexico.

An automobile hearse must be licensed.

OPINION

{*304} I have just received your letter of the 7th instant asking whether or not it is necessary to pay a state license on an auto hearse.

As you say, auto hearses are not mentioned in the law, but Section 379 of the codification of the statutes, which is the first section of the chapter about licensing automobiles, reads as follows:

"The term 'Motor Vehicle' as used in this chapter, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances and such other vehicles as run only upon rails or tracks."

The statute then goes on to provide about the licenses, how much they shall be and how paid, but there is nothing in the chapter which adds to the exceptions contained in the above quoted section. I am clearly of opinion that a hearse "propelled by any power other than muscular power" comes under the provisions of the statute, and must be licensed. By Section 380 every owner of a motor vehicle must file in the office of the Secretary of State an application for registration on a blank to be furnished by the Secretary for that purpose.