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ARIZONA ATTORNEY GENERAL

March 27, 1939

Mr. W. R. Hutchins  
State Highway Engineer  
Phoenix, Arizona

Attention: Mr. W. T. Allen  
Superintendent  
Arizona Highway Patrol

Dear Sir:

Replying to your request for an opinion as to whether the Highway Patrol can check operators of trucks for permits or certificates where livestock is being transported on the highways, using the Livestock Sanitary Board regular non-salaried commission, we advise you as follows:

The members of the highway patrol are peace officers in so far as the enforcement of highway laws is concerned. It is a violation of the law to transport livestock over the highways by motor vehicle, or otherwise, where such livestock is unbranded, and under other conditions.

The Livestock Sanitary Board has authority to appoint inspectors and deputies; also to call upon any cattle inspector or peace officer to execute its orders and enforce the law.

We are of the opinion that the highway patrol may stop and examine shipments of livestock over the highways to ascertain if the laws with respect to branding and other regulations are being evaded or violated. We believe, however, that it would be advisable for the highway patrolmen doing so to be in possession of an inspector's commission from the Livestock Sanitary Board, and to do such act under authority of that commission rather than under the authority vested in the patrolmen as such. We would suggest also that when such stopping and examination shows a violation of the law, the patrolman should call up the Livestock Sanitary inspector of the district and have him take charge of the proceedings

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from that point on. In other words, the Highway Patrol should not attempt to prefer charges against the one violating the law but should leave that to the Livestock Sanitary Board and its regular inspectors.

Very truly yours,

JOE CONWAY  
Attorney General

A. R. LYNCH  
Assistant Attorney General

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