

January 24, 1944

M. A. Goodwin, Superintendent
Motor Vehicle Division
Arizona Highway Department
Phoenix, Arizona

RE: EXEMPTION OF OFFICIAL VEHICLES OWNED
BY A FOREIGN GOVERNMENT

Dear Sir:

The question involved is whether the vehicle of a consul of a foreign government is entitled to registration and plates free of charge under Sec. 66-235 of the Code.

A treaty was entered into between the United States and the Latin American countries of North and South America which was proclaimed by the President February 11, 1932, and appears as Treaty Series, No. 843. Article 20 of the Treaty provides as follows:

"Consular agents, as well as the employees of the consulate who are nationals of the state appointing them, not engaged in business with purposes of gain, in the state where they perform their functions, shall be exempt from all national, state, provincial, or municipal taxes levied upon their person or property, except such taxes as may apply to the possession or ownership of real estate located in the state where discharging their duties or to the proceeds of the same. Consular agents and employees who are nationals of the state they represent, are exempt from tax on the salaries, honorariums, or wages which they receive in return for their consular services."

Under this treaty the Mexican Government in particular has been very liberal in extending to American consuls and officials the immunities called for in the treaty and has even granted immunities to officials of the United States and the States beyond the strict terms of the treaty. Likewise Arizona has always been very liberal in construing this section and has always granted to Mexican consuls registration and plate fees free of charge.

No doubt the privileges granted by the treaty have been at times abused by foreign consular agents and probably by American agents in the Republic of Mexico. We think it is not our duty to assume that such violation of the treaty has occurred, nor is it our duty to scrutinize the activities of a foreign consul with respect to the operation of his vehicles.

We, therefore, believe it is your duty to issue registration and plates free to consular agents of a foreign government when requested.

Very truly yours,

JOE CONWAY
ATTORNEY GENERAL

A. R. Lynch

A. R. LYNCH
ASSISTANT ATTORNEY GENERAL

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