

April 17, 1931.

Mr. E. M. Whitworth,
 Superintendent,
 Motor Vehicle Division,
 Arizona Highway Department,
 Phoenix, Arizona.

Dear Sir:

In reply to your oral request for my opinion as to whether or not persons other than the Patrol Superintendent and Patrolmen referred to in Chapter 104, Session Laws of Arizona, 1931, can be, under the authority of such Act, vested with the authority of peace officers for the purpose of enforcing the laws of this State relating to the use of highways or the operation of any vehicles thereon, I advise you as follows:

Chapter 104, supra, provides in part as follows:

"Sec. 1. The Arizona highway department shall maintain a division to be known as the Arizona highway patrol. A patrol superintendent shall be appointed by the state engineer, with the approval of the Arizona state highway commission. The patrol superintendent may employ such clerical assistants and patrolmen as the business of the division shall require, and may appoint not to exceed one highway patrolman for each eight thousand motor vehicles or fraction thereof, registered in the state for the calendar year next preceding the appointment.* * *The patrol superintendent and the highway patrolmen shall be vested with the authority of peace officers for the purpose of enforcing the laws relating to the use of highways or the operation of any vehicles thereon, but such officers shall never be used as peace officers in connection with any strike or labor dispute."* * * * *

From the foregoing it is my opinion that only the Patrol Superintendent and the Patrolmen referred to in said Chapter 104, supra, may, by the authority of such Act, be vested with the authority of peace officers for the purpose of enforcing the laws relating to the use of highways or the operation of any vehicles thereon, and that neither the clerks of the Arizona Highway Patrol Division, nor the persons other than the said Superintendent and Patrolmen may be, by the authority of such Act, vested with the authority of peace officers for such purposes.

RBS:MD