

Motor Vehicle Funds—Transmittal to Counties.

The Registrar of Motor Vehicles is required to transmit the funds to which the various counties are entitled under Chapter 199 of the Laws of 1921, within a reasonable time after the receipt thereof, having regard to the time necessarily required to effect the transfer and allow a reasonable period for the collection of amounts sufficient to warrant their transmittal.

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County Attorney,
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My dear Mr. Bunker:

You have requested my opinion as to the time the Registrar of Motor Vehicles is required under Chapter 199 of the Laws of 1921 to pay over funds collected by him under the Motor Vehicle Act, the part thereof relating to the payment over of the fees collected by the Registrar of Motor Vehicles being as follows:

“The Registrar of Motor Vehicles shall first deduct from all fees paid under the provisions of this Act, the actual cost of making and mailing all licenses, certificates, license plates, and identification marks; of the remainder of the fees so paid he shall transmit fifty per cent (50%) thereof to the county from which the registration fee came, for deposit to the credit

of the general road fund of said county. The remaining fifty per cent (50%) he shall transmit to the State Treasurer, to be deposited to the credit of the State Highway Fund."

It is not specifically provided in the foregoing section when the money shall be transmitted, and in such case the general rule of law, that when no specific time is provided for the doing of an act required to be done it must be done within a reasonable time under all the circumstances, would seem to be applicable.

The fund in question belongs to the respective counties the moment it comes into the hands of the Registrar, subject only to deduction of the incidental costs provided in the section quoted. It is due the counties at once, subject only to the retention of such amounts as are necessary to make reasonable provision for said costs. The necessity for making provision for these costs, however, need not prevent the transmittal of such funds less such percentage of the total as experience and the records of the Registrar's office relating to this expense may indicate as sufficient to cover the deductions provided for in the Act.

It is not meant that the Registrar must in every case and in every event, and when any single license fee is received by him, remit at once the amount, no matter how trifling. The above rule as to what is reasonable under the circumstances applies also to matters of administration, and the law would allow a reasonable time for the performance of administrative duties as well as the accumulation of an amount worth while transmitting.

It is, therefore, my opinion that the Registrar of Motor Vehicles is required under the foregoing provision to transmit the funds to which the various counties are respectively entitled under Chapter 199 of the Laws of 1921, upon receipt of such funds by him, or within a reasonable time thereafter in view of all the circumstances, having regard to the time necessarily required to effect the transfer and allow a reasonable period for the collection of amounts sufficient to warrant their transmittal.

Very truly yours,

WELLINGTON D. RANKIN,

Attorney General.