

Automobile Accessories—Exclusive Dealers in—License.

An exclusive dealer in automobile accessories is held to mean a dealer who handles automobile accessories, either solely or as a substantial part of his business, but exclusive of motor vehicles or motor-cycles.

A dealer in motor vehicles who also handles motor-cycles and automobile accessories is not obliged to pay the fee required of a dealer in motor-cycles and automobile accessories, but is obliged merely to pay the fee required of the higher class dealer under the statute.

C. T. Stewart, Esq.,
Secretary of State,
Helena, Mont.

My dear Mr. Stewart:

You have requested an opinion with reference to Chapter 199, 17th Session Laws, in the following particulars:

1. The meaning of the term "exclusive dealers in automobile accessories."
2. Whether the fee paid by a dealer in motor vehicles would also authorize such dealer to sell motor-cycles and automobile accessories, without further fee.

Chapter 199, *supra*, is an amendment of Section 6, Chapter 75 of the 15th Session Laws, as amended by Chapter 207 of the 16th Session Laws, concerning registration fees on motor vehicles and dealers therein.

The portion thereof of interest in this inquiry reads as follows:

"Dealers in motor vehicles other than motorcycles.....	\$75.00
Dealers in motorcycles	22.50
Exclusive dealers in automobile accessories.....	10.00"

In framing this Act, the Legislature was clearly considering dealers in motor vehicles and accessories thereto. It was framing legislation to govern the automobile trade and nothing else. Therefore, in using the word "exclusive" it must have meant exclusive of other departments of the trade or business pertaining to motor vehicles, and had no reference to any other kind of business.

It was referring to the two classes of dealers listed in the Act before it mentioned the accessory dealer. It would seem the intention was to draw a line between the person dealing in accessories only, and the person dealing in motor vehicles *and accessories*, and, with that purpose in view, the word "exclusive" was used.

Therefore, it is my opinion that the term "exclusive dealers in automobile accessories" means a dealer who handles automobile accessories, either solely or as a substantial part of his business, but exclusive of motor vehicles or motor-cycles, and has no reference to any other line of merchandise.

As to your second question, it seems that the greater fee includes the lesser. The Legislature saw fit to specify three different classes of dealers, subject to three different fees, and to name the greater fee first, reducing the fee as it reduced the class of dealer. It was not the intention of the Legislature to require the dealer in motor vehicles, for instance, who might also handle motor-cycles and automobile accessories, to pay all three fees. If a dealer in accessories, after being licensed as such, became a dealer in motor-cycles or automobiles, he would cease to be classed as a dealer in accessories, and would be classed as of the higher grade and would be required to pay the fee therefor.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.