

Opinion No. 140.**Motor Vehicles—Trailers—Licenses—
“Pounds.”**

HELD: The word “pounds” as used in the law requiring trailers and semi-trailers to be licensed, means the **weight**, not the **capacity** of the trailer or semi-trailer.

July, 17, 1935.

Mr. S. C. Small
Deputy Registrar of Motor Vehicles
Deer Lodge, Montana

You have requested my opinion on the following:

“1. Would a trailer or semi-trailer which was 1000 pounds or under require a trailer license?”

“2. Does the word ‘pounds’ mean the weight of the trailer or the carrying capacity?”

Section 1760, as amended by Section 1 of Chapter 103, Laws of 1933, provides:

"Registration fees shall be paid upon registration or re-registration of motor vehicles, trailers, semi-trailers and dealers in motor vehicles or automobile accessories in accordance with this Act, as follows:

* * *

"Trailers and semi-trailers, over one thousand (1000) pounds and not over one (1) ton, Two Dollars (\$2.00);

"Trailers and semi-trailers, over one (1) ton, Five Dollars (\$5.00)."

I am of the opinion that the word "pounds" means the weight of the trailer or semi-trailer and not their carrying capacity. If this word had reference to the capacity of the trailer, it is reasonable to suppose that the legislature would have used the word "capacity" as it did in the preceding paragraphs of said section, in fixing the license fee of trucks according to their carrying capacity. License statutes are generally construed liberally in favor of the citizen and strictly against the state. In 37 C. J. 213, Section 66, it is stated: "Statutes and ordinances imposing licenses and business taxes are generally to be construed liberally in favor of the citizen and strictly against the government, whether state or municipal * * *."

No doubt most, if not all, of the trailers or semi-trailers weighing less than 1000 pounds, are not used for commercial purposes and are used only occasionally or once a year by picnickers or vacationists, and the legislature may have thought it unjust to require a license fee for such occasional use.