

Opinion No. 169.

**Motor Vehicles — Licenses—Highway
Patrol—Chauffeur's Licenses—Regis-
tration Laws, Violation of—Fines,
Disposition of—Patrolmen.**

HELD: 1. The chauffeur's license provisions have been repealed.

2. All fines collected for violation of the Motor Vehicle Registration Laws of the State from persons apprehended or arrested by patrolmen shall be credited to the State Highway Patrol Revolving Fund.

September 10, 1935.

Mr. L. C. Boedecker
Supervisor, Montana Highway Patrol
The Capitol

You have requested my opinion on

ten questions concerning the Motor Vehicle and Highway Patrol Laws. As eight of the questions are the same as those submitted by the Registrar of Motor Vehicles, I enclose herewith copy of my letter, dated September 10, 1935, to the Registrar of Motor Vehicles, to which you are referred for my opinion in answer to these questions. Your list, however, contains the two following questions:

"1. Does Section 1761, Revised Codes of Montana of 1921, require a person employed by another to drive a car into or through the state for the purpose of sale or resale to have a chauffeur's license?"

In view of our opinion to the Montana Highway Patrol Board under date of April 30, 1935, to the effect that Sections 1761 and 1763, Revised Codes, had been repealed by Section 10, Chapter 185, Laws of 1935, this question should be answered in the negative.

"2. Do not all fines collected for violation of the Motor Vehicle Registration Laws of the State go to the Highway Patrol Revolving Fund, under Chapter 185, Laws of 1935?"

Section 6 of said Chapter 185 declares that the "driving of a motor vehicle without all proper licenses or permits as now provided, or hereinafter provided—" shall constitute "a crime punishable by law as hereinafter provided." Section 7 provides for the fines to be imposed to: violations of the Act. Section 11 states: "For the purposes of carrying out the provisions of this Act, there is hereby created a State Highway Patrol Revolving Fund to which shall be credited all of the fees above mentioned and, in addition thereto, all fines collected. * * * All fees, fines and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of this Act and the laws and regulations relating to the use of state highways and the operation of vehicles thereon must be paid to the State Treasurer of Montana, and by him credited to the State Highway Patrol Revolving Fund, and a separate account shall be kept thereof; * * *." Section 13 provides: "All Acts and parts of Acts in conflict with the provisions of this Act

are hereby repealed or amended to conform with the provisions of this Act."

In view of the foregoing, it is my opinion, therefore, that all fines collected for violation of the Motor Vehicle Registration Laws of the State from persons apprehended or arrested by patrolmen shall be credited to the State Highway Patrol Revolving Fund.