

**Opinion No. 22.**

**Motor Vehicles—Chattel Mortgages  
and Conditional Sales Contracts  
—Filing Fees.**

HELD: Subdivision 5 of Section 2, Chapter 159, Laws of 1933, requires the payment of 50¢ for the filing of each chattel mortgage or each conditional sales contract. The Registrar of Motor Vehicles may not require a separate instrument for each motor vehicle.

January 4, 1935.  
Mr. S. C. Small  
Deputy Registrar of Motor Vehicles  
Deer Lodge, Montana

there is no occasion for construction.  
(59 C. J. 953, note 10).

You have submitted the following question for my opinion:

"The Montana Motor Vehicle Act provides that all conditional sales contracts and chattel mortgages shall be filed in the office of the Registrar of Motor Vehicles at Deer Lodge. A number of contracts have been presented for filing containing a description of more than one automobile. Are we, under the Motor Vehicle Act, required to file these contracts or chattel mortgages, accepting the fee of fifty cents (50¢) which is provided by law for filing each contract, or may we refuse to accept a contract or chattel mortgage which contains a description of more than one motor vehicle and require a separate contract or chattel mortgage for each motor vehicle and collect a fee of fifty cents (50¢) for each filing?"

Section 1758, R. C. M. 1921, as amended by Subdivision 5 of Section 2 of Chapter 159, Laws of 1933, reads in part: "\* \* \* A fee of Fifty Cents (50¢) shall be paid the Registrar for filing chattel mortgages, conditional sales contracts or assignments thereof \* \* \*."

In view of the express words of the statute, it is my opinion that the Registrar of Motor Vehicles is required to file chattel mortgages and conditional sales contracts upon payment to him of 50¢ for each chattel mortgage or each conditional sales contract, and he may not refuse to accept an instrument which contains a description of more than one motor vehicle and may not require a separate instrument for each motor vehicle so as to permit him to collect 50¢ for each filing.

The statutory fee to be paid is for filing each instrument and in the absence of a statute authorizing it, he may not require that each instrument cover one motor vehicle only. To do so would constitute legislation. His authority is derived from the statute by which he is limited, and he may not add thereto. The words of the statute being plain and unambiguous,