

Opinion No. 319.**Motor Vehicles—Licenses—Travelling
Salesmen—Interstate Compacts—
Reciprocity Agreements—
Highway Patrol.**

HELD: There is no statutory authority, either express or implied, for the Montana Highway Patrol to enter into interstate compacts or reciprocity agreements with neighboring states to exempt travelling salesmen from such states from the purchase of Montana Motor Vehicle License plates.

July 8, 1936.

Montana Highway Patrol
The Capitol

We have your letter of June 13, from which we quote:

"We have requests from two of our neighboring states, North Dakota and Washington, asking that we reciprocate with them on certain motor vehicle license regulations, such as allowing Washington and North Dakota travelling salesmen to come into Montana and solicit business while using license places from their home states.

"Should we see fit to do this, they would gladly permit our salesmen the same privilege in their states. We would like to know if this may legally be done."

Public officers have only such powers as are conferred upon them by statute, either expressly or by necessary implication. (See Opinion No. 69, issued to State Highway Commission, March 27, 1935.) We can find no statute which either expressly or impliedly authorizes the Montana Highway Patrol to enter into interstate compacts. Not only is there no law authorizing such reciprocity agreements as your letter mentions, but Section 1760, R. C. M. 1935, sometimes called the "gainful occupation law," evinces a legislative intent directly to the contrary. This, and other related sections are penal laws of the State of Montana, and no officer or department of the state may grant any indulgences authorizing the

committal of offenses against their terms.

Accordingly, any such agreements as you mention in your letter would be contrary to the public policy of the law as it stands in this state, and void in legal effect. (See Opinion No. 262, issued to State Highway Commission, April 8, 1936.)