

September 29, 1937.

Mr. T. F. Walsh
Deputy Registrar
of Motor Vehicles
Deer Lodge, Montana

My Dear Mr. Walsh:

You have asked whether under Chapter 72, Laws of 1937, the county treasurer is required to deliver the license plates to the applicant in person, or if delivery may be made through the mails.

Section 1759.2 of the Revised Codes of Montana, 1935, as amended by Section 3, Chapter 72, Laws of 1937, provides as follows:

“Issuance of Receipt and Assignment of Number Plates. Upon receipt of application for registration and payment of license fee and taxes as herein provided, the county treasurer shall file one copy of said application in his office and issue to the applicant a receipt executed in triplicate, delivering one copy of said receipt to the applicant, one copy to the county clerk and recorder and retaining one copy for his office; and he shall daily forward to the registrar of motor vehicles a duplicate copy of all applications for registration. The county treasurer shall also, and at the same time, assign such motor vehicle a distinctive number, viz., the license plate number, and deliver to the applicant two (2) license plates, as received from the registrar of motor vehicles which shall bear such distinctive numbers. The registrar shall ship said license plates to the various county treasurers by freight, so that they will be received by the county treasurer on or before January first of each year. It shall not be necessary for the county treasurer, in said receipt, to segregate the amount of said taxes for state, county, school district and municipal purposes.”

The question is upon the meaning of the word “deliver” as used in the foregoing section.

In *Dodge v. Jones*, 7 Mont. 121, the court said:

“No particular act or formal ceremony is necessary to make a delivery in law. Any act done, coupled with the intent to change the ownership,

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Delivery of License Plates.**

HELD: The County Treasurer may deliver the license plates to the applicant in person or may mail them.

which has the effect to transfer the dominion over the thing sold to the buyer, is a delivery."

See also, *Cady v. Zimmerman*, 20 Mont. 225, 228; *Nelson v. Davenport*, 86 Mont. 1, 8.

Therefore, a delivery can be either a manual one or it may be a constructive delivery. It has been held that delivery of goods to a common carrier, or delivery to the post office, addressed to a consignee, is constructively a delivery to that consignee.

Lake Shore M. S. R. R. Co. v. National Livestock Bank, 53 N. E. 326.

Therefore, it is my opinion, under Section 1759.2 as amended, that the delivery of license plates may be either a manual one, that is, personally delivered to the applicant, or his agent; or may be a delivery by mail.