No. 103

MOTOR VEHICLES—LICENSES—COUNTY TREASURER

Held: The County Treasurer is without authority to appoint a deputy for the purpose of issuing licenses for motor vehicles entering the State of Montana at the point of entry.

April 28, 1941

Mr. Gordon O. Berg
County Attorney
Carter County
Ekalaka, Montana

Dear Mr. Berg:

You have submitted the following:

"A member of the Board of County Commissioners of Carter County has requested this office to secure an opinion concerning the matter of licensing of motor vehicles in caravans entering the State of Montana from the State of South Dakota, on a public highway in the south end of Carter County.

"No regular highway leads from that section of the county to Ekalaka, the county seat, and consequently the caravans in question pass through the county and into Powder River County, where the vehicles are, we are informed, licensed by proper officials of that county. As Carter County is the county of original entry into the State by the caravans, we desire to know if there is any authority for the County Treasurer to appoint a deputy at the point of entry for the purpose of registering the vehicles, and issuing the licenses in Carter County."

I am enclosing herewith Attorney General's Opinion No. 93 which fairly well answers the question you have propounded here. All that need be added is the following comment concerning the provisions of Section 1760.1, Revised Codes of Montana, 1935.

Section 1760.1, Revised Codes of Montana, 1935, quoted in the enclosed opinion provides that the license shall be obtained immediately after entering the State of Montana, **at the first county seat.** The phrase **"at the first county seat"** could not possibly be construed to mean **"in the first county"** or **"in the county of the original entry."**

As a matter of explanation let us assume that the motor vehicle enters the State of Montana at Alzada and travels Highway No. 22 into or through Broadus, the county seat of Powder River County. In this event the license should be purchased at Broadus. Should the motor vehicle leave highway No. 22 at Hammond or Boyes and travel the highway into or through Ekalaka, the county seat of Carter County, then and in this event, the license should be purchased at Ekalaka.

Therefore, in the light of the provisions of Section 1760.1, Revised Codes of Montana, 1935, and Opinion No. 93 enclosed, it is my opinion the County Treasurer is without authority to appoint a deputy for the purpose of issuing licenses for motor vehicles entering the State of Montana at the point of entry.

Sincerely yours,

JOHN W. BONNER
Attorney General