

Opinion No. 12.**Motor Vehicles—Suspension of Operator's License—Property Damage.**

Held: Suspension of motor vehicle operator's license under the provisions of Chapter 129, Laws of 1937.

January 28, 1943.

Mr. John E. Henry
Registrar of Motor Vehicles
Deer Lodge, Montana

Dear Mr. Henry:

The statement of facts are as follows: X was adjudged in Justice of the Peace Court to have caused property damage in the amount of \$97.50 resulting from the ownership, maintenance, use or operation of a motor vehicle. Costs assessed against X total \$12.50. Inasmuch as Chapter 129, Laws of 1937, provides an operator's license shall be suspended by the Registrar of Motor Vehicles in the event of such operator's failure within thirty days to satisfy any judgment for damages to property in excess of one hundred dollars, resulting from the ownership, maintenance, use or operation of a motor vehicle, you inquire whether or not the registrar, under the above facts, should suspend X's license.

If the \$12.50 costs assessed against X are to be added to the damage of

\$97.50, which he was found to have caused, and the resultant sum of \$110.00 used as the basis for examining the above quoted provisions of the law, then X's license must inevitably be suspended. But if the sum of \$97.50—the amount of damages to the property—is allowed to stand alone, and the \$12.50 costs may not be added, then X's license may not be suspended for the amount of actual damages is \$97.50, just \$2.50 below the fateful \$100.00 used in the statute.

California and several other states have financial responsibility laws similar to our Chapter 129, Laws of 1937. The California provision in regard to suspension of an operator's license for failure of such operator to satisfy a judgment for damage to property is identical to our law. But no cases involving the particular question here before us appear ever to have arisen.

It is the well established rule in Montana that the meaning of a given term employed in a statute must be measured and controlled by the connection in which it is employed, the evident purpose of the state, and the subject to which it relates. (*State ex rel. Freeman v. Abstract Board of Examiners*, 99 Mont. 564, 45 Pac. (2nd) 668.)

Hence, it appears to me this question is easily and simply settled by a close examination of the words emphasized in Section 3 of Chapter 129, Laws of 1937. It is stated the license shall be suspended in the event of the operator's failure within thirty days "to satisfy any judgment . . . for damages on account of personal injury, including death, or damage to property in excess of one hundred dollars (\$100.00) . . ." It appears apparent the legislature was saying, "You who drive automobiles, and in using them cause property damage in excess of one hundred dollars must be able to pay for your act within thirty days—or you will not be allowed to drive. You must be financially responsible, so that you may respond for your negligence."

The act does not appear to be punitive in purpose, but rather protective of the rights of the people as a whole. The hundred dollar figure, used as a measuring stick for the amount of property damage, is low enough so that a motor vehicle operator cannot become oblivious to the property rights of others but high enough so that he will not be in danger of having his license sus-

ended for every bumper or fender he scratches.

"In considering questions of jurisdiction, the amount of the costs forms no part of the matter in dispute. . . ." (*Payne v. Davis*, 2 Mont. 381.)

I am of the opinion the actual property damage must be in excess of one hundred dollars (\$100.00) before license is suspended under the provisions of Chapter 129, Laws of 1937. Costs may not be added to the damages in order to have a total figure exceeding one hundred dollars.

Sincerely yours,
R. V. BOTTOMLEY
Attorney General