

**Laws of Motor Vehicles, Registration Mark Can Not Be Transferred With. Registration Mark, Cannot Be Transferred to Purchaser of Second-Hand Motor Vehicle. Motor Vehicle, Must Be Registered by Owner of in All Cases. Transfer, Cannot Be Made of Registration Mark on Motor Vehicle.**

Upon the sale of a duly registered motor vehicle, the purchaser thereof must cause the vehicle to be again registered and take out a new license. There is no provision of the statute as to what shall be done with the identification number issued to the former owner of motor vehicle which has been sold, but as the number is entirely useless to the former owner of the motor vehicle, it would be a matter of prudence upon his part to surrender same to secretary of state, and thus relieve himself of responsibility as owner thereof.

May 15th, 1913.

Hon. A. M. Alderson,  
Secretary of State,  
Helena, Montana.

Dear Sir:

I beg to acknowledge receipt of your communication under date the 15th instant, requesting my opinion as to the course which should be pursued in case the owner of a regularly registered automobile sells the same, and purchases another automobile of the same make and horse-power; also as to what disposition the former owner should make of the registration mark assigned by the secretary of state to the automobile which he has sold.

The statute provides that "every person hereafter acquiring a motor vehicle" shall make verified application for registration, etc., and pay the registration fee. (Sec. 2, Chap. 73, Laws of 1913.) The statute further provides that:

"Any person operating or driving a motor vehicle on the public highways of this state, which shall display thereon a distinctive number or identification mark belonging to any other motor vehicle or one which is fictitious, shall be deemed guilty of a misdemeanor and shall be punishable," etc.

Sec. 10, Subdiv. 2, Chap. 73, Laws 1913.

The section last quoted forbids the use of an identification mark belonging to one motor vehicle upon any other motor vehicle, and it follows therefrom that your correspondent who has sold his automobile and purchased a new one cannot use upon his new automobile the identification number issued for the automobile which he formerly owned but has since sold. The section first quoted makes no exception of cases where the person acquiring a motor vehicle had formerly had a license, nor of cases where the automobile before purchase had been duly registered. There is no provision in the act permitting a transfer of the license of a duly registered automobile,

and in the absence of such a provision the license is not transferrable.  
25 Cyc. 625.

It is therefore my opinion that upon the sale of a duly registered motor vehicle, the purchaser must cause the vehicle to be again registered and take out a new license, paying the prescribed fee therefor. This view finds support in the provisions of the act, the purpose of which seems to be that there shall be kept in the office of the secretary of state a complete record of all motor vehicles in the state, and the owners thereof. (See Subdiv. 3 of Sec. 2, Chap. 73.) If the purchaser of a duly registered motor vehicle was not required to re-register the same, the list of motor vehicles in the office of the secretary of state would not be an accurate and up-to-date list as to the owners thereof.

The statute makes no provision regarding what shall be done with the identification number issued to the former owner of the motor vehicle which has been sold. As the number is entirely useless to the former owner, it would seem to be a matter of prudence upon his part to surrender the same to the secretary of state, and thus relieve himself from being held responsible therefor as owner. This would also permit the secretary to keep an accurate and up-to-date list of present owners of motor vehicles in the state—a result which seems to be one of the principal purposes of the statute.

Very truly yours,

D. M. KELLY,  
Attorney General.