

County Commissioners—Automobiles—Power of County Commissioners to Purchase Automobiles to be Used in Inspecting Roads—Inspecting Roads.

A Board of County Commissioners has no authority to purchase an automobile to be used for the purpose of viewing and inspecting road and bridge work.

Jan. 15th, 1918.

Mr. Walter W. Mercer,
County Attorney,
Roundup, Montana.

Dear Sir:

I am in receipt of your letter of recent date with reference to the purchase by the Board of County Commissioners of an automobile to be used by the board in inspecting road work.

In an opinion rendered on Feb. 24, 1916, to the County Attorney of Stillwater county, it was held that the county commissioners were without authority to purchase an automobile for the purpose of using the same for the viewing and inspection of county roads and bridges, and work thereon. 6 Op. Atty. Gen. 342. Thereafter, and on March 28th, 1916, in an opinion rendered to the chairman of the board of county commissioners of Lewis and Clark county, it was held the board of county commissioners has power to purchase an automobile to be used as a part of the road equipment of a county to be used for transporting men, tools and material and generally for facilitating the road work of the county. 6 Op. Atty. Gen. 365.

At the time these opinions were rendered boards of county commissioners, and members thereof, were only authorized to inspect work on roads and bridges being done under contract, being allowed therefor a per diem and actual expenses. By the amendment of the highway laws in 1917, boards of county commissioners, and members thereof, are authorized, when directed so to do by the board, to inspect all road and bridge work, and are not restricted to the inspection of such work only when it is being done under contract, being allowed therefor a per diem and actual expenses.

The only additional power or authority vested in the board and its members by the 1917 amendment is that of viewing and inspecting work on roads and bridges which is being done otherwise than by contract, and if the board was without authority under the old law to purchase an automobile to be used for the purpose of viewing and inspecting bridge and road work certainly there is nothing in the amendment which gives them such authority.

I am therefore of the opinion that the board of county commissioners has no authority to purchase an automobile to be used for the purpose of viewing and inspecting road and bridge work.

Respectfully,

S. C. FORD,
Attorney General.