

State Highway Commission—Deposit for Plans—Refund.

The State Highway Commission may demand a deposit for plans and specifications.

The Commission may fix the amount of the deposit and the amount of the refund.

December 21st, 1918.

State Highway Commission,
Helena, Montana.

Gentlemen—

I am in receipt of your letter of recent date, inclosing claim on Nelson & Pederson for refund of amount deposited for copy of plans and specifications of Tenth Avenue bridge at Great Falls, and submitting for my opinion the following:

“1. Has the Commission a right to demand a deposit for plans and specifications for work to be prosecuted under its direction?”

“2. Can the Commission fix the amount of the deposit and the amount that may be refunded upon the return of the plans?”

Chapter 170, session Laws of 1917, authorizes and empowers the State Highway Commission, and its Executive Committee, to formulate and adopt all such rules and regulations as may be necessary to carry out the provisions of such act. The only restriction is that the rules and regulations must be reasonable.

The rule adopted requiring a deposit to be made by each person desiring a copy of plans and specifications, and providing for a refund of a definite portion of such deposit of such plans and specifications are returned in good order, is not unreasonable. It is designed to discourage those who do not intend to become bidders from procuring such plans and specifications, and for no other purpose, and so long as the amount of the deposit, and the portion to be retained is not excessive, such a rule cannot be deemed unreasonable.

The amount of the deposit required is \$25.00, and the amount to be refunded is \$10.00, and such amounts cannot be said to be unreasonable. Both of your questions are therefore answered in the affirmative.

Respectfully,
S. C. FORD,
Attorney General.