

**Automobile Dealers—Trouble Cars—License.**

An automobile dealer must register and pay license for a trouble car and cannot operate same under dealer's license.

May 24, 1919.

Mr. T. H. MacDonald,  
County Attorney,  
Kalispell, Montana.

Dear Sir:

I am in receipt of your letter of recent date regarding "trouble cars" of automobile dealers, and asking whether such cars are required to be registered or whether dealers are entitled to run such cars under their dealers' licenses.

I have not given out any opinion on this question but am advised by the Secretary of State that he has heretofore advised dealers that they are not required to register such cars but can run the same under their dealers' licenses.

Section 5 of Chapter 75, Session Laws 1917, was amended by Chapter 207, Session Laws 1919. As amended, subdivision a of Section 5 requires every owner of a motor vehicle operated or driven upon the public highway to register the same, while subdivision b of the same section required every dealer in motor vehicles to pay a license as a dealer, and expressly provides that nothing in such subdivision shall be construed to authorize a dealer *to operate or use* a motor vehicle for other than demonstration purposes. An examination of the bill for this act, as the same was passed by the legislature, shows that in enrolling the bill the following words were dropped out of such subdivision: "but all vehicles used by a dealer for

other than demonstration purposes," so that said act as finally passed provided that: "Nothing contained in this subdivision shall be construed to authorize a dealer to operate or use a motor vehicle for other than demonstration purposes but all vehicles used by a dealer for other than demonstration purposes shall be registered in accordance with the provisions of subdivision (a) of this section."

But even with this omission from the enrolled bill, it seems clear that the legislature intended that every motor vehicle used by a dealer for any purpose, save and except for demonstration purposes, must be registered under subdivision (a) of Section 5.

I am, therefore, of the opinion that a dealer cannot operate or run a "trouble car" under his dealers' license, but that he must register the same under subdivision (a) of Section 5, and pay the license required for such registration.

Respectfully,

S. C. FORD,

Attorney General.