

Sheriff—Automobile—Mileage—Traveling Expenses.

A Sheriff does not come under the provisions of Chapter 80, Laws of 1923, except in cases where he is allowed his traveling expenses and he travels in his own car for the reason that suitable railroad transportation is not available.

J. B. C. Knight, Esq.,
County Attorney,
Anaconda, Montana.

My dear Mr. Knight:

You have requested my opinion as to whether a Sheriff comes under the provisions of Chapter 80, Laws of 1923.

This chapter provides:

“Whenever it shall be necessary for any state or county officer to use his own automobile in the performance of any official duty where traveling expenses are allowed by law, such officer shall receive not to exceed twelve and one-half cents per mile for each mile necessarily traveled unless otherwise specifically provided by law.”

The Act was intended to cover those officers who are allowed traveling expenses in order to fix the maximum expenses that may be allowed where they travel in their own automobile. It was intended merely as supplemental to legislation allowing traveling expenses, and was not intended to supersede the system of allowing mileage in any respect where mileage is allowed to any officer, as, for instance, to a Sheriff. In certain cases, such as transporting prisoners, the Sheriff is allowed his traveling expenses, and in such cases would be entitled to be paid under the provisions of this chapter where he used his own car and where suitable transportation could not be had by rail.

It is, therefore, my opinion that the Sheriff does not come under the provisions of this Act, except in cases where he is allowed his traveling expenses and he travels in his own car for the reason that suitable railroad transportation is not available.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.