

Fees—Motor Vehicles—Registration—Secretary of State.

Where an owner of a motor vehicle registers and operates it upon the highways of the state in one year and the following year does not operate it until after the 31st day of July, he is entitled to register it the second year for one-half of the statutory registration fee.

Frank T. Hooks, Esq.,
County Attorney,
Townsend, Montana.

My dear Mr. Hooks:

You have requested of this office an opinion as to the interpretation of Subdivision 2 of Section 1760, R. C. M. 1921, relating to registration fees of motor vehicles, and in which you submit the following question:

"If in 1922, A owned, operated and registered a Ford car No. 1 in the State of Montana, and in 1923 did not use the said Ford car on the highways of Montana until after July 31, 1923, and thereupon applied for registration of said car, would A be entitled to secure a license for his car for one-half the regular fee?"

The answer to this question involves an interpretation of Subdivision 2 of Section 1760, R. C. M. 1921, as requested by you. Said subdivision is as follows:

"If any dealer or motor vehicle is originally registered after July thirty-first in any year, the registration fee for the balance of such year shall be one-half of the regular fee above given."

In determining what is meant by the words "originally registered" contained in this subdivision, reference to the preceding section (1759) is helpful. Thus we find that the law provides for the

registration and re-registration of motor vehicles. An owner having registered his motor vehicle in any one year, has the right to have it re-registered during that year in the cases mentioned in Subdivision 5 of Section 1759 wherein it is provided that upon re-registration the "original registration" shall be cancelled. Thus it appears that the Legislature contemplated two kinds of registrations, viz., original registration and re-registration, when enacting the statutes relating to the registration of motor vehicles. Any registration other than a re-registration is an original registration within the meaning of the law.

Furthermore in the registration of motor vehicles the year is taken as the unit of time, and the business of registering in one year is wholly separate and independent of the preceding year or years, and in the registration of a particular motor vehicle for a particular year, it is wholly immaterial whether the vehicle was used or registered in the preceding year or not, so that the words "originally registered" as used in Subdivision 2 of Section 1760 could scarcely be held to refer to a registration in a year other than that of the present registration year.

It is, therefore, my opinion that the owner of the automobile in question is entitled to have it registered after July 31, 1923, for one-half of the statutory registration fee.

Very truly yours,

WELLINGTON D. RANKIN,
Attorney General.