

**Automobiles — Counties — County Officers — Mileage—  
Traveling Expense.**

Appointive county officers, when using their own automobiles in the performance of official duties where traveling expense is allowed by law, are limited to 12½ cents per mile.

L. Q. Skelton, Esq.,  
State Examiner,  
Helena, Montana.

My dear Mr. Skelton:

You have submitted to this office the following question:

“Where county physicians and county health officers incur traveling expense are they limited to 12½c per mile for the use of their own cars, the same as elective county officers?”

Section 1 of Chapter 80, Session Laws of 1923, 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 expense is 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.”

There is nothing in this section which in any way indicates that any distinction is to be made between elective and appointive officers.

It is, therefore, my opinion that appointive county officers, when they use their own automobiles in the performance of official duties where traveling expense is allowed by law, are limited to 12½ cents per mile, the same as elective officers.

Very truly yours,

WELLINGTON D. RANKIN,  
Attorney General.