

Automobiles—Dealers—Motor Vehicles—Licenses.

The term "automobile accessories," as used in chapter 107, laws of 1923, denotes that which is additional to standard equipment and does not include repair parts since the latter are a part of the usual equipment of a motor vehicle.

A. B. Middleton, Esq.,

July 24, 1926.

Warden, Montana State Prison,
Deer Lodge, Montana.

My dear Mr. Middleton:

You have requested my opinion as to what constitutes "automobile accessories" as that term is used in chapter 107, laws of 1923, providing for the licensing of dealers in automobile accessories, and whether it includes dealers in repair parts.

The act does not attempt to define the term; hence, in accordance with the provisions of section 15 of the code, it must be understood according to the context and the approved usage of the language.

Of this rule our supreme court said in Northern Pacific vs. Sanders County, 66 Mont. 608:

"A primary rule of construction is that the legislature must be assumed to have meant precisely what the words of the law, as commonly understood, import."

The word "accessory" is defined by Webster as meaning (when used of things) "accompanying as a subordinate, aiding or contributing in a secondary way, additional."

Funk and Wagnalls New Standard gives among the meanings of the word the synonyms "contributory, supplemental, additional."

The common usage of language, therefore, would import to the words "automobile accessories" the meaning of that which is supplemental or additional to an automobile. I find also that this is the sense in which the term is used in the automobile industry and among dealers. In a trade sense the word "accessories" means anything that is over and above standard equipment. It includes tires, since standard equipment does not include a spare tire but only the rim; also bumpers, motormeters and all other equipment which is supplemental or additional to the usual standard equipment.

It is, therefore, my opinion that both the common and the trade usage of the words "automobile equipment" denote that which is additional to standard equipment and would not include repair parts since the latter are a part of the usual equipment of a motor vehicle.

Very truly yours,

L. A. FOOT,

Attorney General.