

Automobiles—Motor Vehicles—Licenses — Dealers — Accessories. -

A wholesale dealer in automobile accessories is not required to procure a dealer's license under section 1760 R. C. M. 1921, as amended.

Austin B. Middleton, Esq.,

October 6, 1926.

Registrar, Motor Vehicle Department,
Deer Lodge, Montana.

My dear Mr. Middleton :

You have requested my opinion whether wholesale dealers in automobile accessories are required to procure a dealer's license under section 1760 R. C. M. 1921, as amended by chapter 107 session laws of 1923.

Both sections 1760 and 1763 of the code were enacted as a part of chapter 75 session laws of 1917, and it is my opinion that the definition of the term "dealer" contained in section 1763 must be taken as controlling in determining what is meant by the words "dealers in automobile accessories" contained in section 1760.

Section 1763 reads in part as follows:

"The term dealer * * * shall not include agents or salesmen of manufacturers or distributors selling motor vehicles to or establishing, selling or distributing agencies therefor with dealers registered in the state."

Since the agent of a distributor engaged in selling motor vehicles to an established dealer in the state is exempt from the act it seems to me that by parity of reasoning a wholesaler who is engaged in selling automobile accessories to established dealers in automobiles should likewise not be required to pay the licence.

It is, therefore, my opinion that wholesale dealers in automobile accessories are not required to procure a license under section 1760 of the code, as amended.

Very truly yours,
L. A. FOOT,
Attorney General.