

Registration—Automobiles—Motor Vehicles—Licenses.

Under subdivision 2 of section 1760, R. C. M. 1921, and section 4, chapter 123, laws of 1927, if an automobile has been registered in 1927 and the same owner applies to register it at any time after April 30, 1928, and before July 31, 1928, he must pay the full registration fee, plus 10%. After July 31, 1928, if registration is applied for, the owner must pay the one-half year fee plus said penalty of 10%.

Austin B. Middleton, Esq.,
Registrar of Motor Vehicles,
Deer Lodge, Montana.

November 8, 1927.

My dear Mr. Middleton:

You have requested my opinion whether your department may issue a license for a car that has been registered in 1927, but not used prior to July 31, 1928.

Subdivision 2 of section 1760 R. C. M. 1921, as amended, reads 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."

Section 4 of chapter 123, laws of 1927, reads as follows:

"Whenever any application is made for the registration of a motor vehicle after the 30th day of April, in any year, the applicant shall be required to pay in addition to the registration fee required therefor, a penalty of ten per centum (10%) of such registration fee for having failed to secure registration of such motor vehicle prior to such date." (The exceptions to the above section are not material to the present inquiry.)

The purpose of subdivision 2 of section 1760, supra, is to give the benefit of a half year rate to any person who originally registers a car after July 31 in any year. The evident purpose of chapter 123, above referred to, was to compel disclosure before the 30th day of April of each year, for the purpose of taxation, of the ownership of automobiles for the previous year.

In my opinion these two acts are not inconsistent. When read together they seem to show a legislative intent that a person who owns and has registered a car in 1927 must register it again before April 30, 1928, provided he continues to own the car until that time. If a person registers a car which he owned the year previous, at any time after April 30th of any year, he must pay the additional 10% penalty for failure to register it before said date.

It is therefore my opinion that if a car has been registered in 1927 and the same owner applies to register it at any time after April 30, 1928, and before July 31, 1928, he must pay the full registration fee, plus 10%.

If such owner applies to register the car after July 31, 1928, he should pay the one-half year fee plus said penalty of 10%.

The question of whether the car has or has not been used on the highways is not material.

Very truly yours,

L. A. FOOT,
Attorney General.