

Motor Vehicles—Registration—Foreign Automobiles—Sojourners.

Where trucks registered in another state are brought into Montana for the purpose of being used for sixty or ninety days in connection with contract work, the owners maintaining their residence in the foreign state, they are required to be registered in Montana, the owners thereof not being sojourners within the meaning of the exemption contained in the statute.

F. S. P. Foss, Esq.,
County Attorney,
Glendive, Montana.

April 21, 1930.

My dear Mr. Foss:

You have requested my opinion whether out of the State trucks coming into Montana on sixty- and ninety-day contracts for work, the owners maintaining their residence in the State from which they come, they are exempt from obtaining a Montana license under the provisions of subdivision 5 of Chapter 181 of the Laws of 1929.

Subdivision 5, *supra*, provides as follows:

“The provisions of the foregoing sections relative to residents for display of registration numbers shall not apply to a motor vehicle owned by a non-resident of the state temporarily sojourning in this state.”

The word, “sojourner,” is defined by Funk & Wagnall’s Standard Dictionary as “a temporary resident,” “a guest.”

It is a general rule of construction of a statute that the intent of the legislature must be discovered and, if possible, pursued.

Powers vs. Board of County Commissioners, 7 Mont.
82, 14 Pac. 658;

Wibaux Improvement Co., vs. Breitenfeldt, 67 Mont.
206, 215 Pac. 222.

See also *State ex rel. Carter vs. Kall*, 53 Mont. 162, 162 Pac. 385, wherein our court said:

“In the construction of a statute the primary duty of the court is to give effect to the intention of the legislature in enacting it, which intention must be sought in the language employed and the apparent purpose to be subserved.”

Applying these rules it is evident that the exemption in question was intended to relieve visitors of our State from the necessity of obtaining a Montana license, and that the words “temporarily sojourning” as used in the statute, refer to guests and not to persons entering the State for the purpose of engaging in business.

It is therefore my opinion that one entering the State for the purpose of engaging in business is not a temporary sojourner within the meaning of the statute, and cannot operate a motor truck upon the public highways without first obtaining a Montana license.

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