

**Automobiles—Motor Vehicles—Licenses—Registration.**

Party purchasing automobile from individual after April 30th, which was registered in 1929 and not operated during the year 1930, is subject to the 10% penalty when making application for 1930 license.

Person purchasing car during 1929, but failing to register the same until after June 30, 1930, is required to pay the full year rate for 1930.

Person desiring to register automobile which entered Montana in 1929 as a foreign car, and where application for registration is not made until after June 30, 1930, is required to pay the full year's registration fee.

C. B. Marrs, Esq.,  
Deputy Registrar of Motor Vehicles,  
Red Lodge, Montana.

August 14, 1930.

My dear Mr. Marrs:

You have requested an opinion on three questions regarding licenses for automobiles, as follows:

1. "If a party purchased a car from an individual after April 30, which has not been operated for the current year but was previously registered in this state and carried 1929 license plates, is the purchaser subject to the 10% penalty should he make application for 1930 license plates?"

2. "If a new car was purchased during 1929 and not registered until after June 30, 1930, would the applicant be required to pay the full year rate regardless of whether the car had been operated or not? (This would be an original registration.)"

3. "If a foreign car entered Montana in 1929 and was not registered until after June 30, 1930, would the applicant be required to pay the full year fee? (This would be an original registration.)"

The answer to your first question is in the affirmative. Under Section 4, Chapter 171, Laws of 1929, the only cars that are exempt from the penalty are those which are mentioned in subdivisions 1, 2, and 3 of that section. This car does not come within any of the exemptions therein mentioned and is, therefore, liable to the penalty.

The answer to your second question is in the affirmative. This car was in the state and became subject to registration upon its purchase from the dealer in 1929. It was, therefore, subject to registration on the first day of January, 1930. Chapter 171, Laws of 1929, would appear to require such cars when registered after April 30 to take the same registration fee as they would have taken had they been registered prior to April 30, and in addition to that fee there must also be paid

10% thereof as a penalty for the owner "having failed to secure registration of such motor vehicle prior to such date." This implies an obligation upon the owner of the car which is subject to registration prior to April 30 to register it prior to that time and when he fails in this but does register it after that date he is required to pay the same registration fee that he would have had to pay had he registered it prior to April 30, plus the penalty aforesaid.

The answer to your third question is in the affirmative upon the same reasoning set forth in the answer to question No. 2.

The provision of Section 1, Chapter 182, Laws of 1929, which is subdivision 2 of Section 1, providing that the registration fee for a motor vehicle originally registered between June 30 and September 30 shall be one-half the original fee and if originally registered after September 30, one-fourth the regular fee, does not apply when the motor vehicle was subject to registration prior to April 30 of the year in which registration is sought to be made. This section was only intended for the benefit of those persons who become the owners of automobiles by purchase from dealers or who brought them into the state after the half or three-fourth year periods had elapsed, and it was only intended that as to such vehicles the owners should be required to pay for that part of the year remaining after they purchased their automobiles as aforesaid from dealers or brought them into the state.

Very truly yours,

L. A. FOOT,  
Attorney General.