

Motor Vehicles—Licenses—Expiration—Renewal—Penalties.

All licenses for operating motor vehicles expire January 1st. The penalty of 10% added after April 30 does not relieve those operating prior to such date and subsequent to January 1st of the penalty of section 1762 R.C.M. 1921.

S. C. Small, Esq.,
Deputy Registrar of Motor Vehicles,
Deer Lodge, Montana.

March 7, 1929.

My dear Mr. Small:

You have requested an opinion relative to the date upon which automobile licenses expire and the date after which each applicant is required to pay the penalty of 10 per cent.

Section 1759 R.C.M. 1921 provides that application for registration of motor vehicles must be filed with the registrar of motor vehicles not later than January 1st of each year.

Subdivision 3 of said section provides in part: "No person shall operate or drive a motor vehicle upon the public highways of this state unless such vehicle shall have been properly registered, and shall have the proper number plates conspicuously displayed * * *."

Subdivision 7 of said section provides: "Dealers and motor vehicles may be registered and reregistered and licenses and certificates issued at any time during the year but all registration, licenses and certificates shall cease to be effective after December thirty-first of the year in which the same are issued.

Section 1762 R.C.M. 1921 provides a penalty for the violation of any provision of this act.

Chapter 123, Laws of 1927, imposes a penalty of 10 per cent on those who register after April 30th unless they show by affidavit that they come within one of the exceptions in paragraphs 1, 2, or 3 of Section 4 of this chapter.

It is therefore my opinion that the 10 per cent penalty added where registration is delayed until after April 30th when the applicant does not come within one of the exceptions was not intended to extend the time for registration until April 30th so as to relieve any person operating a motor vehicle without a license prior to that date and subsequent to January 1st of the penalty provided in Section 1762.

Very truly yours,
L. A. FOOT,
Attorney General.
By C. N. Davidson, Assistant.