

Motor Vehicles—Non-Residents—Licenses—Fees.

A non-resident engaged in gainful occupation in this state with foreign license for his motor vehicle, which is not being used for compensation, may obtain a license after three months for the additional time he intends to operate it, for one-twelfth of the annual fee per month.

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

June 11, 1931.

My dear Mr. Small:

You have requested an opinion as follows:

“A number of people are entering this state with foreign license plates, and are being employed by different contracting firms building roads. These cars are more or less used by the owners in going to and from their work, and we have been operating under the assumption that they should be required to purchase Montana license plates immediately upon entering this state, and we have collected a number of licenses in this manner.

“Mr. Salyerds, secretary of the Montana Automobile Association at Helena, advises us that we have no right to collect license fees under these circumstances. On page 10, section 5 states that a non-resident in this state, if sojourned in this state more than ninety days, be required to take out a license for his motor vehicle. In section 3, page 14, this states that they may operate without any charge or license fee for a period of three months, and, further, that at the expiration of three months if he can furnish satisfactory proof that he is not engaged in a gainful occupation in this state an additional two months can be extended without charge.”

You are advised that under the provisions of sections 1, 2 and 3 of chapter 121, laws of 1929, every motor or other vehicle of the type required to be licensed under the laws of this state that has paid for the license fee for the ensuing year under the laws of some other state or foreign government shall obtain a license for operation in this state. There is no exception to this rule, either in the act or in any other part of the motor vehicle law, except that residents of Montana shall not operate a motor vehicle under a license of any other state, and in case

of motor vehicles operated for compensation or profit see section 7 of chapter 121, laws of 1929. See also section 2, paragraph 6, chapter 121, laws of 1929.

If the persons in question have a home in some state other than Montana to which they expect to return and are only temporarily working in Montana and have paid the license fee on their car in such other state they are entitled to a license for three months under the provisions of section 3, above noted.

Section 10 of the act provides that the act shall be solely for the purpose of registration and identification of such vehicles.

There is a specific provision (see section 3) that after the end of ninety days the license may be issued for the additional time in which it is desired to operate the vehicle for one-twelfth of the annual fee unless the owner shall furnish satisfactory proof that he is not engaged in gainful occupation in the state. In case he is not engaged in gainful occupation he may have an additional two months without charge.

There is no condition (as to "gainful occupation") against the issuance of this license, originally under sections 1, 2, and 3. The provision as to "gainful occupation" is enforced only after three months.

You are accordingly advised that the mere fact that a non-resident is engaged in gainful occupation in this state would not require him (unless he also has become a resident) to take out a Montana license, except the license provided in sections 1, 2 and 3 above noted, until after three months, and then as provided in section 9.

Very truly yours,

L. A. FOOT,

Attorney General.