

truck. In view of this express provision of the statute it is my opinion that trucks owned and operated as above stated must have a Montana license.

Opinion No. 163

Motor Vehicles — Trucks — Foreign Trucks—License.

HELD: Foreign motor vehicles operated on Montana highways in gainful occupation or business enterprise must have Montana motor vehicle licenses.

April 22, 1933.

You have requested my opinion as to whether trucks owned by the Sheridan Brewing Company of Sheridan, Wyoming, and used by said company in transporting their own beverages to towns and cities in Montana over Montana highways must obtain a Montana license.

Under Chapter 121, Laws of 1929, Section 7, only foreign trucks operated on highways in this state for compensation or profit were required to have a Montana license.

This section, however, was amended by Section 7, Chapter 126, Laws of 1933, so that it now reads: "Before any foreign licensed motor vehicle shall be operated on the highways of this state for compensation or profit, **or the owner thereof is using the vehicle while engaged in gainful occupation or business enterprises, in the State of Montana**, including highway work, the same shall be registered and licensed in this state in the same manner as is required in the case of domestic owned vehicles of similar character * * *"

Under this provision of the statute it appears to be the intent of the legislature that no foreign truck shall operate within the State of Montana in a gainful occupation until same shall have been duly licensed in the same manner as is required of a state-owned