

six, it shall be unlawful for any person to carry on or conduct in this state the business of buying, selling or dealing in used vehicles or parts thereof, unless and until he shall have received a license from the Registrar of Motor Vehicles authorizing the carrying on or conducting of such business. * * * Upon making such application the person applying therefor shall pay to the Registrar of Motor Vehicles in addition to the fees required of dealers under the provisions of Section 1760 of the Revised Codes of Montana of 1921 a fee of five dollars. * * * Any person guilty of violating any of the provisions of this section shall be deemed guilty of a felony * * *."

The Supreme Court, in the case of Bond Lumber Co. v. Timmons, et al., 82 Mont. 497, 501, said: "This statute" (Chap. 113, Laws of 1925) "is intended solely as a police regulation and was never intended to establish an exclusive method of transfer of title to an automobile."

The purpose and character of Chapter 113 is clearly indicated in its title:

"An act to protect the title of motor vehicles within this state; * * * to Regulate purchase and sale or other transfer of ownership; to facilitate the recovery of motor vehicles stolen or otherwise unlawfully taken; to provide for the regulation and licensing of certain dealers in used and second hand vehicles as herein defined; * * *."

A further indication that Chapter 113, Laws of 1925, is intended to be a separate act is that Section 1 thereof contains definitions of "the words and phrases used in this Act", which section was amended by Chapter 183, Laws of 1929. Definitions of terms used in the general Motor Vehicle Laws are contained in Section 1763, R. C. M., 1921, which has not been amended and to which no reference was made either in Chapter 113 (1925) or Chapter 183 (1929).

Section 14 of Chapter 113, Laws of 1925, does not appear to have been repealed either expressly or by implication.

We, therefore, conclude that the five dollar license fee must be paid in addition to the thirty dollar license fee required by the general Motor Vehicle Laws.

Opinion No. 475.

Motor Vehicles—Second Hand Dealer's License—Dealer's Licenses.

HELD. A dealer in Motor Vehicles, if he handles second hand vehicles, must pay a \$5.00 license fee in addition to the dealers license provided in the general motor vehicle laws.

February 27, 1934.

You inquire as to whether or not a dealer in automobiles who pays a license fee of thirty dollars (\$30.00) must also pay an additional five dollar (\$5.00) license fee in case he deals in second hand cars.

This license fee in relation to dealers in second hand cars is contained in Section 14 of Chapter 113, Laws of 1925, which provides as follows:

"Section 14. Licensing of Second Hand Dealers; Keeping records of Vehicles Received for Sale and Penalty. That after the first day of January, nineteen hundred and twenty-