

Opinion No. 487.**Motor Vehicles—Interstate Traffic—
Registration—Licenses.**

HELD. A motor vehicle, engaged in interstate traffic only, must conform to the provisions of Chapter 184, Laws of 1931, by obtaining a Class C Interstate License, and by the placement of insurance bond or other approved security with the Railroad Commission.

Such motor vehicles must be registered and pay fees in the same manner as is required in the case of domestic owned vehicles.

March 8, 1934.

You attach to your request for my opinion a letter of Merrick & Kelly, Attorneys at Law of Seattle, from which we quote as follows:

"We have a client who proposes to cross your State enroute between a point on the Pacific coast and a point on the Atlantic seaboard, using a semi-trailer type motor bus. They would travel as private carriers of cargo under seal, and would neither drop or take on cargo in your State, or transact any form of business, or maintain any representation whatsoever. All equipment would, of course, be safely outfitted, and will be driven by competent men. In carrying on this enterprise it might be necessary to cross your State as many times as eighteen trips a year. The trucks would be domiciled in the State of

Washington and would be properly registered, bonded, insured and provided in accordance with the laws of this State.

It is our opinion that the operation described would come under the provisions of Chapter 184, Laws of 1931, and would require the obtaining of a Class C Interstate License. (See Section 2, defining Class C carriers, Section 10, requiring a certificate of public convenience and necessity, Section 23 extending the terms of the act to interstate commerce, within limits.) It would be necessary, in our opinion, for the client to file an application under Section 10, paying a filing fee of \$15.00 and otherwise comply with Rule 19. You will note that under Rule 19, upon the due execution and filing with the Board of a proper application, payment of filing fee, payment of annual compensation for the use of the state's highways on the basis of \$10.00 per vehicle per annum) and placement of insurance, bond or other approved security with the Board, conditioned as required by the rule (which is based upon Section 13 of the Act), the certificate will issue without the showing of public convenience and necessity. Section 23 of the Act dispenses with any showing of public convenience and necessity for an interstate carrier not contemplating any intrastate service.

After paying the fees required by the Railroad Commission and obtaining the certificate referred to then all vehicles operating in the state are required to obtain licenses. Chapter 126, Laws of 1933, amending Chapter 121, Laws of 1929, provides for the registration and licensing of non-resident owners of motor vehicles. Sections 7 and 8 of the 1933 Act provide as follows:

"Section 7. 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 enterprise, 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 not heretofore registered or licensed, and if the Registrar of Motor Vehicles is satisfied as to the facts stated in

the application, he shall register and license such vehicle and assign thereto an appropriate certificate, emblem or device, which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license.

"Section 8. All foreign registered and licensed motor vehicles shall also carry in plain sight thereon the license plates or device from such other state or foreign country."

This places non-resident owners of motor trucks operated in Montana on the same basis with domestic operators of like motor trucks.