

**Opinion No. 538****Motor Vehicles—Licenses—Application  
for Registration—County Treasurer.**

HELD: No county treasurer may accept application or receive license fee for any automobile from an owner, or from an automobile taxpayer, residing in another county.

May 29, 1934.

You have submitted the following question:

“Relating to laws enacted by the Extraordinary Session 1933-1934 applying to county treasurers collecting motor vehicle licenses, will you please advise if county treasurers are restricted to collect such license only from resident taxpayers of their respective counties. In other words, can a county treasurer accept a license fee and issue a license to a resident taxpayer of another county within this state?”

Section 1759 R. C. M. 1921 as amended by Chapter 113, Laws of 1925, Chapter 181, Laws of 1929, Chapter 158, Laws of 1931, Chapter 158, Section 1, Laws of 1933, provides:

“Every owner of a motor vehicle operated or driven upon the public highways of this state shall, for each motor vehicle owned, except as herein otherwise expressly provided, file, or cause to be filed, in the office of the county treasurer of the county wherein such motor vehicle is owned or taxable, a verified application for registration or re-registration, upon blank form to be prepared and furnished by the Registrar of Motor Vehicles, executed in duplicate, which application shall contain: \* \* \*.”

It will be observed that the owner of the motor vehicle shall file a verified application for registration “in

the office of the county treasurer wherein such motor vehicle is owned or taxable." I find no statutory provision authorizing any owner of an automobile to file, or any county treasurer to receive any application for registration, except for automobile owned or taxable in the county.

In the absence of such statute and in view of the express provision of Section 1, Chapter 158, Laws of 1933, I must conclude that county treasurers are restricted as above stated and that no county treasurer may accept application or receive the license fee for any automobile from an owner or from an automobile taxpayer residing in another county.

Note: Under Sec. 1, Chap. 13, Laws of Extraordinary Session, 1933-1934, the application need not be verified. (See opinion No. 433, this volume.)