

**Opinion No. 544****Motor Vehicles—Licenses—Non-Residents—Operation for Profit—Sheriffs.**

HELD: Sections 7 and 8 of Chapter 126, Laws of 1933, are controlling as to when a non-resident, who operates a motor vehicle in this state, must secure a Montana license.

May 23, 1934.

You have requested my opinion on the following matter:

"I am in receipt of a letter from the Registrar of Motor Vehicles, Deer Lodge, Montana, dealing with the issuance of registration forms to out-of-state cars during the present year. This letter reads in part as follows:

"You are of course aware that these are not to be issued to a Montana resident operating under a foreign license nor to any person who enters the state with a foreign license and engages in any gainful occupation."

"To facilitate the handling of applications for registration forms I would appreciate an interpretation from you as to just what the above quotation means. Would this cover, for instance, an insurance salesman or the auditor of an insurance company who travels through the state making a few stops, or a man who enters the state with the purpose of transacting a business deal and who leaves in a few days. It appears to me if the above quoted instructions were followed literally, it would almost preclude persons entering the

state without purchasing a Montana license."

The question involved, we think, is controlled by sections 7 and 8 of Chapter 126 of the Laws of 1933, which are 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."

Said sections 7 and 8 seem to conflict with 1, 2 and 3 of the same act but by reading Chapter 121, Laws of 1929, which the 1933 Act amends, we think that there is no doubt that our construction is correct. The 1933 Act is obviously intended to place greater restrictions on foreign motor vehicles operated in this state for profit than was provided by the 1929 Act, and to give that intention effect, we must necessarily hold that sections 7 and 8 of the 1933 Act are provisions that must be complied with irrespective of sections 1, 2 and 3 of the same chapter.