

**Opinion No. 150.****Motor Vehicles—Chattel Mortgages—  
Conditional Sales Contracts—Satis-  
faction, Filing of—Filing Fee.**

HELD: Satisfactions of chattel mortgages and conditional sales contracts on motor vehicles must be filed with the Registrar of Motor Vehicles, and the filing fee of 25¢ each must be paid by the person filing the satisfaction.

August 9, 1935.

Mr. A. B. Middleton  
Registrar of Motor Vehicles  
Deer Lodge, Montana

With reference to chattel mortgages and conditional sales contracts covering motor vehicles, you have submitted the following question:

“Do our statutes require the satisfaction of a conditional sales contract or a chattel mortgage to be accompanied by the fee of 25¢? If your answer to this question should be no, we would request you to advise us in what manner these contracts must be satisfied as it would seem that there must be a satisfaction of these contracts in order for our records to be cleared.”

Section 2, subdivision 5, Chapter 159, Laws of 1933, provides: “A charge of One Dollar (\$1) shall be made for issuance of original certificate of ownership, which shall be collected by the County Treasurer the first time any vehicle is registered by any owner and remitted to the Registrar of Motor Vehicles with application for registration. Upon transfer of registration by the owner there shall be paid to the Registrar of Mo-

tor Vehicles a transfer fee of One Dollar (\$1). A fee of Twenty-five Cents (25¢) shall be paid for filing satisfactions of chattel mortgages or conditional sales contracts. A fee of Fifty Cents (50¢) shall be paid the registrar for filing chattel mortgages, conditional sales contracts or assignments thereof and also for issuing certificate to copy of chattel mortgages or conditional sales contract."

While this section does not specifically provide that the payment of 25¢ filing fee for filing a satisfaction shall be paid to the Registrar of Motor Vehicles, a reasonable and fair construction would lead to the conclusion that the legislature intended that all fees mentioned in this section should be paid to the Registrar of Motor Vehicles. Section 8289, R. C. M. 1921, reads: "Whenever the debt or obligation secured by any mortgage of personal property, which has been filed in the office of the county clerk, as provided in this chapter, shall be paid or discharged, an acknowledgment of satisfaction, signed by the mortgagee, his legal representative or assigns, must be indorsed upon the mortgage, or copy thereof, or attached thereto, filed as aforesaid, and the fact of such discharge or satisfaction noted by the county clerk in the book kept by him, as provided by this act, opposite the names of the parties to such mortgage."

Since chattel mortgages and conditional sales contracts covering motor vehicles by the provisions of said Chapter 159 are required to be filed with the registrar of motor vehicles and not with the county clerk, said section 8289 can have no application to such chattel mortgages and conditional sales contracts. The legislature, therefore, could not have intended that such fee be paid to the county clerk where such mortgages and contracts are no longer filed. It is obvious that the legislature intended that this fee, like all the other fees mentioned in said subdivision 5, should be paid to the registrar of motor vehicles.

It is true that there is no provision in said Chapter 159, or elsewhere, which requires that this satisfaction fee shall be paid by the mortgagor or conditional sales vendor or the as-

signees of either of them. In the absence of such provision it is my opinion that they cannot be compelled to pay such fee. All the statute requires is that the satisfaction shall be accompanied by the fee of 25¢. It is the duty of the registrar to collect such fee from the person filing the satisfaction.

By reason of the requirement of the payment of such filing fee, it is my opinion that the legislature intended that satisfactions of chattel mortgages and conditional sales contracts should be filed. It is true paragraph (e), subdivision 4, Section 2 of said Chapter 159 provides that if a conditional sales vendor or assignee or chattel mortgagee or assignee failed there is no requirement in the statute to surrender the certificate of ownership to the owner within twenty days after receiving final payment, he shall be required to pay certain liquidated damages to the owner, but that the owner must thereupon make a new application or certificate of registration which will show the true status of the title. Paragraphs (a) and (b), subdivision 3, Section 2 Id., have to do with transfer of title or interest and are not applicable to satisfactions.