

You have submitted the following questions:

"1. Is the last registration receipt necessary for a car which has been licensed in the State of Montana prior to January 1, 1934?

"2. Under what circumstances may the county treasurer accept an application for registration or re-registration without the registration receipt of a car which has previously been registered and licensed in this state?"

Section 1, Chapter 13, Laws of 1933-34, Extraordinary Session, amending Chapter 158, Laws of 1933, provides: "The Treasurer of any county shall not accept any application for registration or re-registration of any motor vehicle unless such application be accompanied by the previous registration receipt issued by the Registrar of Motor Vehicles, * * *."

Then follows an exception in the following language: "Except in cases of automobiles not previously licensed in Montana." This act became effective on January 1, 1934 (Section 3), which is the date mentioned in the proviso which follows covering cases of automobiles not previously licensed: "* * * provided, upon application for registration or re-registration of motor vehicles upon which license has not been paid prior to January 1st, 1934, that if the applicant in possession of any motor vehicle shall present, with his application for license, an authentic and regularly issued certificate of title to any motor vehicle for which applicant desires to obtain a license, showing good title in applicant, and no license was obtained for such motor vehicle for the last preceding year, the County Treasurer shall accept payment for the license for such motor vehicle for the current year and a license shall be issued to such applicant. * * *"

This proviso last quoted must all be read together, and applied as so read, and it must also be read in connection with the first part of the section above quoted. When so read, the conclusion is irresistible that, in all cases where cars have been previously registered, the previous registration receipt must accompany the application.

Opinion No. 178.

**Motor Vehicles—Registration—
Licenses**

HELD: 1. In all cases where motor vehicles have been previously registered the previous registration receipt must accompany the application.

2. The county treasurer may accept an application for registration or re-registration without the previous registration receipt ONLY when a car has not been previously registered.

September 30, 1935.

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

Your first question, therefore, should be answered in the affirmative. Answering your second question, only when a car has not been previously registered may the County Treasurer accept an application for registration or re-registration without the previous registration receipt.