

Opinion No. 237.**Motor Vehicles—Licenses—Registration.**

HELD: Application to the County Treasurer for registration or re-registration of a motor vehicle must be made before the first day of February.

January 28, 1936.
Montana Highway Patrol Board
The Capitol

You have asked us to advise you whether or not the operator of a motor vehicle is guilty of any offense against the laws of this State if he operates said motor vehicle on the highways after the first day of February without displaying thereon 1936 license plates and if he has not applied for said license plates prior to that date.

Subsection 6 of Section 1759, as amended by Chapter 158, Laws of Montana 1933, provides: "Except as otherwise provided herein, no person shall operate a motor vehicle upon the public highways of this state without a license and unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed, one (1) on the front and one (1) on the rear of such vehicle, each securely fastened so as to prevent the same from swinging and unobstructed from plain view, * * *."

Subsection 2 of the same section, as amended, provides: "Registration

must be renewed annually and license fees and taxes paid annually. All registrations expire on December 31 of the year in which they are issued and application for registration, or re-registration, must be filed with the county treasurer as aforesaid not later than February 1 of each year."

Under these provisions, we think it is clear that one whose application for registration has not been filed with the county treasurer prior to the first day of February, and who then operates a motor vehicle on the highways of this State is guilty of "driving a motor vehicle without all proper licenses or permits" as prohibited by Section 6 of Chapter 185, Laws of Montana, 1935 (The Highway Patrol Act).

Some confusion seems to have arisen in this matter on account of the provisions of Section 4 of Chapter 171, Laws of Montana, 1929, which requires the Registrar of Motor Vehicles to collect a 10% penalty if application for registration is not made prior to the thirtieth day of April. However, there is nothing in said Section 4 which in any way conflicts with the views expressed above. Said Section 4 relates only to the collection of a penalty from tardy applicants, and is in addition to the requirements of Chapter 158, Laws of Montana, 1933, and to the penal provisions of Chapter 185, Laws of Montana, 1935.

Because of the frequent amendments to the statutes involved, we offer the following summary for your guidance:

(1) All motor vehicle licenses expire on December 31 of the year in which they are issued (Subsection 2, Section 1759, as amended by Chapter 158, Laws of Montana, 1933);

(2) But an operator may, with impunity, drive a car on the highways of this State until the following first day of February without having first applied for a new license (Subsection 2 of Section 1759, as amended by Chapter 158, Laws of Montana, 1933);

(3) Unless an application for registration or re-registration has been filed with the county treasurer before the first day of February, one who then operates a vehicle on the highways of this State is guilty of the of-

fense of "driving a motor vehicle without a proper license" (Subsection 2 of Section 6, Chapter 185, Laws of Montana, 1935), which offense is punishable as provided in Section 7 of said Chapter 185, Laws of Montana, 1935;

(4) If application for registration is not made prior to the 30th day of April, the applicant must pay a penalty, amounting to 10% of the registration fee, unless the particular application falls within one of the three exceptions allowed by Section 4 of Chapter 171, Laws of Montana, 1929.