

Opinion No. 92.**Motor Vehicles—Highway Patrol Act
—Chauffeur's License.**

HELD: Chauffeurs must secure a driver's license under the provisions of the Highway Patrol Act, but need not secure a chauffeur's license under Sections 1761 to 1763, R. C. M. 1921.

April 30, 1935.

Montana Highway Patrol Board
The Capitol

This will acknowledge receipt of your letter of April 27, requesting this office to advise you if it is necessary for chauffeurs to obtain drivers' licenses as prescribed by Sections 1761 to 1763, R. C. M. 1921, or as prescribed by Section 10, Chapter 185, Laws of Montana, 1935.

Sections 1761 to 1763, *supra*, relate to the licensing of chauffeurs who drive motor vehicles in this state, setting forth who shall obtain such licenses, and under what conditions, and fixing the fee for said license at \$2.00. Chapter 185, *supra*, known as the Highway Patrol Act, provides for the licensing of all drivers of motor vehicles and fixes the fees at 50¢ for taxi drivers, truck drivers and owners of motor vehicles, and at 25¢ for additional drivers of passenger cars.

While it is true that repeals by implication are not favored by the courts, when the subsequent act revises the entire subject matter of the earlier statute, the act last enacted controls. (*Lloyd v. Diefendorf*, (Ida.) 34 Pac. (2) 53; *State v. Mills*, 81 Mont. 86, 261 Pac. 885; *State v. Miller*, 69 Mont. 1, 220 Pac. 97; *Nichols v. School District No. 3 of Ravalli County*, 87 Mont. 181, 287 Pac. 624.)

Accordingly, it is our opinion that all chauffeurs must comply with the provisions of Section 10, Chapter 185, supra, and that it will not be necessary for such persons to comply with Sections 1761 to 1763, supra.