

**Opinion No. 312.****Motor Vehicles—Registration—  
License Fees.**

HELD: A used motor vehicle in the hands of a dealer between December 31st of one year and June 30th of the following year when sold thereafter, is subject to the one-half year license fee.

August 2, 1938.

Mr. T. F. Walsh  
Deputy Registrar  
Deer Lodge, Montana

Dear Sir:

You have requested an opinion on the following question:

"Is a used motor vehicle that has been in the hands of a dealer between the dates of December 31st of the preceding year to June 30th of the ensuing year, and then resold, considered an original registration and subject to the one-half year license fee, or is he required to pay full license fee?"

The provision for part-year registration is found in Section 1760, Revised Codes of Montana, 1935, as amended by Chapter 138, of the Laws of 1937:

"If any dealer, or motor vehicle, or trailer or semi-trailer is originally registered six (6) months after the time of registration as set by law, the registration fee for the remainder of such year shall be one-half (½) of the regular fee above given."

In 1930, in an unpublished opinion, Attorney General L. A. Foot declared that an automobile purchased by a dealer lost its identity as a motor ve-

hicle in so far as being subject to license and became stock in trade, so that when such automobile was again sold the new registration would be an original registration. The conclusion arrived at by Attorney General Foot is supported by evident legislative intent to distinguish between motor vehicles in use and motor vehicles in a dealer's possession, in stock, or dead storage. (Chapter 72, Laws of 1937.) The difference has been recognized by the Montana Supreme Court in *Wheir et al. v. Dye et al.*, 105 Mont. 347, and in *State ex rel. Kleve v. Fischl*, 106 Mont. 282, 77 Pac. 2d, 392. See also *People v. MacWilliams*, 86 N. Y. Sup. 357.

Therefore, it is my opinion that after June 30 a purchaser of a used motor vehicle that has been in stock before the end of the preceding year is entitled to purchase a one-half year license, as provided by Section 1760 as amended.