

Opinion No. 106

**Motor Vehicles—Licenses—Well
Drilling Machinery.**

HELD: 1. A well drilling machine deriving its power of operation and transportation from same unit, or from separate units mounted on same chassis, requires but one license.

2. Such machine and transporting equipment, being in separate units, each having its own power, requires two separate licenses.

July 26, 1939.

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

Dear Sir:

Your letter of recent date makes the following inquiries:

1. When a well drilling machine or similar equipment derives its power of operation and transportation from the same unit, what motor vehicle license should be paid?

2. When the equipment derives its power of operation and transportation from two separate units which, however, are mounted on the same chassis, what license should be paid?

3. When the well drilling machine or other equipment and the transporting equipment are two separate units, each having its own unit of power

even though the transporting equipment is obviously not intended for any use except transporting such equipment, what license should be paid?

Your first and second questions, as far as our reply is concerned, amount to the same thing and our answer is: Section 1759.5, Revised Codes of Montana, 1935, provides in substance that every person operating a motor vehicle upon the public highways of the state shall procure a license therefor and conspicuously display such license. The purpose of the license law is the protection of our highways and the aiding in improving and building highways. It serves another purpose which is that of taxation of the property and this office in conformity with the legislative act, Chapter 72, Laws of 1937, issued an opinion, No. 215, page 266, Volume 17, Opinions of the Attorney General, to the effect that the situs of the motor vehicle for taxation purposes shall be the county in which to pay the license and the taxes. Under Section 1186.1 a motor vehicle has been defined as meaning everything on wheels or runners excepting vehicles operated exclusively on rails or tracks, so it is our opinion that the well drilling machines mentioned in Questions 1 and 2 are regarded as one unit and pay one license fee. There are no other licenses to be paid on such a unit used as mentioned in your letter; that is, no M. R. C. license is required.

Answering your third question, Section 1760, Revised Codes of Montana, 1935, as amended by Chapter 138, Laws of 1937, provides:

“And be it further provided that trailers used exclusively in the transportation of logs in the forest or in the transportation of oil and gas well machinery, road machinery and bridge material exclusively, new and second hand, and trailers used exclusively for the transportation of road machinery and bridge materials, shall pay a fee of fifteen dollars (\$15.00) annually, regardless of size or capacity.”

This is the only provision in the statute referring to such equipment as you describe and it is our opinion that a well drilling machine and transport-

ing equipment as two separate units come within the application of this aforesaid section of the statute and the license fee should be paid. Since the transporting equipment is not used for transporting for hire, no M. R. C. license is required.