

**Opinion No. 227.****Highway Patrol—Fines—  
Motor Vehicles.**

HELD: Fines collected for violation of Sections 1751.4 and 1751.9, R. C. M., 1935, are to be disposed of as provided by Section 1741.12 when the violators were arrested or apprehended by officers of the Montana Highway Patrol.

April 18, 1940.

Mr. Credor B. Arnow  
County Attorney  
Shelby, Montana

My dear Mr. Aronow:

You have asked how fines collected for violations of Sections 1751.4 and 1751.9, R. C. M., 1935, as amended by Chapter 184, Laws, 1939, are to be disposed of.

The sections referred to regulate the size and weight of vehicles operated upon the highways of the state. Regulation of this type has been a part of the statutes of the State of Montana since the enactment of Section 171, Laws of 1931. Prior to the passage of the Montana Highway Patrol Act

(Chap. 185, Laws of 1935), the disposition of fines for violating the overloading statute was governed by Section 1752, R. C. M., 1935, which provided that such fines be paid by the court or magistrate collecting them to the county treasurer for the benefit of the general road fund of the county.

After the passage of the Highway Patrol Act this was changed. Section 1741.12 created a Highway Patrol Revolving Fund and provided for the composition thereof as follows:

“For the purpose of carrying out the provisions of this act, there is hereby created a state highway patrol revolving fund to which shall be credited all of the fees above mentioned and, in addition thereto, all fines collected. Payment of all proper and approved expenditures for the salaries, expenses, equipment and maintenance of the highway patrol, including court costs not otherwise provided for, shall be made from the state highway patrol revolving fund in the same manner as other claims against said fund are paid. All fees, fines and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of this act and the laws and regulations relating to the use of the state highways and the operation of vehicles thereon must be paid to the state treasurer of Montana and by him credited to the state highway patrol revolving fund, and a separate account shall be kept thereof; and at the time of payment of any such fee, fine or forfeiture there shall be filed with the state treasurer a complete statement showing the total of the fees, fines or forfeitures received or incurred, which statement shall give the title of the court and cause and be subscribed by the person or officer making such payment; provided that from said fund shall be paid all court costs and fees, and expenses of the counties, in the event prisoners have been boarded.”

In providing that “all fines collected” be credited to the fund and that “all fees, fines and forfeitures collected in any court from persons apprehended or arrested by patrolmen for violation of this act and the laws and regulations relating to the use of state highways and the operation of vehicles thereon

**must be paid to the state treasurer of Montana,”** the legislature evinced an intention to qualify Section 1752 by requiring that such fees, fines or forfeitures be deposited with the state treasurer to the credit of the Montana Highway Patrol Revolving Fund.