

No. 22

LICENSE PLATES—NUMBER PLATES—
MOTOR VEHICLES

Held: All number plates issued for State, County and Municipally-owned motor vehicles must have an "X" thereon.

February 14, 1941.

Mr. J. Burke Clements, Chairman
Industrial Accident Board
Helena, Montana

Dear Mr. Clements:

Since receiving your letter of January 27, 1941, relative to an opinion which you have asked of me, I beg to advise you that I have been exceedingly busy and have not been able to answer your inquiry until now.

In substance, you have heretofore asked me whether or not the Registrar of Motor Vehicles could issue a number plate for a state-owned car without anything on the plate but the proper numerals. In other words, as I understand your question, you want to know whether or not the Registrar of Motor Vehicles may issue a number plate for a state-owned car without having thereon the letter "X."

Section 1757, Revised Codes of Montana, 1935, designated what number plates on all motor vehicles must contain. This Section does not differentiate as between privately-owned motor vehicles and state-owned vehicles as far as number plates are concerned, save and except those issued for the use of dealers which shall contain the letter "D." Speaking technically, from a legal standpoint, it would appear at firsthand that a number plate issued for a state-owned vehicle would not require an "X." However, for many years the Registrar of Motor Vehicles has issued number plates containing an "X" for all state-owned motor vehicles. This has been done by the Registrar of Motor Vehicles in order to identify a non-payment-fee

number plate from that of a regular-fee number plate, not only so that the general public would be able to identify the vehicle as a federal, state, county or municipally-owned vehicle, but to aid the Registrar of Motor Vehicles in efficiently keeping his records relating to motor vehicles. Section 1755, Revised Codes of Montana, 1935, provides in substance that the Registrar of Motor Vehicles must keep a record of all motor vehicles, trailers and semi-trailers of every kind.

Though the statutes just cited do not specifically give him the right to have placed on a number plate anything other than is provided for in Section 1757, Revised Codes of Montana, 1935, nevertheless, under the rules of statutory construction, our Court might well hold that—because of common usage and practice—the Registrar of Motor Vehicles must require an “X” on federal, state, county and municipally-owned vehicles since common usage and practice are persuasive as to statutory construction.

Holt v. Sather, 81 Mont. 442, 264 Pac. 108;

Murray Hospital v. Angrove, 92 Mont. 101, 10 Pac. (2nd) 577;

Miller Ins. Agency v. Porter et al., 93 Mont. 567, 20 Pac. (2nd) 643;

Guillot v. State Highway Commission et al., 102 Mont. 149, 56 P. (2nd) 1072.

While there may have been some doubt prior to this time as to whether or not the Registrar of Motor Vehicles could eliminate the placing of an “X” on number plates issued for federal, state, county or municipally-owned vehicles, there is no question now but that he must place an “X” thereon. Senate Bill No. 22 (Chapter 6, Laws of 1941), amending Section 1757, Revised Codes of Montana, 1935, which was introduced in this session of the Legislature, was recently passed, approved and signed by the Governor. The bill’s provisions, as far as pertinent here, read as follows:

“For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates shall have thereon the following distinctive markings:

“For vehicles owned by the state, counties, municipalities, and school districts and used and operated by officials and employees thereof in line of duty as such, there shall be placed on the number plates assigned thereto, in such position thereon as the registrar may designate, the letter ‘X’ provided, however, that on all such plates, assigned to motor vehicles of the State Highway, the letter ‘H’ shall appear before the letter ‘X,’ and on number plates assigned to motor vehicles of the State Highway Patrol, the letter ‘P’ shall appear before the letter ‘X.’ Such letters shall be of the same height and size as the figures composing the serial number. The distinctive registration numbers for plates assigned to the State Highway shall begin with No. 1 and be numbered consecutively, and numbers for plates assigned to the State Highway Patrol shall begin with No. 121 and be numbered consecutively. Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each of said counties shall begin with No. 1 and be numbered consecutively.

“On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and trailers, there shall appear the letter ‘T’ for plates assigned to trucks and the letters ‘TR’ for plates assigned to trailers.

“Number plates assigned to any motor vehicle, including tax-exempt motor vehicles, shall be used only on the specific motor vehicle to which originally assigned.”

It should be noted that Sections 2 and 3 of the Act just mentioned provide as follows:

"Section 2. This Act shall become effective and be in full force and effect from and after its passage and approval and shall apply to all number plates issued for the year 1941 and thereafter.

"Section 3. All Acts and parts of Acts in conflict herewith are hereby repealed."

It is obvious from the foregoing that number plates issued for vehicles owned by the state, counties, municipalities and school districts must have an "X" thereon in addition to the other markings required by Section 1757, Revised Codes of Montana, 1935, as amended by Senate Bill No. 22, just referred to.

I am happy that I was able to give you this opinion before the Legislature adjourned, in accordance with your wishes, as contained in your letter of January 27, 1941.

Sincerely yours,

JOHN W. BONNER
Attorney General