

No. 232

**PHOTOGRAPHERS—LICENSES—RECORDING OF
LICENSES**

Held: Photographer's license issued under Chapter 37 of the Laws of 1937 authorize practice anywhere in state, but the law requires such license be recorded in each and every county where the holder practices photography.

September 5, 1941.

Mr. W. G. Montgomery
Secretatry-Treasurer
Board of Examiners in Photography
51 West Broadway
Butte, Montana

Dear Mr. Montgomery:

I have received your request for an opinion of this office concerning the extent of the rights granted by a license issued by your board and the territory covered by the license. The question arises in connection

with photographers who travel from county to county practicing photography and the provisions of Section 8 of Chapter 37 of the Laws of 1937 which reads as follows:

“Each recipient of a license to practice photography shall record the same in the office of the county recorder of the county in which he practices photography, and shall keep such license conspicuously displayed in his camera room.”

Taking Chapter 37 of the Laws of 1937 as a whole, it seems the legislature intended to provide for a license which would permit the practice of photography anywhere in the state. For example, Section 4 (a) of Chapter 37 provides: “The board shall have authority to examine applicants who desire to practice photography in the state . . . ;” and Section 7 (a), concerning applicants, relates to “every person desiring to commence the practice of photography in this state”

Some other professional persons are, by various sections of the Revised Codes of Montana of 1935, required to record their certificates or licenses to practice. (Section 3120, medicine; 3131, osteopathy; 3148, chiropractic; 3162, optometry.) These recordations, according to the statutes, must be in the county where the practitioner “resides.” The recordation of the photographer’s license must be in the county where the license holder “practices photography.” Although a practitioner may reside in only one county at a given time, he may practice in several; and it appears the legislature must have so realized. If the legislature had intended to limit the practice of photography to the county of a photographer’s residence, it could have easily so provided in specific terms.

It is my opinion the photographer’s license, issued under Chapter 37 of the Laws of 1937, authorizes the practice of photography anywhere in the State of Montana; but the law also requires such license be recorded in each and every county of the state where any license holder practices photography.

Sincerely yours,

JOHN W. BONNER
Attorney General