

No. 400

**MOTOR VEHICLES—APPLICATIONS FOR REGISTRATION OF MOTOR VEHICLES—REGISTRAR OF MOTOR VEHICLES—“TRUE OWNER” OF MOTOR VEHICLES**

**Held:** Applications for registration of motor vehicles must be made in the name of the true owner, and may not be made in the name of the person who was formerly the owner but who has parted with title to the motor vehicle, since he, by no reasonable construction, can be considered the “owner” under any definition.

April 15, 1942.

Mr. Dudley Jones, Registrar  
Motor Vehicles  
Deer Lodge, Montana  
Attention: Mr. M. P. Trenne,  
Deputy Registrar

Dear Mr. Jones:

You have asked this office whether applications for registration of motor vehicles should be accepted when such applications are made in the name of the former owner.

Applications for registration of motor vehicles are to be made by “every owner of a motor vehicle operated or driven upon the public highways of this State.” (Section 1759 of the Revised Codes of Montana of 1935, as amended by Section 1 of Chapter 72 of the Laws of 1937). When a title to a motor vehicle is transferred, the transferee—except in the case of a dealer transferee—must forward the certificate of ownership and certificate of registration to the registrar of motor vehicles and a new certificate of ownership and of registration is issued. (Section 1758.2 of the Revised Codes of Montana of 1935, as amended by Section 6 of Chapter 72 of the Laws of 1937.)

It is apparently the intention of the law the records of the registrar of motor vehicles shall promptly—after the transfer of title—show the new owner, except when a transfer is made to a dealer, probably so that lists required by paragraph 7 of Section 1755 of the Revised Codes of Montana of 1935 to be furnished to sheriffs, chiefs of police and county treasurers shall be accurate. However, the exception made with respect to the dealer who becomes the owner of a motor vehicle registered in the

name of another does not change the requirement application for registration must be made in the name of the owner. In fact, if the motor vehicle is used only for sale or demonstration for sale, a dealer need not apply for registration and secure new license plates, but may use the "dealer" number plates provided for in Section 1759.4 of the Revised Codes of 1935, as amended by Section 2 of Chapter 72 of the laws of 1937: If such motor vehicle is not used in direct connection with the business of dealer, then, of course, the exception expressed in subdivision (c) of Section 1758.2 of the Revised Codes of Montana of 1935, as amended, has no application, and the endorsed certificate of ownership should be sent to the registrar within ten days after the transfer.

It is my opinion applications for registration of motor vehicles must be made in the name of the true owner, and may not be made in the name of the person who was formerly the owner, but who has parted with title to the motor vehicle, since he, by no reasonable construction, can be considered the "owner" under any definition.

Sincerely yours,

JOHN W. BONNER  
Attorney General