

No. 92

MOTOR VEHICLES—LICENSE AND LICENSE PLATES

Held: Violations for failure to have license and display license plates on motor vehicle should be prosecuted under the provisions of Chapter 73, Laws of 1941.

April 24, 1941.

Mr. H. O. Vralsted
County Attorney
Judith Basin County
Stanford, Montana

Dear Mr. Vralsted:

You have requested my opinion as to whether or not a complaint may be filed against a person under Section 1760.10, Revised Codes of Montana, 1935, for operating a motor vehicle without license plates being displayed, subjecting the defendant to a minimum fine of \$10.00 and costs, or whether he must be proceeded against under Chapter 182, Laws of 1937, providing for a minimum fine of \$2.00 under the provisions of Section 1741.7, as amended.

For your convenience I am quoting to you the provisions of Chapter 73, Laws of 1941:

"An Act to amend Section 1759.5, Revised Codes of Montana, 1935, as amended by Chapter 154, Laws of the Twenty-fifth Legislative Assembly, 1937, relating to the use of license plates on motor vehicles, trailers and semi-trailers; defining certain regulations pertaining to license plates; relating to fictitious license plates; relating to the use of license plates other than those provided by law; by requiring license plates to be purchased and displayed on motor

vehicles in the county of the permanent residence of the owner, excepting therefrom motor vehicles used in transportation of persons or property; repealing all Acts in conflict herewith.

"Be it enacted by the Legislative Assembly of the State of Montana:

"Section 1. That Section 1759.5, Revised Codes of Montana, 1935, as amended by Chapter 154, Laws of the Twenty-fifth Legislative Assembly of 1937, be, and the same is hereby, amended to read as follows:

"Section 1759.5. **Must Have License Plates.** Except as otherwise provided herein, no person shall operate a motor vehicle upon the public highways of this State without a license and unless such vehicle shall have been properly registered and shall have the proper number plates conspicuously displayed, one (1) on the front and one (1) on the rear of such vehicle, each securely fastened so as to prevent the same from swinging and unobstructed from plain view, except that trailers and semi-trailers shall have but one (1) number plate conspicuously displayed on the rear. No person shall display on such vehicle at the same time any number assigned to it under any motor vehicle law, except as in this Act otherwise provided. No person shall purchase or display on such vehicle any license plate bearing the number assigned to any county as provided in Section 1757, Revised Codes of Montana, 1935, other than the county of his permanent residence at the time of application for and issuance of said license plates. Provided, however, that the owner of any motor vehicle requiring a license plate on any motor vehicle used in the public transportation of persons or property may make application therefor in any county through which said motor vehicle passes in its regular scheduled route, and the license plate so issued bearing the number assigned to said county may be displayed on said motor vehicle in any county, and that when a transfer of ownership of any used motor vehicle bearing a current year's license plate has been completed, such license plate shall be valid in any other county of the State. It is further provided that it shall be unlawful to use license plates issued to one (1) vehicle on any other vehicle, trailers or semi-trailers, or repainting old license plates to resemble current license plates and any person violating these provisions shall be deemed guilty of a misdemeanor and shall be subject to the penalty as set out in Section 1760.10 of the Revised Codes of Montana, 1935.

"Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

"Section 3. This Act shall be in full force and effect from and after its passage and approval."

Chapter 73, above quoted, amends Chapter 154, Laws of 1937, and it repeals all acts and parts of acts in conflict with its provisions. Therefore, Section 1741.7 of Chapter 182, Laws of 1937, insofar as subdivision (1) is concerned is by said Chapter 73 repealed.

Therefore it is my opinion violations for failure to have license and display license plates on motor vehicles should be prosecuted under the provisions of Chapter 73, Laws of 1941.

Sincerely yours,

JOHN W. BONNER
Attorney General