

NO. 93

MOTOR VEHICLE—REGISTRATION

Held: Every motor vehicle of the types required to be licensed, under the laws of this State, which shall enter the State with proof of evidence that it has paid a license fee for the ensuing year, under the laws of some other state or foreign government, shall immediately after entering the State of Montana obtain a license at the first county seat for operation in this State, unless the owner is operating the motor vehicle on a regularly scheduled route, in which case he is permitted to register his vehicle and secure his license therefor in any county through which said motor vehicle passes in its regularly scheduled route.

April 24, 1941.

Mr. Hugh J. Lemire
County Attorney
Custer County
Miles City, Montana

Dear Mr. Lemire:

You have submitted the following:

"Thos. B. Hyslop, County Treasurer of Custer County, requests my opinion upon the following set of facts: The Kenosha Auto Transport Company of Fort Wayne, Indiana, and Springfield, Ohio, is transporting motor vehicles through the State of Montana, by state highway, for delivery on the west coast, and the wish to purchase license in Custer County for all motor vehicles they may transport through the State of Montana.

Upon the above state of facts has the County Treasurer of Custer County the authority to issue license to be used for the purpose of transporting motor vehicles through the State of Montana?"

Insofar as pertinent here, I quote certain of the provisions of Section 1760.7 as amended by Section 1, Chapter 93, Laws of 1939, as follows:

"Before any foreign licensed motor vehicle shall be operated on the highways of this State for compensation or profit, or the owner thereof is using the vehicle while engaged in gainful occupation or business enterprise, in the State of Montana, including highway work, the same shall be registered and licensed in this State in the same manner as is required in the case of domestic owned vehicles of similar character not heretofore registered or licensed. . . ."

Section 1759.5 as amended by Chapter 73, Laws of 1941, insofar as the same is pertinent here, provides:

"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 of 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 . . . 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. . . ."

From a reading of the provisions above quoted, it can be seen the vehicles in question would be registered under the provisions of Section 1759.5, as amended by Chapter 73, Laws of 1941. Therefore the question

would arise as to whether the transport companies hereinabove referred to are operating their vehicles on a **regular scheduled route**; if so, they could register their vehicles and secure their license therefor at Miles City, Montana. In the event, however, they are not operating their vehicles on a **regular scheduled route** (and I understand they are not), then they would be compelled to obtain a license for their vehicles at the first county seat, immediately after entering the State, in accordance with the provisions of Section 1760.1, Revised Codes of Montana, 1935, which reads as follows:

“Section 1760.1. **Licensing of Vehicles from Out of State.** Every motor or other vehicle of the types required to be licensed, under the laws of this State, which shall enter this State with proof of evidence that it has paid a license fee for the ensuing year, under the laws of some other state or foreign government, shall immediately after entering the State of Montana, obtain a license at the first county seat, for operation in this State, in accordance with the provisions of this Act.”

Therefore, it is my opinion that the transport company in question would be required to register its motor vehicles and receive a license therefor at the first county seat immediately after entering the State of Montana, unless it is operating its motor vehicles on a **regular scheduled route**, in which case it could register its motor vehicles and secure their license at Miles City.

Sincerely yours,

JOHN W. BONNER
Attorney General