

No. 99

**MOTOR VEHICLES—CARAVANNING CARS FROM
FOREIGN STATES—COUNTY TREASURER**

Held: The County Treasurer is without authority to issue a permit to owners of caravanning cars from foreign states; the owner thereof must register the vehicle and secure a license therefor before he may be permitted to drive the same upon the highways of the State of Montana.

April 25, 1941.

Mr. T. F. Walsh
Deputy Register of Motor Vehicles
Deer Lodge, Montana

Dear Mr. Walsh:

You have submitted the following:

Your department has been requested by the County Treasurer of Custer County to secure an opinion pertaining to the use of permits by persons required to effect registration of vehicles in the State of Montana. This pertains particularly to caravan operations by transport companies which are in the business of transporting new and used vehicles into and through the State of Montana; these caravan companies, of course, acting as an agent or agents for the various manufacturing concerns which they represent. It has been the practice of the various county treasurers for the past few years to issue to caravanning vehicles a permit and collect the license fee. In doing this, the county treasurer omits the necessity of securing for the vehicle a registration and requiring the vehicle secure a title as is required of all other persons that are required to secure license in the State of Montana. You have asked an opinion regarding the legality of the use of permits in lieu of license.

Section 1760.7, Revised Codes of Montana, 1935, as amended by Section 1, Chapter 93, Laws of 1939, insofar as pertinent here, provides:

"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, and if the registrar of motor vehicles is satisfied as to the facts stated in the application, he shall register and license such vehicle and assign thereto an appropriate certificate, emblem or device, which shall at all times be displayed upon such vehicle, when operated or driven upon roads and highways of this state, during the period of the life of such license, . . ."

Section 1759.5 as amended by Chapter 73, Laws of 1941, insofar as 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. . . ."

Under the provisions of Section 1760.7 above cited, the foreign licensed motor vehicle, used in gainful occupation or business enterprise in the State of Montana, **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.** Therefore, we turn to Section 1759.5, Revised Codes of Montana, 1935, as amended by Chapter 73, Laws of 1941, to ascertain the requirements. We find therein that **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.**

Therefore, in the light of the statutes hereinabove quoted, it is my opinion the County Treasurer is without authority to issue permits to owners of caravanning motor vehicles. The owner of the motor vehicle or vehicles referred to here must register the same and secure a license therefor and see that the same is displayed on his vehicle (and trailer or semi-trailer, if any) in accord with the provisions of Sections 1760.7, Revised Codes of Montana, 1935, and Section 1759.5, as amended by Chapter 73, Laws of 1941, as aforesaid.

Sincerely yours,

JOHN W. BONNER
Attorney General