

Opinion No. 228.**County Treasurer—Duties Under
Section 1, Chapter 88, Laws of
1943—Issuance of Licenses to Motor
Vehicles.**

Held: County treasurer must issue license plates to motor vehicle owners upon the presentation of the immediately previous registration receipt issued by the registrar of motor vehicles, or an affidavit upon a form prescribed by the registrar, stating under oath that the vehicle had not been operated on the highway of the State of Montana during the immediately previous year, and the treasurer has no further authority or duty to question either the receipt or the affidavit further than to determine that it is on the regulation form.

July 20, 1944.

Mr. H. R. Eickemeyer
County Attorney
Cascade County
Great Falls, Montana

Dear Mr. Eickemeyer:

You have requested an opinion of this office as to the duties of the county treasurer under Section 1 of Chapter 88, Laws of 1943, and particularly in connection with his duties in regard to determining whether or not an applicant for registration of a motor vehicle purchased a license plate for the previous year.

Section 1 of Chapter 88, Laws of 1943, is plain, explicit and unambiguous

in its terms. It places certain duties upon the treasurer but does not extend his general powers. Under said Section 1 of Chapter 88, the county treasurer has no judicial or investigative authority. His duties are purely administrative. The person applying for license must, as a prerequisite for securing a license for the current year, produce either a registration receipt for the immediately previous year, or an affidavit that the vehicle had not been used on the highways of the state during the immediately previous year. This receipt and the form for the affidavit are both forms prescribed by the Registrar of Motor Vehicles of the State of Montana. The treasurer is bound to see that one or the other of these two prerequisites are presented before he issues a license. The said Section 1 of said Chapter 88 requires no further duty on the treasurer and as the treasurer is an administrative officer he has no authority to make any further investigation into the matter.

Therefore, it is my opinion that the county treasurer must issue a license to the owner of a car upon such owner presenting the immediately previous registration receipt issued by the Registrar of Motor Vehicles, stating under oath that the vehicle had not been operated on the highways of the State of Montana during the immediately previous year, except in cases of automobiles not previously licensed in Montana, and that the treasurer has no authority or duty to question either the receipt or the affidavit further than to see that the instrument so produced is regular in accordance to form as prescribed by the Registrar of Motor Vehicles of the State of Montana.

Sincerely yours,
R. V. BOTTOMLY
Attorney General