

**Opinion No. 61.****Automobiles—Motor Vehicles—Registrar of Motor Vehicles—County Treasurer**

Held: All applications for transfer of ownership of motor vehicles must be forwarded to the registrar of motor vehicles through the treasurers of the counties in which the vehicles are taxable, with the exception of motor vehicles transferred to duly licensed automobile dealers intending to re-sell such vehicles and operating them only for demonstration purposes.

May 29, 1943.

Mr. John E. Henry  
Registrar of Motor Vehicles  
Deer Lodge, Montana

Dear Mr. Henry:

You have inquired whether, after the effective date of Chapter 148, Laws of 1943, all applications for transfer of ownership of motor vehicles must be forwarded to the registrar of motor vehicles through the county treasurers; and you inquire as well whether the application for transfer of a particular motor vehicle must be forwarded through the treasurer of the county in which the vehicle is taxable or whether it may be forwarded through any of the fifty-six county treasurers.

Paragraph (b) of Section 2 of Chapter 148, Laws of 1943, amending Section 1758.2, Revised Codes of Montana, 1935, as amended by Chapter 72, Laws of 1937, provides in part:

“(b) Within ten . . . days thereafter (endorsement of certificate of ownership), the transferee shall forward both certificate of ownership so endorsed and the certificate of registration, together with the information required under Section 1758 of the Revised Codes of Montana, 1935,

through the county treasurer, to the registrar, who shall file the same upon receipt thereof . . ." (Emphasis mine.)

The requirement the certificate of ownership and certificate of registration be forwarded through the county treasurer is new material, added to Section 1758.2, as amended, by the 1943 legislature. The word "shall" is retained, and indicates the mandatory nature of the section's provisions. (State ex rel. McCabe v. District Court, 106 Mont. 272, 277, 76 Pac. (2nd) 634, 637.)

When the legislative assembly employed the language to the effect the certificate of ownership and certificate of registration shall be forwarded "through the county treasurer," it is presumed that body knew the meaning of the language it employed and used it advisedly. (Northern Pacific Railway Company v. Sanders County, 66 Mont. 608, 613, 214 Pac. 596, 598.)

"The article 'the' . . . designates one particular from a class or number, disassociating it from others of the same class. Attention is thus called to the particular object singled out of the class, and thus individualized. The indefinite 'a', used in place of it, (means) 'one' or 'one of' the class . . ." (Wastl v. Montana Union Railway Company, 24 Mont. 159, 176, 177, 61 Pac. 9, 15.)

See also Webster's International Dictionary, second edition.

Thus it would appear the words "through the county treasurer" would preclude any implication the transferee of a motor vehicle might forward the certificate of ownership and certificate of registration through any county treasurer in the state. Obviously, when the legislative assembly particularized by designating "the county treasurer," it could have had in mind only one county treasurer: the treasurer of the county in which the vehicle is taxable. The legislative intention must have been to direct the certificate of ownership and registration through the county treasurer's office so that that official might note tax liability, if any.

It should be noted here, however, paragraph (c) of Section 2 of Chapter 148, Laws of 1943, provides the provisions requiring such forwarding through the county treasurer do not apply when a motor vehicle is trans-

ferred to a duly licensed automobile dealer intending to re-sell such vehicle and operating it only for demonstration purposes.

It is therefore my opinion all applications for transfer of ownership of motor vehicles must be forwarded to the registrar of motor vehicles through the treasurers of the counties in which the vehicles are taxable, with the exception of motor vehicles transferred to duly licensed automobile dealers intending to re-sell such vehicles and operating them only for demonstration purposes.

Sincerely yours,  
R. V. BOTTOMLY  
Attorney General