

Opinion No. 51**Automobiles—Motor Vehicles—
Registration Fees.**

Held: A foreign-licensed motor vehicle which entered Montana in May of 1947 and was used on the highways of Montana at that time was required to be registered immediately upon its entry, and it cannot be registered for one-half the regular registration fee, even though application for registration is executed after July 1, 1947.

August 2, 1947

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

Attention:

Mr. M. P. Trenne, Deputy
Registrar Motor Vehicles

Dear Mr. Henry:

You have requested an opinion in the following language:

“John Doe makes application with a county treasurer for registration of a vehicle for which he has a valid Certificate of Title from the State of North Dakota. In his application for Montana registration John Doe states that the vehicle entered Montana in the month of May, 1947. The application is executed on July 5th, 1947. Is this vehicle entitled to the one half year registration fee?”

Section 1760, Revised Codes of Montana, 1935, was last amended in 1945 by both Chapters 200 and 201 of the Laws of 1945. It is not necessary to consider here whether Chapter 200 or Chapter 201, both approved by the Governor on the same day, prevails, for the paragraph pertinent to your inquiry appears as follows in both chapters:

"If any dealer, or motor vehicle, or trailer, or semi-trailer is originally registered six (6) months after the time of registration as set by law, the registration or license fee for the remainder of such year shall be one-half ($\frac{1}{2}$) of the regular fee above given."

One legislature in 1929 enacted legislation, which appears in the Revised Codes of Montana of 1935 as Sections 1760.1 through 1760.10, governing the licensing of vehicles from outside this state. Section 1760.1 declares every motor vehicle required to be licensed which shall enter Montana with proof of evidence it has paid a license fee for the ensuing year under the laws of some other state shall — immediately after entering Montana — obtain a license for operation in this state at the first county seat. Section 1760.2 provides the owner of such registered foreign motor vehicle shall make application for registration upon a form prepared and furnished by your office, stating at least the name and permanent business and residence address of the owner, number and description of the license already issued to the car. Section 1760.3 provides that, if the registrar of motor vehicles is satisfied as to the truthfulness of the facts stated in the application, he shall—without charge—furnish to the applicant a registration certificate or device or an identification form which shall authorize the operation within this state of the vehicle so registered for a period of thirty days from the date of the issuance; and if the owner of the motor vehicle shall furnish satisfactory proof that he is not engaged in gainful occupation or business enterprise, but is in this state for recreational travel only, his foreign registration certificate may be extended an additional thirty days without charge. Section 1760.4 provides the vehicle so registered shall carry the certificate or device or identification in plain sight in or upon said vehicle at all times when it is being operated or driven upon the public highways of Montana.

Section 1760.7, as amended by Chapter 93 of the Laws of 1939, declares foreign licensed motor vehicles operated on Montana highways for com-

pensation or profit or used by the owner while engaged in gainful occupation or business enterprise, including highway work, shall not be granted the gratis licensing of recreational vehicles, but shall be registered and licensed in this state in the same manner as is required in the case of domestic vehicles of similar character. Exception is made therein for vehicles owned by residents of states with which Montana has entered reciprocal agreements regarding registration and licensing, but I am assuming from your statement of facts the matter of a reciprocal agreement does not enter your question.

In the problem which you have presented, John Doe was obligated by our law to apply for registration of his motor vehicle immediately after entering the State of Montana. He and his motor vehicle became subject to the jurisdiction of Montana in May of 1947. But, if John Doe did not apply for and receive the thirty-day license and the additional thirty-day extension of such license for recreational travel, and if he did not apply for license for a vehicle operated for compensation or profit or in a gainful occupation or business enterprise, his statement in his application for registration to the effect the vehicle entered Montana in May is an admission the vehicle has been operated in Montana from May until July 5, 1947, contrary to the laws of Montana; and his failure to comply with Montana's registration statutes, either through negligence, inadvertence, or willfulness, cannot avail to bring him within the one-half year registration fee provision.

It is, therefore, my opinion a foreign-licensed motor vehicle which entered Montana in May of 1947 and was used on the highways of Montana at that time was required to be registered immediately upon its entry, and it cannot be registered for one-half the regular registration fee, even though application for registration is executed after July 1, 1947.

Sincerely yours,
R. V. BOTTOMLY,
Attorney General