

**Opinion No. 134****Motor Vehicles—Application For Registration.**

**Held: When a motor vehicle is owned jointly by two or more persons, all of the co-owners need not sign the application for registration.**

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November 22nd, 1950.

Mr. Lou Boedecker  
Registrar of Motor Vehicles  
Deer Lodge, Montana

Attention: Mr. Edward A. Gill  
Deputy Registrar

Dear Mr. Boedecker:

You have requested my opinion as to whether the Registrar of Motor Vehicles may require each joint owner of a vehicle to sign the application for original registration.

This question is not specifically answered by the Montana Codes. Section 53-114, Revised Codes of Montana, 1947, provides in part as follows:

"Every owner of a motor vehicle operated or driven upon the public highways of this State shall, . . . file, or cause to be filed, in the office of the County Treasurer of the County wherein such motor vehicle is owned or taxable, an application for registration, upon blank form to be prepared and furnished by the Registrar of Motor Vehicles, executed in duplicate, which application shall contain:

(a) Name and address of owner, giving County, school district, and town or city within whose corporate limits the motor vehicle is taxable.

(b) Name and address of conditional sales vendor, mortgagee or holder of other lien against said motor vehicle, with statement of amount owing under such contract or lien.

(c) Description of motor vehicle, including make, year, model, engine and serial number, manufacturer's model or letter, weight, type of body and if truck, the number of tons.

(d) In case of re-registration the license number for the preceding year.

(e) Such other information as the Registrar of Motor Vehicles may require. . . ."

The above quoted statutè does not specifically require the applicant to sign the application, but since a signature is a means of identification and evidences an intent on the part of the signer to make an application it seems to me implicit that the signature of the owner may be required on the application blank. However, when there are two or more owners of a vehicle whether or not both must sign the application is not clear.

Section 53-109, Revised Codes of Montana, 1947, requires when a transfer of title is made that the person **or persons** whose title or interest is to be transferred write their signatures with pen and ink upon the certificate of ownership issued for the vehicle. Hence, one section specifically requires both signatures while the other is silent on the requirement of signatures.

The Legislature quite properly requires the signatures of both owners in making a transfer as the signatures are evidence of intent on the part of the owners to divest themselves of title, and intent is a prerequisite to the conveyance of title to both real and personal property. There is no such compelling reason requiring both owners to give evidence of their intent to have a vehicle registered.

Further, the Montana Supreme Court has said that the purpose of the automobile registration law is to provide a method to deter automobile thefts and to apprehend thieves. Therefore, it would seem that the purpose of the law is fulfilled by only requiring the names and addresses of the co-owners of the vehicle. If the address of a co-owner is not known I do not believe the other co-owner should be denied the right to have the vehicle registered. When property is owned jointly by two or more persons no one person owns any particular part of the property but rather they all own the whole vehicle jointly. Thus, each owner has a right to exercise the incidents of ownership, which in case of a motor vehicle, would include the right to the use of the same.

In Montana the Legislature has coupled the registration of motor vehicles with the issuance of license plates and the payment of taxes. A vehicle owner must obtain a license before he can use his vehicle on the highways of the State. The Montana Supreme Court has said that the automobile registration law should not be construed in such a fashion as to place onerous burdens on honest men nor to prevent those lawfully entitled to registry from accomplishing their objects through technicalities. *Anderson v. Commercial Credit Corporation*, 110 Mont. 333, 341, 101 Pac. (2d) 367.

Therefore, since the statute does not specifically require each co-owner to sign the application for registration, and there is no compelling reason necessitating such a requirement, and since the requirement may work a hardship on a co-owner in those cases when the other co-owners may not be available to sign the application form, it is my opinion that the objects of the law are fulfilled by requiring only one of the co-owners to sign the application for registration. However, Section 53-114 clearly requires that the names and addresses of all the owners be reported to the Registrar of Motor Vehicles on the application form.

Very truly yours,  
ARNOLD H. OLSEN,  
Attorney General.