

Dear Sir:

You have requested my opinion on the effect of the new Safety-Responsibility Law, enacted as Chapter 204, Laws of 1951, on Sections 53-401 through 53-417, Revised Codes of Montana, 1947. You have specifically requested my opinion to the following questions:

1. Will the offenders under the present law, Sections 53-401 to 53-417, be entitled to a refund of their \$1250.00 cash bonds, now on file with the Registrar to cover their proof of financial responsibility, even though the three year period of revocation is not yet complete, and if not, will the Registrar be responsible for the bond for the duration of the three years or will the responsibility for the bonds be transferred to the Supervisor of the Montana Highway Patrol?

2. When liability insurance, now filed with the Registrar, is cancelled or expires will the Registrar be required to have them file a renewal after October 1, 1951, although the three year period of revocation is not completed?

Chapter 204, Laws of 1951, provides in part as follows:

"Section 36. Repeal of Existing Laws. This act shall in no respect be considered as a repeal of the state motor vehicle laws, but shall be construed as supplemental thereto. Sections 53-401 to 53-417, inclusive of the Revised Codes of Montana, 1947, are hereby repealed except with respect to any accident or judgment arising therefrom, or violation of the motor vehicle laws of this state, occurring prior to the effective date of this act.

"Section 37. Past Application of Act. This act shall not apply with respect to any accident or judgment arising therefrom or violation of the motor vehicle laws of this state, occurring prior to the effective date of this act." (Emphasis supplied)

It is a general rule of statutory construction that express "saving clauses" in repealing statutes continue the law in force as to all cases to which they apply. (50 Am. Jur. 535) In view of the express wording of the above quoted

Opinion No. 44

Motor Vehicles—Motor Vehicle Safety—Responsibility Act—Safety-Responsibility Act.

Held: That offenders under Sections 53-401 to 53-417, Revised Codes of Montana, 1947, (that is, those offenses occurring prior to October 1, 1951, and covered by Sections 53-401 to 53-417, supra.) are only entitled to a refund of their cash bonds under the conditions prescribed by those Sections, and by the individuals designated therein. That offenders under Sections 53-401 to 53-417, Revised Codes of Montana, 1947, must comply with the conditions prescribed by those Sections until the three year period contemplated by those Sections has expired.

October 31st, 1951.

Mr. Lou Boedecker
Registrar of Motor Vehicles
Deer Lodge, Montana
Attention: Mr. Edward A. Gill
Deputy Registrar of Motor Vehicles

sections of Chapter 204, Laws of 1951, I believe the answers to your questions may be found therein. It is specifically provided that Chapter 204, supra, shall not apply to any accident, judgment arising therefrom, or violation of the Montana motor vehicle laws occurring prior to October 1st, 1951, and further that any such accidents, judgments or violations occurring prior to October 1st, 1951, shall be excepted from the general repeal of Sections 53-401 to 53-417, Revised Codes of Montana, 1947.

The conditions under which a cash bond can be refunded are set out in Sections 53-401 to 53-417, Revised Codes of Montana, 1947, (See Section 53-409, particularly) and there is nothing in Chapter 204, Laws of 1951, which could be interpreted to change those conditions of refund. Nor is there anything in Chapter 204, supra, providing for the transfer of these bonds or records to the Supervisor of the Montana Highway Patrol. Rather, from the express wording of Section 36 of that Chapter it is apparent that the legislature intended to effect no change in any existing obligations "with respect to any accident, or judgment arising therefrom, or violations of the motor vehicle laws of this state, occurring prior to the effective date of this act."

The same reasoning will apply to your second inquiry relative to liability insurance. Chapter 204, supra, does not provide for the expiration of liability insurance before the three year period prescribed by Section 53-401 to 53-417, supra. Therefore, until the end of that three year period it will be necessary to comply with the requirements of those Sections.

It is, therefore, my opinion:

(1) That offenders under Sections 53-401 to 53-417, Revised Codes of Montana, 1947, (that is, those offenses, occurring prior to October 1, 1951, and covered by Sections 53-401 to 53-417, supra) are only entitled to a refund of their cash bonds under the conditions prescribed by those Sections, and by the individuals designated therein.

(2) That offenders under Sections 53-401 to 53-417, Revised Codes of Montana, 1947, must comply with the conditions prescribed by those Sections

until the three year period contemplated by those Sections has expired.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General