

**Opinion No. 55**  
**Motor Vehicles—**  
**Taxation — Registration**  
**Registrar of Motor Vehicles**

HELD: The Registrar of Motor Vehicles may not issue a certificate of ownership of a motor vehicle except upon receipt of a copy of a proper application for registration from the county treasurer.

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January 4, 1956

Mr. F. O. Burrell,  
Warden  
Montana State Prison  
Deer Lodge, Montana

Dear Mr. Burrell:

You have requested my opinion upon the following question:

When an automobile is sold by a Montana dealer to a buyer outside of the State of Montana, for use outside of the State of Montana,

may the Registrar of Motor Vehicles issue a certificate of ownership to the purchaser of the vehicle without requiring Montana registration and the purchase of Montana license plates?

The statutes of Montana provide an exclusive method for taxation and registration of motor vehicles. The statutes permit certificates of ownership to be issued by the Registrar of Motor Vehicles only upon receipt of a proper application for registration. Section 53-107, R.C.M., 1947, as amended by Chapter 200, Laws of 1955, provides that certificates of ownership shall be issued by the Registrar only upon receipt of a copy of the application for registration from the county treasurer. As far as is pertinent here, that section reads as follows:

"Upon completion of the application for registration in quintuplet, on forms furnished by the registrar of motor vehicles, the county treasurer shall issue to the applicant two (2) copies of the application marked 'owners certificate of registration and tax receipt', one (1) of which shall be marked 'file copy', and forward one (1) copy of the application to the registrar of motor vehicles who shall cause to be entered the information contained in said application upon the corresponding records of his office and shall furnish the applicant a certificate of ownership. . . ."

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Section 53-114, R.C.M., 1947, as amended, requires the filing of an application for registration in the office of the county treasurer:

"(1) Every owner of a motor vehicle operated or driven upon the public highways of this state shall, for each motor vehicle owned, except as herein otherwise expressly provided, file, or cause to be filed, in the office of the county treasurer wherein such motor vehicle is owned or taxable, an application for registration, or re-registration, upon blank form to be prepared and furnished by the registrar of motor vehicles, executed in quintuplet, which application shall contain . . ."

Section 53-116, R.C.M., 1947, as amended, directs the treasurer to forward a copy of the application for registration to the registrar after payment of license fee taxes:

"Upon receipt of application for registration, in quintuplet, and payment of license fee and taxes as herein provided, the county treasurer shall file one copy of said application in his office; issue to the applicant two (2) copies of the application entitled 'Owner's Certificate of Registration and Tax Receipt' one (1) of which shall be marked 'file copy'; forward one (1) copy to the county clerk and recorder; and he shall daily forward to the registrar of motor vehicles one (1) copy of the application for registration. . . ."

Nowhere in the motor vehicle statutes is it contemplated that applications for registration of motor vehicles may be accepted by the registrar when received in any other manner. Section 53-101, R.C.M., 1947, clearly provides for filing of applications only when those applications have been forwarded to him from the county treasurers according to law:

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"(3) The registrar shall file applications for registration received **by him from the county treasurers** of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows: . . ."  
(Emphasis Supplied)

No provision has been made in these statutes for issuance of a certificate of ownership on an unregistered vehicle. The county treasurer may forward to the registrar only those applications which are properly made and accompanied by payment of license fees and taxes. The registrar may issue a certificate of ownership only upon receipt of a copy of a proper application from the county treasurer.

It is therefore my opinion that the Registrar of Motor Vehicles may not issue a certificate of ownership of a motor vehicle except upon receipt of a copy of a proper application for registration from the county treasurer.

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