

VOLUME NO. 33

Opinion No. 8

MOTOR VEHICLES, licenses, dealer's licenses; HIGHWAY PATROL, driver's licenses, revocation by; CRIMES AND CRIMINAL PROCEDURE, what are crimes, driving without license plates.

HELD: Section 53-118 (g), Revised Codes of Montana, 1947, does not restrict the use of dealer's license plates to the immediate sales area of motor vehicle dealers. However, it does require that dealer's license plates only be used in the dealer's business of selling or demonstrating.

September 26, 1969

Mr. James J. Masar
Special Deputy County Attorney
500 Main Street
Deer Lodge, Montana 59722

Dear Mr. Masar:

You have requested my opinion regarding the interpretation of section 53-118(g), Revised Codes of Montana, 1947. The question you posed was specifically whether or not section 53-118(g), R.C.M. 1947, means that dealers may only use dealer license plates in their immediate sales area.

You indicated that this inquiry arose through a question asked by highway patrolmen who have stopped several cars in Powell County bearing Missoula County dealer's plates. When the drivers of these cars were questioned, they stated that they were taking the cars for a demonstration check. The officers were wondering whether this extended use was proper.

The excerpt of section 53-118(g), R.C.M. 1947, which is relevant is:

“Dealers properly licensed under this section are authorized to use and display, dealer's license plates on any motor vehicle held for sale or used principally in the conduct of the dealer's business in selling or demonstrating motor vehicles.”

The legislature has enacted section 53-118, R.C.M. 1947, in order to provide dealers with transferable license plates so that the vehicles in their stock and used in their business of selling and demonstrating may be driven while title is in a state of limbo as provided in section 53-109, R.C.M. 1947.

The use of these dealer plates has been limited under subsection (g) of 53-118, R.C.M. 1947, as stated above. The limitations in that subsection are in terms of the type of business use which may be made of motor vehicles bearing dealer plates and not in terms of the area in which they may be used.

Under the scope of this section, it would seem that dealers could transfer vehicles from a dealership in one community to another dealership in another community. It would also seem that it would be

proper under the scope of this section to allow an out-of-town customer to test drive a vehicle to an outlying community such as Billings to Laurel, Helena to Townsened, or perhaps Missoula to Hamilton.

In light of such a legislative intent which only restricts the use of dealer's license plates to the dealer's business of selling or demonstrating and which use may properly extend beyond the dealer's immediate sales area, it is my opinion that section 53-118(g), R.C.M. 1947, does not restrict the use of dealer's license plates to the immediate sales area of motor vehicle dealers.

Very truly yours,

ROBERT L. WOODAHL
Attorney General