

VOLUME NO. 34

Opinion No. 54

**LICENSES - Motor vehicles, reduced fee; MOTOR VEHICLES - Registration, reduced fee. Sections 53-109.1, 53-114, 53-115, 53-118, 53-119, 53-122, and 53-147, R.C.M. 1947.**

- HELD:**
- 1. Section 53-122, R.C.M. 1947, relating to reduced motor vehicle registration fees, refers to dealer registration fees, but not to individual units held by dealers for sale. Section 53-122, supra, otherwise applies to all vehicles owned by individuals subject to registration.**
  - 2. The motor vehicle registration fee for a motor vehicle originally registered six months after the time of registration set by law is one-half the regular fee.**

October 12, 1972

Mr. John A. Dowdall, Director  
Department of Business Regulation  
805 North Main Street  
Helena, Montana 59601

Dear Mr. Dowdall:

You have requested my opinion on that part of section 53-122, Revised Codes of Monatna, 1947, which states:

“If any dealer, or motor vehicle, house trailer, 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.”

You ask whether the above section refers to: (1) all vehicles owned by a dealer or by an individual or by both; and (2) whether the term “originally registered” in the above-stated section means that the one-half fees mentioned can apply only to new dealers, new motor vehicles of the type stated in the section, and motor vehicles entering the state for the first time, or whether it also applies to a used car sold six months after the time of registration set by law which would have been registered either in a prior year or earlier in the current year.

Section 53-119, R.C.M. 1947, provides in part:

“Except as otherwise provided herein, no person shall operate a motor vehicle upon the public highways of this state without a license and unless such vehicle shall have been properly registered and shall have the proper number of plates conspicuously displayed, . . .”

Section 53-115, R.C.M. 1947, provides:

“Registration must be renewed annually and license fees paid annually. All registrations expire on December 31st of the year in which they are issued and application for registration, or reregistration, must be filed with the county treasurer as aforesaid not later than February 15th of each year. Provided, however, that in the event of transfer of a motor vehicle during the registration year, such motor vehicle shall be reregistered and relicensed as provided by statute.”

Section 53-147, R.C.M. 1947, provides:

“Except as otherwise provided herein, the new owner of the transferred motor vehicle shall, before operating or driving the same along the public highways of this state, make application and pay the registration fees and taxes as provided by section 53-114, as if the same was being registered for the first time in that registration year.” (Emphasis supplied)

Section 53-114, R.C.M. 1947, provides in part:

“(3) Whoever files an application for registration or rere-

gistration of a motor vehicle except of a mobile home as defined in section 84-101, R.C.M., 1947, shall upon the filing of said application (1) pay to the county treasurer the registration fee, as provided in section 53-122 and section 53-115, and shall also at such time (2) pay the personal property taxes assessed or the new motor vehicle sales tax against said vehicle for the current year of registration (unless the same shall have been theretofore paid for said year) before the application for registration or reregistration may be accepted by the county treasurer. The county treasurer is hereby empowered to make full and complete investigation of the tax status of said vehicle and any applicant for registration or reregistration must submit proof with respect thereto from the tax records of the proper county at the request of the county treasurer.”

Sections 53-109.1 and 53-118, R.C.M. 1947, make provision for motor vehicles which are being operated by a dealer for demonstration purposes, and do not require the use of other than dealer plates as provided in those sections. Thus, the above-quoted provision of section 53-122, R.C.M. 1947, would apply only to the dealer’s registration and not to registration for individual vehicles held by a dealer for sale.

The above-quoted provisions provide that any time a motor vehicle is transferred, it must be reregistered and that such registration shall be considered as if the same were being registered for the first time in that registration year. Thus, each new owner would have an original registration with the purchase of a vehicle by him. This would apply whether the vehicle was a new vehicle which had been previously registered in the same year, a used vehicle registered in a previous year but not registered in the year in which it was last purchased, or a used vehicle previously registered in the same year. It would thus appear that the intent of the above-quoted part of section 53-122, *supra*, is to reduce the amount of fees payable under that section by one-half if the registration occurs six months after the time of registration as set by law. This opinion is made in view of section 53-114, *supra*, as amended in 1971, and is controlling over previous opinions on said section which are inconsistent.

**THEREFORE, IT IS MY OPINION that:**

1. The above-quoted part of section 53-122, *supra*, refers to dealer registration fees but not to the registration of individual units held by the dealers for sale. The section is otherwise applicable to all vehicles owned by individuals who must comply with the terms of Title 53, chapter 1, R.C.M. 1947.
2. The term “originally registered” refers to a registration by any new owner who must register any vehicle, new or used, and

provides that if such registration takes place six months after the time of registration as set by law, the registration fee for the remainder of the year shall be one-half of the regular fee mentioned in section 53-122, supra.

Very truly yours,

ROBERT L. WOODAHL  
Attorney General