

## VOLUME NO. 36

## Opinion No. 1

**MOTOR VEHICLES — Registrar, snowmobiles; MOTOR VEHICLES — Snowmobiles, certificate of ownership; MOTOR VEHICLES — Snowmobiles, tax-paid decal; MOTOR VEHICLES — Snowmobiles, transfer of ownership; MOTOR VEHICLES — Snowmobiles, duplicate certificate of ownership; MOTOR VEHICLES—Snowmobiles, duplicate certificate of registration; MOTOR VEHICLES — Snowmobiles, duplicate tax-paid decal; MOTOR VEHICLES — Snowmobiles, registration fees; MOTOR VEHICLES — Snowmobiles, registration; MOTOR VEHICLES — Registration, distribution of fees; MOTOR VEHICLES — Registration, necessity of certificate of ownership; MOTOR VEHICLES — Transfer of title, fees. Sections 53-1013, 53-1014, 53-1015, and 53-1025, R.C.M. 1947.**

- HELD:**
- 1. The county treasurer may not collect a fee of two dollars for each application for original certificate of ownership.**
  - 2. A fee of two dollars must be paid for each application for certificate of registration.**
  - 3. An additional fee of two dollars must be paid for each application for a tax-paid decal.**
  - 4. Only the two dollar fee collected for each tax-paid decal must be forwarded to the state treasurer for credit to the fish and game earmarked revenue fund.**
  - 5. One-half of the two dollar fee collected for each certificate of registration and the entire one dollar fee collected for each duplicate certificate of registration issued by the county treasurer may be retained by the county treasurer.**
  - 6. One-half of the two dollar fee collected for each certificate of registration, the entire one dollar fee collected for a duplicate certificate of ownership, the entire one dollar fee collected for each duplicate certificate of registration issued by the registrar and the entire two dollar fee collected for each application for transfer of ownership may be retained by the registrar of motor vehicles.**

January 28, 1975

Mr. Malcolm MacCalman, Chief  
Registrar's Bureau  
Motor Vehicle Division  
Department of Justice  
Deer Lodge, Montana 59722

Dear Mr. MacCalman:

I am in receipt of your recent letter regarding the registration of

snowmobiles in the state of Montana. You have requested my opinion on the registration of snowmobiles.

1. What fees must be paid for the original certificate of ownership and the certificate of registration required for operation of a snowmobile in this state?

Since there is no provision for the collection of any fee for each application for original certificate of ownership of a snowmobile, the county treasurer may not collect any fee in this regard. While this appears to have been an oversight in the drafting of this legislation, the situation can be corrected only by the affirmative action of the legislature. Section 53-1013, Revised Codes of Montana, 1947, requires annual registration of snowmobiles. Prerequisite to the registration of such snowmobile is the application for a certificate of ownership or title. No fee for such certificate need be paid, however. The only fee provided by section 53-1013 is contained in subsection (5) which specifically states:

Upon application for an owner's **certificate of registration**, a fee of two dollars (\$2) shall be paid to the county treasurer, one-half (1/2) of which fee shall be forwarded by the county treasurer to the registrar of motor vehicles. (Emphasis supplied)

No other provisions are applicable to the original certificate of ownership.

2. Whether an additional fee of two dollars is required for each application for a tax-paid decal?

Section 53-1025, R.C.M., 1947, provides an additional two dollar fee for a decal to prove that property taxes have been paid on each snowmobile. This fee is separate and distinct from all other fees provided by Chapter 10, title 53, R.C.M. 1947.

3. What fees must be sent to the state treasurer for credit to the fish and game earmarked revenue fund?

The two dollar fee required for application for a tax-paid decal is specifically provided by section 53-1025 to be credited to the fish and game earmarked revenue fund. This is the only fee which is so directed.

4. Which fees are retained by the county treasurer and which fees are retained by the registrar of motor vehicles?

Section 53-1013(5), which requires that a two dollar fee be collected for each certificate of registration, provides that one-half of that fee, one dollar, be retained by the county treasurer issuing the registration. The other dollar must be forwarded to the registrar of motor vehicles.

Section 53-1015 requires a payment of one dollar for each duplicate **certificate of registration or certificate of ownership**. Although this section does not specify whether the registrar or the county treasurer is to issue such duplicate certificates, if the certificate of **registration** was issued by the county treasurer then the treasurer would be able to issue the certificate and retain the one dollar fee. If the certificate of registration is issued by the registrar, then the registrar may retain the fee.

Since certificates of **ownership** must be obtained through the registrar, duplicate certificates of ownership must be obtained from the registrar and the one dollar fee must be paid to the registrar and retained by him. So also with each application for transfer of ownership, a two dollar fee is required to be paid to the registrar of motor vehicles and retained by him as provided by section 53-1014(2).

**THEREFORE, IT IS MY OPINION:**

1. The county treasurer may not collect a fee of two dollars for each application for original certificate of ownership of a snowmobile.
2. A fee of two dollars must be paid for each application for certificate of registration.
3. An additional fee of two dollars must be paid for each application for a tax-paid decal.
4. Only the two dollar fee collected for each tax-paid decal must be forwarded to the state treasurer for credit to the fish and game earmarked revenue fund.
5. One-half of the two dollar fee collected for each certificate of registration and the entire one dollar fee collected for each duplicate certificate of registration issued by the county treasurer may be retained by the county treasurer.
6. One-half of the two dollar fee collected for each certificate of registration, the entire one dollar fee collected for a duplicate certificate of ownership, the entire one dollar fee collected for each duplicate certificate of registration issued by the registrar and the entire two dollar fee collected for each application for transfer of ownership may be retained by the registrar of motor vehicles.

Very truly yours,

**ROBERT L. WOODAHL**  
Attorney General