

VOLUME NO. 36

Opinion No. 11

MOTOR VEHICLES — Licenses, Registration. Sections 53-101 (2), 53-109.1, 53-114, and 53-119, Revised Codes of Montana 1947.

HELD: The county in which a motor vehicle must be licensed is that county wherein the owner makes his permanent residence at the time of application for registration.

August 7, 1975

Mr. Harold Hanser
Yellowstone County Attorney
Courthouse
Billings, Montana 59101

Dear Mr. Hanser:

I am in receipt of your recent letter wherein you asked what is the proper county in which a motor vehicle must be registered. You state that in your opinion the county of the owner's residence is the county in which the automobile must be licensed.

Chapter 1, Title 53, Revised Codes of Montana 1947, sets forth registration requirements for motor vehicles. Section 53-101 (2), R.C.M. 1947, requires the registrar of motor vehicles to make a record which shows the "Name of owner, **residence** by town and county ..." With respect to the purchase of a new or used vehicle, the dealer must, within three days, forward to the county treasurer **of the county where the purchaser resides** the certificate of ownership and the certificate of title. Section 53-109.1, R.C.M. 1947.

Section 53-114, R.C.M. 1947, relating to application for registration and payment of license fees, provides:

(1) Every owner of a motor vehicle ... shall ... 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 reregistration. ...which application shall contain:

(a) Name and address of owner, giving county, school district, and town or city within whose corporate limits the motor vehicle is taxable.

Similarly, Section 53-119, R.C.M. 1947, is applicable. This statute states in part:

... No person shall purchase or display on such vehicle any license plate bearing the number assigned to any county as provided in Section 53-106, **other than the county of his permanent residence at the time of application for registration.** (Emphasis added)

All the licensing requirements speak directly to the owner's county of residence. It is clear that this is the controlling factor in the registration of motor vehicles.

THEREFORE, IT IS MY OPINION:

The county in which a motor vehicle must be licensed is that county wherein the owner makes his permanent residence at the time of application for registration.

Very truly yours,

ROBERT L. WOODAHL
Attorney General