

VOLUME NO. 36**Opinion No. 23**

MOTOR VEHICLES — Transfer of Title — Condition for Transfer of Plates; MOTOR VEHICLES — Licenses — Transfer of Plates to Other Vehicle; Sections 53-145, 53-146, 53-147 R.C.M. 1947; Section 53-106, R.C.M. 1947; Section 32-3203, R.C.M. 1947.

HELD: The registered owner of a motor vehicle may not transfer registration of the license plates from the vehicle to which such plates are registered to another motor vehicle without transferring ownership of the first vehicle.

September 16, 1975

Mr. Malcolm MacCalman, Chief
Registrar's Bureau
Motor Vehicles Division
Deer Lodge, Montana 59722

Dear Mr. MacCalman:

You have requested my opinion on the following question:

May the registered owner of a motor vehicle transfer the registration of the license plates from the vehicle to which such plates are registered to another motor vehicle of the same type and class without transferring ownership of the first vehicle?

The statutory provisions authorizing a transfer of license plates from one motor vehicle to another were enacted in 1969. Chapter 127, Laws of 1969, provides in pertinent part:

Section 1. [now section 53-145] Upon the **transfer of ownership** of a motor vehicle, the registration of the motor vehicle shall expire and

it shall be the duty of the **transferor** immediately to remove the license plates from the vehicle.

Section 2. [now section 53-146] Should the **transferor** make application for the registration of another motor vehicle at any time during the remainder of the current registration year, he may file an application ... for the transfer of the plates.... The use of the license plates shall not be legalized until proper transfer of the plates has been made.

Section 3. [now section 53-147] The **new owner** of the transferred motor vehicle shall ... 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)

The amending clause further provides:

Section 4. Section 32-3203, R.C.M. 1947, enacted as section 6-103, Chapter 197, Laws of 1965, is amended to read as follows:

Section 32-3203. License is transferable. The certificate, registration or license issued hereunder is transferable by the licensee to another ... passenger car upon **transfer of ownership** of such ... passenger car to a **replacement** vehicle of the same type....'

Section 5. Section 53-106, R.C.M. 1947, is amended to read as follows:

53-106. Number plates... (4) ... Number plates issued to a passenger car, truck, or trailer may be transferred only to a **replacement** passenger car, truck, or trailer. (Emphasis supplied)

What the legislature has intended by these provisions seems reasonably certain, considering the pattern of development of Chapter 127 and especially the above emphasized language. Significantly, the phrase "transfer of ownership" appears near the very beginning of section 1 and again in section 4, as well as in the title of the bill. "Transferor" thus refers to a person who actually participates in a "transfer of ownership", while the transferee is "the new owner". Since the amendments in sections 4 and 5 were obviously enacted to maintain consistency between the new law and that already in force, a "replacement" vehicle must be one which is obtained following a "transfer of ownership".

THEREFORE, IT IS MY OPINION:

The registered owner of a motor vehicle may not transfer registration of the license plates from the vehicle to which such plates are registered to another motor vehicle without transferring ownership of the first vehicle.

Very truly yours,
ROBERT L. WOODAHL
 Attorney General