

**OPINION**  
**64-173**

January 14, 1964 (OPINION)

MOTOR VEHICLES

RE: Unsatisfied Judgment Fund - Transfer of Funds

This is in response to your letter in which you ask for an opinion on when money collected for the unsatisfied judgment fund on 1964 motor vehicle registrations might be turned over to the proper departments. You also advise that heretofore disbursement of this money has been made in the same manner as the money collected for motor vehicle registrations.

Section 39-17-01 of the North Dakota Century Code provides for payment to the motor vehicle registrar of an additional fee of one dollar at the time the motor vehicle is registered. This additional fee is required to be paid unless suspended under the provisions of section 39-17-02 of the North Dakota Century Code.

Under section 39-17-02 of the North Dakota Century Code said fee is to be deposited with the state treasurer and credited to the general fund where a separate accounting is maintained thereon. These same fees are appropriated under section 39-17-02 of the North Dakota Century Code for certain specific purposes. Unlike the registration fee set forth in chapter 39-04, specifically section 39-04-39, said additional fee is not distributed to the various political agencies and subdivisions at certain intervals.

The motor vehicle registrar is designated as the collecting agent for purposes of collecting said additional fee. He is in this respect a trustee for the unsatisfied judgment fund.

Under the provisions of sections 54-06-07 and 54-06-08 of the North Dakota Century Code all state officers are required to deposit monthly with the state treasurer all fees collected unless same are collected for a special purpose and are required to be deposited in a special fund. The additional fee in question must be deposited with the state treasurer and credited to the general fund where separate accounting thereof is maintained. In this respect, it is governed by the general provisions of section 54-06-07 of the North Dakota Century Code. While the motor vehicle registration fee and the additional fee of one dollar for the unsatisfied judgment fund are collected at the same time by the same person, they are two separate and distinct fees. Each is governed by its own provisions.

It is our opinion that the one dollar fee collected for the unsatisfied judgment fund must be transferred and deposited to the state treasurer to the general fund at least once a month. The one dollar fee collected by the motor vehicle registrar may, however, be transferred to the state treasurer more frequently if it would be to the advantage of the departments.

It is our further opinion that the motor vehicle registrar is not required to retain the one dollar fee for the unsatisfied judgment fund until disbursement is made of the motor vehicle registration fees.

HELGI JOHANNESON

Attorney General