

**OPINION  
45-195**

October 9, 1945           (OPINION)

MOTOR VEHICLE REGISTRAR

RE: Agents of--Bonded

This will acknowledge the receipt of your letter of October 5, 1945, in which you say that your department has local registrar agents in a number of towns and cities throughout the state, which you require to be bonded with the state bonding fund; that some of these agents are county officials, and the question has arisen as to whether the official bond running to the county would be considered sufficient to cover the liability to the motor vehicle department merely upon notice to the bonding department that such county official is performing such duties for the motor vehicle department. You further inquire whether it is necessary to have a separate bond running to the motor vehicle department, and also whether it is necessary that an oath of office be filed by these agents with the secretary of state.

I assume that the motor vehicle registrar and the state highway commissioner derive their authority to appoint such local authority to appoint such local registrar agents from section 39-0203, of the North Dakota Revised Code of 1943, which reads as follows:

"The registrar, with the approval of the commissioner, may adopt and enforce such administrative rules and regulations and designate such agencies and establish such branch offices as may be necessary to carry out the provisions of this chapter. He shall provide suitable forms for applications, registration cards, license number plates, and all other forms requisite for the purposes of this chapter, and shall prepay all transportation charges thereon. The department and the officers thereof shall enforce the provisions of this chapter."

It is not the duty of the county or local official to handle motor vehicle registrations. When such officials are appointed as local registrar agents, they become agents of the motor vehicle registrar upon acceptance of appointment, and their duty to remit to him registration license fees is separate and apart from their duties as county and local officials. In other words, when they function as agents for the motor vehicle registrar, their status is no different from that of any other person who has been appointed to act as such agent. Consequently, they should be bonded by the state bonding fund as agents of the motor vehicle registrar.

It is my opinion that such local motor registrar agents are not required to file an oath of office. They should accept such appointment as registrar agents in writing on a suitable form prescribed by the motor vehicle registrar and should agree to remit license fees collected in conformity with the directions of the registrar. In a certain sense, such agents are state employees when they prepare applications for motor vehicle licenses and collect fees for same, but they are not state officials; a they merely perform

services for the motor vehicle registrar in the same way as a clerk of stenographer perform services for the department or office in which he or she is employed.

The state insurance commissioner should be notified of the appointment of every such local registrar agent as soon as possible after the appointment is made.

NELS G. JOHNSON

Attorney General