

**OPINION
51-110**

August 17, 1951 (OPINION)

MOTOR VEHICLES

RE: Fees for Non-Use

You have requested the opinion of this office on a problem based upon the following assumed facts. The owner of a motor vehicle did not use the vehicle during the year 1950. The owner now intends to use this vehicle the latter part of August, 1951. The question presented for determination is, must the owner of the vehicle pay a penalty for the year 1951 for not having a license prior to August.

Section 39-0441 of the 1943 Revised Code provides:

39-0441. FEE FOR VEHICLE NOT USED UPON HIGHWAYS FOR ONE OR MORE YEARS AND NOT REGISTERED DURING SUCH TIME. Upon satisfactory proof to the registrar that a vehicle owned by a resident of this state was not used upon any of the highways of this state in any one or more years, such vehicle, upon the payment of the fee for the current year prescribed in this chapter, and upon the further payment of a flat fee of five dollars for each calendar year in which the vehicle was not registered and no license fee was paid therefor, may be registered without any additional penalty."

We understand the law above quoted to mean that the flat fee of five dollars is for each year not used, but that the statement, "the fee for the current year prescribed in this chapter" puts this car in the same class as any other that had been registered the year before but for which a license had not been obtained before the penalty was attached. We believe that the words, "additional penalty" refer to the years of non-use when the car was not licensed.

It is, therefore, our opinion that when the applicant pays the license fee for the current year, that license fee would include a penalty for the year 1951 for not having a license prior to August, 1951.

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Attorney General