

April 1, 1941

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ARIZONA ATTORNEY GENERAL
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Mr. B. H. McAhren, Superintendent
Motor Vehicle Division
Arizona Highway Department
Phoenix, Arizona

Attention: E. C. Corbell

Dear Sir:

The Hudson Motor Sales and Service, through its state distributor Joe Dick, purchased some automobiles from the manufacturer in the East and took title to the cars at the factory.

At the request of the local company the Schrader Transportation Company - which we understand is an Illinois concern - were employed to transport the vehicles overland to the place of delivery or sales rooms of the local company. The Schrader Transportation Company is a duly authorized and licensed carrier of cars in drive-out service. It is certificated, bonded and licensed by the Inter-State Commerce Commission as an inter-state carrier and by the Arizona Corporation Commission as an intra-state carrier in Arizona and, we are advised, maintains its insurance for property damage, collision and the like and pays its full carrier fees for its transportation in Arizona, and under the Inter-State Commerce Commission. The local Hudson automobile agency and its distributors are licensed and bonded dealers.

The automobiles were stopped at the Arizona line at Lupton by the Motor Vehicle Division and demand was made for the payment of the usual registration fees of \$4.50 each before they would be allowed to proceed.

The State distributor had sent to the transportation company his own dealer plates to be put on the cars at Lupton. This the officers would not permit the transportation company to do.

This letter is intended to apply only to the situation above outlined.

We think that the situation is governed by Sec. 1644-a (being Sec. 66-223 of the 1939 Code.) This section provides that a manufacturer of motor vehicles may operate or move the same for a distance of 75 miles and a dealer in new motor vehicles for a distance of 50 miles or such further distance as may be authorized by the Motor Vehicle Division to and from the

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factory where manufactured, a railroad depot, vessel, place of shipment or delivery, or salesroom without registering the same or without number plates attached, under a written permit first obtained from the vehicle division.

Accordingly the dealer in new cars seeking to bring new cars into the State over the highways should secure a permit from the division to bring such cars into the state and to the place of delivery or storerooms of the dealer, and should secure proper placards for use on such vehicles. This does not appear to apply to the shipment of used vehicles into the State. It would also not apply to the shipment of new vehicles through the State or to any place in the state except to the offices of the local new car dealer. When these new cars are sold the state will secure its registration fees. The carrier fees paid by the transporting company would, we think, be considered sufficient compensation for the use made of the roads by the cars from the state line to the place of business of the dealer in this state.

Your second question was whether or not, if the cars were required to be registered at the border, such registration could be transferred to the purchaser of the car after it arrived at destination.

We think such cannot be done any more than could the registration on the car of an individual be transferred to another individual upon the sale of a car.

Very truly yours,

JOE CONWAY
Attorney General

A. R. LYNCH
Assistant Attorney General

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