



DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

BOB CORBIN  
~~XXXXXXXXXXXXXXXXXXXX~~  
ATTORNEY GENERAL

January 10, 1979

Mr. Robert Langguth  
Deputy Assistant Director  
Motor Vehicle Division  
Arizona Department of Transportation  
1801 West Jefferson  
Phoenix, Arizona 85007

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ARIZONA ATTORNEY GENERAL**

Re: House Bill 2158 and Senate Bill 1064  
I79-8 (R78-243)

Dear Mr. Langguth:

This is in response to your letter of August 7, 1978, in which you requested our opinion concerning the effect of Chapter 9, Laws of 1978, which amends A.R.S. § 28-1591.01 and adds § 28-1591.02 and which reads in pertinent part as follows:

28-1591.01. License tax exemption for certain veterans; limitation

\* \* \* \*

B. No license tax or registration fee shall be collected from any veteran for a personally owned vehicle if such veteran is certified by the veterans' administration to be one hundred percent disabled and drawing compensation on that basis.

\* \* \* \*

A. Notwithstanding the provisions of Section 28-1591, a license tax shall not be collected from a resident on a vehicle owned by that resident who is a recipient of public monies as a disabled individual under Title 16 of the Social Security Act, as amended.

\* \* \* \*

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As stated in your letter, these provisions became effective September 3, 1978. See, Attorney General Opinion 78-207.

Your first question is whether the statutory exemptions would be available to an individual who is required to register his or her vehicle prior to September 3, 1978, but who delays registration until after that date. Specifically, you asked whether the Motor Vehicle Division (MVD) could accept such a delinquent registration without payment of registration fees, late registration penalty fees, and license taxes.

Because statutes are not to be applied retroactively unless the statute expressly states to the contrary, A.R.S. § 1-244, MVD cannot accept delinquent registrations without the payment of all fees required prior to the amendment of A.R.S. § 28-1591.01 and the addition of A.R.S. § 28-1591.02. The legislation under discussion is devoid of any provision requiring retroactive application; consequently, until September 3, 1978, the prior law, rather than the recent legislation, was controlling. See, Stanley v. Stanley, 112 Ariz. 282, 541 P.2d 382 (1975); Headley v. Headly, 101 Ariz. 331, 419 P.2d 510 (1966); Attorney General Opinion 78-175. Following these principles, an individual's automobile registration is governed by the law which is effective at the time his or her registration is due, not when it is actually paid. If a registration became delinquent prior to the effective date of Chapter 9, Laws of 1978, the prior law was applicable to that registration.

Your second question is, must the vehicle be registered only in the name of the person requesting the registration in order for that person to be entitled to the exemption?

The title need not be in the name alone of the applicant requesting the exemption; however, the applicant is entitled only to a portion of the exemption if the vehicle is community property or is owned by the applicant jointly or in common with other persons.

If the applicant for the exemption is married, and the vehicle were acquired during marriage, the law in Arizona presumes that the vehicle, even if standing in the sole name of the husband, is community property owned equally by the husband

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and wife. A.R.S. § 25-211; State Farm Mutual Auto Ins. Co. v. Long, 16 Ariz. App. 222, 492 P.2d 718, 722, Note 1 (1972). For a married applicant to receive the full exemption allowed by A.R.S. § 28-1591.01 or A.R.S. § 28-1591.02, a disclaimer of any interest in the vehicle must be filed with the Department by the spouse not claiming the exemption unless the car were purchased by the applicant prior to marriage. If the applicant for exemption owns the motor vehicle jointly with other persons who are not themselves entitled to an exemption, then an exemption may be allowed only to the extent of the applicant's ownership.

Sincerely,



BOB CORBIN  
Attorney General

BC:mm