



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable A. E. Hickerson
County Auditor
Montgomery County
Conroe, Texas

Dear Sir:

Opinion No. C-3014
Re: License plates on vehicles
owned and operated by
sheriffs or deputies.

We acknowledge receipt of your letter of January 2, 1941, in which you request the opinion of this Department upon the following question:

"Since Montgomery County is operating on a salary basis, and the sheriff and his deputies must furnish their own automobiles, are they entitled to exempt vehicle license on these cars?"

Your question is controlled by Article 6675a-3, Vernon's Annotated Civil Statutes of Texas, the applicable provision of which reads as follows:

"Owners of motor vehicles, trailers and semi-trailers, which are the property of, and used exclusively in the service of the United States Government, the State of Texas, or any County, City or School District thereof, shall apply annually to register all such vehicles, but shall not be required to pay the registration fees herein prescribed, provided that affidavit is made at the time of registration by a person who has the proper authority that such vehicles are the property of and used exclusively in the service of the United States Government, the State of Texas, or County or City or School District hereof, as the case may be. . . ."

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Sub-paragraph L of Article 6675a-1 defines the word "owner" as "any person who holds the legal title of a vehicle or who has the legal right of possession thereof, or the legal right of control of said vehicle."

Article 6675a-3aa provides, among other things, that if, after the issuance of exempt license plates, the vehicle ceases to be, or is found not to be the property of the exempt agency, the license may be recalled and the receipt revoked. We think it clearly appears from the above quoted statutes not only that no provision exists for furnishing exempt license plates to a sheriff or his deputies on a privately owned automobile but also that the wording of the statutes definitely prohibits such practice. We, therefore, answer your question in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

/s/

Ross Carlton
Assistant

RC:N

APPROVED JAN 21, 1941

/s/ Gerald C. Mann
ATTORNEY GENERAL OF TEXAS

Approved
Opinion Committee
By E.W.B., Chairman