



THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

JOHN BEN SHEPPERD
ATTORNEY GENERAL

November 1, 1956

Hon. Robert H. Caldwell, Jr.
County Attorney
Denton County
Denton, Texas

Opinion No. S-216

Re: Authority of a County Tax
Assessor-Collector under
Article 6675a-15, V.C.S.,
to retake motor vehicle
license plates obtained by
giving a check to be
redeemed subsequently with
cash.

Dear Mr. Caldwell:

Your letter requesting our opinion in reference to the captioned matter reads, in part, as follows:

"The fact situation is as follows: A check was given to the tax assessor and collector of Denton County, Texas on the 15th of May, 1956 for the registration fee on a new truck. The check was in the amount of \$144.17. The word 'hold' was written in the lower left hand corner of the check and the tax collector agreed to hold the check for a period of thirty days and at the expiration of that time the maker agreed to come in and redeem the check by paying the tax collector the above sum in cash. At the expiration of said thirty days, demand was made upon the maker for redemption, but the maker failed to do so. The check never was and never has been presented for payment to the bank on which it was drawn. No order was immediately issued by the tax collector ordering the sheriff or any other officer to effect redemption or repossess the license plates.

"The truck was subsequently repossessed by the dealer lien-holder on or about the 25th day of August, 1956 and resold. Both the dealer lien-holder and the new purchaser believing the registration fees to have been paid for in full. The license plates were attached to the truck and are still on it. The tax collector permitted transfer of the receipt but has deferred repossessing the license plates pending an opinion from the Attorney General."

You specifically submit the following questions:

"(1) Would the County Tax Collector, in view of the above outlined circumstances, and after waiting approximately three and one-half months, have the authority under Article 6675a-15, to repossess or order the repossession of license plates now in the hands of an innocent purchaser?

"(2) Is Article 6675a-15 applicable to a situation where the Tax Collector, in effect, extends credit by accepting a check which is to be redeemed later by cash?"

Article 6675a-15, Vernon's Civil Statutes, provides that:

"Whenever the tax collector or assessor or collector of taxes shall receive from any person a check . . . drawn upon any bank or trust company in payment of the registration license fee or fees and license number plates. . . on any motor vehicle. . . and such check. . . shall be returned unpaid to such tax collector . . . on account of insufficient funds, or no funds, in such bank or trust company to the credit of the drawer thereof, it shall be the duty of such tax collector. . . to immediately certify under his official seal, accompanied by said check, the sheriff or any constable or highway patrolman in his county of such fact, giving such officer the name and address of such person who gave him such check. . . and the number and make of such motor vehicle. . ." (Emphasis added.)

Such Article then provides that such officer, upon finding such person, demand of the drawer of the check immediate redemption of same, and it then provides that upon a refusal to redeem such officer shall seize and remove from the motor vehicle the license number plates and return them to the tax collector.

It is our opinion that both of your questions should be answered in the negative. Under the statement given us, the check was neither given nor accepted "in payment of the registration license fee or fees and license number plates." This "hold" check amounted to no more than a memorandum of indebtedness or I.O.U. Furthermore, the license plates are now owned and held by an innocent purchaser.

SUMMARY

The provisions of Article 6675a-15, V.C.S., as to recovery of motor vehicle license plates, do not apply in the event a check is given the tax assessor-

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collector not in payment for the license plates
and registration fees, but given and accepted
under an agreement to hold the check until
later redeemed by cash.

Yours very truly,

APPROVED:

JOHN BEN SHEPPERD
Attorney General

J. G. Davis, Jr.
Reviewer

Mert Starnes
Reviewer

By 
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