



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Hon. Esco Walter
County Attorney
Taylor County
Abilene, Texas

Dear Sir:

Opinion No. 0-1867

Re: May license plates for motor vehicles,
purchased during February, be used
during February or only after March
1st?

We are in receipt of your letter of recent date requesting the opinion of this department on the above question.

Article 6675a-3, Vernon's Annotated Civil Statutes, reads, in part:

" * * * * The year for the purpose of registration of motor vehicles shall be April 1st to March 31st (both inclusive) of the next succeeding calendar year, * * * "

Article 6675a-13, Vernon's Annotated Civil Statutes, as pertinent hereto, provides:

" * * * * Said plates shall be kept clearly visible and securely attached during the year for which they are issued. License number plates issued for vehicles required to be registered under the provisions of this Act shall not be attached thereto before the beginning of the calendar year for which they are issued; * * * "

The quoted provisions of Article 6675a-13, supra, were originally enacted by the Legislature in 1929 and carried into an amendment of the 1929 Act by the Legislature in 1933. (Acts 1929, 41st Leg., 2nd C. S., p. 172, ch. 88, Sec. 13; Acts 1933 43rd Leg., p. 547, ch. 178, Sec. 1)

Hon. Esco Walter, Page No. 2

Thereafter, House Bill 515 was enacted by the Forty-fourth Legislature (Acts 1935, 44th Leg., p. 63, ch. 21), and provides:

"SECTION 1. Section 5, of the General Laws of the Second Called Session, of the Forty-third Legislature, Chapter 3, shall be amended to read hereafter as follows:

"Sec. 5. Any person who operates a passenger car or a commercial motor vehicle or truck-tractor upon the public highways of this State any time during any month of a motor vehicle registration year without having displayed thereon, and attached thereto, two (2) license number plates, one plate at the front and one at the rear, which have been duly and lawfully assigned for said vehicle for the current registration year, shall be guilty of a misdemeanor; this shall not apply to dealers operating vehicles under present provisions of the law, and provided, however, license number plates may be purchased during the months of February and March for re-registration and when purchased may be used from and after March the first preceding the registration year for which they are issued upon the motor vehicle for which they are issued."

"Sec. 2. The fact that people are entitled to the use of license number plates when purchased, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House, be suspended in order that this Act shall take effect and be in full force and effect from and after its passage, and said rule is hereby suspended, and it be so enacted."

It is noted that this last enactment by the Legislature does not expressly repeal Article c675a-13 in its above quoted provisions, but amends a different statute. Manifestly, however, the two statutes, in the particulars under consideration herein, are in pari materia, and their provisions in such respect cannot be reconciled.

In such circumstances, "the older statute will

Hon. Esco Walter, Page No. 3

be held to be repealed by implication to the extent of the conflict * * * it is presumed that the Legislature intended to repeal all laws and parts of laws clearly inconsistent with its later Acts. * * * "

39 Tex. Jur., p. 145, § 77;
 Townsend v. Terrell, 118 Tex. 463, 16 S. W. (2d)
 1063;
 1st Nat'l. Bank v. Lee County Cotton Oil Co.,
 274 S. W. 127.

Clearly, however, as you have concluded in your letter, such later enactment by the Legislature may not be extended beyond its plain terms permitting license plates for motor vehicles to be used only after March 1st, notwithstanding they may be purchased during the month of February.

Accordingly, you are advised that it is the opinion of this department that license plates for motor vehicles, purchased during February, may not, under the statutes of Texas be used until and after March 1st preceding the registration year for which the license plates are issued.

We point out for your information that the 1939 pocket part to Volume 2 of Vernon's Annotated Penal Code erroneously describes H. B. 515, supra, (Acts 1935, 44th Leg., p. 63, ch. 21), carried as Art. 807b of the Penal Code, as having been repealed by Acts 1939, 45th Leg., H. B. 230, § 1. This error was acknowledged by West Publishing Company in a recent letter to this department, a portion of which we quote:

"The Vernon Law Book Company has passed to me your recent letter calling attention to an error in the 1939 pocket part to Volume 2 of Vernon's Annotated Penal Code. We greatly appreciate your timely advice which enables us to make a correction in the matter of H. B. 230 of the 46th Legislature. The error resulted from our inadvertence marking Chapter 21 of the laws as repealed."

Trusting that we have satisfactorily answered

Hon. Esco Walter, Page No. 4

your inquiry, we remain

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Zollie C. Steakley*
Zollie C. Steakley
Assistant

ZCS:ob

APPROVED JAN 31, 1940

Geoffrey Mann
ATTORNEY GENERAL OF TEXAS

