OFFICIAL OPINION NO. 48

June 5, 1951.

Honorable Leland Smith,
Secretary of State,
201 State House,
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your request for an official opinion in which you call attention to the fact that Section 3 of Chapter 258 of the Acts of 1949, same being Burns 1949 Supplement Section 47-2801 provides in part as follows:

> "All owners of semi-trailers used with a tractor, excepting as hereinafter provided, shall pay such fees for the use of the public highways as follows:
>
> "(1) For a semi-trailer and tractor the declared gross weight of which does not exceed fourteen thousand (14,000) pounds, sixty-five dollars ($65.00)." (Here follow ten additional weight classifications which are similarly worded).
>
> "A self-propelled vehicle operated as a tractor and one semi-trailer shall be considered as one vehicle in computing the above license fees. A semi-trailer used with any device for converting it to a trailer or attached to a leading trailer or semi-trailer shall be licensed as a trailer.
>
> "Each additional semi-trailer to be used with tractor licensed as above, five dollars ($5.00)."

You point out that this section was amended by Chapter 264 of the Acts of 1951 same being House Bill No. 435 by changing the words five dollars ($5.00) to twenty-five dollars ($25.00) in the provision for fees for additional semi-trailers quoted above. You further state that tractors and semi-trailers are titled independently and that the practice under the 1949 Act, in the licensing of a tractor without a semi-trailer, has been to deduct from the fee chargeable for the combination the fee which will be charged for an additional semi-trailer and to charge the residue to the tractor.

Thus, the practice has been where the license fee for a tractor and semi-trailer would be $300.00 to issue a license for the tractor only for $295.00. You ask whether it would now be proper for you to deduct $25.00 from the fee for the combination for a semi-trailer and a tractor to ascertain the fee which should be charged for a tractor alone.

There is no specific statutory provision for the licensing of tractors or semi-trailers separately when they are to be used together.

Administrative interpretations particularly after a session of the legislature has intervened are entitled to great weight in the construction of a doubtful statute.

> County Department of Public Welfare v. Scott's Estate (1944), 115 Ind. App. 28, 30;
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> Zoercher v. Indiana Associate Telephone Corporation (1936), 211 Ind. 447, 456;
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> Pittsburgh etc. R. Co. v. Hoffman (1928), 200 Ind. 178, 193;
>
> Board of Commissioners v. Bunting (1887), 111 Ind. 143, 12 N. E. 151.

Furthermore the primary purpose in the construction of any statute is to ascertain the legislative intent. The digest affixed to Chapter 264 of the Acts of 1951 when it was introduced and on all printings during its legislative history was as follows:

> "This bill completely copies Chapter 258 of the Acts of 1949 except that it amends one provision of the act to make each additional semi-trailer licensed by this act to read $25.00 instead of $5.00. This cuts the tractor rate down by $20.00 and increases the semi-trailer by $20.00 therefore adjusting some of the difference between the trailer and tractor."

Thus, we see that the legislature recognized and adopted the administrative interpretation of a doubtful statute. It is my opinion that in ascertaining the fee to be charged for a tractor without a semi-trailer, $25.00 should be deducted from the fee prescribed from the combined tractor and semi-trailer. Similarly your record should show $25.00 allocated

to each semi-trailer registered with you as the fee representing that semi-trailer.

OFFICIAL OPINION NO. 49

June 5, 1951.

Robert M. Reel,
Executive Secretary,
Indiana Real Estate Commission,
1433 North Meridian Street,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your request for an official opinion, dated May 22, 1951, which reads as follows:

> "An official opinion is requested with reference to the intent of business enterprise in Section 22, Chapter 44, Acts of 1949 (Real Estate Laws).
>
> "All offers, or attempts, or agrees to auction any real estate or business enterprise * * *
>
> "Is it your interpretation that this Section refers only to the auction of business enterprise or is it necessary under the Acts for any business enterprise broker to first obtain the proper license whether or not he is going to auction or sell by other means."

Section 22, the section in question, is concerned with defining certain words used throughout Chapter 44, Acts of 1949, an act regulating real estate brokers and real estate salesmen, and prescribing penalties for the violation thereof. So much of Section 22 as is necessary is set out below:

> "* * * The term 'real estate broker', within the meaning of this act shall include all persons, partnerships, associations and corporations, foreign and domestic who, for another and for a fee, commission, or other valuable consideration, or who with the intention, in the expectation or upon the promise of receiving or collecting a fee, commission or other valuable consideration, sells, exchanges, purchases, rents