section (b) of section 119 of chapter 48 of the Acts of 1939, same being Burns' 47-2201.

“(b) Nothing contained in this article shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this article.”

Thus, it is my opinion that, if the lights to which you refer are brought into compliance with the before-mentioned sections and are approved by the State Safety Commission as provided in section 144, chapter 48 of the Acts of 1949, same being Burns' 47-2226, and all other lights required by law are used as well as the amber lights, then it would not be unlawful to use the proposed amber lights. However, inasmuch as the statutes now in existence clearly do not contemplate the problem or the type of light with which we are now dealing, the status of the use of such light is by its very nature somewhat doubtful, and in view of the many restrictions surrounding its use, as previously enumerated, it would seem highly desirable that, if such lights are to be used, legislation be enacted specifically authorizing their use.

OFFICIAL OPINION NO. 89

October 5, 1951.

Mary Margaret Sumner,
Indiana Girls' School,
R. R. 2, Box 440,
Indianapolis 44, Indiana.

Dear Madam:

I am in receipt of your request for an Official Opinion which reads as follows:

“The Indiana Girls’ School would like to have an official opinion from you regarding the payment of mileage and matrons’ fees to county sheriffs and others who may transport inmates of this institution.

“As you know, we have a placement program by which we place girls on trial in their own homes, or in foster wage homes. This program covers the en-
tire state. It is to be expected, of course, that sometimes girls so placed do not adjust well and may even get into difficulties which indicate that they should be returned to the school. In addition to the girls just mentioned, we sometimes have girls leave the school without permission. These girls may be located later in places remote from the school. It has been our understanding that since the girls under discussion have been delivered to us once by their respective counties from which they were committed, that any transportation problem which might occur after being admitted to this school would be the responsibility of the Indiana Girls' School, and that the expense thus incurred would be payable out of funds allotted to the institution. It has been the practice for us to make most of these trips to return girls ourselves, using state cars and our own employees.

"Oftentimes the girl is in such a disturbed frame of mind that in order to transport her in safety to herself and whoever is returning her, one or more men are required to be in the car in addition to the matron. We do not have male guards; therefore, whenever we have to assign men to such duty it involves taking them away from other work which is necessary to the proper functioning of the institution, and also paying for meals enroute, inasmuch as our employees pay for their maintenance here by payroll deduction. Sometimes because of the press of work here and lack of staff, it has been expedient and less expensive to ask local authorities where the girl has been located, to return the girl to us. In such cases, we have usually asked the sheriff or probation officer to make the trip and also to provide a matron. We have permitted the filing of vouchers with the Auditor of State for mileage at the rate of 8¢ per mile, and a matron's fee of $5.00. The fees, payable from Indiana Girls' School funds, being the same whether one or more girls were transported.

"Recently two problems have developed: (1) the sheriff of Vanderburgh County transported two girls for us; he filed a voucher for a few more miles than
the Auditor of State’s office considered correct, and also filed for $6.00 for matron’s fee. The auditor refused to pay the claims until the sheriff agreed to accept the reduced mileage and the usual matron’s fee of $5.00. As a result, the sheriff of that county has refused to transport any more girls for us. He stated that his mileage claim was based on an actual speedometer reading, and that both claims were in accordance with agreements regarding transportation of prisoners from Vanderburgh County to the Indiana Women’s Prison and the Reformatory. He also thinks that inasmuch as the matron would need to buy one or more meals enroute, the $6.00 is not exorbitant for such a long trip.

“(2) Other counties have raised the question as to whether the mileage rate should be changed from 8c to 10c in accordance with Chapter 113 of the Acts of 1951. If the fee should be revised in accordance with said Act, should claims for such fees be charged to county funds, and if so, should it be the county from which the girl was committed or the county from which she is being returned? Or, should we continue to pay such fees from Indiana Girls’ School funds?”

Section 1 of Chapter 113 of the Acts of 1951, same being Burns’ 1951 Supplement 49-1315, reads in part as follows:

“* * * *(a) For removing persons to the state prison, reformatory, state farm, women’s prison, boys’ school, girls’ school, any state hospital or other state institution, the following amount:

“If such persons be transported by a conveyance furnished by the sheriff, the sum of ten cents (10c) per mile for each mile necessarily traveled, by each such conveyance, but not more than one (1) mileage shall be charged for any one conveyance, although transporting more than one person.”

Section 307-A of Chapter 169 of the Acts of 1905, same being Burns’ 9-2233, reads in part as follows:

“The sheriff or other officer charged with the duty of conveying female patients to or from any hospital
for the insane, or female persons to or from any of the following institutions: the Indiana School for Feeble-minded Youth, the Indiana Women's Prison, the Industrial School for Girls, or any penal or reformatory institution for women or girls which may hereafter be constructed, or any insane hospital or asylum for mental defectives, or any similar institution which may hereafter be constructed, shall be accompanied by a woman, unless the transfer is made in charge of a woman. * * *

I find no statute which places any duty on any county to pay the cost for the return of any inmate of the Indiana Girls' School after the inmate has once been delivered to the Indiana Girls' School.

It has been held in relation to the return of insane persons to appropriate institutions, that the sheriff is entitled to reasonable expenses in addition to the mileage provided by law. (See Official Opinion No. 45 of 1951, a copy of which is attached hereto. See also 1938 O. A. G. 114 and 1936 O. A. G. 243.) Thus, it is my opinion that the Indiana Girls' School has authority to pay to any sheriff who returns a girl to that institution, ten cents (10c) per mile for all miles travelled, plus reasonable expenses which would include a fee of a matron. It is to be noted that there is a body of specific legislation dealing with the return of escapees from the Indiana State Prison, The Indiana Women's Prison, Indiana State Reformatory, Boys' School and Mental Institutions. There is no recent legislation which specifically refers to this problem in connection with the Indiana Girls' School and there would seem to be a need for legislation to be enacted on that subject.