

OFFICIAL OPINION NO. 52

August 31, 1950.

Mr. Allen Dewart, Administrator,  
Motor Fuel Tax, Oil Inspection,  
Petroleum Severance Divisions,  
141 South Meridian Street,  
Indianapolis, Indiana.

Dear Sir:

I have your letter of August 3, 1950, requesting an Official Opinion which reads as follows:

“Section 6 of the Motor Fuel Tax Law” (Section 47-1537, Burns 1942 Repl.) “provides for licensing of persons other than distributors. This Section so states:

‘Licensing of Persons other than Distributors. Any person other than a distributor as herein-above defined having bulk storage in wholesale quantities of motor fuel for his own use or for distribution in bulk by tank truck or tank wagon may also be licensed as set forth in Section 5 of this act upon compliance with the provisions thereof and shall thereupon be deemed to be the distributor for all purposes of this act with respect to any motor fuel ‘received’ by him while such license remains unrevoked.’

“Would a trucking company that consumes gasoline in its own motor vehicles be included in the above definitions?

“Would an oil company that sells gasoline only on a retail level fall within the above definition?”

Section 47-1533 Burns (Sec. 2, Ch. 73, p. 181 of the Acts of 1943) defines the term “distributor”, which I do not believe need be set out for the purposes of this opinion. To me there is nothing ambiguous about the provisions of Section 6, therefore, no room for the application of rules of statutory construction.

Hamilton v. Public Service Commission (1938), 215 Ind. 138.

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The word "wholesale" seems to me to be employed in its ordinary significance indicating large quantities.

See: Words and Phrases, Volume 45, p. 107;

City of Evansville, Ind. v. Gaseteria, Inc. (1931), 51 F. (2d) 232.

It is therefore my opinion that a trucking company having bulk storage in large quantities of motor fuel for its own use may be licensed as a distributor. An oil company that sells gasoline only on retail level would not necessarily be entitled to a license. If the gasoline be delivered to him to his filling station, although same be in large quantities he would not be entitled to a license. However, if perchance in addition to his filling station he possessed a bulk storage tank and from there made distribution in bulk by tank truck or tank wagon to his filling stations, he would be entitled to a license.

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OFFICIAL OPINION NO. 53

August 31, 1950.

Arthur M. Thurston, Superintendent,  
Indiana State Police,  
Stout Field,  
Indianapolis, Indiana.

Dear Sir:

I have your letter of July 18, 1950, requesting an official opinion, which reads as follows:

"Inquiry has come in from South Bend concerning our enforcement policy on the display of red lights on emergency vehicles with particular reference to volunteer fire departments. My attention has been called to Section 47-1701, Burns Indiana Statutes, 1933, which reads as follows:

'A committee is hereby created which shall be known as the state committee on safety and which shall consist, ex officio, of one (1) member of the public service commission and one (1)