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.

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)
member of the state highway commission, each of whom shall be designated by the governor, the state director of safety, the commissioner of motor vehicles, and the secretary of the state board of health. The state director of safety shall be the chairman of the committee.

"Likewise attention is called to Section 47-1802, Paragraph (d), Burns, same being as follows:

'Authorized Emergency Vehicles. Vehicles of the fire department, police vehicles, and such ambulance and emergency vehicles or public service corporation vehicles as are designated or authorized by the state safety committee.'

"As far as I am able to determine this committee has not functioned for a number of years. In view of the seriousness of the problem, I believe a complete review on your part of these particular statutes are in order.

"Would you be so kind as to render an official opinion pertaining to these statutes—whether or not this committee is still legally in existence and if so do we have the power to permit members of the volunteer fire department to display red lights on their own vehicles—vehicles that may properly be designated as fire apparatus, as well as personal passenger cars of the members.

"We would likewise appreciate an opinion as to whether or not it is a violation of the Motor Vehicle Law to display red lights whether openly or partially concealed."

A complete review or history of the statutes involved herein was given in a well-written unofficial opinion rendered by this office, August 4, 1948. Said unofficial opinion states the following conclusions, with which I am entirely in accord, to-wit:

"Under this legislative history it would seem that there is no longer any such department or division of state government as a department or division of public safety * * *."
The history of said legislation as set out in said unofficial opinion, *supra*, is fully stated and set out in an official opinion of this office, same being 1950 O. A. G. p. 87, Official Opinion No. Thirty, dated May 3, 1950.

The state committee on safety being no longer in existence, it follows that those sections of the statute authorizing exceptions to the Motor Vehicle Law that may be made by said committee are no longer operative. Perhaps, corrective legislation is needed and should be presented to the next session of the Legislature; but for the present all must operate their motor vehicles in accordance with the specific and express mandate of the statute. No one is authorized by rule or regulation or any other method to permit a deviation from these mandates.

The result herein is that vehicles of the fire department and police vehicles are now the only authorized emergency vehicles. However, by statute every municipality—city, town, township or county—may own fire fighting and fire extinguishing apparatus and equipment and likewise a volunteer fire fighting company or association. Sections 65-507—65-517, Burns 1949 Pocket Supplement. These are all included in the term "authorized emergency vehicles" under the provisions of Section 48-1802 Burns, *supra*. I find no authority for a fireman, policeman or volunteer fireman to have his privately owned vehicle declared to be an "authorized emergency vehicle" and thus to be equipped with a siren or a red light that is visible from the front.

You ask whether or not it is a violation of the Motor Vehicle Law to display red lights whether openly or partially concealed. Here you present a factual question. Section (b) of Section 47-2224, Burns 1949 Pocket Supplement provides as follows:

"(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles, or those vehicles engaged in transporting explosives."

It is my opinion that a red light no matter where placed, if visible from directly in front thereof would be contrary to law.
In conclusion, it is my opinion that the State Committee on Safety is no longer legally in existence and at present no one is authorized to designate any other vehicles but those of the fire and police departments as emergency vehicles; and it is likewise my opinion that no person shall drive or move any vehicle or equipment other than an authorized emergency vehicle upon any highway with any lamp or device thereon displaying a red light visible from directly in front thereof, unless there be specific statutory authority to do so—such as is found in the statute pertaining to school busses.

OFFICIAL OPINION NO. 54
August 31, 1950.

Harold F. Brigham, Secretary,
Indiana Commission on Public Records,
Indiana State Library,
140 North Senate Avenue,
Indianapolis, Indiana.

Dear Sir:

I have your letter requesting an Official Opinion, which reads as follows:

"The Commission on Public Records asks me to request an Official Opinion with respect to the validity of microfilms of state records which are less than three years old.

"Chapter 219 of the Acts of 1935, under which this commission operates, provides that no state records shall be destroyed until a period of at least three years shall have elapsed from the time they were originally filed.

"According to the provisions of Chapter 195 of the Acts of 1947, original records may be destroyed or disposed of after the time for filing legal proceedings based on such instruments shall have elapsed and the photographic reproductions shall have the force and effect of the original records."