

OPINION 35

It is well recognized that any ordinance of a penal nature must be published.

Section 48-1406 Burns 1933; Bartlet v. Chicago & E. I. Co. (1940), 216 Ind. 512, 528.

I am therefore, of the opinion any ordinance adopted by a City Council establishing a City Plan Commission pursuant to provisions of Chapter 174 of the Acts of 1947, must publish such ordinance as required by the provisions of Sec. 48-1406 in Burns 1933.

TLW:man

OFFICIAL OPINION NO. 35

May 9, 1949.

Hon. Charles F. Fleming, Secretary of State,
Bureau of Motor Vehicles,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your letter received on April 25, 1949, requesting an official opinion in reference to certain phases of House Bill No. 393 being Chapter 258 of the Acts of 1949 and particularly you wish an opinion in reference to the statement about the fees of semi-trailers.

This office has heretofore advised your office to the effect that Section 1 of House Bill number 393 is void because that section had already been amended in another Act effective date of which precedes the effective date of House Bill No. 393, however, attention is called to the fact that Senate Bill No. 182 which made this section void contained ample authority for your office to obtain all the necessary information with respect to motor vehicles to be registered and licensed under the other sections of House Bill No. 393 and you must therefore look to the language of Section 1 of Senate Enrolled Act No. 182 instead of Section 1 of this Act.

Each of the Acts undertake to amend Section 25 of the Acts of 1945. On the application which the owner or operator of a motor vehicle makes in order to procure registration, you

can determine his status and from that you can easily determine the fees to be paid for the various types of vehicles. Under the provisions of this Act, you will treat the tractor and semi-trailer as a unit in computing the license fees, so where it appears that the operator is the owner of the tractor and a semi-trailer which he intends to use together as a unit, he pays the fees required by the capacity of the load shown on his application. If, however, the operator owns only the tractor and does not own a semi-trailer his license fee is to be determined by the declared gross load which the owner intends to pull by his tractor. This phase of the law no doubt was enacted to make provisions for an operator who desires to use his tractor for hire in pulling semi-trailers owned by some other business or industry and does not own a tractor, each semi-trailer shall be registered and licensed in the name of the owner of such trailer and pay a fee of \$5.00. I conclude that the phrase quoted in your letter:

“Each additional semi-trailer to be used with a tractor licensed as above \$5.00.”

is governed by the rule just stated.

By reason of Section 1 of this Act being void and the requirements of Section 1 of Senate Bill No. 182 being substituted therefor the situation may seem confusing, but I am of the opinion that the provisions of Senate Bill No. 182 together with general provisions of the Act of 1945 furnish you ample information to enable you to enforce the Act.
CHJ:ar:aa

OFFICIAL OPINION NO. 36

May 9, 1949.

Mr. Otto K. Jensen,
State Examiner,
State Board of Accounts,
Room 304, State House
Indianapolis, Indiana

Dear Sir:

Your letter of April 25, 1949 has been received requesting an official opinion on the following question: