

OPINION 71

OFFICIAL OPINION NO. 71

July 29, 1949.

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

Dear Sir :

I have the recent communication from your office signed by Mr. McDonald, Assistant Director, requesting my official opinion on two questions :

“Is the person operating the branch office of the department authorized to charge and retain as a personal fee an additional twenty-five cents (\$.25) for notarizing the signature of the parent or guardian of an applicant under eighteen years of age, whether a resident or non-resident of the county?”

I am of the opinion that no additional charge for notarizing the signature of the parent or the guardian of an applicant under eighteen (18) years of age can be made. The statute provides that when a minor makes application it must be filed by his guardian or parent and of course, does not have to be signed by the minor. Therefore, there is only one jurat and the fee for that is fixed by statute as ten cents (\$.10) to be deducted from the fifty cent (\$.50) charge, however, if application is made by one not a resident of the county a charge of twenty-five cents (\$.25) may be made. I think this answers your first question.

You refer to Chapters 169 and 258 of the Acts of 1949 and predicate your question two on these two Acts. Question two is as follows :

“Do these latter two acts prohibit the person operating the branch office of the department from charging and retaining as a personal fee an additional fee of twenty-five cents (\$.25) where the applicant is a non-resident of the county?”

Before going further with this opinion I must advise you that neither of said acts are in effect. Chapter 169 will go

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into effect when the acts of the recent legislature are published and the Governor has made the certificate that the acts are effective, however, Chapter 258 will not go into effect by its terms until January 1, 1950.

Each of these acts undertakes to amend Section 25 of the Acts of 1945 concerning motor vehicles. Your attention, however, is called to the fact that the amendment of Section 25 in Chapter 258 will never become effective because it is an attempt to amend a section that has already been amended by Chapter 169. However, there is but little difference between the two amendments.

However, neither Chapter 169 nor 258 undertakes to change or modify the charges for driver's licenses and for infants. These are determined by the amendment to the 1945 Act found in the Acts of 1947, Section 63, and the charges are the same as those referred to in the answer to your question number one.

I think the above fully answers the questions that you have propounded.

CHJ :vb :lp

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OFFICIAL OPINION NO. 72

August 1, 1949.

Mr. Deane E. Walker,  
State Superintendent of Public  
Instruction,  
State House,  
Indianapolis, Indiana.

Dear Sir:

Your letter of July 1, 1949, has been received requesting an official opinion as to whether or not the commission on general education of the Indiana State Board of Education must pass on modifications or additions to existing school buildings, and if it has the authority to adopt rules and regulations regarding such additions and modifications of such buildings.