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applying the rule of law quoted herein, it becomes apparent that Section 1 of Senate Enrolled Act No. 138 is unconstitutional and void. That House Enrolled Act No. 107 amended Section 1 of Chapter 205 of the Acts of 1947 only by deleting the following: "Provided, however, that in all cases in which passenger common carrier motor vehicles in excess of thirty-six feet in length are used in interurban service the cars shall be provided with toilet facilities."

The provisions of Section 1 of Chapter 205 of the Acts of 1947 pertaining to the width, length and height of vehicles therefore remain unchanged.

FEC:nb

OFFICIAL OPINION NO. 18

April 7, 1949.

Public Service Commission,  
Mr. Roscoe C. O'Bryne, Commissioner,  
Room No. 401,  
State House  
Indianapolis 4, Indiana.

Dear Sir:

This is in reply to the request of your Mr. Cannon of April 1, 1949 with which you enclosed copies of rules 19 to 28 inclusive of the Indianapolis Water Company. You wish to know whether the water Company can require all of its customers to install copper service pipes between the water main and the customer's meter, these service pipes are to be maintained by the Water Company; that the copper pipe has a longer service life but has higher initial cost, but the longer life reduces the maintenance charges which the Water Company assumes.

I observe that Rule 22 is the only rule that has any apparent direct bearing on this quotation. This rule reads as follows:

"Rule 22. The Company shall have the right to reject any work between the main and the meter which does not conform to these rules or which includes the installation of unsafe or non-standard equipment or
material. Any plumber who shall fail to comply with these rules, and who shall refuse or neglect to correct his work within a reasonable time after notice of irregular work, shall thereby forfeit his right to do other plumbing work in connection with service pipes and service pipe equipment, for a period not exceeding 30 days, and he or his bonding company shall thereupon correct or pay for the correction of any unsafe or non-standard work done by said plumber."

This rule gives the Water Company "the right to reject any work between the main and the meter which does not conform to these rules, or which includes the installation of unsafe or non-standard equipment or material." It becomes important therefore to determine whether the use of pipe other than copper would be using non-standard material. I find nothing in the rules that indicates that only copper pipe is standard. It is generally known that until quite recent years all service pipes were constructed of galvanized, pipe material and no doubt many such service pipes now in use are in a fair state of preservation and operating at 100% efficiency, and probably installed when they were standard equipment, if so when did they become non-standard so as to authorize the Water Company to order the customer to make the expense of the change. When did copper pipe become the standard and by what process? I find no rule to this effect. Webster Unabridged Dictionary defines 'standard to mean (1) something elevated as a signal or beacon. (2) a figure adopted as an emblem by an organized body of people. (3) that which is set up and established as a rule for measure of quantity, weight, or value. (4) an accepted rule etc.'

Our Appellant Court in Ashwell v. Miller 54 Ind. App. 381 in the decision of a case involving standard of handwriting the court observes on Page 387.

"In determining whether the court erred in the matter under consideration, it becomes necessary to have a clear idea of the meaning of the term "standard" as used in this connection. Such term presents to the mind the conception of a type or model, or of a combination of elements or conditions accepted as correct and perfect. * * *

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There is nothing before me to show that the ordinance of the city requiring the property owner to install service pipes that such pipes should be of copper or that the Water Company is to have authority to designate the type of pipes to be used.

I am therefore of the opinion that the Indianapolis Water Company has no right to attempt to force all of its customers to install new copper service pipes as suggested in your letter. However, if the customer's service pipes are in such bad condition that they have to be replaced, there is no reason why the Water Company could not suggest the use of copper instead of galvanized pipes but it has no authority to require it.

I trust this answers your inquiry.

OFFICIAL OPINION NO. 19

April 19, 1949.

Mr. Noble W. Hollar, Chairman,
State Board of Tax Commissioners,
Room 301, State House,
Indianapolis, Indiana.

Dear Sir:

I am in receipt of your communication of April 5, 1949 in which you request an opinion on the following:

"In connection with a request for additional appropriations a question is presented as to the salary to be paid to the surveyor of Lake County, Indiana.

"In House Enrolled Act 75, being Chapter 241 of the Acts of 1949, approved March 10, 1949, the salaries are determined for the county surveyor in each county of Indiana. The salary for the surveyor of Lake County is fixed at $3200 with a provision that if the county surveyor is licensed under the laws of the State of Indiana to practice civil engineering, the salary of surveyor in Lake County shall be $4800. It is further provided in counties where the county surveyor is a licensed engineer the county council may increase the maximum salary for the surveyor of such county by an amount not exceeding $1500. This will determine a