In view of what I have heretofore said in answer to your first letter of January 13th, I see no legal objection to either of the plans proposed in your second letter. However, such an arrangement must be a voluntary one upon the part of both the Administrative Building Council and Purdue University. If such an arrangement is voluntarily entered into by both parties involved, it is my opinion that the same would be legal but in the absence of such an arrangement being adopted it is my opinion that, under the statutes as they now exist, the Administrative Building Council does not have or possess the power and authority to do the things mentioned in your letter of January 13th, 1944.

SECRETARY OF STATE: Registration plate: The 1942 registration or license plates need not be exhibited in addition to 1944 plates.

February 23, 1944.

Opinion No. 19

Hon. Rue J. Alexander,
Secretary of State,
State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of February 21, 1944, requests an official opinion as follows:

“We would appreciate knowing whether it is permissible for the secretary of state to promulgate a rule or regulation to the effect that it will not be necessary for a motor vehicle to carry the 1942 license plate in addition to the 1944 plate.”

There are two Acts of the 1943 General Assembly which are involved in the problem presented. Chapter 298 of the Acts of 1943, being Sec. 47-119a, Burns’ 1940 Repl. Supp., took effect as an emergency Act on March 11, 1943, and provides as follows:

“The requirement of this act that the secretary of state shall issue two (2) number plates in addition to
a certificate of registration for each licensed motor vehicle, is hereby suspended until the first day of January, 1946, and the secretary of state is hereby required to issue only one (1) plate, to be displayed on the rear of such motor vehicle, in addition to a certificate of registration for each licensed motor vehicle, to be effective starting with the calendar year 1943, and all other conditions of the issuance of such plate shall be the same as provided for in this act, except that the licensee of any motor vehicle, motor-bicycle, tractor, trailer, semi-trailer or house car shall be required to display in addition to the plate for the current year, the plates issued by the secretary of state to each licensee for any motor vehicle, motor-bicycle, tractor, trailer, semi-trailer or house car for the calendar year 1942. Provided, however, That the plate for a tractor shall be displayed on the front thereof.

"Any owner of a motor vehicle(s), motor-bicycle, tractor, trailer, semi-trailer or house car, who shall apply for a certificate of registration or re-registration for such vehicle and is issued a certificate of registration upon such application, during any year subsequent to 1942, during the period of time in which this section is effective, and has not been issued a number plate for the year 1942, shall, upon the proper form furnished by the secretary of state, make application for 1942 number plates or plate and the same shall be issued to the licensee by the secretary of state without any additional charge.

"All other provisions of this act regarding number plates shall apply to the number plates having the 1942 number thereon, on and after March 1, 1943."

It is to be noted that this Act amended Ch. 213 of the Acts of 1925 by adding an additional section thereto numbered 18½, and did not amend any section of this Act by entirely replacing the same. Therefore, the various sections of the 1925 Act, as amended from time to time, remained in full force and effect except as to any of the provisions which may have been in an irreconcilable conflict with Ch. 298, Acts of 1943.
Chapter 179 of the Acts of 1943, being Sec. 47-106, Burns' 1940 Repl., Supp., not having an emergency clause, took effect upon the promulgation of the Acts, November 3, 1943. Subsections (a) and (b) provide as follows:

"(a) All registration and re-registration shall be made for the calendar year: Provided, however, That it shall be lawful to retain the registration or re-registration number and to display the license plates or license plate of the year last past until, but not including, the first day of March of the current calendar year, subject to the further provisions of this act, after which said date said registration or re-registration number for the current calendar year must be obtained and the license plates or plate bearing such number must be displayed: Provided, however, That if the secretary of state promulgates a rule or regulation, in accordance with law, requiring that the license plates or plate, for a year previous to the current year, shall be displayed, in addition to the plates or plate, or insignia issued for the current year, then the provision of such rule or regulation shall govern and take precedence over all provisions herein, regarding the use and display, and violation for use and display of license plates or plate issued for any year previous to the current year.

"(b) The registration for each calendar year shall begin on the first week day in the month of February of that year. Upon registering or re-registering for the current calendar year and obtaining license plates or a license plate bearing such registration number prior to the first day of March, it shall be proper for the owner or operator of a motor vehicle, motor-bicycle, tractor, trailer, or semi-trailer to remove the license plates or license plate for the previous year and display the license plates or license plate for the current calendar year."

The principles of statutory construction, involved in determining the questions, are clear and well established. The Supreme Court of this State has well summarized them as follows:
"* * * The general rules as to repeal by implication are: (1) Repeals by implication are not favored; and (2) Where there are two acts on the same subject, effect should be given to both if possible; and (3) But, if the two are repugnant in any of their provisions, the later act, without any repealing clause, operates to the extent of the repugnancy as a repeal of the first; * * *" 

DeHaven v. Municipal City of South Bend (1937), 212 Ind. 194, 198.

Unless a section of an Act has been entirely repealed by implication, it is subject to amendment by an amendatory Act without the amendatory Act being declared void, for the reason that there was nothing to amend.

Mitchell v. The State (1862), 19 Ind. 381.

Therefore, it is clear from the above principles of statutory construction that Ch. 298 of the Acts of 1943 did not entirely supersede Sec. 1, Ch. 2 of the Acts of 1941, and hence, Ch. 179 of the Acts of 1943, Sec. 47-106, Burns' 1940 Repl., Supp., being the latest Act to take effect, must be regarded as repealing any conflicting provisions of Ch. 298 of the Acts of 1943, being Sec. 47-119a, Burns' 1940 Repl., Supplement.

Therefore, it is my opinion that under the provisions of Ch. 179 of the Acts of 1943, it is not necessary for any operator of a motor vehicle to display a 1942 license plate during this current calendar year. Under the provisions of said Act, however, the Secretary of State is authorized to promulgate a rule or regulation requiring a display of an additional plate issued previous to this current year, but in the absence of such a rule or regulation duly promulgated, it is only necessary to display the 1944 plate for this current year.