render continuous, as distinguished from occasional or casual service.

Therefore, the provisions of the Minimum Salary Law would be applicable.

DIVISION OF PUBLIC SAFETY: Jurisdiction of the chief hearing judge in matters of revocation of licenses to operate motor vehicles by juveniles.

Mr. Mahlon Leach,
Chief Hearing Judge,
Division of Public Safety,
State House,
Indianapolis, Indiana.

January 20, 1942.

Dear Sir:

This will acknowledge receipt of your letter of December 23, 1941, reading in part as follows:

"I am requesting an official opinion as to whether the department has jurisdiction over juvenile cases relative to suspension or revocation of license.

"In view of the provisions of Section 5, Chapter 233, 1941 act, does the Chief Hearing Judge of the Driver’s License Enforcement Department of the Division of Public Safety have authority to cite juveniles in for hearing to determine a revocation or suspension of a license and etc."

The section of the Acts of the Indiana General Assembly of 1941, above referred to, reads in part as follows, to-wit:

"Sec. 5. (A) Jurisdiction. The court shall have exclusive original jurisdiction in proceedings concerning any child living or found in the county:

"(1) Who has violated any law of the state or any ordinance or regulation of a subdivision of the state."

We quote only the above part of the section because, after examination of the remainder of the section, we feel that the
other provisions have no application in answering your question.

Chapter 233 of the Acts of the Indiana General Assembly of 1941 is an act entitled “An Act concerning juvenile courts.” Section 3 of said chapter defines certain words and phrases used in the act, and one definition is of the word “child.” The act provides that the word “child” means a person under eighteen (18) years of age. It follows, therefore, that you are only concerned with juveniles under the age of eighteen years because those between the years of eighteen and twenty-one do not come within the purview of the act concerning juvenile courts above referred to. We now direct your attention to Chapter 71, Section 21, of the Acts of the Indiana General Assembly for 1937, as amended by Chapter 58, Section 18, of the Acts of the Indiana General Assembly for the year 1939, which is Section 47-452, Burns’ Indiana Statutes Annotated 1933, which reads in part as follows, to-wit:

“Commissioner may suspend, revoke or refuse to renew licenses and permits.—(a) Upon the filing of a complaint in writing with the commissioner against any person holding a license or permit under and by virtue of the provisions of this act or against any person applying for a license or the renewal of a license under the provisions of this act by any person including deputies, agents or employees of the department, the commissioner may cite any person for a hearing to consider the suspension, revocation, renewal; denial or granting of a license or permit issued or applied for under the provisions of this act, upon any of the following charges:

"1. That such person has committed any offense for the conviction of which mandatory revocation of license is provided in Section 20 (Sec. 47-451).

"2. That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or property damage.

"3. That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive a motor vehicle upon the highways.
"4. That such person is a reckless or negligent driver of a motor vehicle or has committed a violation of the motor vehicle laws of this state.

"5. That such person is guilty of a violation of the provisions of this act.

"6. That such person is guilty of any of the penal provisions of this act.

"7. That such person has committed any offense, either a misdemeanor or a felony, with regard to the operation, regulation or licensing of motor vehicles or of operators, or of any city ordinance relating to traffic violation."

This is the act which empowers the commissioner, or you as his deputy or agent, to inquire into the advisability of suspending, revoking, renewing or granting of a license or permit to operate a motor vehicle upon the highways of the State of Indiana. The commissioner or his deputy has been vested with this power by the delegation thereof upon the part of the legislature. He may, therefore, suspend, revoke or deny the granting of or the renewal of all permits or licenses issued to or held by all persons qualified in the manner provided by law to receive the same. We now direct your attention to Section 47-432 of Burns' Indiana Statutes Annotated 1933, wherein, under subsection (d), the term "person", as used in the act, is defined. The definition reads as follows, to-wit:

"Every natural person over sixteen (16) years of age, firm, copartnership, association, or corporation."

An examination of the laws pertaining thereto fails to disclose any exception to this definition in regard to minors except for school permits. Under Section 47-449, Burns' Indiana Statutes Annotated 1933, provision is made for the issuance of school permits to minors between the ages of fourteen and sixteen years, and, as Section 47-432, supra, provides in the introductory paragraph thereof for such an exception, it is our opinion that the following conclusion also applies to those permits.

It is our opinion, after considering Chapter 233 of the Acts of the Indiana General Assembly for 1941, that one primary purpose of said act is to protect children who come within the
purview of the act from the possible stigma of being charged with or convicted of a crime, and that act so protects them. On the other hand, as heretofore pointed out, you have only the power to suspend or revoke the license of a minor to operate a motor vehicle upon the highways of the State of Indiana.

We believe that the commissioner, or you as his deputy or agent, does have the authority to cite a juvenile licensee in for hearing to determine whether or not a license granted to such juvenile may be suspended or revoked. Such a citation and a hearing thereon by the commissioner or you is only for the purpose of finding whether or not the juvenile should be permitted the right to operate a motor vehicle upon the highways of the state. The only thing you determine is whether or not the license of the juvenile should be suspended or revoked. The only action that you can take upon a finding that a juvenile licensee has committed one of the acts enumerated in Section 47-452, Burns’ Indiana Statutes Annotated 1933, is suspension, revocation or denial of granting of a license or permit. The commissioner has the power to suspend or revoke all licenses or permits issued to any person, including minors.

DEPARTMENT OF STATE, CHIEF CORPORATION COUNSEL: Whether the Secretary of State may refuse to permit the filing of Articles of Incorporation under the Not-for-Profit Act where the franchise is to be used to conduct an insurance business.

January 21, 1942.

Honorable Maurice G. Robinson,
Chief Corporation Counsel,
Department of State,
Indianapolis, Indiana.

Dear Sir:

I have before me the letter of your predecessor in which it is requested that an official opinion issue in response to the following inquiry:

“May a corporation organized under the Indiana General Not-For-Profit Corporation Act for charitable