

Clearly this language implies the possibility that the redemption might be made up to two years and six months after the sale at any rate, because the redemptioner must pay interest on taxes if the redemption is made at any time within such two years and six months. By the same process I think it must be held that redemption may take place even after the two years and six months because there is the express provision that if the purchaser has not presented his certificate within that time the redemptioner is not obliged to pay interest on taxes after that time.

Construing all of the above provisions together, the following conclusions seem to me to be proper:

1. Section 64-2401, *supra*, gives the absolute right to the purchaser or his assigns, to have a deed at the expiration of two years from the date of sale if no redemption has been made, and if such purchaser, or his assigns, shall present his certificate and demand the deed.

2. If the purchaser, or his assigns, fails to present his certificate of purchase at the above time, the owner continues to have the right of redemption upon the terms set out in the statute until such a request for a deed has been made.

Your question is answered in the affirmative.

BUREAU OF MOTOR VEHICLES: Whether transfer fees and title fees may be carried in one account on the books of the Bureau.

October 17, 1941.

Mr. Harry A. Sharp,
Administrator,
Bureau of Motor Vehicles,
Indianapolis, Indiana.

Dear Sir:

You have asked whether or not the revenue designated as "Title fees" and that designated as "Transfer fees" may be carried in one account on the books of your Bureau and of the Auditor of State. By your designation of "Title fees" I understand that you mean the fees authorized by Sec. 47-301 Burns Ind. St. 1940 Repl. whereby a charge of 50c is authorized for the original certificate of title.

This statute was first passed in 1921 and was thereafter

amended by the 1931, 1935 and 1939 sessions of the General Assembly. Your designation of "Transfer fees" refers to the fees authorized by Sec. 47-116 Burns, etc., *supra*, which requires the payment of a fee of \$1.00 to entitle the owner, after transferring a duly registered motor vehicle to another person, to have another motor vehicle registered in his own name for the balance of the year. This statute was enacted in 1925.

The Auditor's report, as contained in the Year Book for the fiscal year ending June 30, 1940, discloses that for said year the title fees under heading "Auto Certificate of Title" amounted to \$273,811.78 and that the transfer fees under heading "Auto Title Transfers" amounted to \$318,808.37.

The 1941 Biennial Appropriation Act makes an appropriation to "Auto Certificate of Title," for personal service, all other operating expenses and capital outlays totaling \$71,000.00 annually and contains the following provision:

"Provided, That the expenditures shall not exceed the fees collected for the same fiscal year; Providing, That the amounts expended from appropriations herein made for auto certificate of title shall be deducted from the collections of such department before the distribution of said funds to the Motor Vehicle Highway account, as stipulated in the Act creating the account." (Acts 1941, Ch. 231, P. 805, 840, 841.)

The foregoing provision clearly limits the sum which may be expended to fees collected during the year.

The statutes do not prescribe the names to be given the accounts, to which you refer, upon the records of the Auditor of State's office. Provision is made however by Sec. 47-107, Burns, etc., *supra*, 1941 for an account in the general fund to be known as the Motor Vehicle Highway Account, into which shall be deposited all moneys collected for the "registration, re-registration and transfer of ownership of motor vehicles, motor bicycles, tractors, chauffeur's licenses and duplicate plates and all notary fees," which certainly includes the fees to which you refer as "Transfer fees." Secs. 47-301, *supra*, providing for the collection of "Title fees," Sec. 47-107, *supra*, and the Biennial Appropriation Act, at p. 841, make it clear that the "Title fees" to which you refer also go to the Motor

Vehicle Highway account in the general fund, after the expenditures made pursuant to that part of the Appropriation Act have been deducted.

In view of the fact that title fees and transfer fees are collectible under different statutes, such records should be kept as would (1) clearly indicate the amount collected by virtue of each respective statute and (2) indicate the collections made by virtue of the certificate of title statute, which information may furnish a ceiling for expenditures. If each of the foregoing objects can be accomplished by grouping the revenues obtained under the two statutes in a single account, there could be no legal objection to such a grouping.

LIEUTENANT GOVERNOR: Live Stock License Division:
Whether the administrator of the Division has power to provide for rules and regulations governing the hearing upon the petition for license to operate a concentration point; whether these rules may vary where the concentration point applied for is in the same trading area.

October 20, 1941.

Hon. Paul S. Dunn,
 Acting Director,
 Live Stock License Division,
 Indianapolis, Indiana.

Dear Sir:

I have before me your letter in which you state that Mr. Raymond Berry who operates a sales barn in Seymour wishes to move the location of the sales barn to Brownstown, nine miles away. It is stated he will still be in the same county and will not be any closer to any other barns. The following question is submitted:

“Should this be permissible without a new hearing for a Certificate of Public Convenience and Necessity?”

Section 42-916 of Burns' Indiana Statutes Annotated 1933 provides that: