ENGINEERS AND LAND SURVEYORS, STATE BOARD OF REGISTRATION: County Highway Supervisor other than County Surveyor, whether required to be a qualified registered professional engineer. Compensation.

September 22, 1939.

Mr. L. T. Gootee, Secretary,
Indiana State Board of Registration
For Professional Engineers and Land Surveyors,
State House,
Indianapolis, Indiana.

Dear Mr. Gootee:

I have your letter of September 21, 1939, relative to chapter 27, Acts of 1933, in which you submit two questions for an official opinion thereon. The questions submitted are:

"Question 1. Is it implied in the provisions of the above named chapter that a person other than the county surveyor who is appointed by the Board of County Commissioners as county highway supervisor, shall be a qualified registered professional engineer as provided under chapter 148, Acts of the 79th General Assembly of Indiana."

"Question 2. If the answer to Question No. 1 is in the negative and the county highway supervisor is not qualified by registration to practice professional engineering, is the county surveyor, who is a registered professional engineer, required to do the engineering work for the county highway supervisor without additional compensation other than the statutory salary fixed for the office of said county surveyor."

Part of section 10 of said Act, as far as pertinent is as follows:

"The Board of County Commissioners of any county of the State of Indiana shall have the right to employ any person other than the county surveyor as supervisor of county highways, such person to be known as county highway supervisor and who shall serve at the will of such Board of County Commissioners, and who shall perform the duties that are provided in this Act to be performed by the county surveyor, and whose
salary shall be fixed upon the same basis as is otherwise provided in this Act; PROVIDED, That, if the Board of Commissioners of any county of the State of Indiana shall elect to employ as county highway supervisor the duly elected county surveyor or engineer, the compensation as fixed by section 1 of this Act shall be considered apart (a part) of the statutory salary of such county surveyor and shall not be in addition thereto and if the compensation as fixed by the Board of County Commissioners in pursuance of the provisions of this Act be in excess of the statutory salary of the county surveyor or engineer, then the Board of County Commissioners shall consider the statutory salary of such surveyor or engineer as a part of the compensation provided for in section 1 of this Act.”

Section 1 of said Act is as follows:

“Be it enacted by the General Assembly of the State of Indiana, That, except as hereinafter otherwise provided, the county surveyor shall have general charge of the repair and maintenance of the county highways situated in each county of the State. The surveyor shall receive as compensation for such services a sum not less than two dollars and not more than three dollars per year for each mile of highway under his supervision. Such compensation shall be fixed by the Board of County Commissioners at their January session of each year. On the taking effect of this Act the county auditor of each county shall call a special session of the Board of Commissioners of each county for the purpose of fixing the compensation of the surveyor for the remaining portion of the calendar year 1933 and such Board of Commissioners shall at said special meeting fix the compensation of the surveyor for the remainder of said year. The Board of County Commissioners shall allow and pay the county surveyor by way of expense, when furnishing his own conveyance, the sum of five cents for each mile necessarily traveled in the discharge of his duties as supervisor of highways. The Board of Commissioners shall provide all tools and equipment and the housing and repair thereof.”
In construing these sections, I am of the opinion that they do not require that a person other than the county surveyor who is appointed as county highway superintendent shall be a qualified registered professional engineer and I do not find any other sections which requires such qualifications. Your first question is, therefore, answered in the negative.

In answer to your second question, I am of the opinion that the county surveyor who is a registered professional engineer is required to do the engineering work for the county highway supervisor without additional compensation other than the statutory salary fixed for the office of the county surveyor. As a matter of fact, a duly elected and qualified county surveyor is not required to be a registered professional engineer or land surveyor. (Burns 1933 Statutes, Sec. 63-1516.)

POLICE, INDIANA STATE: Compulsory motor vehicle inspection, right of city to pass ordinance requiring.

September 25, 1939.

Mr. Don F. Stiver,
Director Public Safety,
State House,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of recent date which reads as follows:

"Having received the attached letter from the chairman of the Traffic Safety Committee, City of Gary, I wish to request a formal opinion on the question as to whether or not a city in the State of Indiana has the legal right to pass an ordinance requiring compulsory motor vehicle inspection and charge a fee for this inspection.

"Also whether or not it would be legally permissible to place on the windshield of the car a sticker indicating that the car had been inspected for mechanical defects, if the same were included in the ordinance."

I call your attention to sections 157, 158 and 159, chapter 48, Acts of 1939, which recite as follows: