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:
"Unsafe Vehicles.

Sec. 157. Vessels Without Required Equipment or in Unsafe Condition. No person shall drive or move on any highway any motor vehicle, trailer, semi-trailer or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this Act and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupants or any person upon the highway.

"Inspection by Officers.

Sec. 158. Inspection by Officers. (a) Any police officer may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or repair require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

"(b) If any equipment, brakes, or signal devices are found to be inadequate, or not in good working order or adjustment as required in this Act, and such vehicle is in unsafe mechanical condition as to endanger the driver or other occupants or other persons upon the highway, any police officer shall require the owner or driver to have such equipment, brakes, lights, signal devices or unsafe mechanical condition repaired immediately so as to comply with the provisions of this Act.

"Compliance.

Sec. 159. Owners and Drivers to Comply with Inspection Laws. No person driving a vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by any police officer."

I further direct your attention to sections 27 and 28, chapter 48, Acts of 1939, which inumerate the powers of local authorities. Certain other local powers, such as restricting the weight and size of vehicles are enumerated in other sections but the compulsory inspection of motor vehicles is not one of them.

You are, no doubt, aware of the fact that the 1939 Motor
Vehicle Act was based largely upon the National Uniform Traffic Code but the inspection provisions of the National Uniform Code are much more stringent than those contained in sections 157, 158 and 159 quoted above. We must, therefore, conclude that the legislature decided against stringent inspection and certainly decided against compulsory local inspections.

Your first question is, therefore, answered in the negative. From this answer it follows that it is unnecessary to answer your second question.

HIGHERWAY COMMISSION, STATE: Automobile "delivery price," interpretation of.

September 26, 1939.

Hon. T. A. Dicus, Chairman,
State Highway Commission of Indiana,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter which is as follows:

"Will you please give us your interpretation as to the meaning of the following sentence in its application to the State Highway Commission of Indiana in the purchase of automobiles for the commissioners: 'No department head shall be assigned a car, the delivery price of which exceeds $1,100.00'.

"This law can be found in the Acts of the 1939 General Assembly, chapter 47, page 203, beginning the ninth line from the bottom of the page.

"We have been proceeding with the opinion that the word 'delivery' means the price the State Highway Commission pays for a car delivered to Indianapolis, but before continuing further we should like a written opinion from your office."

As I understand your letter, you desire to know what is meant by "the delivery price." I think "the delivery price" means the price paid by the State Highways Commission for the car delivered to the commission at Indianapolis, the same being applied to an automobile fully equipped for service.