BUREAU OF MOTOR VEHICLES: Whether refunds may be made for unexpired term of license plates or duplicates under truck weight law.

July 12, 1933.

Hon. William Storen,
Department of Treasury,
Indianapolis, Indiana.

Attention: Comm. Frank Finney,
Bureau Motor Vehicles.

Honorable Sir:
I have before me your inquiry presenting the following question:

"May we apply the provisions of the 1925 law relating to registration and licensing of motor vehicles to provide for the rebate, duplicates and transfer of plates under the truck weight tax law (chapter 153, Acts of 1933), charging a reasonable fee for such service?"

The provisions of chapter 153, Acts of 1933 (page 803), make no mention of refunds for the unexpired term of such license or for duplicates.

The rule of statutory construction here pertinent, is that for the purpose of learning and giving effect to the legislative intention, all statutes relating to the same subject must be compared and so construed with reference to each other that effect may be given to all the provisions of each, if it can be done by any fair and reasonable construction. It must be presumed that the several statutes relating to one subject are governed by one spirit and policy, and that the general assembly intended the several statutes to be consistent and harmonious.

Ketcham et al. v. Board of Education, 155 N. E. (Ill.) 332;

These two acts, chapter 153 of 1933, and chapter 213 of 1925, most certainly deal with a common subject, motor vehicles and taxation thereon. We may well construe these together, especially when it is recalled that the general rule of law applicable here is that the unearned portion of money
paid for a license may be recovered by the licensee, where the license has become inoperative by acts or circumstances over which he has no control and without his volition.

Blum Co. v. Hastings, 76 Fla. 7; 79 So. 442;
Bart v. Pierce County, 60 Wash. 507; 31 L. R. A. (N. S.) 511.

Therefore, we are of the opinion that you may issue rebates in those cases where the license has become inoperative by acts or circumstances over which the licensee has no control, under the provisions of the 1925 law. Duplicates and transfers may be issued under similar circumstances.

It is true that section 7, chapter 153, Acts of 1933, provides:

"It shall be unlawful for the owner of any truck, tractor, trailer, or semi-trailer, to use such a plate on any vehicle other than the motor truck, tractor, trailer, or semi-trailer for which the same is issued."

However, I am of the opinion that this relates to the transfer of plates by the owner of the truck without the authorization of the proper official of the department of treasury.

TEACHERS' RETIREMENT FUND BOARD: Authority of board to make investments in interest bearing securities; protection of investments by refunding agreement.

June 19, 1933.

Hon. Robert B. Hougham,
Executive Secretary,
Teachers’ Retirement Fund Board,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of the 16th enclosing letter from the officials of Lucas County, Ohio, and also consent and agreement to the plan outlined in those letters, which I am returning to you.

Your specific question is as follows:

"I would like to have your opinion as to authority of our board to make the requested agreement for refunding and also your opinion as to the advisability of submitting bonds which will be due in 1934-35-36 for refunding plan."