time to the proper person. Under these conditions the bank had no right of property in it and could not invest itself with such right by any act of its own without the knowledge of the party or parties who had such interest."

The same principle is enunciated in the case of Windstanley v. Second National Bank, 13 Ind. App. 544, and in Anderson v. Pacific Bank, 112 Cal. 598, as well as the numerous decisions cited in the three cases above referred to.

It is, therefore, my opinion that the amount of $652.81 remaining in the hands of the Fletcher American National Bank is a trust fund in their hands.

MOTOR VEHICLES, BUREAU OF: Application of section 4 of chapter 90 of the Acts of 1933 to hearses, ambulances and taxicabs.

September 9, 1933.

Hon. Frank Finney, Commissioner,
Bureau of Motor Vehicles,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter referring to section 4 of chapter 90 of the Acts of 1933, which provides in part as follows:

"Every motor vehicle used for the carriage of passengers for hire, and every motor truck and commercial motor vehicle shall be equipped with at least two red warning flags and two brilliant-burning danger or caution signals, so constructed as to burn with a brilliant light."

Said section also further provides that:

"Suitable holders shall be provided for elevating said signals in a prominent position above the surface of the highway, when in use, as provided in the next section hereof."

The next section referred to above provides, among other things, that:

"While any motor vehicle used for the carriage of passengers for hire, or any motor truck or commercial
motor vehicle is stopped on the traveled portion of any
highway outside the corporate limits of any city or
town, for a purpose other than taking on or discharg-
ing passengers or freight, or complying with traffic
requirements, the operator thereof shall cause to be
displayed in a prominent position above the surface of
the highway at a distance of approximately three hun-
dred feet from such vehicle, in the direction from
whence it was coming and also in the direction in which
it was proceeding, a brilliant-burning danger or cau-
tion signal, as described in section 48" (the same being
section 4 above referred to) "if such stopping occurs
between one-half hour after sunset and one-half hour
before sunrise, or if the weather conditions are such
as to produce low visability (visibility), and a red
warning flag if such stopping occurs at any other
time."

You submit the following questions:

"1. Are hearses required to carry flags and flares?
   "2. Are ambulances required to carry flags and
      flares?
   "3. Are taxicabs required to carry flags and flares?
      (If they operate beyond the corporate limits of any
city or town.)"

The answers to the above questions require a consideration
of the meaning of the phrase "motor vehicle used for the
 carriage of passengers for hire, and every motor truck and
commercial motor vehicle." The above sections are amend-
ments of sections 48 and 49 of chapter 213 of the Acts of 1925.
For the purpose of registration, section 13 of the above men-
tioned act of 1925 provides that "hearses and ambulances shall
be classified as passenger motor vehicles."

I think it is clear, however, that all of the vehicles described
in your questions are commercial motor vehicles and would
come within the meaning of that term as used in section 4 of
chapter 90 of the Acts of 1933. Taxicabs are, of course, used
for the carriage of passengers for hire and frequently make
trips upon the highways outside of the corporate limits of
cities.

In my opinion, hearses, ambulances and taxicabs are clearly
within the meaning of the language "every motor vehicle used for the carriage of passengers for hire and every motor truck and commercial motor vehicle." It follows that all three questions should be answered in the affirmative.

NURSES, BOARD OF: Annual registration of nurses necessary.

September 11, 1933.

State Board of Examination and Registration of Nurses,
State House,
Indianapolis, Indiana.

Dear Madam:

I am in receipt of your inquiry in which you desire to know if nurses have to re-register every year in order to be considered as registered nurses even though they are not practicing.

In reply to this question, I desire to advise you that under section 2 of chapter 96, on page 323, of the Acts of the Indiana General Assembly of 1931, it is provided that:

"On or before the first day of January of each year, every nurse or attendant, holding a certificate of registration, and who wishes to continue to practice her profession in this state, during the ensuing year, shall apply to the board for a renewal of the certificate of registration, for the calendar year next ensuing. No certificate shall lapse prior to the thirty-first day of January of the year next following the year for which such certificate was granted, and if by such thirty-first day of January an application for a new certificate of registration has not been made, the board shall notify such delinquent certificate holder thereof, by registered mail, and if application is not made and a new certificate granted on or before the last day of February, the old certificate shall lapse and become null and void."

Under this provision, I desire to advise you that it would be necessary for a registered nurse, who desires to continue her practice to obtain a license annually as is provided for in the above quoted act.

Your second question is as follows: