

Academy to pay a bill of \$119.07 on account of work done by the Academy in connection with the elimination of interference from the radio station operated by the State Police pursuant to a lease between the Academy and the State, a copy of which lease being attached to your letter.

The bill as itemized includes "freight from South Bend Electric Company," "electricians labor and material for elimination of interference with public address system" and "electricians labor and material — miscellaneous work on broadcasting station."

I have examined the attached lease and am of the opinion that the items of the above bill are not of such character as to come within the express requirements of the contract. In other words, the lease, in my opinion, gives no express authority for the charge.

In view of the small consideration paid for the lease, however, and the very evident co-operative nature of the enterprise, there may be sufficient doubt as to justify the presentation of the item to the General Assembly for an emergency appropriation.

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**TREASURER OF STATE: Safety glass in motor vehicles; replacement of glass.**

January 7, 1937.

Mr. Peter F. Hein,  
Treasurer of State,  
Indianapolis, Indiana.

Dear Sir:

This is in response to your recent request for an interpretation of the safety glass provisions of the automobile laws. You submit inquiries from the Pittsburgh Plate Glass Company as follows:

"We shall very greatly appreciate advice as to any regulations, either by law or administrative regulation, of State Motor Vehicle Laws covering the replacement of automobile glass (either windshields or body lights) under which such replacements must be made by the use of safety glass.

1. For example: If a car fabricated subsequent to your Safety Glass Law and registered in another

state where safety glass is not required, is brought into your State, legitimately, and then sold to a citizen of your State, do any of the above noted regulations require that the glass in such automobile shall be replaced with safety glass before such car can be sold or registered in your State?

2. Again: If a car fabricated subsequent to your Safety Glass Laws and registered in your State sustains some glass breakage, do any of the above noted regulations require that the glass in such automobile shall be replaced with safety glass if it is to be legitimately operated on the highways of your State?

3. And: If a car fabricated subsequent to your Safety Glass Laws and registered in your State, sustains some glass breakage and such broken glass has been replaced with ordinary glass, do any of the above regulations require that such ordinary glass must be removed and safety glass installed before such car can be sold to or registered by a new owner?"

Sections 1 and 2 of the law are as follows:

Section 1. "That on and after January 1, 1936, and except as hereinafter otherwise provided, it shall be unlawful to operate, on any public highway or street in this State, any motor vehicle which is registered in the State of Indiana and which shall have been manufactured or assembled on or after January 1, 1936, unless such motor vehicle be equipped with safety glass wherever glass is used in doors, windows and windshields."

Section 2. "The provisions of this Act shall not apply to any private passenger motor vehicle of less than eight-passenger seating capacity which is not used for carrying passengers for compensation or hire, or to any truck owned by a farmer and used principally for transporting farm produce, equipment or materials to, from or upon his farm, if such private passenger motor vehicle or farm truck shall have been registered previously in another state by the owner while the owner was a bona fide resident of such other state.

Acts of 1935, Chapter 41, page 126.

It may be stated generally that this statute is a police regulation in the interest of personal safety and laws of this character should receive a liberal interpretation so as to carry out the evident intention of the legislature. The danger that comes from the breaking of glass in a motor vehicle not equipped with safety glass is the same whether the vehicle was manufactured prior to January 1, 1936, or since that date. The exception in the statute was evidently made for reasons other than safety.

No interpretation of section 1 is required by your inquiries.

Section 2 contains two exceptions; one applies to private passenger cars. The other, to trucks owned and used by farmers. The operation of these two classes of vehicles is not prohibited by the statute although the vehicles were manufactured since January 1, 1936, provided however, such vehicles were registered previously in another state while the owners were bona fide residents of such other states. In my opinion, these exceptions to the safety glass provision are limited to the persons who come into Indiana with a car or truck from another state. I do not believe the statute contemplates any change of ownership of the vehicle. The person who owned and registered the vehicle in the other state is the person that is entitled to registration and operation in Indiana, although the vehicle is not equipped with safety glass.

Therefore, the answer to the facts presented in the first example submitted is that it is unlawful to operate the vehicle unless it is equipped with safety glass.

In answer to your examples two and three it is my opinion, that, as to all vehicles manufactured or fabricated since January 1, 1936, and not covered by the exceptions referred to above, the statute requires the replacement of broken safety glass or of ordinary glass by approved safety glass. This is the substance of my opinion of June 11, 1936, given to the Department of Public Safety.

You also submit the following additional inquiry:

Are there any definite rulings in your State, either from the Legislative Act, the ruling of the Highway

Commission, or the ruling of the Motor Vehicle Commissioner, or other police authority, relative to the use of safety glass other than safety plate glass in the windshields of trucks? In other words, do any of the regulations of your State require that the windshields of trucks shall be safety plate glass?

The ruling above referred to of June 11, 1936, is the only opinion given heretofore by this office on the subject. The phrase "safety plate glass" does not occur in the statute. Sections 3 and 4 of the Act are as follows:

Section 3. "The term 'safety glass,' as used in this act, shall be construed as meaning glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by glass when the glass is cracked or broken."

Section 4. "The Department of Treasury shall approve and maintain a list of the approved types of glass conforming to the specifications and requirements for safety glass as set forth in this act and in accordance with the standards recognized by the United States Bureau of Standards, and shall not issue a license for or relicense any motor vehicle subject to the provisions of this Act, unless such motor vehicle be equipped as herein provided with such approved type of glass."

The type of safety glass which your department may approve is not limited except by the language of section 4. Trucks, unless they come within the excepted class explained above, are required to have the windshield equipped with safety glass of such a type as is approved by the Department of the Treasury.