or disease of mind or body, shall be to engage in the practice of medicine within the meaning of this Act * * *. It shall also be regarded as practicing medicine within the meaning of this Act, if any one shall use in connection with his or her name, the words or letters 'Dr.,' 'Doctor,' 'Professor,' 'M.D.,' or 'Healer,' or any other title, word, letters or designation intending to imply or designate him or her as a practitioner of medicine or surgery in any of its branches: * * *

And provided that this law shall not be construed to prevent any person who now holds or may hereafter obtain and hold a lawful license to practice any profession, calling or vocation, from practicing such profession, calling or vocation in accordance with the terms of such license: * * *

It will be noted that the action of the dentist referred to in your inquiry does not come within any of the provisions of this section and he is not, therefore, practicing medicine.

It is common knowledge that many physicians refer certain types of their work to others who are not physicians; such as laboratory and X-ray work. These persons may properly be called technicians, and their work is done at the instance of the physician to assist him in arriving at a correct diagnosis. There is no statute that prohibits this practice.

No license or qualification is required in this state to take X-ray pictures or practice roentgenology.

It follows, therefore, that your second question is also answered in the negative.

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**INSURANCE, DEPARTMENT OF:** Insurance rates and schedules—deviation from rates—discount—Safe Driver Plan as illegal.

January 27, 1938.

Hon. George H. Newbauer,
Insurance Commissioner,
State of Indiana,
Indianapolis, Indiana.

Dear Sir:

In your letter of January 26, 1938, relative to automobile rate filings, you say that you are in receipt of a proposed
revision in the automobile bodily injury and property damage liability rate filings of the National Bureau of Casualty and Surety Underwriters, on behalf of the companies which have authorized that bureau to file rates applicable to automobile insurance for them in the State of Indiana, the filing being made in compliance with provisions of section 178, subsection (s) of the Indiana Insurance Law.

You also say that the proposed revision sets forth extensive revisions in rates and rule applicable to bodily injury and property damage liability insurance. Rule 14 of the proposed revision sets forth what it terms the "Safe Drivers Reward Plan," providing for a reward or discount of fifteen per cent of the applicable bodily injury and property damage liability premium for each private passenger automobile, not part of a fleet risk, if such automobile has been free of accident resulting in a claim under the policy during its term.

You then ask: "May we have your opinion as to whether or not the provision contained in Rule 14 referred to above is contrary to the law as stated in section 178, subsection (s), of the Indiana Insurance Law?"

The portions of Rule 14 applicable to this opinion are as follows:

"THE SAFE DRIVER REWARD PLAN"

A. Application of the Plan

1. The Safe Drivers Reward Plan shall be applied
(a) to every automobile classified by this Manual as a private passenger automobile provided:

(1) such automobile is insured on the specified car basis,

(2) the policy is written for and is in effect for one year.

A policy written for one year shall be considered to have been in effect for this period even though such policy may have been suspended and subsequently reinstated in accordance with the suspension rule in this Manual. In such case the discount applicable under the Safe Driver Reward Plan shall be applied to the premium for the private passenger automobile after adjustment for the period of suspension.
(3) The policy affords for its entire period of one year, both bodily injury and property damage liability insurance.

If the policy, either as of inception or some subsequent date, covers more than one private passenger automobile subject to this plan, the discount available under the plan shall apply only to such private passenger automobile on which no claim, as hereinafter defined, has been incurred under the policy but such discount shall apply only for that portion of the policy period for which both bodily injury and property damage liability insurance was afforded on such automobile."

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B. Amount of Reward and Rating Period.

A reward of 15 per cent of the applicable bodily injury and property damage liability premium for each automobile subject to the Safe Driver Reward Plan shall be allowed after expiration of the policy, as provided in the Safe Driver Reward Endorsement if such automobile has been free of accident resulting in a claim under the policy, as hereinafter defined. Such reward shall in no event be allowed until after at least thirty days following the normal expiration date of the policy, at the end of which thirty-day period the experience under the policy shall be reviewed."

The legality of the so-called "Safe Driver Reward Plan" is determined by part (s) of section 178 of chapter 162 of the Acts of 1935. This section, after talking about the filing with the department of schedules of rates and classifications, then provides:

"No such insurer shall make any deviations, or give, or promise to give, any discount or rebate from such schedule of rates, rules and regulations so established and filed with the department except as hereinafter provided in this section (s)."

There then follows a provision for a "fleet policy," but in your letter you say that the schedule does no concern fleet policies, so I am not considering them in this opinion.
It will be noticed that the above quoted portion of part (s) of section 178 expressly prohibits discounts. It will also be noticed that the plan as set out in rule 14, the applicable portion of which was quoted above, provides for discounts. It is my opinion that so much of rule 14 as applies to policies other than fleet policies contravenes the provisions of part (s) of section 178, and, therefore, cannot be adopted in Indiana within the provisions of the Indiana Insurance Act.

HIGHWAY COMMISSION, STATE: Right to designate parts as extra-hazardous and to fix speed limits.

January 27, 1938.

Hon. Earl Crawford,
Chairman, State Highway Commission,
State House Annex,
Indianapolis, Indiana.

Dear Sir:

This will acknowledge receipt of your letter of January 5th, in which you submit the following questions:

"1. Would it be legal to make a speed limit on all state highways to apply only on week-ends—say, for Saturdays and Sundays of each week and inoperative on every other day of the week?

"2. Would it be legal to classify certain parts of the highways—for instance, where there are curves of certain degrees, and make a speed limit to apply to such classes?

"3. Would it be legal in fixing speed limits to indicate such limits by appropriate markers or signs, placed on the shoulder or edge of the highway so limited?"

In reply to your first question, I have been unable to find any law which gives the State Highway Commission authority to designate speed limits on state highways except insofar as the same have been determined to be extra-hazardous.

It is my opinion, therefore, that your first question should be answered in the negative.