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.
In reply to your second question, your attention is directed to section 7, chapter 272 of the Acts of the Indiana General Assembly of 1937, which reads in part as follows:

"Sec. 7. The state highway commission is hereby authorized to designate any portion of any highway in the state highway system, or the route thereof through any incorporated city or town, of which said commission has the maintenance, or of any highway at the time used by said commission as a detour, as extra-hazardous if the commission shall conclude that such portion of such highway or route thereof is of such character that the safety of the users of such highway or route thereof and of the public, requires that motor vehicles and motor bicycles shall be driven or operated over such portion of such highway or route thereof at a lesser rate of speed than would otherwise be lawful. When the commission shall have designated any portion of any such highway or route thereof as extra-hazardous it shall prescribe a maximum speed at which motor vehicles or motor bicycles may be driven or operated on or over such portion of such highway or route thereof. Every portion of any such highway or route thereof which is designated by said commission as extra-hazardous shall be indicated by appropriate signs placed on the shoulder or edge of such highway or route thereof at each end of the portion thereof so declared to be extra-hazardous, which signs shall [,] in letters at least two inches in height [,,] show the maximum rate of speed permitted on such portion of such highway or route thereof."

It is apparent that under the provisions of the statute above quoted that the State Highway Commission has authority to designate and mark any portion of any highway in the state highway system as extra-hazardous if they find conditions so warrant. If the State Highway Commission so determines any portion of the highway to be extra-hazardous, it is their duty to mark the same by appropriate markers or signs placed on the shoulders or edge of such highway as stated in the above quoted Act. I think a reading of the above statute will be sufficiently definite to answer your second and third questions.