

1969 O. A. G.

OFFICIAL OPINION NO. 26

September 10, 1969

Mr. Thomas L. Harlow, Administrator
Vehicle Inspection Department
State Office Building
Indianapolis, Indiana 46204

Dear Mr. Harlow:

This is in response to your request for an Official Opinion concerning the following question:

Shall enforcement of vehicle inspection [Acts of 1967, Ch. 317, as amended by Acts of 1969, Ch. 407, and found in Burns' (1969 Supp.), Section 47-3401 to 47-3415] begin on or after December 31, 1969, for commercial vehicles and, on staggered dates for all vehicles other than commercial vehicles?

It is my opinion that vehicle inspection is to be enforced for all vehicles other than commercial vehicles beginning on staggered dates, as set out in the Act. Inspection of commercial vehicles shall be enforced August 31, 1969.

Acts of 1969, Ch. 407, in amending the previous law [Acts of 1967, Ch. 317, Sec. 11] as found in Burns' (1969 Supp.), Section 47-3411 (e), states in part:

"The board shall adopt a schedule of mandatory vehicle inspection for all vehicles subject to inspection, other than commercial vehicles, which schedule shall provide that all such vehicles bearing a 1969 Indiana license plate ending with the digit '1' or '2' shall be inspected on or before August 31, 1969; those ending in '3' or '4' on or before September 30, 1969; those ending in '5' or '6' on or before October 31, 1969; those ending in '7' or '8' on or before November 30, 1969; and those ending in '9' or '0' on or before December 31, 1969. *Commercial vehicles shall be subject to inspection on or before August 31, 1969.*" (My emphasis)

The provisions of Burns' 47-3411 (e), *supra*, require vehicle inspection on or before certain dates in accordance with the last digit of vehicle license plates. However, mandatory display

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of a certificate of inspection and approval is not required by this section. The section following, Burns' 47-3412 requires that no vehicle shall be driven on the public highways without a certificate of inspection and approval displayed after December 31, 1969. On the face of the Act there appears to be a conflict in wording in the two pertinent sections.

In construing any statute it is necessary to consider the legislative intent. Such intent can only be determined by a broad look at the entire Act. *Stout v. Board of Commissioners of Grant County* (1886), 107 Ind. 343, 8 N. E. 222.

The obvious intent of the Legislature in enacting Acts of 1969, Ch. 407, amending Acts of 1967, Ch. 317, was to establish a staggered system of inspection dates to facilitate inspection by avoiding a "last minute rush" on December 31, 1969. Therefore, it is my opinion that inspection stations must give priority to vehicles being inspected during their proper month, over vehicles which are late for inspection.

Pursuant to the statute, the Administrator and the Board have promulgated certain rules and regulations. One such rule states that an inspector must *attach* a sticker to the windshield of a vehicle when an inspection is made and the vehicle approved. This rule provides a method by which law enforcement officers can readily determine which vehicles are and which vehicles are not in compliance with the provisions of the inspection Act.

The Legislature provided a method of enforcement by providing the following:

“* * *

(d) Any person violating any of the provisions of this act, or of the rules and regulations adopted pursuant thereto, shall upon conviction be punished by a fine of not more than five hundred dollars [\$500] or by imprisonment in the Indiana state penal farm for not more than six [6] months, or by both such fine and imprisonment.” Acts of 1967, Ch. 317, Sec. 13, as found in Burns' (1969 Supp.), Section 47-3413.

It is, therefore, my opinion that enforcement of the vehicle inspection statute is to begin as each group of vehicles is inspected in accordance with the statutory schedule.