DEPARTMENT OF VEHICLE INSPECTION—Avoiding Duplicate Inspections of Vehicles Operating in More Than One State.

Opinion Requested by Mr. Willard L. Walls, Administrator, Department of Vehicle Inspection.

Your recent inquiry regarding exemption from inspection of commercial vehicles operated interstate poses four basic propositions, and asks the question, is a vehicle exempt from inspection if:

“(1) The vehicle is fully or solely registered in Indiana and said vehicle bears a valid inspection sticker issued by such other state and meets the safety standards as presently established by the Interstate Commerce Commission or its successor in establishing such standards?

“(2) The vehicle is proportionally registered in this and any other state and said vehicle bears a valid inspection sticker issued by such other state and meets the safety standards as presently established by the I. C. C. or its successor in establishing such standards?

“(3) The vehicle is otherwise (dual registered) registered in this and any other state and said vehicle bears a valid inspection sticker issued by such other state and meets the safety standards as presently established by the I. C. C. or its successor in establishing such standards?”

Your fourth proposition is intertwined in the preceding three situations, and as you will note is also answered below.
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Acts 1967, ch. 317, § 2, subsection (g), the same being Burns IND. STAT. ANN., § 47-3402(g) sets out, in definition form, what vehicles are required to be inspected. For the purpose of your inquiry, the pertinent portion of said section reads as follows:

“To avoid duplicate inspections, any vehicle required by law to be registered, or proportionally or otherwise registered in this and any other state shall be exempt from inspection in this state, provided said vehicle bears a valid inspection sticker issued by such other state and/or meets the safety standards as presently established by the Interstate Commerce Commission or its successor in establishing such standards...”

In ordinary use the word “or” is a disjunctive that carries an alternative which generally corresponds to the word “either”, see CRAWFORD, Statutory Construction, § 188, while the word “and” in its ordinary sense is used as a conjunctive. In its ordinary sense the word “or” is to be distinguished from the word “and”, and generally, when used in statutes the words are not treated as interchangeable, 82 C. J. S. Statutes § 335; however, the expression “and/or” is equivocal and is neither positively conjunctive nor positively disjunctive, 82 C. J. S. Statutes § 335.

It is a recognized rule of statutory construction that “and” may be interpreted to mean “or” and vice versa, where by so doing effect may be given to a statute in harmony with the plain legislative intent as gathered from the provisions of the enactment, Armstrong v. State ex rel. Klaus, 72 Ind. App. 303, 120 N.E. 717 (1918).

Thus, where as here, the plain intent of the Legislature to avoid a second or subsequent inspection as illustrated by the words “To avoid duplicate inspections,” (emphasis added.) followed by the words “and/or” means that a vehicle which is either:

(1) registered only in Indiana; or
(2) registered proportionally in Indiana and in another state; or
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(3) otherwise registered in Indiana and in another state,

shall be exempt from inspection in Indiana if said vehicle:

(1) bears a valid inspection sticker issued by such other state, or

(2) meets the safety standards prescribed by the Interstate Commerce Commission or its successor in establishing such standards.

In conclusion, I wish to advise you that no vehicle which is required to be registered in Indiana, proportionally or otherwise, and bears a valid inspection sticker issued by another state nor any vehicle meeting the standards as presently established by the I. C. C. or its successor, the Department of Transportation, is subject to vehicle inspection in Indiana.

OFFICIAL OPINION NO. 29

July 23, 1968

OFFICERS, COUNTY—County Commissioners Conveying County-Owned Realty for Park Purposes. Setting Aside Funds Realized for Recreation Purposes.

Opinion Requested by Mr. John E. Mitchell, Director, Department of Natural Resources.

This is in answer to your request for my opinion on the following questions:

1. May the Board of Commissioners of Elkhart County legally convey real estate owned by the county which real