DEPARTMENT OF VEHICLE INSPECTION—MOTOR VEHICLES—Small Political Subdivisions as Exempt from Inspection fees.

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

Your recent request for an Official Opinion questioned the application of several provisions of the recently enacted Vehicle Inspection Law which is found in Acts 1967, ch. 317, the same being Burns IND. STAT. ANN. §§ 47-3401 to 47-3413.

Specifically, you ask whether the exemption from fees for inspection of vehicles owned by the State of Indiana and its political subdivisions which is granted by Section 8 of Chapter 317 applies:

"Only to those vehicles listed by the Department of Administration, as being state owned, or does it include the State Educational Institutions and other vehicles that the Bureau of Motor Vehicles issues non-fee plates...."

In addition, you ask whether or not you are required to furnish free Certificates of Inspection and Approval to small political subdivisions who cannot qualify as a Self Inspector because they own less than a minimum of ten (10) vehicles; and further, whether or not in the event a political subdivision has less than the minimum of ten (10) vehicles,

"would it be legal to have these vehicles inspected at a larger political unit that is a Self Inspector."
Acts 1967, ch. 317, § 8(b), the same being Burns § 47-3408, provides in part:

"Self inspectors shall be subject to all provisions of this act and rules and regulations adopted pursuant thereto that apply to privately-owned inspection stations except that the State of Indiana and its political subdivisions shall not be subject to section 11 concerning fees." (Emphasis added.)

Thus, exemption from fees charged for vehicle inspection cannot be based upon either a list maintained by the Department of Administration, as being state-owned, nor, upon the records of the Bureau of Motor Vehicles which designate vehicles receiving non-fee license plates.

The exemption can only be granted to those entities coming within the terms of the statutory language contained in the Act which created the Vehicle Inspection Department, (Chapter 317, supra). Thus, in answer to your initial inquiry, only the State of Indiana and its political subdivisions shall not be subject to the payment of the fees for vehicle inspection.

Each Indiana State Educational Institution which has motor vehicles registered in its name is exempt by section 8 (b) from the payment of inspection fees because those institutions are agencies or arms of the State of Indiana,

Acts 1929, ch. 38, § 2, as amended and supplemented-
Indiana State University
Acts 1929, ch. 38, § 3, as amended and supplemented-
Ball State University
1 R. S. 1852, ch. 114, § 1, as amended-Indiana University,

and in the case of Purdue University, the acceptance of and claiming of the benefits of the provisions of the Acts of Congress, approved July 2, 1862 and April 14, 1864, as set out in Acts 1865, ch. 45, § 1, as amended.

Thus, these institutions must receive an exemption from fees for inspection of their vehicles pursuant to the terms of Acts 1967, ch. 317, § 8(b), whether or not the administrations of those institutions elect to qualify as self inspectors
pursuant to § 7, Acts 1967, ch. 317, Burns § 47-3407, and in cases of other political subdivisions whether or not they are eligible to apply for Certificates of Self Inspector.

Your second question:

"Must we furnish free Certificates of Inspection and Approval to small political subdivisions who cannot qualify as a Self Inspector because they own less than ten (10) motor vehicles?"

must be answered in the affirmative.

Section 8(b) of Acts 1967, ch. 317 limits the designation of self inspector to those entities which can satisfy certain standards set out therein. One standard so listed provides that an applicant for self inspector must own or operate "a minimum of ten (10) motor vehicles." Thus, no political subdivision which owns or operates less than ten (10) vehicles may qualify under the Act as a self inspector. However, this section further provides that political subdivisions of the State of Indiana are exempt from the fees provided for in Section 11 of Chapter 317 of the Acts of 1967. Political subdivisions are exempt from payment of inspection fees and certificate fees without reference to the number of owned or operated vehicles.

Each vehicle subject to the Act must be inspected. The Board created by section 3, Burns § 47-3403, should promulgate rules and regulations which provide for the free inspection of such vehicles and the issuance of Certificates of Inspection without charge. This should be done because neither an agency of the state nor a political subdivision thereof which owns and operates less than ten (10) vehicles may qualify as a self inspector.

Your third question seeks, it appears, to determine how political subdivisions of the State of Indiana owning fewer than ten (10) motor vehicles can comply with the Act (ch. 317, supra) without self-inspecting its vehicles.

The Legislature, in its wisdom, has by virtue of Section 8(b) of Chapter 317 of the Acts of 1967 exempted from charges for inspection of motor vehicles, "the State of Indiana and its political subdivisions. . . ." In the very same
paragraph of this subsection, the Legislature has limited the entities which may qualify as self inspectors by providing that any such entity must own and operate a minimum of ten (10) motor vehicles.

The Indiana Supreme Court in State ex rel. Roberts v. Graham, 231 Ind. 680, 686, 110 N.E. 2d 855, 858 (1953), stated:

"Courts interpret statutes for the purpose of ascertaining legislative intent. Zoercher v. Indiana Associated Telephone Corp. (1937), 211 Ind. 447, 7 N.E. 2d 282; 50 Am. Jur., Statutes 200. Such intent must be determined primarily from the language of the statute itself, 50 Am. Jur.; Statutes 210, which language must be so reasonably and fairly interpreted as to give it efficient operation and to give effect, if possible, to the expressed intent of the legislature. State v. Griffin (1948), 226 Ind. 279, 79 N.E. 2d 537."

The language of Acts 1967, ch. 317, § 2(g) provides in part:

"'Vehicle subject to inspection' shall mean a vehicle required to be registered with the Indiana Bureau of Motor Vehicles and required to have brakes. . . ."
1968 O. A. G.

Acts 1967, ch. 317, § 9, authorizes the Administrator of the Department of Vehicle Inspection to:

"adopt . . . all necessary rules and regulations to out the administration and enforcement of this act . . . ."

It is my opinion, therefore, that the Vehicle Inspection Board may prescribe by rule and regulation the manner and method by which vehicles owned by exempt departments shall be inspected.

In conclusion, it is my opinion that motor vehicles owned by State Educational Institutions are exempt from the fees prescribed by Section 11 of chapter 317 of the Acts of 1967. It is further my opinion that Certificates of Inspection and approval must be issued, free of charge to all vehicles owned by the State of Indiana and political subdivisions thereof regardless of whether or not said entities qualify as self inspectors; provided, that vehicles owned by these entities actually meet the prescribed safety requirements and have been inspected by an approved inspection station.

Additionally, it is my opinion that the Vehicle Inspection Board is authorized and empowered to adopt rules and regulations pursuant to § 9 of chapter 317 of the Acts of 1967, prescribing the manner by which vehicles owned by political subdivisions of this state which do not qualify for the designation of "self inspector," shall be inspected.