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consideration." In the case of *Ditmar, Guardian of West v. West* (1893), 7 Ind. App. 637, our court has followed Chancellor Kent's definition of a "valuable consideration." Our court stated therein on pp. 638, 639 as follows:

"It is elementary law that anything is a valuable consideration for a contract which is of advantage to the one or of disadvantage to the other."

In view of the foregoing, in answer to your question, it is my opinion that a town board may sell and transfer personal and real property owned by the town and receive other property or services in payment therefor.

OFFICIAL OPINION NO. 25

June 26, 1963

George A. Everett, Acting Superintendent
Indiana State Police
301 State Office Building
Indianapolis 4, Indiana

Dear Superintendent Everett:

This is in response to your letter of June 11, 1963, wherein you request an Official Opinion.

In your letter you refer to the Acts of 1957, Ch. 253, as found in Burns' (1962 Supp.), Sections 47-2632 to 47-2637, inclusive, which created a classification of registration plates available to owners of antique motor vehicles. Your specific question is stated as follows:

"The Acts of 1957, Ch. 253 (Burns', 1962 Supp., §§ 47-2632—47-2637), created a classification of registration plates for 'antique motor vehicles'. Does the definition of an antique motor vehicle contained in that Act restrict the use of such a motor vehicle so registered, and if so, to what extent?"

Your question is particularly concerned with the definition of the term "antique motor vehicle," contained in Section 1

of said Act, as found in Burns' (1962 Supp.), Section 47-2632, which reads, in part, as follows:

"As used in this act:

- (a) The term 'antique motor vehicle' shall mean any motor vehicle which is at least twenty-five (25) years old *and which is owned solely as a collector's item and used for exhibition and educational purposes* by the owner * * *" (Our emphasis)

The answer to your question is dependent upon the legislative intent as evidenced by the language employed in the Acts of 1957, Ch. 253, *supra*, particularly as shown in Burns' 47-2632, *supra*.

In 2 R. S. 1852, Ch. 17, Sec. 1, as found in Burns' (1946 Repl.), Section 1-201, it is stated:

"The construction of all statutes of this state shall be by the following rules, unless such construction be plainly repugnant to the intent of the legislature or of the context of the same statute:

"First. Words and phrases shall be taken in their plain, or ordinary and usual, sense * * *"

The Supreme Court in State *ex rel.* Roberts v. Graham, Trustee (1952), 231 Ind. 680, 686, 110 N. E. (2d) 855, 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; 59 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."

In *Blackburn v. Koehler* (1957), 127 Ind. App. 397, 140 N. E. (2d) 763, 764, the court stated:

"To ascertain the legislative intent we must consider the entire statute and the object sought to be attained

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thereby. The intention of the lawmaker constitutes the law. State *ex rel* Rogers v. Davis, 1952, 230 Ind. 479, 482, 104 N. E. 2d 382; Haynes Automobile Co. v. City of Kokomo, 1917, 186 Ind. 9, 12, 114 N. E. 758; Thorn v. Silver, 1909, 174 Ind. 504, 515, 89 N. E. 943, 92 N. E. 161; City of Lebanon v. Dale, 1943, 113 Ind. App. 173, 46 N. E. 2d 269. Wedmore v. State, 1954, 233 Ind. 545, 122 N. E. 2d 1, 4." (Our emphasis)

It is emphasized that the 1957 Legislature in defining the term "antique motor vehicle," as used in the act, based their definition not only upon the *age* of a vehicle but also upon the use to which such a vehicle is put. The key descriptive words in the *use* category are "collector's item," "exhibition" and "educational purposes." Webster's "New International Dictionary," Second Edition, contains the following definitions appropriate to such terms:

Collector— "One who collects; one who makes a practice of collecting objects of a certain class; as an Art collector."

Exhibition— "Act of displaying; act of instance of exhibiting for inspection or of holding forth to view; any public show—a display of works."

Educational—"Process or manner of training; the impartation or acquisition of knowledge."

Historically, Indiana has a proud heritage in the development of motor vehicles. The interest and painstaking efforts of collectors of earlier models, have contributed greatly in keeping our citizenry cognizant of this progress and development. It is interesting to note in your letter of June 13, 1963, that a total of 1,389 of these distinctive antique motor vehicle plates, bearing the legend "Historic Motor Vehicle, State of Indiana," have been sold. Qualifying vehicles are *permanently* registered for a fee of \$15.00. Unquestionably, it was the intent of the 1957 Legislature to grant recognition, both to the rarity of the qualifying vehicles, and, recognition, as well, to the owner enthusiasts, who by a high degree of care and

maintenance, make such vehicles worthy of public interest and of educational value in their showing.

However, it is again emphasized that the mere fact a motor vehicle is at least 25 years old, does not of itself, qualify the vehicle for such special plates. The Legislature clearly indicated that any such vehicle *is to be owned solely as a collector's item and used for exhibition and educational purposes*. This language is clearly *restrictive*. There is a definite distinction between such *restricted* use and that of a motor vehicle used in the ordinary and usual course as a means of transportation. While the words "exhibition" and "educational purposes" are generic and broad in their meaning, nevertheless it seems reasonable to assume that it was the legislative intent to permit the use of such licensed vehicles to include such as participation in special tours, parades, fairs, festivals, picnics and activities generally of clubs and organizations which foster the restoration, maintenance and exhibition of antique cars. It also seems proper to assume that it was the legislative intent to provide for the *occasional* use of such vehicles on the highways as distinguished from the daily and regular use of such vehicles as a means of transportation to and from work or business or routine activities.

The Legislative intent to *restrict* the usage of cars with such special plates is further evidenced by the provisions of the Acts of 1957, Ch. 253, Sec. 6, as found in Burns' 47-2637, which reads as follows:

"Any person who violates any of the provisions of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not to exceed one hundred dollars [\$100], to which may be added imprisonment for a determinate period of not to exceed thirty [30] days, or to both such fine and imprisonment."

Attention is also invited to the fact that the Bureau of Motor Vehicles, State of Indiana, uses a special form for the Certificate of Registration of such vehicles, styled "Antique Vehicles," carrying a statement required to be subscribed and sworn to by the applicant, which reads as follows:

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"I hereby declare this vehicle is at least 25 years old and is used for exhibition and educational purposes only." (Our emphasis)

Therefore, it is my opinion that the definition of "antique motor vehicles" found in Burns' 47-2632, *supra*, does restrict the use of a motor vehicle so registered under the act. As hereinabove stated such use is restricted to "exhibition and educational purposes by the owner." Whether any usage of such plates is an authorized use thereof, or, constitutes a violation of the restrictions, is dependent upon the factual pattern in each specific case.

OFFICIAL OPINION NO. 26

July 19, 1963

George A. Everett, Superintendent
Indiana State Police
301 State Office Building
Indianapolis 4, Indiana

Dear Superintendent Everett:

This is in response to your letter of June 11, 1963, wherein you request an Official Opinion, relative to House Enrolled Act No. 1076 of the 1963 General Assembly, which will become Chapter 293, Acts of 1963.

Your specific questions are stated in the following extract from your said letter:

"House Enrolled Act No. 1076 of the 1963 General Assembly, in repeating the language of the previous law (Acts of 1939, Ch. 48, § 102, Burns, 1952 Repl., § 47-2116), which stated in part:

"(b) No stop need be made at any such crossing where a police officer *or a traffic* control signal directs traffic to proceed." (my emphasis)

left out the three words 'or a traffic'.

"1. What is the legal effect of the omission of these words?"