

Attention is also directed to the further provision of section 7811 G. C. to the effect that such "competent teacher" must be a *teacher* or *supervisor* in the public schools of the county school district or of an exempted village school district.

It is further suggested that upon careful consideration of the sections herein discussed, it is believed the legislature intended that the third member of the board of county examiners should be chosen from the ranks and have the viewpoint of such teachers.

Respectfully,

C. C. CRABBE,

*Attorney General.*

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497.

APPROVAL, BONDS OF BEAVER VILLAGE SCHOOL DISTRICT, PIKE COUNTY, \$25,000.00, TO PURCHASE SITE, CONSTRUCT AND FURNISH FIREPROOF HIGH SCHOOL BUILDING.

COLUMBUS, OHIO, June 27, 1923.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*

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498.

MOTOR VEHICLES—PERSON ACTING AS CHAUFFEUR UNDER SECTION 614-97 G. C. SHALL BE REGISTERED—SECTIONS 6302 AND 6297 G. C. CONSTRUED.

COLUMBUS, OHIO, June 28, 1923.

SYLLABUS:

*Before a person may act as chauffeur of a motor vehicle under House Bill 474, he shall be registered as provided under section 6302 and such registration shall be annual as required by section 6297 G. C.*

HON. THAD H. BROWN, *Secretary of State, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your recent communication as follows:

"Section 6296 of the General Code reads as follows:

'Applications of chauffeurs shall be made at such times and for such periods as are provided in the next two preceding sections for applications of owners.'

"The next section (6297) provides that 'the certificate number, placard or badge, issued to owners or chauffeurs under this chapter shall be for a period of one year, beginning the first day of January.'

"Section 6302 General Code provides for the examination and registration of chauffeurs.

"The recent Legislature enacted House Bill 474, known as the 'Bus Law' and in section 614-97 it is provided:

'For the purpose of determining the qualifications of such chauffeurs or drivers, the Secretary of State shall be governed by section 6302 of the General Code, insofar as the same may be applicable. Upon the issuance of the certificate to drive the applicant shall pay a registration fee and no further fee shall be charged or examination required by the state or any local authorities in the State.'

"I desire your opinion as to whether the quoted portion of section 614-97 repeals by implication sections 6296 and 6297 so far as the same relate to the period of registration of chauffeurs. In other words are chauffeurs registered and licensed once, for all, under the new law, or shall the Secretary of State be governed by section 6297 of the General Code and require registration yearly."

Section 6296 General Code provides:

"Applications of chauffeurs shall be made at such times and for such periods as are provided in the next two preceding sections for applications of owners."

Section 6294 General Code, one of the two preceding sections, provides for application for registration of motor vehicles and is not applicable.

Section 6295 General Code, as far as pertinent, provides:

"Every owner of a motor vehicle before operating or driving such motor vehicle upon the public roads or highways of this state, or permitting the same to be driven, shall file a like application. On all applications required by this section the taxes payable shall be as follows:

- (1) If said application be made prior to April first, the normal tax.
- (2) If made on or after April first and prior to July first, three-fourths of the normal tax.
- (3) If made on or after July first and prior to October first, one-half of the normal tax: and
- (4) If made on or after October first, one-fourth of the normal tax."

Section 6297 of the General Code reads:

"Each certificate, number, placard or badge issued by the secretary of state to owners, manufacturers, dealers, or chauffeurs under this chapter, shall be for the period of one year beginning the first day of January."

Section 6302 General Code reads as follows:

"A person operating a motor vehicle, as chauffeur, shall file by mail or otherwise, with the secretary of state, or his duly authorized agent, upon

blanks prepared under the authority of the secretary of state, an application for registration. The secretary of state shall appoint examiners and cause examinations to be held at convenient points throughout the state, as often as may be necessary. Before any certificate of registration is granted, the applicant shall pass such examination as to his qualifications as the secretary of state shall require. No chauffeur's certificate of registration shall be issued to any person under sixteen years of age. Every application for certificate of registration as chauffeur shall be sworn to before some officer authorized to administer oaths and must contain the name and address of the applicant, together with a statement that he is of sound mind and memory and physically competent to operate a motor vehicle, together with a description of the vehicle, the trade name and kind or kinds of motor vehicles he is competent to operate, and whether or not such applicant has been convicted of violating a provision of this chapter or the penal statutes relating thereto, giving the date or place of such conviction, and the provisions of law so violated. Such said application for registration as chauffeur of a motor bicycle or motorcycle or motor tricycle, shall be accompanied with a registration fee of one dollar, and such application for registration as chauffeur of any other motor vehicle shall be accompanied by a registration fee of three dollars."

Section 6304 General Code provides :

"Upon receipt of such application, the secretary of state shall file it in his office in a book or index kept in a like manner as the book or index for the registration of motor vehicles. He shall forward a list of such registered chauffeurs and such additions thereto as may be made from time to time, in a like manner as in the case of registered motor vehicles, to the county clerk in each county in this state. Such lists shall be kept as public records."

Section 6305 General Code provides :

"Upon the registration of a chauffeur, the secretary of state shall forthwith issue to him a badge of aluminum or other suitable metal, oval in form, and of a diameter of not more than two inches. Such badge shall have stamped thereon the words 'Registered chauffeur, number ——, State of Ohio——' and the registration number shall be inserted thereon."

Section 12620 General Code provides :

"Whoever, being the owner or chauffeur of a motor vehicle operated or driven upon the public roads or highways, fails to file or cause to be filed annually the application for registration required by law to pay the tax therefor, shall be fined not more than twenty-five dollars."

The above sections are all the statutes relating to the registration of resident chauffeurs and, provide the machinery for examination and registration of same.

Section 6296 provides for the time and period of a chauffeur's application and refers to section 6295, General Code, which provides for the apportionment of the tax payable according to the time of application.

Section 6297 provides that the registration shall be good for one year from the first day of January: section 6302 provides that the application shall be made to the secretary and provides for the examination of applicants, for certain qualifications for applicants and a fee of three dollars for such registration.

Section 6304 provides for an official list of chauffeurs. Section 6305 provides for the issuance of a badge to persons registering.

Section 12620 provides a penalty for operating a motor vehicle without having made application for registration.

Section 614-97, enacted by the last General Assembly, known as House Bill 474, provides:

"It shall be unlawful for any motor transportation company as defined in this chapter to cause, allow or permit any motor propelled vehicle operated by it as a motor transportation company to be driven by any person under the age of twenty-one years; and such person shall be an American citizen and shall be skilled in the art of driving such public motor vehicle and without physical disabilities or personal habits which would disqualify him or make him an unsuitable person to serve as driver of such public motor vehicle.

"For the purpose of determining the qualifications of such chauffeur or driver, the secretary of state shall be governed by section 6302 of the General Code, in so far as the same may be applicable. Upon the issuance of the certificate to drive, the applicant shall pay the registration fee and no further fee shall be charged or examination required by the state or any local authority in the state. The term 'local authorities' as used herein means all officers, boards and commissions of counties, cities, villages or townships. In case of sickness, accident or other emergency, any other licensed driver may be substituted."

It is to be noted that while the act mentioned a registration fee for chauffeurs, it does not say what that fee shall be.

As it is unlawful to operate a motor vehicle as chauffeur unless the application for registration has been made, it would be unlawful to act as a chauffeur under House Bill 474 unless said act made an exception of the same.

The use of the words "and no further fee shall be charged or examination required by the state or any local authority" raises a question as to whether it is meant by this that chauffeurs are registered once for all or whether they will be required to register annually.

It would be necessary, in order to hold that a chauffeur is registered for all time, that section 6297, which provides for annual registration, be repealed by implication.

The law does not favor repeals by implication, and it is the duty of the person construing the law to construe the different sections of the statutes so as to make the whole of them harmonious.

The statute uses the following words:

"Upon the issuance of such certificate to drive, the applicant shall pay the registration fee and no further fee shall be charged or examination required by the state or any local authorities in the state."

The only "certificate to drive" that is issued by the secretary of state is the "certificate of registration", which is authorized by section 6302 General Code, and the only "fee" authorized to be charged is the fee of \$3.00 for registration of chauffeurs.

This certificate and fee is made an annual requirement by section 6297 General Code.

Since section 614-97 provides for the issuing of a certificate to drive, and the payment of a registration fee, it must mean the only certificate and fee the secretary of state is authorized to issue, which is the one under section 6302 General Code.

The words "no further fee shall be charged or examination required" must refer to any other fee or certificate in addition to the one provided for in section 6302.

It is therefore my opinion that before a person may act as chauffeur of a motor vehicle under House Bill 474, he shall be registered as provided under section 6302 and such registration shall be annual, as required by section 6297 General Code.

Respectfully,  
C. C. CRABBE,  
*Attorney General.*

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499.

APPROVAL, FINAL RESOLUTIONS, ROAD IMPROVEMENTS IN  
GEAUGA AND VAN WERT COUNTIES.

COLUMBUS, OHIO, June 28, 1923.

*Department of Highways and Public Works, Division of Highways, Columbus,  
Ohio.*

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500.

APPROVAL, BONDS OF RICHLAND TOWNSHIP RURAL SCHOOL DISTRICT, BELMONT COUNTY \$15,000.00, TO CONSTRUCT SCHOOL BUILDING.

COLUMBUS, OHIO, June 28, 1923.

*Department of Industrial Relations, Industrial Commission of Ohio, Columbus, Ohio.*