operator of a motor vehicle traveling on an intersecting thoroughfare, not a state highway, within a municipality, must bring his vehicle to a full stop before entering on a state highway, regardless of the presence or absence of stop signs. Outside of a municipality, the operator of a motor vehicle traveling on an intersecting thoroughfare, not a state highway or a main thoroughfare, must bring his vehicle to a full stop before entering on a state highway, regardless of the presence or absence of stop signs. However, outside of a municipality, at the intersection of state highways or at the intersection of another main thoroughfare with a state highway, it shall not be necessary for such operator to bring his vehicle to a full stop unless signs have been erected in accordance with Section 6310-31, General Code.

4. It is a violation of Section 6310-35, General Code, to fail to obey an automatic traffic signal even though the same was erected by municipal authorities. Such violation is within the jurisdiction of the State Highway Patrol.

5. There is no provision in the statutes of Ohio requiring the operator of a motor vehicle to bring his vehicle to a stop before entering on a highway not a state highway within the municipality, even though stop signs have been erected at such intersection.

6. There is no provision in the statutes of Ohio requiring the operator of a motor vehicle traveling on a state highway within a municipality to bring his vehicle to a stop before entering on another state highway.

Respectfully,
THOMAS J. HERBERT,
*Attorney General.*

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1558.

C-2 PERMITS ISSUED TO OWNER OR OPERATOR OF RETAIL STORE TO SELL CERTAIN DESIGNATED LIQUORS—SECTION 6064-15, G. C., AMENDED SUBSTITUTE SENATE BILL 74, 93RD GENERAL ASSEMBLY—C-2 PERMITS ISSUED PRIOR TO EFFECTIVE DATE OF STATUTE, JUNE 6, 1939, CARRY ALL PRIVILEGES UNDER SAID SECTION AS SO AMENDED.

*SYLLABUS:*

*C-2 permits, as authorized by Section 6064-15, General Code, as amended by the 93rd General Assembly in Amended Substitute Senate Bill No. 74, issued prior to the effective date of the statute, viz., June 6,*

*1939, carry all the privileges defined under said Section 6064-15, General Code, as so amended.*

COLUMBUS, OHIO, December 9, 1939.

HON. JACOB B. TAYLOR, *Director, Department of Liquor Control, Columbus, Ohio.*

DEAR SIR: Your letter requesting my opinion reads as follows:

"The Department of Liquor Control respectfully requests an interpretation of the law involving the following:

Senate Bill No. 74, which became effective June 6, 1939, provided for the abolishing of Class C-2A permits under Section 6064-15, Ohio General Code, transferring those privileges to the C-2 permit, thus increasing the rights under the C-2 permit.

Do the C-2 permits issued prior to the effective date of the statute, namely, June 6, 1939, carry all of the privileges defined under the new law in reference to the same permit?

May we have your answer as quickly as possible as this seems to be a major problem with the holder of C-2 permits prior to June 6, this year."

Properly to answer your question requires an examination of the legislative history of Section 6064-15, General Code, referred to in your letter.

In so far as pertinent to your inquiry, this section, as amended by the 93rd General Assembly (Am. S. B. No. 74; effective, as a "law providing for a tax levy", on June 6, 1939; see Ops. A. G., 1937, Vol. II, p. 1279), reads as follows:

"The following classes of permits may be issued: * * *
* * * * * * * * * *

Permit C-2: A permit to the owner or operator of a retail store to sell ale, stout, and all other malt liquors containing more than 3.2 per centum of alcohol by weight, and wine in sealed containers only and not for consumption on the premises where sold in original packages containing not less than one container and in total quantities at each sale of not more than * * * *five hundred seventy-six* fluid ounces. *The holder of such permit may also sell and distribute in original packages containing not less than one container, and in total quantities at each sale of not more than ninety-six fluid ounces, and not for consumption on the premises where sold, prepared and bottled highballs, cocktails, cordials, and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits, and containing not*

*less than seven per centum of alcohol by weight, and not more than twenty-one per centum of alcohol by volume.* The fee for this permit shall be fifty dollars for each location. * * *" (Asterisks and italics ours.)

The asterisks and the words italicized respectively indicate the words omitted from the old section and the changes in or additions to the section as then enacted.

Section 6064-15 was first enacted by the 90th General Assembly in the act therein designated "as the Liquor Control Act" (115 v. Pt. 2, 118, 130). As then enacted, Section 6064-15, in so far as here relevant, read as follows:

"The following classes of permits may be issued:

* * * * * * * * *

Permit C-1: A permit to the owner or operator of a retail store to sell beer in sealed containers only and not for consumption on the premises where sold, in original packages containing not less than one container and in total quantities at each sale of not more than five hundred seventy-six fluid ounces. The fee for this permit shall be fifty dollars for each location.

Permit C-2: A permit to the owner or operator of a retail store to sell wine in sealed containers only and not for consumption on the premises where sold, in original packages containing not less than one container and in total quantities at each sale of not more than three hundred eighty-four fluid ounces. The fee for this permit shall be fifty dollars for each location.

* * *."

Section 6064-15 was amended by the 91st General Assembly (116 v. 525) so as to read in part:

"The following classes of permits may be issued:

* * * * * * * * *

Permit C-2: A permit to the owner or operator of a retail store to sell ale, stout, and all other malt liquors containing more than 3.2 per centum of alcohol by weight, and wine in sealed containers only and not for consumption on the premises where sold, in packages containing not less than one container and in total quantities at each sale of not more than three hundred eighty-four fluid ounces. The holder of such permit may also sell and distribute in original packages containing not less than one container and in total quantities at each sale of not more than ninety-

six fluid ounces and not for consumption on the premises where sold, prepared and bottled highballs and cocktails and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits. The fee for this permit shall be twenty-five dollars for each location.

* * *"

The section under consideration was again amended by the 92nd General Assembly, in Amended House Bill No. 501; effective May 20, 1937 (117 v. 628, 639), so as to read in part:

"The following classes of permits may be issued:

* * * * * * * * *

Permit C-2: A permit to the owner or operator of a retail store to sell ale, stout, and all other malt liquors containing more than 3.2 per centum of alcohol by weight and not more than seven per centum of alcohol by weight, and wine in sealed containers only and not for consumption on the premises where sold in original packages containing not less than one container and in total quantities at each sale of not more than three hundred eighty-four fluid ounces. The fee for this permit shall be fifty dollars for each location.

Permit C-2a: A permit to the owner or operator of a retail store to sell prepared and bottled highballs, cocktails, cordials and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits and containing not less than seven per centum of alcohol by weight and not more than twenty-one per centum of alcohol by weight in total quantities of not more than ninety-six fluid ounces and not for consumption on the premises. The fee for this permit shall be fifty dollars for each location. * * *"

You will observe from the above excerpts that, as originally enacted, there was nothing in Section 6064-15, General Code, which authorized the holder of either a C-1 or C-2 permit to sell and distribute in any form whatsoever "and not for consumption on the premises where sold, prepared and bottled highballs, cocktails, cordials, and other mixed beverages." As amended by the 91st General Assembly, Section 6064-15, supra, provided that holders of C-2 permits might also sell and distribute, in accordance with the provisions of the section, "prepared and bottled highballs, cocktails and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits." In 1937, when Section 6064-15 was again amended, two classes of permits were provided for. C-2 authorized the permit holder to sell ale, stout, and all other malt

liquors, as prescribed in the section, while Permit C-2a authorized a permit holder "to sell prepared and bottled highballs, cocktails, cordials and other mixed beverages manufactured and distributed by holders of A-4 and B-4 permits, in accordance with the terms of the section. Under this section as then enacted, the fee for a C-2 permit was $50.00, as was the fee for a C-2a permit.

As pointed out above, the 93rd General Assembly abolished C-2a permits and in the re-enactment of the section under consideration provided that the holder of a C-2 permit might also sell and distribute "prepared and bottled highballs, cocktails, cordials and other mixed beverages," as provided in such section.

From the legislative history of Section 6064-15, supra, and the wording of the amendment by the 93rd General Assembly, it seems to me quite clear that it was the intention of the Legislature to add to the holder of C-2 permits additional privileges and that these privileges inured to the then existing C-2 permit holders, as well as to those who obtained such permits after the effective date of the act. And this conclusion is strengthened by the language used in the act of May 23, 1935 (116 v. 511), where in changing the privileges of holders of B-2 permits the Legislature expressly and specifically provided that the act changing such provisions should not apply until January 1, 1936, to holders of B-2 permits issued prior to May 1, 1935.

In view of the foregoing, and in specific answer to your question, it is my opinion that C-2 permits, as authorized by Section 6064-15, General Code, as amended by the 93rd General Assembly in Amended Substitute Senate Bill No. 74, issued prior to the effective date of the statute, viz., June 6, 1939, carry all the privileges defined under said Sections 6064-15, General Code, as so amended.

Respectfully,
THOMAS J. HERBERT,
*Attorney General.*

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1559.

## BONDS—WASHINGTON C. H., CITY SCHOOL DISTRICT, FAYETTE COUNTY, $8,000.00.

COLUMBUS, OHIO, December 12, 1939.

*Retirement Board, State Teachers Retirement System, Columbus, Ohio.*

GENTLEMEN:

RE: Bonds of Washington C. H., City School District, Fayette County, Ohio, $8,000.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise all of an issue of bonds