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MOTOR VEHICLE—TRANSFER OF REGISTRATION OF NUMBER PLATES—MOTOR VEHICLE FOR WHICH ORIGINALLY ISSUED—TO ANOTHER MOTOR VEHICLE ACQUIRED BY SAME PERSON IN WHOSE NAME PLATES ORIGINALLY ISSUED—MUST BE EFFECTED WITHIN TEN DAYS AFTER DATE OF ACQUISITION OF OTHER VEHICLE—PROVISIONS OF SECTION 459.08 (C), RC DO NOT APPLY DURING SUCH PERIOD.

SYLLABUS:

Under the provisions of Section 4503.12, Revised Code, the transfer of the registration of number plates from the motor vehicle for which they were originally issued to another motor vehicle acquired by the same person in whose name such plates were originally issued, must be effected within ten days after the date of acquisition of such other vehicle. During such period the provisions of division (C) of Section 4549.08, Revised Code, do not apply.

Columbus, Ohio, December 12, 1955

Hon. C. Ervin Nofer, Acting Registrar
Bureau of Motor Vehicles, Columbus, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Your attention is invited to the seeming conflict of two sections in the Revised Code relating to motor vehicle registration.

“Section 4503.12 of the Revised Code states that upon the transfer of ownership of a motor vehicle the registration of such motor vehicle shall expire and if the original owner makes application for the registration of another motor vehicle at any time during the remainder of the current registration year, he may file an application for transfer of registration. The transfer of such number plates from the motor vehicle for which originally issued to a motor vehicle purchased by the same person in whose name the original number plates were issued, shall be done within a period not to exceed ten days.

“Section 4549.08 (C), Revised Code, states that no person shall operate a motor vehicle if it displays a distinctive number or identification mark which belongs to another motor vehicle or belongs to a motor vehicle the ownership of which has been transferred after initial registration under such number or mark.

“In the first section referred to it infers that the owner has ten days time in which to apply for transfer of license plates and in the second section quoted, the question has arisen whether the owner has any period of time to transfer registration.”

Section 4549.08, Revised Code, is a section of the Chapter entitled “Motor Vehicle Crimes”, and is essentially a criminal statute. Section 4549.08, Revised Code, was formerly Section 12618 of the General Code. The language “belongs to a motor vehicle, the ownership of which has

been transferred after initial registration under such number or mark”, was added to this section by the 83rd General Assembly in 1919. See 108 Ohio Laws, Part II, page 1083. This language has not been changed since 1919.

Section 4503.12, Revised Code, is a section of the Chapter entitled “Licensing of Motor Vehicles”, and sets forth the procedure for transfer of ownership and registration of motor vehicles. Section 4503.12, Revised Code, formerly Section 6294-1, General Code, reads in part as follows :

“Upon the transfer of ownership of a motor vehicle the registration of such motor vehicle shall expire and it shall be the duty of the original owner to immediately remove such number plates from such motor vehicle. Should the original owner make application for the registration of another motor vehicle at any time during the remainder of the current registration year, he may file an application for transfer of registration accompanied by a transfer fee of one dollar and the original certificate of registration. *The transfer of such number plates from the motor vehicle for which originally issued to a motor vehicle purchased by the same person in whose name the original number plates were issued shall be done within a period not to exceed ten days.*
* * *”
(Emphasis added.)

This section was amended by the 93rd General Assembly in 1939 by inserting the language emphasized above.

Both Section 4503.12 and Section 4549.08 (C) deal with the same subject matter, i.e., the transfer of number plates from the motor vehicle for which originally issued, to another motor vehicle.

It was held in the case of *State, ex rel v. Halliday*, 63 Ohio State, 165 :

“In so far as two statutes are unreconcilable effect must be given to the one which is the later.”

Since the amendment to Section 4503.12 Revised Code was passed twenty years after the enactment of Section 4549.08 (C), Revised Code, said amendment must be considered controlling to the extent of any conflict between the two, even though one is a criminal statute and the other deals with civil matters, for a civil statute may declare lawful a course of conduct which had theretofore been denounced in the criminal laws.

The Court in the case of *State v. Ward*, 4 Ohio Opinions, 120, had a similar situation before it. The seeming conflict in that case was be-

tween Section 12618-3 and 6306-1, General Code. Section 12618-3 provided a penalty for an owner of a motor vehicle and a resident of this state who operated or drove upon the highways of this state displaying thereon a license under the authority of another state without having complied with the laws of this state relating to the registration and identification of motor vehicles. Section 6306-1 authorized reciprocal contracts or agreements with other states relative to the use of the highways of this state.

An agreement had been entered with another state whereby a resident of that state, who had his motor vehicle regularly licensed under the laws of that state, might bring the same into Ohio and operate it on the public highways of Ohio continuously for a period not exceeding sixty days.

In holding in favor of the agreement under the provisions of Section 6306-1, General Code, the Court stated:

“Statutes that are correlated should be coordinated, otherwise the administration of the law becomes chaotic and confused. We conclude that Section 12618-3, General Code is in *pari materia* with Section 6306-1, General Code, and that it is the duty of the court to construe these provisions of the code so as to effectuate their intelligent purpose and application.”

In your inquiry you refer to an implication in Section 4503.12, Revised Code, that an owner “has ten days time in which to apply for transfer”. In view of the fact that the transfer of registration is effected without delay upon presentation of a proper application, and fee, to the registrar or to his deputy, it is difficult to perceive any legislative intent in the enactment of the “ten day” provision in this section other than that which you suggest. I conclude, therefore, that these sections are irreconcilable in this respect, and that the provision later enacted in Section 4503.12, Revised Code must be deemed controlling.

In specific answer to your request, it is my opinion that under the provisions of Section 4503.12, Revised Code, the transfer of the registration of number plates from the motor vehicle for which they were originally issued to another motor vehicle acquired by the same person in whose name such plates were originally issued, must be effected within ten days after the date of acquisition of such other vehicle. During such period

the provisions of division (C) of Section 4549.08, Revised Code, do not apply.

Respectfully,

C. WILLIAM O'NEILL

Attorney General