

"A body of men associated for their common interest, business or pleasure; a company; a brotherhood; a society; a community of men of the same class, profession, occupation or character."

Corpus Juris, Vol. 26, p. 1049, defines "Greek letter fraternity" as follows:

"College literary or social organizations shown by the initial letter of a Greek motto or the like, and consisting usually of affiliated chapters."

In the case of *State ex rel v. George W. Bish* found in 22 Ohio Dec., p. 480, it was said by the court:

"In the construction of statutes, words and phrases shall be taken in their plain, ordinary or usual sense unless they are technical words and phrases, which shall be understood according to their technical import."

As the legislature has not seen fit to define fraternities, we must, in construing any statute in connection therewith, take the usual meaning of such word. It is presumed that the legislature was familiar with the usual definition of fraternity.

From the definitions *supra*, it will be seen that the usual understanding of a school fraternity or sorority is a literary or social society or club composed of school pupils.

It is therefore my opinion that an organization which uses Greek letters in the designation of its name, which has initiation ceremonies, which pledges students to membership and which holds secret meetings, constitutes a fraternity or sorority as contemplated by section 12906.

You are further advised that it is not necessary to have all the elements mentioned in your query present in order to constitute a fraternity under this section.

Respectfully,
C. C. CRABBE,
Attorney-General.

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TRAFFIC REGULATIONS—WIDTH OF TIRES—HOUSE BILL No. 612,
(110 O. L. 319) CONSTRUED

SYLLABUS:

Under section 7248 of the General Code it is unlawful for any person, firm or corporation to transport, over the improved public streets, alleys, highways, bridges or culverts within this state, in any vehicle, equipped with tires of solid rubber or other similar substance, propelled by muscular, motor or other power, any burden whatever, unless the width of that portion coming in contact with the road surface be at least two-thirds the width of the tire between the flanges at the base of the tire.

COLUMBUS, OHIO, October 8, 1923.

HON. L. A. BOULAY, *Director of Highways and Public Works, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of a communication from your department written by Mr. G. F. Schlesinger, State Highway Engineer, as follows:

A question has arisen in connection with House Bill 612, enacted in the last session of the legislature. Quoting from section 7248, third paragraph:

'The total width of tires on all wheels shall be, in case of solid tires of rubber or other similar substance, the actual width in inches of all such tires between the flanges at the base of the tires, but in no event shall that portion of the tire coming in contact with the road surface be less than two-thirds the width so measured between the flanges.'

Question: Under this section of the code is it lawful to use a tire which has a width surfacing on the road equal to less than $2/3$ of the width between the flanges, provided the weight of the vehicle and load is such as the law permits for a tire having a width between the flanges of one and one-half ($1\frac{1}{2}$) times that portion surfacing on the road.

For example, Is it lawful to use a tire which is 6 in. in width between the flanges and but 3 in. in width in contact with the road provided the weight of load and vehicle is not more than that permitted under this section for a tire $4\frac{1}{2}$ in. between the flanges."

Section 7248 of the General Code of Ohio, as a part of enacted House Bill No. 612, which was passed April 4th, 1923 and filed in the office of the Secretary of State. April 19th, 1923, is a part of the chapter of the General Code entitled "Traffic Regulations." The pertinent parts of the section read:

"No person, firm or corporation shall transport over the improved public streets, alleys, highways, bridges or culverts within this state, in any vehicle propelled by either muscular, motor or other power, any burden, including weight of vehicle and load, greater than the following:

"In vehicles having tires of rubber or other similar substances, for each inch of the total width of tires on all wheels, as follows: For tires three inches in width, a load of four hundred and fifty pounds; for tires three and one-half inches in width, a load of four hundred and fifty pounds; for tires four inches in width, a load of five hundred pounds; for tires five inches in width, a load of six hundred pounds; and, for tires six inches and over in width, a load of six hundred and fifty pounds. The total width of tires on all wheels shall be, in case of solid tires of rubber or other similar substance, the actual width in inches of all such tires between the flanges at the base of the tires, but in no event shall that portion of the tire coming in contact with the road surface be less than two-thirds the width so measured between the flanges."

It will be noted that the section limits the burden, including weight of vehicle and load, which may be transported in any vehicle propelled by muscular, motor or other power over the improved public streets, alleys, highways, bridges or culverts within this state, the limit of weight of the burden being dependent upon the kind and width of the tires on the vehicle.

Your question relates to tires of solid rubber or other similar substance, and your attention is particularly directed to the closing part of the sentence dealing with this class of tires. It reads: "but in no event shall that portion of the tire coming in contact with the road surface be less than two-thirds the width so measured between the flanges." This language is plain, clear and distinct; it simply says that the width of that portion of a solid tire coming in contact with the surface of the road shall in no event be less than two-thirds of the width between the flanges. It is difficult to see how more explicit language could have been used.

It is an elementary rule of construction that if a statute is plain, certain and unambiguous, so that no doubt arises from its own terms as to its scope and meaning, a bare reading suffices; then interpretation is needless." (Sutherland, Section 363.)

It is beyond question the duty of the courts in construing statutes to give effect to the intent of the law making power, and seek for that intent in every legitimate way. But first of all in the words and language employed; and if the words are free from ambiguity and doubt, and express plainly, clearly and distinctly the sense of the framers of the instrument, there is no occasion to resort to other means of interpretation. It is not allowable to interpret what has no need of interpretation." (Sutherland, Section 366.)

The Legislature must be understood to mean what it has plainly expressed and this excludes construction.

Woodberry vs. Berry, 18 O. S., 456.

This rule has been very clearly expressed in the second paragraph of the syllabus in the case of Slingluff vs. Weaver, 66 O. S., 621, which reads:

"But the intent of the law-makers is to be sought first of all in the language employed, and if the words be free from ambiguity and doubt, and express plainly, clearly and distinctly, the sense of the law-making body, there is no occasion to resort to other means of interpretation. The question is not what did the general assembly intend to enact, but what is the meaning of that which it did enact. That body should be held to mean what it has plainly expressed, and hence no room is left for construction."

In conclusion I am of the opinion that it is unlawful for any person, firm or corporation to transport, in any vehicle equipped with tires of solid rubber or other similar substance, propelled by either muscular, motor or other power, any burden whatever, unless the width of that portion of the tire coming in contact with the surface of the road be at least two-thirds the width of the tire between the flanges.

Following this conclusion you are advised that your question should be answered in the negative.

Respectfully,
C. C. CRABBE,
Attorney-General.

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APPROVAL, FINAL RESOLUTIONS. ROAD IMPROVEMENTS IN THE FOLLOWING COUNTIES: 2 IN ALLEN, 1 IN FAIRFIELD, 1 IN LORAIN, 1 IN JEFFERSON, 1 IN MUSKINGUM, 1 IN TRUMBULL AND 1 IN BUTLER.

COLUMBUS. OHIO October 8, 1923.

HON. L. A. BOULAY, *Director of Highways and Public Works, Columbus, Ohio.*