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MOTOR VEHICLE—COUNTY COMMISSIONERS MAY PERMIT COUNTY CORONER TO USE MOTOR VEHICLE IN DISCHARGE OF OFFICIAL DUTIES—MAY SUPPLY GASOLINE AND OIL.—VEHICLE PURCHASED FOR USE OF COMMISSIONERS—SECTION 2412-2, G. C.

SYLLABUS:

County commissioners may permit the county corner to use, in the discharge of his official duties, a motor vehicle purchased by them for their own use under Sections 2412-1 and 2412-2, General Code, and also supply gasoline and oil therefor.

Columbus, Ohio, August 31, 1945

Hon. Frank W. Springer, Prosecuting Attorney
Lisbon, Ohio

Dear Sir:

This will acknowledge receipt of your letter relating to Amended Substitute Senate Bill No. 92 of the 96th General Assembly, in which you inquire if county commissioners may make any provision after the law becomes effective for the traveling expenses of county coroners.

Your inquiry is prompted by the fact that such Amended Substitute Senate Bill No. 92, effective October 12, 1945, repeals Section 2866, General Code, which allows coroners a fee of ten cents for each mile traveled in the performance of official duties, without making any new provision therefor.

The bill in question is practically a complete revision of all the statutes relating to county coroners. In fact, the only sections not affected are Section 2856-1, relating to county morgues; Section 2856-6 penalizing coroners for failure to make reports and pay over moneys; Section 2858 relating to the issuance of coroner's writs and the duties of constables; and Sections 2864 and 2865 relating to the disposition of property of deceased persons.

As a result of this revision county coroners will receive no mileage or other fees for official services, but instead will receive salaries and

per capita compensation from the county treasury based upon the population of their respective counties, pursuant to the provisions of new Section 2855-3, General Code.

You refer in your letter to Sections 2412-1 and 2412-2, General Code, which authorize the county commissioners to purchase motor vehicles, and inquire if the commissioners are authorized by these sections to permit the coroner to use a vehicle purchased by them for their own use.

Sections 2412-1 and 2412-2, General Code, so far as pertinent to your inquiry, read as follows:

Section 2412-1. “* * * If the board of county commissioners deem it necessary to purchase a motor vehicle or vehicles for their use or for the use of any department under their direct control, application shall be made by them to a judge of the court of common pleas of said county, who, if upon the hearing thereof finds it necessary and expedient to purchase such vehicle or vehicles shall so order, fixing the number and kind of such vehicles, and the amount to be expended for each.”

Section 2412-2. “When purchased, such vehicle or vehicles shall be for the use of the county commissioners, or other county officials, such use to be subject to the regulation of the county commissioners. Such vehicles shall be used by each such officials or said deputies and employes in lieu of hiring vehicles, in the manner otherwise provided by law unless the county vehicles are not available for such use. When vehicles are so purchased, the county commissioners may purchase such supplies as may be necessary. Any vehicles heretofore acquired and now owned by the county shall be used as herein provided. All such vehicles shall be plainly and conspicuously lettered as the property of the county. No official or employe shall use or permit the use of any such vehicle or any supplies therefor, except in the transaction of public business or work of such county.”

It will be noted that Section 2412-1, which refers primarily to the purchase of motor vehicles, authorizes purchases for the commissioners own use, or for the use of any department under their direct control, and that Section 2412-2, which deals with the use of the vehicles after purchase, do not, in terms, confine their use to departments under the control of the commissioners, but permit their use by “other county officials,” subject to the regulation of the commissioners. Accordingly, it is my view

that the words, "other county officials," are not limited to officials in the departments controlled by the commissioners, but also include elective county officials whose official duties require that they travel about the county, such as county coroners.

It will also be noted that Section 2412-2 further provides that when motor vehicles are purchased, the commissioners may purchase such supplies as may be necessary. In my opinion such supplies would include gasoline and oil for operating the vehicles, and it was so decided in an opinion found in Vol. I, Page 45, of Opinions of the Attorney General for 1933.

You are therefore advised that the county commissioners may permit the county coroner to use, in the discharge of his official duties, a motor vehicle purchased by them for their own use under Sections 2412-1 and 2412-2, General Code, and also supply gasoline and oil therefor.

Respectfully,

HUGH S. JENKINS

Attorney General