

1732.

APPROVAL, BONDS OF THE VILLAGE OF WAYNESBURG, STARK COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, February 20, 1928.

*Industrial Commission of Ohio, Columbus, Ohio.*

1733.

APPROVAL, BONDS OF GOSHEN TOWNSHIP RURAL SCHOOL DISTRICT, TUSCARAWAS COUNTY—\$125,000.00.

COLUMBUS, OHIO, February 20, 1928.

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

1734.

APPROVAL, BONDS OF THE VILLAGE OF HIGHLAND, HIGHLAND COUNTY—\$7,200.00.

COLUMBUS, OHIO, February 20, 1928.

*Industrial Commission of Ohio, Columbus, Ohio.*

1735.

TIRES—REDUCTION IN LOADS AND SPEED LIMITS—AUTHORITY OF DIRECTOR OF HIGHWAYS TO DIFFERENTIATE BETWEEN SOLID AND PNEUMATIC TIERED VEHICLES—BETWEEN BALLOON AND PNEUMATIC.

**SYLLABUS:**

*In making reductions in load and speed limits, or either, in pursuance to Section 7250 of the General Code, the Director of Highways has the right to differentiate between solid rubber tired vehicles and pneumatic rubber tired vehicles, but does*

*not have the right to differentiate between vehicles equipped with so-called "balloon" tires and those equipped with the ordinary pneumatic tires.*

COLUMBUS, OHIO, February 20, 1928.

HON. GEORGE F. SCHLESINGER, *Director of Highways, Columbus, Ohio.*

DEAR SIR:—I beg to acknowledge receipt of your request for opinion, reading as follows:

"I am in receipt of your Opinion No. 1687 given in reply to my request of January 3, 1928, regarding the rights and duties of the Director of Highways in differentiating between types of tires in making the reduction of load and speed limits under Section 7250 of the General Code.

This opinion answers the text of my question in the letter referred to above but I would now respectfully inquire further regarding my rights under Section 7250 and related sections as follows:

Has the Director of Highways discretionary power to differentiate between various classifications of rubber tired vehicles under Sections 7248 and 7249 cited in your Opinion No. 1687?

To amplify my question and make it more specific in making reductions in load and speed limits does the Director of Highways have the right to differentiate between solid rubber tired vehicles and pneumatic rubber tired vehicles?

Further does he have the right to differentiate between the so-called balloon type of pneumatic tired vehicles and the high pressure pneumatic tired vehicles?"

Sections 7248 and 7249, General Code, have been fully set out in Opinion No. 1687, and will not be repeated here.

As stated in Opinion No. 1687, in making the reductions of maximum weight of vehicle and load or maximum speed, or both, pursuant to Section 7250 of the General Code, you are required to follow the classifications set forth in Sections 7248 and 7249, General Code, and cannot create a new classification.

I am clearly of the opinion that the Legislature in Sections 7248 and 7249 has classified motor vehicles according to whether they were equipped with solid rubber tires or pneumatic rubber tires. The Legislature, however, has not made a classification distinguishing so-called "balloon" tires from the ordinary pneumatic tire.

Specifically answering your questions, I am of the opinion that in making reductions in load and speed limits, or either, in pursuance to Section 7250 of the General Code, the Director of Highways has the right to differentiate between solid rubber tired vehicles and pneumatic rubber tired vehicles, but does not have the right to differentiate between vehicles equipped with so-called "balloon" tires and those equipped with the ordinary pneumatic tires.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*