It will be observed that the above sections of the General Code providing for the transfer of minors have to do in each case with minors who have been *committed* to the board of administration or to some state institution under the jurisdiction of the board. Said sections have no application to children who are in the situation of those mentioned in your letter—to-wit children who are mere residents by sufferance at the state institution, and over whom the state has, as a matter of law, no right of custody or control.

You are thorefore advised that the director of public welfare is without authority to order the transfer of such children from the institution for feeble minded to the division of charities. In order to bring such children within the jurisdiction of said department of public welfare they must, if feeble minded, be committed by the probate court under section 1893 G. C.; or, if merely dependent, they must be committed by the juvenile court, pursuant to section 1653 G. C.

(3) Your third question has in effect been answered by what has already been said in answering your first and second questions. In addition, it is to be noted that section 1352-4 G. C. (109 O. L. 362) provides for charging board, etc., "to the county from which such child was *committed or transferred* as provided in sections 1352-3, 1352-5 and 1352-8" (the last cited section referring to crippled children committed to the board of state charities temporarily for treatment). In other words, the obligation of the county under section 1352-4 G. C. extends only to children *committed* to the state's care. Children received by state institutions informally and not by virtue of a statutory proceeding are not included in said section.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2405.

MOTOR VEHICLES—LIGHTS—VIOLATION OF AMENDED SENATE BILL NO. 156 (109 O. L. 219) IS IN DRIVING MOTOR VEHICLES UPON PUBLIC HIGHWAYS WHILE SUCH DEVICE IS OUT OF ADJUSTMENT—ACT DOES NOT REQUIRE MANUFACTURERS TO EQUIP PRODUCT WITH APPROVED LIGHTING DEVICE—PENALTY GOES TO USE.

Under the provisions of sections 6310-1, 6310-2 *and* 12614-1 *G. C., as contained in Amended Senate Bill No.* 156, *passed April* 29, 1921, *filed in the office of the Secretary of State May* 16, 1921, *relating to the regulations of lights upon motor vehicles, held,*

1. *That if a motor vehicle is equipped with a device approved by the Director of Highways and Public Works, it is nevertheless a violation of the terms of said act to drive such vehicle upon the public highways while such device is out of the adjustment prescribed by such Director.*

2. *That said act does not require manufacturers of motor vehicles to equip their product with an approved lighting device. The penalty of the act does not go to the manufacture or sale of vehicles, but to the use of them upon the public highways.*

COLUMBUS, OHIO, September 9, 1921.

Department of Highways and Public Works, Division of Highways, Columbus, Ohio.

GENTLEMEN:—The receipt is acknowledged of your communication of recent date, reading:

"Two questions have arisen in connection with the Pence Act, S. B. No. 156, upon which this department desires an opinion.

After the highway commissioner has approved a lens or device, is the motorist simply required to place this device in his lamp without any regard to the focal adustment, or is the motorist also required to see that the lens or device has the proper focal adjustment?

Is it mandatory for the manufacturers of automobiles to equip their product with one of the approved devices that will comply with the law before it is sold to the individual?"

The act to which you refer consists partly of new and partly of amendatory legislation. The new legislation is embraced in sections designated as sections 6310-1 and 6310-2. The amendatory legislation includes the amendment of sections 12614 and 12614-1 and the repeal of section 12614-2. All that need be said here of the amendatory legislation is that the amended form of section 12614-1 provides a fine for the violation of sections 6310-1 and 6310-2.

Section 6310-1 opens with general provisions to the effect that motor vehicles must at certain stated times carry lights when driven upon the public highways. These provisions are followed by the paragraph:

"No headlights shall be used on any motor vehicle upon the highways except after the installation of a device to prevent glare, which device has been certified and approved by the state highway commissioner, in accordance with the provisions of section 6310-2 of the General Code, which device shall be applied and adjusted in accordance with the requirements of a certificate of approval to be issued by said state highway commissioner. No such certificate of approval of any device shall be issued by said state highway commissioner unless such device, by actual test, conducted under his direction, complies with the following requirements for lights."

Then follow specifications of requirements, having for their object sufficient light on the one hand and non-glaring light on the other.

Section 6310-2 provides in substance that the

"State highway commissioner may, after proper laboratory tests, approve certain devices for controlling the front lights on motor vehicles so that they shall comply with the provisions of this act * * * and may issue a certificate to the applicant securing the device, certifying * * * that the device, *when properly applied,* complies with the requirements of this act."

Since the certificate of the testing authority can go no farther than to show that the lighting device, *when properly applied,* meets the requirements of the act, and since there is a prohibition against the use of headlights except after the installation of a device to prevent glare,

"which device shall be *applied and adjusted* in accordance with the requirements of a certificate of approval to be issued by said state highway commissioner,"

it follows by way of answer to your first question that a violation of the terms of the act occurs whenever the motor vehicle is driven upon the public

highways with the device out of the adjustment prescribed by the testing authority.

Your second inquiry may be answered by the statement that the penalty provisions of the act in question go to the point of the use of a motor vehicle upon the public highways without an approved device; and that there is no provision requiring a manufacturer of motor vehicles to equip his product with an approved device, nor prohibiting the sale of a vehicle not so equipped.

Respectfully,
JOHN G. PRICE,
Attorney-General.

2406.

CORPORATIONS—WHERE LOANS MADE ON ENDORSED NOTES AT RATE IN EXCESS OF EIGHT PER CENT PER ANNUM AND CERTIFICATES SOLD, OR INVESTMENT SECURITIES OF ANY KIND ON INSTALLMENT PLAN—REQUIRED TO COMPLY WITH CHATTEL LOAN LAW AND ALSO BOND INVESTMENT COMPANY LAW—THE OHIO INDUSTRIAL ENDOWMENT FUND COMPANY.

A company making loans on endorsed notes at a rate in excess of eight per cent per annum, and selling certificates or other investment securities of any kind on the installment plan, other than a building and loan association, is required to comply with both sections 6345-1 *et seq.—the chattel loan law—and* 696 *G. C.—bond investment companies—notwithstanding the enforcement of such laws, by section* 154-39 *of the Administrative Code, is placed in the Department of Commerce.*

COLUMBUS, OHIO, September 9, 1921.

Department of Commerce, Division of Building and Loan, Columbus, Ohio.

GENTLEMEN:—Acknowledgment is made of the receipt of your recent request for the opinion of this department as follows:

> "Pursuant to the provisions of section 154-39 of the administrative code, this division has been requested to assume authority over Blank Company, of Columbus, Ohio.
>
> The enclosed letter from L. D. Blank, esq., legal director of the said company, is self explanatory.
>
> As indicated therein, will you kindly advise this office whether it will be necessary for this company to maintain its qualifications under the chattel loan law in order to carry on their business in the manner indicated after having been brought under the jurisdiction of this department?"

The business of this company is of a two fold kind, (1) the loaning of money on endorsed notes, and (2) the sale of investment certificates. The law relating to chattel loans is found in sections 6346-1 et seq. G. C., while the law relative to bond investment companies is found in sections 696 et seq. G. C. Copies of the company's endorsed notes and its investment certificates, with a letter from its counsel, were enclosed with your subsequent letters.

The substance of the sample note submitted is that XYZ agrees to pay