

and villages in the counties throughout the state of Ohio, as such 'Registrar' sees fit, whereas under the present law, the 'Commissioner of Motor Vehicles' designates 'Deputy Commissioners'. House Bill No. 271 further empowers the Director of Highways to prescribe the use of a placard, or means of fastening such placard, or both, upon motor vehicles, which placard, or means of fastening, or both, are so designated and constructed as to render difficult the removal of the placard after it has been fastened to a motor vehicle. Except for the changes and modifications herein before noted, the principal intent and purpose of House Bill No. 271 is to transfer the Bureau of Motor Vehicles, now under the official supervision of the Secretary of State, to the Department of Highways, under the supervision and administrative direction of the Director of Highways."

I am of the opinion that the foregoing is a fair and truthful statement of the measure to be referred and accordingly submit for uses provided by law the following certification:

"I, John W. Bricker, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, hereby certify that the foregoing summary is a fair and truthful statement of House Bill No. 271 of the 90th General Assembly, JOHN W. BRICKER, Attorney General."

Respectfully,
 JOHN W. BRICKER,
Attorney General.

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APPROVAL, PETITION FOR PROPOSED REFERENDUM ON HOUSE
 BILL No. 270, 90th GENERAL ASSEMBLY.

COLUMBUS, OHIO, April 13, 1933.

HON M. RAY ALLISON, *Columbus, Ohio.*

DEAR SIR: You have submitted for my examination a written petition signed by one hundred qualified electors of this state, containing a measure to be referred and a summary of the same, under Section 4785-175, General Code.

It is proposed to refer to the electors of this state House Bill No. 270 of the 90th General Assembly, entitled "an act to amend section 1178 of the General Code, relating to the functions of the department of highways and to provide for the establishment of a division of state highway patrol in the department of highways to enforce the laws relating to the registration of motor vehicles and their use and operation on the highways."

The summary of this measure to be referred reads as follows:

"House Bill No. 270 recently passed by the General Assembly of Ohio, amends Section 1178 of the General Code and provides for the establishment of a Division of State Highway Patrol in the Department of Highways. Such legislation in this state provides in substance

that the functions of the Department of Highways be enlarged in 'the enforcement of the laws of the state relating to the registration and licensing of motor vehicles, the laws relating to their use and operation on the highways, and all laws for the protection of the highways.' Heretofore, under the prevailing laws of Ohio, the Commissioner of Motor Vehicles appointed by the Secretary of State, has had jurisdiction in the administration and enforcement of the registration and license law affecting motor vehicles operated upon the public roads and highways of this state. House Bill No. 270 creates in the Department of Highways a DIVISION OF STATE HIGHWAY PATROL which shall be administered by a Superintendent to be appointed by the Director of Highways and to be paid a salary of \$4000.00 per annum, subject to reduction by Amended Senate Bill No. 5, third special session, 89th General Assembly. It also provides for the appointment, with the approval of the Director of Highways, of highway patrolmen not to exceed 60 in number, between the ages of 24 and 40 years at salaries to be fixed by the Director of Highways within appropriations for that purpose. Such patrolmen, while on duty, shall wear a distinguishing uniform and badge prescribed by the superintendent, and shall be furnished by the state with such vehicles, equipment and supplies as the Director of Highways may deem necessary for each member of the patrol. Also, it provides for the appointment by the superintendent, with the approval of the Director of Highways, of all such clerks, stenographers and other employees as he may deem necessary to carry out the provisions of the act, and the salary of each of such employees shall be fixed by the Director of Highways, within appropriations for that purpose. Such superintendent and highway patrolmen are to be bonded and vested with powers to arrest, without warrant, any person who is engaged, in their presence, in the violation of any laws relating to the registration of motor vehicles, the operation of motor vehicles upon the highways, and all laws of the state for the protection of the highways. In addition to the above powers House Bill No. 270 further provides that it shall be the duty of the State Highway Patrol to investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels, commonly known as the Gasoline Tax, and requires that all fines collected or money arising from bonds forfeited by persons apprehended or arrested by State Highway Patrolmen shall be paid one-half into the state treasury to the 'State Highway Maintenance and Repair Fund,' and one-half into a similar fund in the treasury of the incorporated city or village where such case may be prosecuted, and if prosecution is in a trial court outside of such city or village such money shall be paid one-half into the county treasury. In addition, it provides a penalty of fines ranging up to \$25.00 for the first offense and \$25.00 to \$100.00 for the second offense for any person who willfully fails or refuses to obey or in any way resists or opposes such highway patrolmen in the proper discharge of his duties.

The principal object and purpose of said House Bill No. 270 is to create under the official supervision of the Director of Highways a Division of State Highway Patrol to serve as a constabulary with state-wide jurisdiction in the enforcement of laws affecting Highway Traffic, Motor Vehicles and Gasoline Tax Collections."

I am of the opinion that the foregoing is a fair and truthful statement of the measure to be referred and accordingly submit for uses provided by law the following certification:

"I, John W. Bricker, Attorney General of the State of Ohio, pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, hereby certify that the foregoing summary is a fair and truthful statement of House Bill No. 270 of the 90th General Assembly. JOHN W. BRICKER, Attorney General."

Respectfully,

JOHN W. BRICKER,

Attorney General.

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EMBALMING EXAMINERS—STATE BOARD OF—AUTHORIZED TO REQUIRE CERTIFICATE OF REGISTRATION FROM APPLICANT PRIOR TO COURSE OF STUDY—BOARD MAY REASONABLY REGULATE REQUIREMENT FOR ADMISSION TO EXAMINATION FOR LICENSE—STATEMENT OF APPRENTICESHIP MAY BE REQUIRED BY BOARD—APPRENTICESHIP UNDER REGISTERED EMBALMER.

SYLLABUS:

1. *The State Board of Embalming Examiners of Ohio has the authority to adopt a rule requiring that an intended applicant for an embalming license shall obtain a certificate of registration prior to entering upon the course of study or period of practical experience required by Section 1342, General Code, when such rule is not made to act retroactively.*

2. *Such board has no authority to adopt a rule purporting to regulate the requirements as to admission to examination for a license to practice embalming in this state, which is unreasonable or which may not be complied with within the period prescribed in Section 1342, General Code.*

3. *An applicant for an embalmer's license who has been regularly and steadily employed by an undertaking parlor, as the same is ordinarily conducted in this state, not as a side issue to other employment, and who has given diligent attention to his duties as an aide or helper to the embalming performed therein and has embalmed arterially, at least twenty-five dead adult human bodies, under the direct supervision of a licensed embalmer has complied with the practical experience requirements of Section 1342, General Code, and with the rules of the State Board of Embalmers of Ohio, even though the licensed embalmer under whom such experience may have been obtained, may also embalm for other undertakers.*

4. *When the rules of the board so require, such board cannot be compelled to admit an applicant to examination until he shall have furnished a statement as to his apprenticeship as required by Section 1342, General Code.*

COLUMBUS, OHIO, April 13, 1933.

HON. EDWIN H. WEBER, *Secretary-Treasurer, The State Board of Embalming Examiners of Ohio, Cleveland, Ohio.*

DEAR SIR: Your recent request for opinion reads in part, as follows: