

49.

FLEET OF TRAILERS—OPERATED ON PUBLIC HIGHWAY REQUIRED TO CARRY SEPARATE LICENSE PLATES, WHICH MAY NOT BE TRANSFERRED.

SYLLABUS:

Under the provisions of Section 6292-1, General Code, as amended in 111 Ohio Laws, page 241, an owner operating a fleet of trailers, each one of which at some time or times is operated on the public highway, is required to provide separate license plates for each of said trailers, and he may not indiscriminately transfer the trailer plates from the idle trailer in the yard to the trailer entering the highway.

COLUMBUS, OHIO, February 4, 1927.

HON. CHALMERS R. WILSON, *Commissioner of Motor Vehicles, Department of State, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your letter of the 26th ultimo, requesting my opinion as follows:

“A firm in the city of Cleveland, Ohio, that operates a fleet of trailers has raised the question as to whether or not they should be required to purchase trailer license plates for each one of their trailers which are being used under the following conditions:

The fleet is used in the transportation of commodities from railway freight houses to storage in another part of the city. The trailers that are actually being operated on the streets at any one time perhaps would not exceed two or three, same being drawn by tractors. These trailers of course bear license plates. However, while this is being done, some of the other trailers are standing in the railroad yards being loaded and the others are standing in the storage warehouse being unloaded. Their contention is that these idle trailers would not of necessity be required under the law to carry plates and that they should be permitted to indiscriminately transfer these trailer plates from one trailer to another in order that only the trailers actually being towed would have plates.”

Upon an examination of the definition of terms as used in Section 6290, General Code, as amended in 111 Ohio Laws at page 240, it will be observed that “trailer” means any vehicle without motive power designed or used in carrying property or persons wholly on its own structure and for being drawn by a motor vehicle.

The word “vehicle” means everything on wheels or runners except vehicles operated exclusively on rails or tracks, and vehicles belonging to any police department, volunteer fire department, municipal fire department, volunteer fire department or salvage company organized under the laws of Ohio or used by such department or company in the discharge of its functions.

The pertinent part of Section 6292-1, General Code, as amended in 111 Ohio Laws, page 241, is as follows:

“Each owner of a commercial car, trailer or semi-trailer, shall pay or cause to be paid *taxes as follows*:

For each commercial car having motor power and for *each trailer* or semi-trailer, seventy cents per one hundred pounds or part thereof. * * *

The minimum tax for any vehicle having motor power other than a

motor bicycle or a motorcycle shall be eight dollars for the calendar year 1925, and four dollars for each year thereafter; and for *each trailer* or semi-trailer two dollars and fifty cents. * * *

It will be observed from the above section that this is a "taxation" measure. The title to the act is:

"To amend Sections 6290, 6292, 6293 and 7249 of the General Code, relative to the taxation and regulation of the operation of motor vehicles on the public roads and highways of this state."

The above act, being expressly declared as a taxation measure, is to be so treated and construed. It is also to be treated as a regulatory provision.

In addition to the information contained in your letter, we are later informed that the company in question is a storage company operating moving vans with trailers attached, and that each and all of the various trailers in turn make their appearance upon the public highways.

The facts disclose that the custom of this particular company has been to transfer the license plates indiscriminately from the trailer in the yard to the trailer on the highway as it goes out on to the highway, and on the particular time in question, one of the trailers was operated upon the highway without the license plate thereon.

One of the purposes of the license plate is for identification. If the indiscriminate transfer of license plates from one trailer to another were permissible, then the means of identification would in a very large measure be destroyed. In a given case, if a certain trailer were to figure in an accident or some untoward event on the highway, and should be removed to the yard, and its license plate be removed and placed on another trailer, it might become very difficult to identify the particular trailer that figured in the event.

It is, therefore, my opinion that an owner operating a fleet of trailers, each one of which at some time or times is operated on the public highway, is required to provide separate license plates for each of said trailers, and he may not indiscriminately transfer the trailer plates from the idle trailer in the yard to the trailer entering the highway.

Respectfully,
EDWARD C. TURNER,
Attorney General.

50.

DEPUTY VILLAGE MARSHAL—MAY SERVE AS TEMPORARY STATE PROHIBITION AGENT—HOW SALARY MAY BE PAID FROM STATE TREASURY—OFFICER MUST BE AVAILABLE AT ALL TIMES.

SYLLABUS:

1. *A deputy village marshal may be appointed and may serve as temporary state prohibition inspector.*
2. *A deputy village marshal who has been appointed temporary prohibition inspector, may be paid a salary from the state treasury for his services as temporary prohibition inspector in any county in the state other than the one in which the village of which he is such a deputy is situated.*
3. *A deputy village marshal, who has been appointed temporary prohibition in-*