

have no doubt but that administrative officials in charge of the matters will readily meet the difficulty. By the terms of Section 6290-7, General Code, as enacted in the Pringle Bill, it is provided:

“The commissioner shall issue such regulations as he may deem necessary to insure uniform and orderly operation, and the clerks of court of all counties shall conform thereto.”

By force of the above provisions, the Commissioner of Motor Vehicles is vested with considerable authority and discretion, and I have no doubt that the present commissioner is well able to provide for the administration of this law so as to insure the legality of transfers and sales of motor vehicles during the interim between the effective date of the Pringle Bill and its repeal, whenever that may be.

So far as sales of motor vehicles are concerned, it is well settled that an assignment or transfer of a motor vehicle (not violative of the uniform sales laws of this state) which is accompanied by delivery of possession, is nevertheless a valid contract between the parties thereto, even though the technical procedure provided for the transfer of motor vehicles, as contained in penal statutes intended to prevent thefts and frauds in the transfer of title to motor vehicles, is not strictly complied with. *Credit Company v. Schreyer*, 120 O. S., 568.

With respect to the effectiveness of mortgages on motor vehicles executed after the effective date of the Pringle Bill, the provisions of the Pringle Bill must necessarily be complied with in order that third parties may be charged with notice of the said mortgage. As between the parties, the mortgage is no doubt good, even though its existence is not noted on the “certificate of title” as provided for by the terms of the Pringle Bill. The change with respect to the filing and recording of chattel mortgages on motor vehicles, as provided for in the Pringle Bill, from the present method of filing and recording of such mortgages is that provided for by Section 6290-9, General Code, as contained in the said bill. It is there provided in effect, that the present law relating to the filing and depositing of chattel mortgages shall not apply to chattel mortgages or a conveyance intended to operate as a mortgage, trust receipt, conditional sales contract or other similar instrument covering a motor vehicle. The existence of such instruments covering a lien on motor vehicles must be noted, in accordance with the terms of the Pringle Bill on the certificate of title of said motor vehicle, in order that third parties may be charged with notice of the said lien. This provision of law will not be difficult to comply with, and here again, I am of the opinion that the Commissioner of Motor Vehicles may issue regulations with reference to these matters which will provide a simplified method of noting the existence of mortgages and liens so as to insure their validity with respect to third parties.

Respectfully,

GILBERT BETTMAN,

Attorney General.

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APPROVAL, NOTES OF WADSWORTH CITY SCHOOL DISTRICT,
MEDINA COUNTY, OHIO—\$3,000.00.

COLUMBUS, OHIO, July 10, 1931.

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