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LISTS—REGISTRAR OF MOTOR VEHICLES—SECTION 6290-7a G. C. REQUIRES REGISTRAR TO PREPARE AND FURNISH LISTS CONTAINING TITLE INFORMATION AS TO TERRITORY AND CLASSIFICATION—REGISTRAR MAY DISCONTINUE METHOD OF FURNISHING TYPEWRITTEN LIST—SUBSTITUTION, PHOTOGRAPHS OF LISTS REFERRED TO IN PARAGRAPH a OF SECTION—REGISTRAR MAY AUTHORIZE DISCONTINUANCE AND SUBSTITUTION WITHOUT FORMULATING ANY PARTICULAR RULE OR REGULATION—ADMINISTRATIVE ADOPTION OF SUBSTITUTED METHOD.

SYLLABUS:

Under the provisions of Section 6290-7a, General Code, requiring the Registrar of Motor Vehicles to prepare and furnish lists containing title information in such form and subject to such territorial division and/or other classification as the director may authorize, the registrar may discontinue the method of furnishing a typewritten list and substitute photographs of lists, referred to in paragraph (a) of said section, and the registrar may so authorize such discontinuance and substitution without formulating any particular rule or regulation, but may do so by an administrative adoption of such substituted method.

Columbus, Ohio, May 23, 1950

Mr. R. E. Foley, Acting Registrar
Bureau of Motor Vehicles, Columbus, Ohio

Dear Sir:

Your request for my opinion, with the signature of the Director of Highways, State of Ohio, endorsing approval thereon, reads as follows:

“I respectfully request your opinion on the following:

It is our desire to furnish certificate of title information in photographic list form in lieu of the conventional method of typing this information.

Section 6290-7a of the General Code reads as follows: ‘The Registrar is authorized, upon application of any person and payment of the proper fees to prepare and furnish lists containing title information in such form and subject to such territorial division and/or other classification as the director may authorize;

to search the records of the bureau and make reports thereof, and to make photographic copies of the bureau records and attestations thereof. Fees therefor shall be charged and collected as follows:

(a) For lists of titles for the entire state, \$3,500.00 yearly;for lists containing 10,000 titles or more, \$7.00 per thousand titles or part thereof, provided that the minimum fee shall be \$3.00.....

(c) For photographic copies of records and attestations thereof, under the signature and seal of the Registrar, \$1.00 a copy.'

Section 6290-1 of the General Code states in part: 'The Registrar shall have power to adopt and promulgate such forms, rules and regulations as he may deem necessary to carry out the provisions of all laws he is required to administer.'

Section 154-62 of the General Code includes the following definitions:

'Agency' means and includes, except as hereinafter limited, any official, board or commission having authority to promulgate rules or make adjudications in the Bureau of Unemployment Compensation, the State Civil Service Commission, the Department of Industrial Relations, the Department of Liquor Control, the Department of Taxation, the Industrial Commission, the functions of any administrative or executive officer, department, division, bureau, board or commission of the government of the State of Ohio specifically made subject to the provisions of the administrative procedure act, and the licensing functions of any administrative or executive officer, department, division, bureau, board or commission of the government of the State of Ohio having the authority or responsibility of issuing, suspending, revoking or cancelling licenses.

'Rule' means and includes any rule, regulation or standard, having a general and uniform operation, adopting, promulgating and enforcing by any agency under the authority of the laws governing such agency, but it does not include regulations concerning internal management of the agency which do not affect private rights.

Webster defines 'list', the general term, as denoting a simple series of names, whether of persons or of subjects.

There isn't any question which of the two methods of compiling this information is more accurate, faster and efficient—the answer being the photographic method.

My question is this, can I establish a rule or regulation to

include the photographic method as outlined above, in compiling lists containing title information of the nature and for the purpose provided for in Section 6290-7a, G. C. with the exception of such information provided for in Section 6290-7a(c), G. C.?"

From your written request and supplemental information, it appears that only so much of Section 6290-7a, General Code, as is hereinafter set forth, need be considered, to wit:

"The registrar is authorized, upon application of any person and payment of the proper fees to prepare and furnish lists containing title information in such form and subject to such territorial division and/or other classification as the director may authorize; to search the records of the bureau and make reports thereof, and to make photographic copies of the bureau records and attestations thereof.

Fees therefor shall be charged and collected as follows:

a. For lists of title for the entire state, \$3,500.00 yearly; for any part or parts thereof, divided according to counties and not by make of motor vehicle, a sum computed at the following rates per title; for lists containing less than 5,000 titles, \$10.00 per thousand titles or part thereof; for lists containing from 5,000 to but not including 10,000 titles, \$9.00 per thousand titles or part thereof; for lists containing from 10,000 titles or more, \$7.00 per thousand titles or part thereof; provided that the minimum fee shall be \$3.00; and be it further provided that for furnishing lists classified according to the make of the motor vehicle or the name of the manufacturer, \$11.00 per thousand titles or part thereof with the same minimum as above provided."

I understand that there will be no deviation from the prescribed fees and that you in no manner contemplate the changing of the procedure or the nature or form of information or service provided for by any other part of the said Section 6290-7a.

As far as I am able to understand, the present method of furnishing the lists under consideration is by taking certain information from the application for registration and having same typed in groups in accordance with the territorial subdivisions respectively in which the applicants reside, and that all of such information now given and contemplated to be given, is a matter of public record. I further understand that the information which you are now giving and contemplate giving on your lists is set off and confined on a separate part of the application. I understand that this particular part of the application which contains the

information given can readily and efficiently be photographed and placed in photographic groups according to the territorial subdivisions in which the applicants reside. The statute provides:

“The registrar is authorized, upon application of any person and payment of the proper fees to prepare and furnish lists containing title information *in such form and subject to such territorial division and/or other classification as the director may authorize.*”
(Emphasis added.)

There is no requirement that the list or the form of same shall be typewritten. The method of typewriting same, stenciling same and reproducing same on mimeograph or otherwise was merely the approved method at the time of the inception of the present procedure within the discretion of the then Director of Highways. The method and procedure may just as well at that time have been longhand, code, braille method, photostat or photograph or any other method within the reasonable discretion of the director. I presume without fear of successful contradiction that at the time the present form and method of furnishing such lists was inaugurated there was a small percentage of the present number of registrations had in this state. Since that time a great increase in the number of registrations has come about. Great improvements have come about in office equipment and in the methods used. Certainly there is nothing in the statute which can be interpreted to mean that once a form or procedure for furnishing such list and the information is established it should continue without change down through the ages. To adopt such an interpretation or theory would approve the continued use of the old-fashioned log road drag and prohibit progress and efficiency in the administration of government. I can not approve such a view in the face of my inability to find any provision of law or sensible interpretation in support thereof. I can not pass on the economy or the savings which the suggested plan may or may not bring about, but certainly a photograph of the information as originally given will eliminate the human errors which must necessarily be present in the present method of transcribing by typists, regardless of how expert they may be.

Section 6290-1 of the General Code reads in part as follows:

“There is hereby created in the department of highways, a bureau of motor vehicles which shall be administered by a registrar of motor vehicles * * *.

* * * The registrar shall have power to adopt and promulgate such forms, rules and regulations as he may deem necessary to carry out the provisions of all laws he is required to administer."

A state officer who is given the administrative authority and duty to use discretion to formulate forms and establish procedure to carry out the provisions of a law, is also authorized to modify any of such forms and procedures within his discretion. This is so elementary that no citation is required to support it. Especially is this true where such forms and procedure are found to be outmoded, inefficient, cumbersome and expensive. It is just good common sense to hold that where duties are administrative, in carrying out the intent of a law, a successor to an administrative officer should not be bound to follow outmoded and expensive procedure established by a predecessor in the dim, distant past. It appears to me that the legislature in the legislation above set forth giving administrative authority to the registrar had this clearly in mind and made such authority continuously alive, to alter, modify, amend and change forms, regulations and procedure as long as the same are reasonable and are approved by the Director of Highways, as is proposed to be done here.

Therefore, it is my opinion, and I so advise that under the provisions of Section 6290-7a, General Code, requiring the Registrar of Motor Vehicles to prepare and furnish lists containing title information in such form and subject to such territorial division and/or other classification as the director may authorize, then registrar may discontinue the method of furnishing a typewritten list and substitute photographs of lists, referred to in paragraph (a) of said section, and the registrar may so authorize such discontinuance and substitution without formulating any particular rule or regulation, but may do so by an administrative adoption of such substituted method.

Respectfully,

HERBERT S. DUFFY,
Attorney General.