

936

NOT MANDATORY FOR REGISTRAR TO IMPOSE FEE OF 35c FOR EVERY APPLICATION FOR LICENSE PLATES MADE DIRECTLY TO REGISTRAR. VEHICLES OWNED BY POLITICAL 1 SUBDIVISIONS NOT SUBJECT TO CHARGE OF ANY KIND.

SYLLABUS:

1. Under Section 4503.10, Revised Code, as effective November 6, 1959, it is not mandatory for the registrar of motor vehicles to impose a service fee of thirty-five cents in the case of every application for license plates made directly to the registrar.

2. The specific service fees established in Sections 4503.10(F), 4503.14, and 4503.15, Revised Code, payable to the registrar for applications for special reserved plates, radio call letter plates, and physicians' plates, respectively, prevail to the exclusion of the general provision for a thirty-five cent service fee payable to the registrar under Section 4503.10, Revised Code, as effective November 6, 1959.

3. Under Section 4503.16, Revised Code, vehicles owned by political subdivisions are not subject to a charge of any kind including the service fee charge payable to the registrar of motor vehicles under the provisions of Section 4503.10, Revised Code, as effective November 6, 1959.

4. The service fee of thirty-five cents for applications for license plates made directly to the registrar, effective November 6, 1959, under Section 4503.10, Revised Code, is applicable to every such application made directly to the registrar except applications for license plates for vehicles owned by political subdivisions which are exempted from the charge by the provisions of Section 4503.16, Revised Code, and applications for special reserved plates, radio call letter plates, and physicians' plates, for which a special service charge of \$1.00 is established by Sections 4503.10(F), 4503.14, and 4503.15, Revised Code, respectively.

Columbus, Ohio, November 17, 1959

Hon. C. W. Ayers, Registrar, Bureau of Motor Vehicles
Columbus, Ohio

Dear Sir:

I have before me your request for my opinion, which request reads as follows:

“Amended Senate Bill No. 85 enacted by the 103rd General Assembly to amend section 4503.10 R. C. provides in part:

“ ‘This section does not prevent any person from making an application for a motor vehicle license directly

to the registrar upon payment of fee of 35c service fee for each application.'

"Your opinion is respectfully requested as to whether or not amended section 4503.10 R. C. makes it mandatory for the registrar of motor vehicles to impose a service fee of thirty-five cents in the case of every application for license plates made directly to the registrar.

"To further explain our need for your interpretation of this section, I would like to point out that, in addition to the basic license plate types, which are issued primarily by field deputy registrars, the code provides for several special license plate categories which, because of special issuance requirements or limited quantity, are issued only by the Bureau of Motor Vehicles upon direct application to the Registrar. Thus, in the case of certain types of license plates, an applicant may exercise the discretion of applying for license plates at the office of a field deputy registrar or may apply directly to the Registrar as provided in section 4503.10 R.C. In the case of other types of license plates, the applicant must apply directly to the Registrar because the plates are not available in the field. The situation is further complicated by the fact that a \$1.00 service charge is already provided by law for three types of special plates.

"To hasten your opinion, which is urgently needed to expedite the orderly transaction of state business, I have listed below the various types of license plates involved with special notes pertaining thereto.

"A. Passenger	Three Wheel or Less
Truck	House Trailer
Trailer	Bus
Farm Truck	

"These plates are described in section 4503.04 R.C. and are issued primarily by field agencies. Direct application is also made to the Registrar for each of these types. Does the thirty-five cent service fee apply when direct application is made?

"B. Transit bus plates and 90 day farm plates as described in section 4503.04 R.C. are issued exclusively by the Bureau of Motor Vehicles because of technical requirements and require direct application. Does the thirty-five cent service fee apply?

"C. Reservation Plates—Section 4503.10 (f) R.C.

License plates with Radio Call Letters—Section 4503.14 R.C.

License tags of Physicians—Section 4503.15

“These plates are issued exclusively by the Bureau of Motor Vehicles upon direct application. A service fee of \$1.00 is provided by law for each of these special types. Does the thirty-five cent service also apply?”

- “D. Church Bus Plates—Section 4503.07 R.C.
 Special License Plates 40 & 8—Section 4503.18 R.C.
 Historical Vehicle Plates—Section 4503.181 R.C.
 Manufacturers and Dealers—Section 4503.27 R.C.
 Special Dealer Plates—Section 4503.31 R.C.
 In-transit Permits—Section 4503.33 R.C.

“These plates are issued exclusively by the Bureau of Motor Vehicles upon direct application to the registrar. Does the thirty-five cent service fee apply?”

“E. School Bus plates—Section 4503.17 R.C. Issued exclusively by the Bureau of Motor Vehicles, no tax collected. Does the thirty-five cent service fee apply?”

“F. Vehicles owned by political subdivisions, Section 4503.16 R.C. Issued exclusively by Bureau of Motor Vehicles, no tax collected. Does the thirty-five cent service fee apply?”

“G. Transfer of ownership, Section 4503.12 R.C., application for transfer of license plates is usually made in field agencies. Occasionally direct application is made to the Registrar. This does not involve the issuance of license plates. Does the thirty-five cent service fee apply in the case of direct application?”

“H. Temporary licenses, Section 4503.182 R.C., this section provides a fee of twenty-five cents for the issuing deputy registrar. If direct application is made to the registrar does the thirty-five cent service fee apply?”

“I. Replacement plates and Lost Registration Cards, Section 4503.19. Application for replacement plates and or a lost registration card is usually made in field agencies. Occasionally direct application is made to the Registrar. In such cases does the thirty-five cent service fee apply?”

As you note, Section 4503.10, Revised Code, was amended by Amended Senate Bill No. 85 of the 103rd General Assembly, effective November 6, 1959. The only changes in the section as of that date will be: (1) Each deputy registrar will be allowed a fee, not to exceed thirty-five cents for each application for motor vehicle license received by him, (fee under present law is twenty-five cents); (2) Provision is made for pay-

ment of a fee of thirty-five cents on application for a motor vehicle license made directly to the registrar, (no fee under present law).

Your question is directed to the effect of the second change noted above, the pertinent language of the section, as amended, reading:

“* * *

“This section does not prevent any person from making an application for a motor vehicle license directly to the registrar *upon payment of fee of thirty-five cents service fee for each application.* * * *”

(New language, effective November 6, 1959, should be italicized)

As you note, there are several provisions of law dealing with various types of motor vehicle licenses, application for which are made directly to the registrar of motor vehicles. Section 4503.10 (F), Revised Code, provides:

“* * *

“The registrar shall be allowed a fee, not to exceed one dollar for each application received by him for special reserved license plate numbers and the issuing of such licenses, in the several series as he may designate. Such fee shall be in addition to the license tax and shall be for the purpose of compensating the bureau of motor vehicles for additional services required in the issuing of such license.

“* * *

Also, other provisions of law regarding application directly to the registrar for certain motor vehicle licenses are:

Section 4503.10 (F), Revised Code, providing for special reserved plates—fees, one dollar;

Section 4503.14, Revised Code, providing for radio call letter plates—fee, one dollar;

Section 4503.15, Revised Code, providing for physicians' plates—fee, one dollar; and

Section 4503.16, Revised Code, providing for licenses for vehicles owned by political subdivisions—no fee.

The above noted provisions are special in that they each deal with a particular type of license plate. The provision of Section 4503.10, Revised Code, providing for application for motor vehicle license made directly to the registrar with payment of a fee of thirty-five cents, does not relate to a particular license plate and is, therefore, a general statute.

The general rule of law in Ohio where there is a specific statutory provision for a particular case and a general statutory provision which includes the particular case but also relates to other matters, is that the specific statutory provision constitutes an exception to the general statutory provision. On this point it is stated in *Acme Engineering Company v. Jones*, 150 Ohio St. 423, at page 431 :

“It is a general rule of law in statutory construction that when there are two statutory provisions covering the same subject matter, one of which is general and the other special, the special statutory provision for a specific case is to be construed as an exception to general provisions which might otherwise include the particular case.”

Thus, the provisions for application to the registrar for special license plates, as noted above, being specific provisions, constitute exceptions to the provision of Section 4503.10, Revised Code, effective November 6, 1959, providing for application to the registrar with payment of a fee of thirty-five cents.

Accordingly, it is my opinion and you are advised :

1. Under Section 4503.10, Revised Code, as effective November 6, 1959, it is not mandatory for the registrar of motor vehicles to impose a service fee of thirty-five cents in the case of every application for license plates made directly to the registrar.

2. The specific service fees established in Sections 4503.10(F), 4503.14, and 4503.15, Revised Code, payable to the registrar for applications for special reserved plates, radio call letter plates, and physicians' plates, respectively, prevail to the exclusion of the general provision for a thirty-five cent service fee payable to the registrar under Section 4503.10, Revised Code, as effective November 6, 1959.

3. Under Section 4503.16, Revised Code, vehicles owned by political subdivisions are not subject to a charge of any kind including the service fee charge payable to the registrar of motor vehicles under the provisions of Section 4503.10, Revised Code, as effective November 6, 1959.

4. The service fee of thirty-five cents for applications for license plates made directly to the registrar, effective November 6, 1959, under Section 4503.10, Revised Code, is applicable to every such application made directly to the registrar except applications for license plates for

vehicles owned by political subdivisions which are exempted from the charge by the provisions of Section 4503.16, Revised Code, and application for special reserved plates, radio call letter plates, and physicians' plates, for which a special service charge of \$1.00 is established by Sections 4503.10(F), 4503.14, and 4503.15, Revised Code, respectively.

Respectfully,
MARK McELROY
Attorney General