

OPINION NO. 73-072

Syllabus:

Pursuant to R.C. 4519.02, 4519.03, and 4519.04, the Bureau of Motor Vehicles must issue to all persons who purchase snowmobiles and all purpose vehicles during the 90day period preceding August 31, who apply for original certificates of registration during that period, certificates and validation decals which are valid only for the current registration year expiring on August 31, and which may be renewed for the succeeding registration year pursuant to R.C. 4519.04 (D).

To: C. Donald Curry, Registrar, Bureau of Motor Vehicles, Columbus, Ohio
By: William J. Brown, Attorney General, July 17, 1973

I have before me your request for my opinion, the question in which may be summarized as follows:

May the Bureau of Motor Vehicles, pursuant to R.C. Chapter 4519, permit the deputy registrars to issue and permit display of next year's registration decals starting on the 90th day preceding August 31, for those persons who have purchased a new snowmobile or all purpose vehicle within this 90day period, rather than requiring such persons to register their vehicle for the current registration year and then renew such registration for the succeeding registration year which begins on September 1?

Your letter provides the background for this question, as follows:

Ohio Revised Code 4519.04 (D) states that the registration for the current year expires on August 31 of each year and that application for renewal of a certificate may be made not earlier than ninety days preceding the expiration date. However, this section makes no reference to vehicles newly purchased in this ninety day period for which the owner must file an original registration application. If a new registration application must be filed when a vehicle is newly purchased within this period, and then a renewal application must be filed, the owner of such vehicle must pay \$10.00 (\$5.00 for the original application and \$5.00 for the renewal application) for the same privilege that a renewal applicant pays only \$5.00. Furthermore, the duplication of the applications would considerably increase the work of the administration of the registration procedure, arguably unnecessarily.

Relying upon Ohio Revised Code 4519.04 (B) which states that the Registrar is to prescribe the manner of attaching the registration number, we have directed the deputy registrars to issue and permit the display of next year's registration decals starting on the 90th day before August 31 for those persons who have purchased a new Snowmobile or all purpose vehicle within this ninety day period. I respectfully request your opinion regarding the legal advisability of our decision.

An all purpose vehicle is "any self propelled vehicle designed for cross-country travel on land and water, or on more than one type of terrain * * *," with certain exceptions. R.C. 4519.01 (B).

In attempting to determine the intent of the legislature on this matter when it enacted R.C. Chapter 4519., it is helpful to compare these statutes to others regulating a similar activity. Such statutes, being related, are in *pari materia*, and should be construed together. R.C. 4503.10, 4503.12 and 4503.13, *inter alia*, pertain to registration of motor vehicles. R.C. 4503.10 requires all owners of motor vehicles which are to be operated on the public roads or highways to register their vehicles annually no later than April 15. This provision is parallel to R.C. 4519.02 which requires, with minor exceptions, all owners of snowmobiles and all purpose vehicles who intend to operate these vehicles on property not owned by them, to register their vehicles annually no later than August 31.

However, R.C. 4503.10 also specifically provides in part that:

From the sixteenth day of March to the sixteenth day of April of any given year, the owner of a motor vehicle may use license placards of either the current registration year or the next succeeding registration year.

This is the time period during which special bureaus are set up to sell motor vehicle license placards in mass quantities. Under this Section, the owner of a motor vehicle purchased between March 16 and April 16 may, during this period, buy and display license placards of the succeeding registration year without having to pay any license fee for the current registration year. As I understand it, this is essentially the procedure you have instructed your deputy registrars to implement in regard to snowmobiles and all purpose vehicles.

R.C. Chapter 4519., however, contains no similar provision. This silence by the legislature when it has previously addressed itself directly to this matter in regard to registration of motor vehicles necessarily leads to the inference that the legislature intended no such procedure to be applicable to snowmobiles and all purpose vehicles.

Furthermore, R.C. 4503.13 provides for quarterly reductions in the registration tax on motor vehicles, never abolishing it but reducing it successively to one-fourth the normal tax in the last quarter. The legislature chose to remain silent on such reductions in R.C. Chapter 4519. The inference must be drawn that the legislature intended no reduction of the tax on registration of snowmobiles or all purpose vehicles, regardless of the time of registration.

R.C. 4519.04 (D), the subsection which establishes the 90-day period in question, provides:

(D) Unless previously cancelled, each certificate of registration issued for a snowmobile or all purpose vehicle shall expire annually upon the thirty first day of August. Application for renewal of a certificate may be made not earlier than ninety days preceding the expiration date, and shall be accompanied by a fee of five dollars. The renewal of a certificate of registration for a snowmobile or all purpose vehicle shall be evidenced by a decal or similar device identifying the registration period for which it is issued, and shall be displayed upon the vehicle in such manner as the registrar shall prescribe.
(Emphasis added.)

This subsection speaks specifically to renewal of a certificate of registration, not to the original registration procedure, which is outlined in R.C. 4519.03 and 4519.04 (A). The 90-day period established in R.C. 4519.04 (D) applies only, and specifically, to the time for renewal for the next succeeding registration year of a currently valid registration certificate. Nothing in this subsection makes the 90-day period applicable to original registration of an appropriate vehicle. Thus, any authority for issuing the succeeding year's registration decals for original registration during the 90-day period in question must be found outside this subsection, if at all.

Your reliance on the language of R.C. 4519.04 (B) as authority for the procedure in question is unfounded. This Section states in pertinent part:

Upon receipt of a certificate of registration for a snowmobile or all purpose vehicle other than a mini-bike or trail bike, the owner shall paint on the vehicle or otherwise attach in such manner as the registrar shall prescribe, the identifying registration number in block characters of not less than three inches in height and of such color as to be distinctly visible and legible, * * *

(Emphasis added.)

The language "in such manner as the registrar shall prescribe," pertains only to the preceding portion of the clause in which it is contained. Thus the registrar is given authority to prescribe the manner of attachment of the identifying registration number to the vehicle: i.e., by paint, metallic lettering, etc. This language does not pertain to what registration number is to be issued, or for what period of time it is to be valid, but merely to the manner of physical attachment of the registration number of the vehicle after such number has been issued.

Based on the legislature's silence when they had previously chosen to implement a procedure similar to the one in question, there does not appear to be any basis for allowing issuance and display of next year's registration decals by owners of snowmobiles or all purpose vehicles purchased during the 90-day period prior to the annual expiration date of all registration certificates. Hence, I conclude that R.C. 4519.02, 4519.03, and 4519.04 require owners who purchase snowmobiles or all purpose vehicles during the 90-day period stipulated in R.C. 4519.04 (D) to purchase an original registration certificate that will expire on August 31, which may be renewed during this period for the succeeding registration year.

In spite of the fact that this construction will require a June purchaser to pay the full fee 3 months before he must renew the registration, it will not yield particularly unreasonable results. See R.C. 1.47 (C). R.C. 4519.02 requires registration only of vehicles which are to be "operated." Since it is impractical to operate a snowmobile during the 90-day period in question, i.e., June, July and August, there would be no need for the owner of a snowmobile purchased during this time period to register it prior to September 1. Thus, snowmobile owners will not be adversely affected by this ruling. On the other hand, summer is probably the peak season for use of all purpose vehicles, and requiring their owners to pay the five dollar fee for operation during this period does not seem unreasonable in light of the amount of use to which these vehicles may be put during this time. The renewal fee is no more a burden on these owners than on those who have held certificates of registration for the entire year, since the renewal fee allows operation of the vehicles during the full forthcoming year.

In specific answer to your question it is my opinion, and you are so advised, that pursuant to R.C. 4519.02, 4519.03, and 4519.04, the Bureau of Motor Vehicles must issue to all persons who purchase snowmobiles and all purpose vehicles during the 90-day period preceding August 31, who apply for original certificates of registration during that period, certificates and decals which are valid only for the current registration year expiring on August 31, and which may be renewed for the succeeding registration year pursuant to R.C. 4519.04 (D).