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MOTOR VEHICLES—PENCE HEADLIGHT LAW (109 O. L. 219)—SECTION 6310-1 G. C. MAKES NO EXEMPTION IN FAVOR OF COMMERCIAL MOTOR VEHICLES—SPECIAL PROVISION FOR TWO TON COMMERCIAL MOTOR VEHICLES—NEED BE EQUIPPED WITH APPROVED HEADLIGHT DEVICES HAVING REVEALING POWER OF BUT ONE HUNDRED FEET AS COMPARED WITH GENERAL STANDARD OF TWO HUNDRED FEET.

Section 6310-1 G. C. (109 O. L. 219) makes no exemption in favor of commercial motor vehicles from compliance with any of the terms of said section. However, special provision is made for commercial motor vehicles of two tons carrying capacity or over, having a speed of not in excess of fifteen miles per hour, in that they need be equipped with certified and approved headlight devices having a revealing power of but one hundred feet as compared with the general standard of two hundred feet.

COLUMBUS, OHIO, January 9, 1922.

HON. JOHN R. KING, *Prosecuting Attorney, Columbus, Ohio.*

DEAR SIR:—The receipt is acknowledged of your letter of recent date reading as follows:

“Will you kindly render us an opinion as to the extent to which the Pence headlight law (109 O. L. 219) has application to trucks?

You will note the exception of commercial vehicles under Section 6310-1; also the special requirements of headlights on commercial vehicles in paragraph 2 and further the general provision in paragraph 3 that ‘no headlights shall be used on any motor vehicles upon the highways except after the installation of the device to prevent glare, etc.’

Does the latter paragraph require trucks to use such lenses as have been approved by the Highway Commissioner or may a truck lawfully operate without the installation of such a device to prevent glare as defined in the third paragraph of said Section 6310-1?”

The first four paragraphs of section 6310-1 read as follows:

“Every motor vehicle, except a commercial vehicle as hereinafter provided, or a motor cycle, driven upon the public highways of the state, during the period from one-half hour after sunset to one-half hour before sunrise, and whenever fog renders it impossible to see at least two hundred feet ahead of such motor vehicle, shall display when running, at least two lighted lamps on the forward part of such vehicle, one on each side and approximately of equal candle power; and every motor cycle so operated shall display at least one light on the forward part thereof, which light or lights shall in clear weather be visible at least two hundred feet in the direction which such motor vehicle is proceeding. Every motor vehicle so operated shall display a red light from behind, and a white light shall be so arranged as to illuminate each and every part of the distinctive number borne upon a rear number plate.

The headlights required on any commercial vehicle of two tons carrying capacity or over, which is so governed, mechanically constructed or controlled that it cannot exceed a speed of fifteen miles per hour, shall be

visible at least two hundred feet in the direction in which said vehicle is proceeding; such light shall be sufficient to reveal any person, vehicle or substantial object on the road straight ahead for a distance of not less than one hundred feet, and shall comply in all other respects with the requirements of this section.

No headlights shall be used on any motor vehicle upon the highways except after the installation of a device to prevent glare, which device has been certified and approved by the State Highway Commissioner, in accordance with the provisions of Section 6310-2 of the General Code, which device shall be applied and adjusted in accordance with the requirements of a certificate of approval to be issued by said State Highway Commissioner. No such certificate of approval of any device shall be issued by said State Highway Commissioner unless such device, by actual test, conducted under his direction, complies with the following requirements for lights:

Whenever there is not sufficient light within the limits of the traveled portion of the highway to make all vehicles, persons, or substantial objects clearly visible within a distance of at least two hundred feet, the forward lights which a motor vehicle, except commercial vehicles, as hereinafter provided, is required to display, shall, when the motor vehicle is in motion, throw sufficient light ahead to show any person, vehicle, or substantial object upon the roadway straight ahead of the motor vehicle for a distance of at least two hundred feet."

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The remainder of the section is not pertinent to your inquiry.

The terms of the act to be noted in arriving at an answer to your inquiry are these: (1) The clause in the first paragraph "except a commercial vehicle as hereinafter provided;" (2) the concluding clause of the second paragraph "and shall comply in all other respects with the requirements of this section," which clause immediately follows the language specifically describing certain commercial motor vehicles; (3) the opening words of the third paragraph "No headlights shall be used on any motor vehicle upon the highways except after the installation of a device to prevent glare," which device, according to the further provisions of the paragraph is to be certified and approved by the State Highway Commissioner; and (4) the clause in the fourth paragraph "except commercial vehicles, as hereinafter provided,"—it being noted that the word "hereinafter" as appearing in the clause last quoted, was evidently intended for "herein" or "hereinbefore," since no reference to commercial vehicles appears in the act below the word hereinafter as used in said fourth paragraph.

When the purpose of the act is taken into account in connection with the points above noted, the conclusion results that commercial motor vehicles are not in any wise exempted from compliance with any of the provisions of the act, but that special provision is made for the type of commercial motor vehicles described in paragraph two (i. e., of two tons carrying capacity or over, having a speed of not in excess of fifteen miles per hour), in this, that the certified and approved headlight device to be used on such type of vehicles need have a revealing power as to persons, etc., ahead of the vehicle, of only one hundred feet as compared with the general standard of two hundred feet revealing power.

Respectfully,

JOHN G. PRICE,

Attorney-General.