

728

LICENSE PLATES—SPECIAL TO AMATEUR RADIO OPERATORS AND PHYSICIANS—AM. H. B. 516, 99 G. A.—SECTIONS 6294-3, 6294-4 G. C.—NOT REQUIRED UNTIL REGISTRAR SHALL SELECT AND FURNISH LICENSE PLATES TO ALL REGISTRANTS OF MOTOR VEHICLES—PRIOR TO SUCH TIME, REGISTRAR, IF HE SEES FIT, MAY ISSUE SPECIAL LICENSE PLATES.

SYLLABUS:

The issuance of special license plates to amateur radio operators and physicians under the terms of Amended House Bill No. 516, 99 G. A., Sections 6294-3 and 6294-4, General Code, is not required until such time as the registrar of motor vehicles shall select and furnish license plates to all registrants of motor vehicles. Prior to the time of furnishing license plates to all registrants, the registrar has authority to issue such special license plates if he sees fit to do so.

Columbus, Ohio, September 11, 1951

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

Dear Sir:

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

“Amended House Bill No. 516, passed by the 99th General Assembly, enacted supplemental Sections 6294-3 and 6294-4 of the General Code to provide for special license tags to be issued to motor vehicle owners who operate amateur radio stations and motor vehicle owners who are admitted to the practice of medicine in this state. The application and payment of fees for such special tags must be filed by the applicant before January 1st of the registration year.

“Amended Substitute Senate Bill No. 8, enacted by the same 99th General Assembly, gives the Registrar the authority to issue a decalcomania or sticker in lieu of metal license plates for the years 1952 and 1953.

“Due to the shortage of the supply of steel the Registrar proposes to issue a decalcomania and not a metal license plate for the 1952 registration year.

“My question is this,—is the Registrar required to furnish special metal license plates to motor vehicle owners who operate amateur radio stations and motor vehicle owners who are admitted to the practice of medicine in this state even though the Registrar proposes to issue a decalcomania in lieu of metal license plates?”

The pertinent portions of the acts which govern the problem which you present are:

“Section 6290-1a: During the registration years 1952 and 1953, notwithstanding any other provision of law, the registrar of motor vehicles shall, in addition to his present powers, be authorized to select and furnish to each registrant of motor vehicles one or two identification license plates, or in lieu of such plate or plates, a decalcomania or sticker to be displayed in conjunction with the next preceding license plate, or plates, as supplementary evidence of registration for the 1952 or 1953 license year or both; and to prescribe the manner in which such insignia shall be used and displayed on motor vehicles during the period of their proper current registration. Until such time as the registrar shall select and furnish other license plates for any succeeding year, all registrants of motor vehicles shall use and

display their 1951 license plates on their registered motor vehicles in the manner provided in other sections of the General Code. * * * All registrants and operators of motor vehicles shall use and display such insignia as supplementary evidence of registration as provided in this section in conjunction with the next preceding license plate or plates used and displayed in the manner provided for current identification numbers, placards or plates in other sections of the General Code, and shall be subject to the same penalties for violations as therein defined."

"Section 6294-3: Owners of motor vehicles who are residents of this state, and who hold an unrevoked and unexpired official amateur radio station license issued by the federal communications commission, upon application, * * * shall be issued a license plate, as prescribed by sections 6292, 6293 and 6294 of the General Code, for private passenger cars, upon which, in lieu of the numbers as prescribed by law, shall be inscribed the official amateur radio call letters of such applicant as assigned by the federal communications commission. * * *

"This section is supplementary to the motor vehicle licensing laws of this state, and nothing herein shall be construed as abridging or amending such laws."

"Section 6294-4: Owners of motor vehicles who are residents of this state, and who hold an unrevoked and unexpired license duly admitting them to the practice of medicine in this state, upon application, * * * shall be issued a license plate, as prescribed by sections 6292, 6293 and 6294 of the General Code for private passenger cars, upon which, in addition to the letters and numbers ordinarily inscribed thereon, shall be inscribed the word 'physician'. * * *

"This section is supplementary to the motor vehicle licensing laws of this state, and nothing herein shall be construed as abridging or amending such laws."

The above quoted sections are in pari materia and must be construed as such, bearing in mind that the paramount rule of statutory construction is to ascertain the intent of the legislature.

By the above quoted portion of Section 6290-1a, General Code, the legislature authorized the registrar of motor vehicles to make the decision whether motor vehicles, during the years 1952 and 1953 should be equipped with one or two license plates or a sticker in lieu thereof. The reason for this delegation of power, we may assume, was to allow the registrar to coordinate the license plate requirements of the State of Ohio with the need for steel of the present National Defense Program. The

issuance of stickers would presumably make more steel available for defense needs as did previous analogous statutes enacted during the war years.

This delegation of authority was prefaced with the provision that the grant of authority was made "notwithstanding any other provision of law." By the use of such terms it is apparent that the legislature intended this section to prevail over all other code sections then in existence pertaining to the furnishing of motor vehicle license plates.

In contradistinction to the broad terms of Section 6290-1a, General Code, we find that Sections 6294-3 and 6294-4, General Code, are specifically designated as being "supplementary to the motor vehicle licensing laws of this state, and nothing herein shall be construed as abridging or amending such laws." The use of such contrasting language by the same session of the legislature clearly illustrates the legislative intent.

I observe that Section 6290-1a, General Code, was filed in the office of the Secretary of State on February 22, 1951, which would make it effective prior to the passage of Sections 6294-3 and 6294-4, General Code, on May 29, 1951. The later special statute would ordinarily prevail over the terms of the earlier general statute. However, in view of the language of the sections in question, I am of the opinion that there has been no partial repeal by implication of Section 6290-1a, General Code, that would require the manufacture and issuance of special license plates to physicians and amateur radio operators in the absence of a general issue of license plates to all registrants.

This conclusion is required by the express language of the statutes which were last enacted. With full knowledge that the earlier statute was an operative law of the state, the legislature explicitly stated that "This section is supplementary to the motor vehicle licensing laws of this state and nothing herein shall be construed as abridging or amending such laws." Such prohibitory language eliminates any possibility that there has been a partial repeal by implication of Section 6290-1a, General Code.

The specific language of your request for my opinion is whether or not the registrar is "required" to furnish special license plates until such time as he makes a general issue of plates. While I hold that he is not required so to do, it should be pointed out that the registrar has authority to issue the special plates for the years 1952 and 1953 if he sees fit to do so.

In view of the foregoing, it is my opinion and you are hereby advised that the issuance of special license plates to amateur radio operators and physicians under the terms of Amended House Bill No. 516, Sections 6294-3 and 6294-4, General Code, is not required until such time as the registrar of motor vehicles shall select and furnish license plates to all registrants of motor vehicles. Prior to the time of furnishing license plates to all registrants, the registrar has authority to issue such special license plates if he sees fit to do so.

Respectfully,

C. WILLIAM O' NEILL

Attorney General