

constitutes a rebate. However, every rebate is not an unlawful one as was pointed out in Opinions of the Attorney General for 1932, Vol. II, page 822, wherein it was held that Section 9589-1, supra, "only prohibits a rebate of premiums payable on the policy." Under the endorsement, owners of automobiles may be charged different amounts of premiums. However, this is not in violation of the provisions of the anti-rebate and discrimination law. This was recognized in the opinion above referred to wherein it was said at page 824 that Section 9589-1, supra, "does not prohibit charging different persons different amounts of premiums for the same risks, provided such premiums are stipulated in the policy and so long as the full amount of the premium payable on the policy is charged and collected."

In view of the foregoing, it is my opinion that the "safety experience plan" does not violate the provisions of Section 9589-1, General Code.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

2546.

PLUMBING WORK -- LICENSED PLUMBERS -- COUNTY
BUILDING -- WHERE MUNICIPALITY ENFORCES OR-
DINANCE FOR LICENSEES--CONTRACTOR, STATUS.

SYLLABUS:

Plumbing work in a county building improvement, within a municipality which is enforcing an ordinance for the licensing of plumbers, must be actually done by plumbers licensed under said ordinance, even though the contractor himself may not be so licensed.

COLUMBUS, OHIO, June 3, 1938.

HON. THEODORE TILDEN, *Prosecuting Attorney, Ravenna, Ohio.*

DEAR SIR: This will acknowledge receipt of your recent letters in connection with the awarding of a plumbing contract for a county building, situated in the corporate limits of the city of Ravenna, to a plumbing contractor who is not licensed in the city of Ravenna and who subsequent to the date of the opening of the bids on such county contract failed in the examination given by the city of Ravenna for licensing plumbers. You inquire whether or not the low

bidder on such contract must be a licensed plumber in the city of Ravenna, Ohio, before he is qualified to perform a plumbing contract, and if such a plumbing contractor is thus prohibited from performing the contract can he assign his contract to a duly licensed plumber in the city of Ravenna.

I note first section 3637, General Code, which is contained in the division of the General Code pertaining to the enumeration of the powers of a municipal corporation, reading in part as follows:

“To regulate the erection of fences, bill-boards, signs and other structures, within the corporate limits, * * * to provide for the licensing of house movers, electrical contractors, plumbers and sewer tappers and vault cleaners.”

I further note Section 1261-3, General Code, pertaining to the state inspector of plumbing, the second paragraph of such section reading as follows:

“Such inspector shall not exercise any authority in municipalities or other political subdivisions wherein ordinances or resolutions have been adopted or are being enforced by the proper authorities regulating plumbing or prescribing the character thereof.”

It is noted that the state of Ohio does not require the licensing of plumbers and further that the legislature has seen fit to leave this entire field to the municipalities themselves as part of the powers conferred upon municipalities. A municipality, therefore, it must be conceded, has a right to enact an ordinance regulating plumbing and its incident business.

The question remains, then, as to whether a municipality is authorized to enforce the provisions of its ordinance in the case of county property and require that a plumbing contractor on such county contract secure a permit before installing the necessary plumbing in connection therewith.

In an opinion of the Attorney General for 1928, Vol. IV, page 2827, it was held by the then Attorney General, as shown by the syllabus of that opinion, that:

“A city which has and is enforcing an ordinance providing that no plumbing alterations shall be made until a permit is obtained from a city plumbing inspector and a fee paid into the city treasury, may require the local board of

education to obtain a permit and pay the fee prescribed in the event that school house plumbing is to be altered.”

I see no reason why there should be any distinction between the property owned by a board of education and a county.

It is not necessary to go into the question of the assignability of this contract inasmuch as my interpretation of the Ravenna city ordinance is such that the low bidder may perform this contract if the plumbing work is done by plumbers duly licensed by the city of Ravenna.

In view of the above, it is my opinion that the plumbing contractor who was low on the county project above referred to and who is not licensed by the city in which the county building is to be erected, may not fulfill and perform the contract unless the work is actually done by licensed plumbers.

Respectfully,

HERBERT S. DUFFY,

Attorney General.

2547.

APPROVAL—BONDS, CITY OF CLEVELAND, CUYAHOGA COUNTY, OHIO, \$10,000.00, PART OF ISSUE DATED MARCH 1, 1919.

COLUMBUS, OHIO, June 3, 1938.

The Industrial Commission of Ohio, Columbus, Ohio.

GENTLEMEN :

RE: Bonds of City of Cleveland, Cuyahoga County,
Ohio, \$10,000.00.

I have examined the transcript of proceedings relative to the above bonds purchased by you. These bonds comprise part of an issue of electric light bonds in the aggregate amount of \$500,000, dated March 1, 1919, bearing interest at the rate of 5% per annum.

From this examination, in the light of the law under authority of which these bonds have been authorized, I am of the opinion that bonds