

necessary to inquire, in order to answer your question, whether or not these boards are clothed with authority either expressly or by necessary implication, to pay the license fee required for a chauffeur's license, and the other expenses incident thereto, for persons employed by the board as chauffeurs.

A careful search of the statutes will disclose that no such express power is granted, and it seems clear that the authority would not be implied simply because of the express power to hire people to drive motor vehicles any more than it would be implied that such a public board would be authorized to pay the fees and necessary costs for a teacher, or a physician, or a lawyer which they are authorized to employ.

In this connection I would direct your attention to opinion No. 1551 rendered under date of February 24, 1930, the syllabus of which, reads as follows:

"1. A person employed by a board of education to drive a school wagon or motor van for the transportation of school pupils must be duly registered as a "chauffeur" after making application therefor and successfully passing an examination as to his qualifications, in the manner provided in Section 6302, General Code.

2. A board of education is not authorized or permitted by law to pay the fee which must be paid for a chauffeur's license to properly qualify a person for employment by the board as a driver of a school wagon or motor van used in the transportation of pupils."

There seems to be a general misunderstanding with reference to the employment of chauffeurs or persons to drive motor vehicles for hire on the public highways. I am at a loss to understand why there should be such gross misunderstanding with reference to this matter, as the statutes are quite clear, and have been in existence for a number of years, although they have not perhaps been generally enforced.

I am enclosing herewith copies of several recent opinions rendered by this office, which may be of some value to you in satisfying such complainants as the writer of the letter you enclosed with your communication.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1645.

HAT CLEANING—QUESTION OF WHETHER THE USE OF INFLAMMABLE LIQUIDS FOR SUCH PURPOSE CONSTITUTES DRY CLEANING BUSINESS.

SYLLABUS:

A person engaged in the business of cleaning felt and straw hats, by the use of inflammable liquids or substances, may be engaged in the business of dry cleaning, as defined by Section 843-19, of the General Code. Whether or not he is engaged in such business, must be determined from the facts in each particular case.

COLUMBUS, OHIO, March 21, 1930.

HON. ED. D. SCHORR, *Director of Commerce, Columbus, Ohio.*

DEAR SIR:—I am in receipt of your letter of recent date which reads as follows:

"Section 843-19 of the General Code of Ohio provides:

'For the purpose of this act a dry cleaning or dry dyeing business is defined to be the business of cleaning or dyeing cloth, clothing, feathers, or any sort of fabrics or textiles by the use of carbon bi-sulphide, gasoline, naphtha, benzine, benzol, or other light petroleum or coal tar products or inflammable liquid, or cleaning or dyeing by processes known as dry cleaning and dry dyeing where inflammable volatile substances are used.'

There are in Ohio persons engaged in the business of cleaning felt and straw hats by the use of substances and methods referred to in the above quoted section of the General Code.

Will you please advise whether such business of hat cleaning is a business of dry cleaning or dry dyeing as defined in the code?"

Sections 843-19 to 843-53, inclusive, of the General Code, provide for the construction, maintenance and inspection by the state fire marshal, of dry cleaning and dry dyeing buildings and establishments, and provide a penalty for the violation of these sections.

The sections referred to above, provide for the character of the buildings that may be used, the specifications for walls and roofs of buildings, sewer connections, ventilating apertures and coverings, and fire extinguishers. They also provide for the method of transferring and storing liquids, the location of engine or heating device, the kind of lighting and heating, the location of storage tanks, the storing of volatile substances, specifications of vent pipes, filling pipe, pipe specifications, method of carrying and returning volatile substances to storage tanks and the requirements as to distilling products.

Section 843-19, General Code, defines dry cleaning and dry dyeing, as follows:

"For the purpose of this act (G. C. Secs. 843-19 to 843-53) a dry cleaning or dry dyeing business is defined to be the business of cleaning or dyeing cloth, clothing, feathers, or any sort of fabrics or textiles by the use of carbon bi-sulphide, gasoline, naphtha, benzine, benzol, or other light petroleum or coal tar products or inflammable liquid, or cleaning or dyeing by processes known as dry cleaning and dry dyeing where inflammable volatile substances are used."

This definition appears to be broad enough to include the business of cleaning felt and straw hats, where the substances mentioned in Section 843-19, General Code, are used in such business. However, it must be remembered that these statutes are enacted in the exercise of the police power of the state, and a police measure must fairly tend to accomplish the purpose of its enactment, and must not go beyond the reasonable demands of the occasion.

A person may be engaged in the business of cleaning hats, wherein only a small quantity of inflammable volatile substances are used, as for example, there are a large number of persons who are engaged in the shoe shining business, who also, incidental to their business, clean felt and straw hats, keeping on hand only a small quantity of inflammable liquids.

It could hardly be said that it would be reasonable to require a person who is engaged in such a business, to erect a building in accordance with the provisions of this Act and to comply with all the specifications set forth in the Act. On the other hand, a person may be engaged in the business of cleaning hats, wherein a large quantity of inflammable volatile substances are used and the nature of the business is such as to make it highly dangerous to life and property. It is apparent that if Section 843-19, General Code, is construed in its broadest sense there may be some objection as to the

validity of the operation of this act. It is difficult to state a definite rule as to when the business of cleaning hats by means of inflammable liquids comes within the meaning of Section 843-19, of the General Code. It appears to me that this must be determined by the facts in each particular case.

In specific answer to your inquiry, I am of the opinion that a person engaged in the business of cleaning felt and straw hats, by the use of inflammable liquids or substances, may be engaged in the business of dry cleaning, as defined by Section 843-19 of the General Code. Whether or not he is engaged in such business, must be determined from the facts in each particular case.

Respectfully,
GILBERT BETTMAN,
Attorney General.

1646.

APPROVAL, BONDS OF DIXON TOWNSHIP RURAL SCHOOL DISTRICT,
PREBLE COUNTY—\$29,000.00.

COLUMBUS, OHIO, March 21, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1647.

APPROVAL, BONDS OF CITY OF WASHINGTON, FAYETTE COUNTY—
\$23,463.00.

COLUMBUS, OHIO, March 21, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

1648.

APPROVAL, BONDS OF MARGARETTA TOWNSHIP RURAL SCHOOL
DISTRICT, ERIE COUNTY—\$17,000.00.

COLUMBUS, OHIO, March 21, 1930.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.