

the Attorney General", I am of the opinion that the clerk has no authority to expend public moneys for the purpose of obtaining any other forms for free distribution. That is, he is not authorized to pay for the purchasing or printing of any forms save those approved by the Attorney General.

For this reason and in accordance with the holding of the opinion above quoted, it is my opinion that:

1. The clerk of courts can not lawfully expend money for bills of sale for motor vehicles or used motor vehicles for free distribution as provided in Section 6310-13a, General Code, unless the form thereof has been approved by the Attorney General.

2. Such clerk may accept for filing any form of bill of sale for "motor vehicles" or "used motor vehicles" which contains all the information required in the forms approved by the Attorney General, even though such instrument may contain additional matter in connection with the actual transaction by which the right of possession to such vehicle is transferred.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*

749.

COUNTY AUDITOR—AS DEPUTY COMMISSIONER OF MOTOR VEHICLES MAY NOT DISTRIBUTE LICENSE TAGS EXCEPT AT HIS OFFICE AT THE COUNTY SEAT OF JUSTICE.

**SYLLABUS:**

*The county auditor as deputy commissioner of motor vehicles may not distribute license tags except at his office at the seat of justice in the county.*

COLUMBUS, OHIO, July 19, 1927.

HON. OSCAR A. HUNSICKER, *Prosecuting Attorney, Akron, Ohio.*

DEAR SIR:—Permit me to acknowledge the receipt of your request for my opinion as follows:

"Under Section 6291-1 provision is made whereby the commissioner of motor vehicles may designate the County Auditor and one or more persons in each county to act as deputy commissioners for the issuing of licenses.

Under Section 6291-1, has the Auditor any authority to delegate to his deputies, power to issue licenses outside of the Auditor's office at the Court House? For example, some of the larger rubber companies and some of the automobile clubs and various other concerns have asked to be allowed to issue these licenses to relieve the extremely crowded conditions at the Court House. We are wondering if there is any authority for the Auditor to parcel out these licenses.

We are asking this for the following reason: in case a robbery occurs or moneys are embezzled when the licenses are being issued away from the Court House, the bonding companies who bonded the deputy auditors would have the defense that they were engaged in illegal acts and therefore the bond would be void."

Section 6291-1 of the General Code, to which you refer in your communication, reads as follows:

"The commissioner of motor vehicles shall designate the county auditor and one or more persons in each county to act as deputy commissioners, who shall accept applications for the annual license tax, and assign distinctive numbers in the same manner as the commissioner of motor vehicles. Such deputy commissioners shall be located in such cities or villages in the county as the commissioner sees fit. For the purpose of facilitating the distribution of license tags, the commissioner may provide for the establishment of branch offices in cities having a population of one hundred thousand or over according to the last federal census.

The commissioner shall assign to each deputy commissioner a series of numbers sufficient to supply the demand at all times in such community, and shall keep a record in his office of the numbers within the series so assigned. Each deputy commissioner shall be required to give bond, the form and amount of which shall be prescribed by the commissioner of motor vehicles.

The deputy commissioners shall keep a file of each application and register such motor vehicle with the name and address of the owner thereof."

I also call your attention to Section 2560 of the General Code, which provides:

"The office of the county auditor shall be at the seat of justice in the county, in such room or rooms as the commissioners provide."

These sections disclose that it was the intention of the legislature that the county auditor as one of the deputy commissioners of motor vehicles should distribute license tags only at his office.

If the commissioner of motor vehicles finds that the citizens can not be adequately cared for at the auditor's office under Section 6291-1, supra, he has authority to appoint other deputy commissioners located elsewhere in the county; and in cities having a population of one hundred thousand or more he may establish branch offices for such purpose. In other words, the commissioner of motor vehicles alone has authority to appoint deputy commissioners and establish branch offices in cities of the size specified, he being the officer charged by law with the duty of providing adequate service for the citizens of the state. No such authority or duty is vested by law in the county auditor or any other deputy commissioner.

I agree with the opinion of my predecessor relative to this question found in Opinions of the Attorney General, 1926, p. 560.

It is therefore my opinion that the county auditor as deputy commissioner of motor vehicles may not distribute license tags except at his office at the seat of justice in the county.

Respectfully,  
EDWARD C. TURNER,  
*Attorney General.*