

July 17, 1944

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ARIZONA ATTORNEY GENERAL

Mr. Maurice Goodwin, Superintendent
Motor Vehicle Division
Arizona Highway Department
Phoenix, Arizona

Dear Sir:

This is to answer your question as to whether you have authority to assist the OPA in the enforcement of Maximum Price Regulation #540, which imposes price ceilings upon the sale of used automobiles and, if so, are you under any liability personally or upon your bond in enforcing the same?

Governmental regulations with respect to price control have the same effect as laws upon the subject. Under the OPA regulations the purchaser of a used car is not permitted to secure gasoline rationing coupons unless he has the OPA certificate of transfer.

The OPA now wants you to refuse to issue certificates of title to the purchaser without such certificate of transfer from the OPA.

We think it is your duty to aid the government in enforcing its regulation and that you have full authority to comply with the request of the OPA and refuse certificates of title until there is presented a certificate of transfer from the OPA.

We are also of the opinion that you are not liable personally or upon your bond should you refuse to issue the certificate without the certificate of transfer. Your certificate of title is merely an official document showing that the holder has registered a certain vehicle and claims to be the owner. You in no sense guarantee the title, nor the existence or nonexistence of any lien - whether a lien is indicated upon the instrument or not.

It is our opinion that you should comply with the request of the OPA so long as price regulation #540 is in effect.

Very truly yours,

JOE CONWAY
ATTORNEY GENERAL

A. R. LYNCH
ASSISTANT ATTORNEY GENERAL

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