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1. "AUTO SHOW" MEANS ANY DISPLAY OF MOTOR VEHICLES, PRIMARY PURPOSE OF WHICH IS EXHIBITION OF COMPETITIVE MAKES AND MODELS, AND SAID DEFINITION DOES NOT PRECLUDE DISPLAY AT AN EXHIBITION WHERE OTHER PRODUCTS ARE DISPLAYED IN ADDITION TO MOTOR VEHICLES.

2. REFERENCE TO "COMPETITIVE MAKES AND MODELS" REQUIRES THAT MAKES OF MORE THAN ONE MANUFACTURER BE DISPLAYED. §4517.01—R.C. (L).

SYLLABUS:

1. "Auto show" as defined by division (L) of Section 4517.01, Revised Code, includes any display of motor vehicles, the primary purpose of which is the exhibition of competitive makes and models, and said definition does not preclude such a display at an exhibition where other products are displayed in addition to motor vehicles.

2. As used in said division (L), the reference to "competitive makes and models" requires that makes and models of more than one manufacturer of motor vehicles be displayed at the exhibition.

Columbus, Ohio, October 20, 1961

Hon. C. W. Ayers, Registrar
Bureau of Motor Vehicles, 275 South Fourth St., Columbus, Ohio

Dear Sir:

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

“Section L of Senate Bill No. 350, amending Section 4517.01 of the Revised Code states the following:

“‘Auto show’ means a display of current models of motor vehicles whereby the primary purpose is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location.

“Your opinion is respectfully requested as to the meaning of ‘primary purpose’ as used in this definition. Does this mean that it must be exclusively for the purpose of exhibiting automobiles or can it be in conjunction with a showing of articles not directly connected with the automobile business.

“We would also like your opinion on the wording ‘competitive makes and models’. Does this mean the makes and models of automobiles produced by separate manufacturers or could the automobiles of one manufacturer be shown if displayed by different dealerships. For example, could the Plymouth-Valiant Dealers’ Association of Franklin County legally hold an auto show.”

Division (L) of Section 4517.01, Revised Code, as amended by the 104th General Assembly, Senate Bill 350, effective September 18, 1961, provides:

“(L) ‘Auto show’ means a display of current models of motor vehicles whereby the primary purpose is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect various makes and models of motor vehicles at a single location.”

The definition of “auto show” set forth in Section 4517.01 (L), Revised Code, indicates that any display of current model motor vehicles may be considered an auto show if the primary purpose of such exhibit is to provide the general public with the opportunity to review and inspect such vehicles. It might be urged that the legislature intended to limit the exhibition or display to motor vehicles alone by the use of the

phrase, "primary purpose." However, it is a rule of construction that statutes must be given their plain meaning when they are clear and unambiguous. Division (L), *supra*, clearly categorizes any display of current model motor vehicles an auto show where the primary purpose of *that display*, is the exhibition of competitive makes and models in order to provide the general public the opportunity to review and inspect the vehicles. The provision in question imposes no restriction as to where such display shall take place nor under what circumstances the show may be conducted. The only limitation imposed is that the display of motor vehicles be for the "primary" purpose of providing the public an opportunity to see competitive makes and models at one location. This is no less possible at an exhibition which features other products than it is at a show held for automobile display alone, nor is the display any less directed toward the primary purpose of exhibiting automobiles under such circumstances.

It appears, therefore, that the definition of "auto show" set forth in division (L), *supra*, does not preclude the display of automobiles in conjunction with an exhibition where other products are displayed, provided the display of automobiles is for the primary purpose of exhibiting competitive makes and models in order to allow the public the opportunity to inspect such vehicles at a single location.

Coming now to your second question concerning the meaning of the phrase, "competitive makes and models," Webster's Third International Dictionary defines "competitive" as:

"Produced by, based on, resulting from or capable of existing in rivalry of economic endeavor and without the presence of monopoly or collusion."

Thus it would appear that "competitive makes and models" relate to vehicles produced by rival or competing manufacturers since reference is made both to make and model; and I am constrained to conclude that the exhibition of different models of the same manufacturing concern, or for that matter different makes of the same corporation, cannot be said to be "competitive makes and models" within the purview of division (L), *supra*.

Accordingly, it is my opinion and you are advised:

1. "Auto show" as defined by division (L) of Section 4517.01, Revised Code, includes any display of motor vehicles, the primary purpose

of which is the exhibition of competitive makes and models, and said definition does not preclude such a display at an exhibition where other products are displayed in addition to motor vehicles.

2. As used in said division (L), the reference to “competitive makes and models” requires that makes and models of more than one manufacturer of motor vehicles be on display at the exhibition.

Respectfully,

MARK McELROY
Attorney General