

It would appear that if dealers are using their own trailers to haul farm equipment to and from farms, such trailers are exempt from the provisions of the trailer licensing statutes.

OAG 61-742

OFFICES AND OFFICERS - Resignations

To: Thomas L. Runner, Member, Warren County Board of Education, P.O. Box 522, Bowling Green, Ky.
By: Ray Corns, Asst. Atty. Genl., August 24, 1961

This is in reply to your letter of August 19 requesting the opinion of this office on the following:

Mr. C. G. Grimes, member of the Warren County Board of Education wrote Superintendent E. R. Ward on May 31, 1961, asking that his resignation be accepted. This written request was received by Superintendent Ward on July 12, 1961.

At the regular meeting of the Warren County Board of Education on August 15, 1961, Grimes' resignation was accepted.

The question presented is when did the resignation become effective.

KRS 63.010 provides:

"All resignations of office shall be tendered in writing to the court or officer required to fill the vacancy, and received and recorded by the court or officer in its or his records. Resignations to the Governor shall be recorded in the Executive Journal."

In the case of Daniels v. Adams, 314 Ky. 258, 234 S.W.2d 742 (1950), the Court of Appeals held that a resignation of a public officer, in absence of a statute, does not become effective until accepted by the proper authority or by equivalent action, such as the appointment of a successor. That is, there is no vacancy until the resignation is accepted.

Therefore, it is the opinion of this office that the resignation of Mr. Grimes became effective on August 15, 1961, when it was accepted by the Warren County Board of Education.

OAG 61-743

CITIES - Fifth class city, fines, remission of, by city

To: William C. Kibbey, City Attorney, Grayson, Ky.
By: Walter C. Herdman, Asst. Atty. Genl., August 25, 1961