

MOTOR VEHICLES: Leaving the scene of an accident is a felony for which an operator's license may be revoked.

FILED

April 25, 1947

Col. Hugh H. Waggoner, Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri

Dear Sir:

This department is in receipt of your request for an opinion, which is as follows:

"We have received a letter from Sergeant A. S. White of our department, who is located at Flat River, Missouri. The contents of the letter which are self-explanatory, are as follows:

"1. Request some information on the following law: Section 8460 of the Driver's License Law, is as follows:  
"The Commissioner shall forthwith revoke the license of an operator, registered operator, or chauffeur upon receiving a record of such operator's, registered operator's, or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;
2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;
3. Any felony in the commission of which a motor vehicle is used.

"2. On April 9, 1947, Frank W. Edgar, 219 Long Street, Bonne Terre, Missouri,

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was convicted in the St. Francois County Circuit Court, of feloniously leaving the scene of an accident and a report of the conviction sent to the Commissioner, who suspended Edgar's license for a period of six months.

"3. It has always been my impression that this was one of the violations which came within Part 3 of Section 8460, which reads, "Any felony in the commission of which a motor vehicle is used." At the time of the trial, N. D. Houser, Circuit Judge, Farmington, Missouri, also interpreted this paragraph as such and so advised Edgar and his attorney, ordering the driver's license of Edgar to be surrendered to the clerk of the court to be forwarded to the Commissioner for revocation."

Section 8401, R.S. No. 1939, Subsection (f), provides as follows:

"Leaving scene of accident: No person operating or driving a vehicle on the highway knowing that an injury has been caused to a person or damage has been caused to property, due to the culpability of said operator or driver, or to accident, shall leave the place of said injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle number and chauffeur's or registered operator's number, if any, to the injured party or to a police officer, or if no police officer is in the vicinity, then to the nearest police station or judicial officer."

An examination of this section clearly shows that in order for an act to constitute a criminal violation the violator would necessarily have to be operating or using a motor vehicle.

Section 8460, R.S. No. 1939, provides as follows:

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"The commissioner shall forthwith revoke the license of any operator, registered operator or chauffeur upon receiving a record of such operator's, registered operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;
2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;
3. Any felony in the commission of which a motor vehicle is used."

Subsection 3 of Section 8460, supra, provides for the revocation of an operator's license when he has been convicted of a felony in which a motor vehicle was used. Since it is necessary to use a vehicle in the commission of the felony of leaving the scene of an accident, it would therefore be a crime covered by said section.

Conclusion.

It is, therefore, the opinion of this department that a conviction for leaving the scene of an accident is a felony for which an operator's license shall be revoked.

Respectfully submitted,

W. BRADY DUNCAN  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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