

MOTOR VEHICLES:

SUSPENSION OF DRIVERS'
LICENSES:

Section 8461 R.S.A. Mo., 1939, not repealed by section 5 of Motor Vehicle Safety Responsibility Law, Laws of Missouri, 1945, pages 1207 to 1222 inclusive, and particularly sections 5 thereof, although modified and supplemented thereby.

May 13, 1949

Mr. John Allison, Supervisor
Motor Vehicle Registration
and Drivers' License
State Capitol
Jefferson City, Missouri

5/24/49

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Dear Mr. Allison:

We have a letter dated March 8, 1949, of Mr. R. N. Eidson, your predecessor in office, in which he requests an opinion of this department. His letter is as follows:

"This department respectfully requests an opinion from your office as to certain sections in the Drivers' License Law, i.e. Section 8461, Page 122 and Section 5, Page 8 of the Motor Vehicle Safety Responsibility Law as to whether there is a conflict in the two laws.

"We are not sure that we can refuse to issue a new Driver's License, after the old one has been revoked for one year. According to the Motor Vehicle Safety Responsibility Law this department can refuse to issue a new license, unless the judgment has been satisfied and the judgment debtor gives proof of Financial Responsibility in the future.

"But, according to the Drivers' License Law, we can not suspend or revoke a Driver's License for a period of more than one year. In the case in point, we took up and revoked a Driver's License last February 6, 1948 because the judgment rendered against the holder of the Driver's License had not been satisfied and is still unsatisfied."

We have given the question involved careful thought, and have examined the two statutes cited by Mr. Eidson, and we are of the opinion that while there is a partial conflict between the two sections cited, the section which is a part of the Motor Vehicle Safety Responsibility Law, does not repeal the section 8461 R.S.A. Mo., 1939, but merely supplements it and modifies it in cases which certain circumstances exist.

Section 8461 R.S.A. Mo., 1939, one of the sections cited,

provides as follows:

"The commissioner shall not suspend a license for a period of more than one year and upon revoking a license shall not in any event grant application for a new license until the expiration of one year after such revocation."

The section last cited above was enacted in 1942.

The Act known as the Motor Vehicle Safety Responsibility Law, Laws of Missouri 1945, pages 1207 to 1222 inclusive was enacted in 1946, about four years subsequent to the aforesaid section 8461. Section 5 of said Act enacted in 1946, as aforesaid, and cited by your department in its opinion request is in part as follows:

"(a) The suspensions required in Section 4 shall remain in effect and no other motor vehicle shall be registered in the name of such judgment debtor nor any new license issued to such person for the vehicle involved unless and until such judgment is satisfied or stayed and the judgment debtor gives proof of financial responsibility in future as hereinafter provided, except under the conditions as herein stated in the next succeeding sections.

"(b) * * * * *

The pertinent part of the section last quoted is as follows:

"The suspension required in Section 4 shall remain in effect * * * unless and until such judgment is satisfied or stayed and the judgment debtor gives proof of financial responsibility in the future as hereinafter provided * * * * *"

From a comparison of the two sections above quoted, it is clearly apparent that the 1942 Act provides that a driver's license shall not be suspended for more than one year, whereas, the later Act provides in effect that when the suspension results from failure on the part of the holder of the license to pay any judgment for

damages rendered against him growing out of his negligence from operating his motor vehicle, a suspension of his license remains in effect until he pays the judgment and gives satisfactory evidence to the commissioner of his financial responsibility, even though the last mentioned effective period of the suspension might extend far beyond a year.

Your question is whether in a case in which a driver's license can be suspended because of the driver's failure to pay a judgment against him within thirty days of its rendition and in which more than a year has elapsed since such suspension, there having been no satisfaction of said judgment or proof of financial responsibility, the commissioner of motor vehicles is justified pursuant to the provision of the last above quoted section in refusing to issue a new driver's license.

In answering your question we call attention to the fact that Section 33 of the last quoted Act provides as follows:

"This Act shall in no respect be considered as a repeal of the provisions of the State Motor Vehicle Laws, but shall be considered as supplemental thereto."

In view of the provision of the later Act to the effect that it is not to be considered as a repeal of the provisions of the earlier Act, we are of the opinion that it is quite clear that Section 8461 R.S.A. Mo., 1939, is not repealed by the later Act, but in view of the statement in the later Act that it is to be considered as supplementary to the earlier Act, and in view of the provision of the later Act that suspensions of drivers' licenses must continue unless and until the judgment shall be paid and proof of financial responsibility furnished, we are of the opinion that Section 8461 R.S.A. Mo., 1939 is supplemented with an exception to the effect that in the event that the suspension grew out of the failure of the driver to pay a judgment for damages and furnish proof of financial responsibility, the suspension of the license shall endure until such judgment shall be paid and such proof of financial responsibility furnished.

CONCLUSION.

We are, therefore, of the opinion that suspensions of drivers' licenses may endure for only one year unless they occurred as a

Mr. John Allison, Supv.

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result of failure to pay a judgment and furnish proof of financial responsibility, in which event they must endure until the judgment is paid and satisfactory proof of financial responsibility is made.

Respectfully submitted,

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APPROVED:

J. E. TAYLOR
Attorney General

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