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ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

June 10, 1974

OPINION LETTER NO. 228

Mr. James R. Spradling
Director of Revenue
Department of Revenue
Jefferson State Office Building
Jefferson City, Missouri 65101

Dear Mr. Spradling:

This is in response to your request for an opinion on the following questions:

1. May a court of record grant a limited driving privilege for purposes other than in connection with an individual's business, occupation, or employment?
2. Must a person who receives a limited driving privilege keep in force an insurance policy as required by Chapter 303, RSMo, during the period of the limited driving privilege?
3. May a limited driving privilege be granted to a person for a period of time after his license has expired, or to a person who has no current license?

With respect to your first question, it is our opinion that a limited driving privilege can be granted only for the privilege of operating a motor vehicle in connection with the individual's business, occupation, or employment. Section 302.309, sub. 3(2), RSMo 1969, states:

"When any court of record having jurisdiction finds that a chauffeur or operator is

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required to operate a motor vehicle in connection with his business, occupation or employment, the court may grant such limited driving privilege as the circumstances of the case justify if the court also finds undue hardship on the individual in earning a livelihood, and while so operating a motor vehicle within the restrictions and limitations of the court order the driver shall not be guilty of operating a motor vehicle without a valid driver's license."

In reading this section, it seems clear that the legislature did not intend to allow courts to extend limited driving privileges for purposes other than business activities. The language of this section refers to business or employment and cannot be used for the granting of limited driving privileges for shopping, medical assistance, post-office visits, recreational activities, or other trips.

With respect to your second question, you have advised us that many limited driving privileges are granted upon a showing that the individual has an insurance policy in effect and has filed the required SR22 form with the Director of Revenue. However, once the privilege has been granted, certain individuals cancel their insurance policy and take no further steps to maintain financial responsibility.

At the time an individual applies for a limited driving privilege, Section 302.309, sub. 3(3), RSMo 1969, requires him to demonstrate proof of financial responsibility as required by Chapter 303, RSMo. Section 303.020(10), RSMo 1969, defines "proof of financial responsibility" as:

". . . proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, . . ."

Section 303.160, RSMo 1969, outlines the various methods of establishing proof of financial responsibility under the law, including a certificate of insurance. Section 303.170, RSMo 1969, requires the insurance company to furnish the Director with a written certificate certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. This is what is known as the SR22 filing.

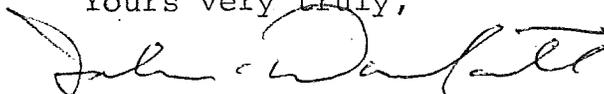
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Once this form has been filed with the Director of Revenue, the insurance company cannot cancel or terminate the motor vehicle liability policy without giving the Director at least 10 days notice. See Section 303.210, RSMo 1969. Unless the person involved maintains proof of financial responsibility, no motor vehicle can be registered in his name. See Section 303.160, sub. 2, RSMo 1969. Proof of financial responsibility must be maintained for at least 2 years from the date such proof was required. See Section 303.280, RSMo 1973 Supp.

Having this in mind, it is our opinion that the legislature intended that each person driving under a limited hardship privilege maintain proof of safety responsibility during the entire period of such privilege. Any other interpretation would render the language of Section 302.309 meaningless. The legislature was not concerned with the question of whether or not a person has the capacity of obtaining a liability insurance policy or other proof of financial responsibility; the purpose behind the requirement that every application for a hardship driving privilege be accompanied by proof of financial responsibility is to insure that every motorist driving under such a privilege is capable of providing compensation for any injuries caused by the negligent operation of his motor vehicle. Therefore, a person receiving a limited driving privilege must keep proof of financial responsibility in force during the term of such privilege, either through the maintenance of an insurance policy or one of the other methods available in Section 303.160, RSMo 1969.

Your last question deals with the length of time for which a limited hardship privilege can be granted. As a prerequisite to the granting of any limited hardship privilege, it is necessary that the applicant have had a current license in effect which has been suspended or revoked by the Director of Revenue. However, in granting a hardship privilege pursuant to Section 302.309, a court is not bound by the expiration date on the license under suspension or revocation. Section 302.309, sub. 3(4) states that the court order granting the hardship driving privilege shall indicate the termination date of the order, which shall not be later than the end of the period of suspension or revocation. When issuing a suspension or revocation order, the Director of Revenue is not bound by the expiration date on the license in effect. Likewise, when issuing a hardship driving privilege, the court is not bound by such date but is free to make the hardship privilege co-extensive with the period of suspension or revocation.

Yours very truly,



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