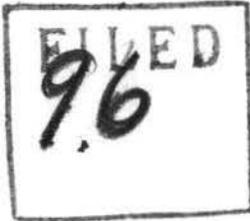


MOTOR VEHICLES:
DRIVER'S LICENSE:

Expiration date of driver's license
issued under authority of Section
302.050, RSMo 1949.



October 17, 1953

Honorable W. C. Whitlow
Prosecuting Attorney of
Callaway County
Fulton, Missouri

Dear Sir:

Reference is made to your recent request for an official opinion of this office which request reads as follows:

"At the request of the Missouri State Highway Patrol, I filed a complaint in the Magistrate Court charging one M. W. Cave with operating a motor vehicle without a valid driver's license.

"I am enclosing a photostat of Mr. Cave's application for a drivers license which shows that he applied for his license on January 1, 1951. He apparently was issued license number 504226 which bears the date, February 22, 1951. Cave's birthdate is January 10, 1928. His license bears the statement 'this license expires two years after the first anniversary of the date of the birth of the applicant'. The balance of the statement has been scratched out and is illegible.

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"There has been a good deal of confusion regarding the expiration date regarding driver's license in Missouri.

"Mr. Cave contends that his driver's license expires January 10, 1954, basing his contention on the fact that this license expires two years after the first anniversary of the date of the birth of the applicant after his license was issued. The Highway Patrol contends, along with the Department of Revenue, that his license expired on his birthday in 1953.

"I thought probably your office had been requested to render an opinion on this situation. I would like to have an opinion regarding the expiration date of this license."

We wish first to note that you, in your opinion request, state that a particular driver's license was applied for on January 1, 1951; whereas, the photostatic copy of the driver's license submitted in the case states that it was actually applied for on January 31, 1951.

The facts briefly stated are as follows: A person whose birth date is on January 10th, did on January 31, 1951, make application for a driver's license which was duly issued on February 22, 1951. Such license was issued under authority of Section 302.050, RSMo 1949, which was the governing statutory provision at that time. Under these facts the question is presented as to when a license issued under the particular facts mentioned would expire.

Section 302.050, RSMo 1949, provides as follows:

"To all applicants, submitting a satisfactory application under the requirements set forth in sections 302.010 to 302.270, the director of revenue shall issue a motor vehicle driver's license upon the payment of a fee of twenty-five cents therefor, for two years. Motor vehicle driver's license shall expire two years after the first anniversary of the date of the birth of any applicant occurring after June 30, 1948. The anniversary of the date of birth of any applicant

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born on February twenty-ninth, shall, for the purposes of this section, during the years in which there is no February twenty-ninth, be considered as March first. Every such license shall be renewable on or before its expiration upon application and payment of the required fee."

It is noted that this statutory provision contains the provision that "Motor vehicle driver's license shall expire two years after the first anniversary of the date of birth of any applicant occurring after January 30, 1948." Without a discussion of its legislative history or its applicability, we are of the opinion that such provision cannot be held to be governing upon a license issued as above noted. The reason is obvious. A person whose birth date is January 10th, and who makes application for a license after such date in 1951, could not obtain a valid license.

Since we have held that this provision does not control the expiration date of a license issued under these circumstances, we must look elsewhere. Section 302.050, provides that a license shall be issued upon proper application and payment of a fee for a period of "two years," with this direction in mind, we are of the opinion that a license issued on February 22, 1951, upon an application filed on January 31, 1951, would be valid two years from date of issuance.

It is axiomatic and needs no discussion to state that the law may not be changed by language appearing on the face of a driver's license form prepared by the proper authorities.

CONCLUSION

Therefore it is the opinion of this office that a driver's license issued on February 22, 1951, to a person whose birth date is January 10th, upon application made the 31st day of January, 1951, would be valid for a period of two years from date of issuance.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. D. D. Guffey.

Very truly yours,

JOHN M. DALTON
Attorney General