

DRIVERS LICENSES:  
APPLICATIONS MAY BE  
DESTROYED BY DIRECTOR OF  
REVENUE:  
WHEN:

Paragraph 3, Section 301.360, RSMo 1949, which provides the Director of Revenue may destroy all applications for drivers licenses after four years, means that each and every application filed by the director in accordance with the provisions of Section 302.120, RSMo 1949, may be destroyed after four years from the date each application was filed.



June 3, 1957

Mr. H. J. Turnbull, Supervisor  
Operator and Chauffeur  
License Registration  
Department of Revenue  
Jefferson Building  
Jefferson City, Missouri

Dear Mr. Turnbull:

Your recent request for a legal opinion of this department, has been received, and reads as follows:

"I would like to have an official opinion from your office, regarding the destruction of certain records in this office.

"Paragraph 3 of Section 301.360 of the Motor Vehicle Law states 'that all applications for driver's licenses can be destroyed after four years'. Does this mean four years from the date the license was issued, or four years from the expiration date of the license?"

Paragraph 3, Section 301.360, RSMo 1949, referred to in the opinion request, reads as follows:

"The director of revenue may destroy the following records:

\* \* \* \* \*

(3) All applications for drivers licenses after four years." (Underscoring ours.)

Section 302.120, RSMo 1949, requires the director of revenue to file every application for a driver's license received by him and keep records in connection therewith. Said Section reads as follows:

Honorable H. J. Turnbull

"The director of revenue shall file every application for a license received by him and shall maintain suitable indices containing, in alphabetical order:

- (1) All applications denied and on each thereof note the reasons for such denial;
- (2) All applications granted; and
- (3) The name of every licensee whose license has been suspended or revoked by the director of revenue and after each such name note the reasons for such action.

2. The director of revenue shall also file all accident reports and abstracts of court records of convictions received by him under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the director upon any application for renewal of license and at other suitable times." (Underscoring ours.)

Your specific inquiry is whether or not the provisions of Paragraph 3, Section 301.360, supra, "that all applications for drivers licenses can be destroyed after four years" mean four years from the date the license was issued, or four years from the expiration date of the license.

While it is true the above-mentioned portion of Section 301.360 does not indicate when the four years referred to is to begin or end, yet there is nothing in this or any other section of the drivers' license law, which expressly, or by necessary implication, shows it to be the legislative intent that the Director of Revenue is authorized to destroy all drivers' license applications after four years from the date the license was issued, or four years after the expiration date of the license.

Sections 301.360 and 302.120, supra, both relate to drivers licenses, and are therefore in pari materia, and under

Honorable H. J. Turnbull

established rules of statutory construction prevailing in Missouri, said sections must be read and construed together in order that both may be given effect.

In the case of Baker v. Brown's Estate, 294 SW 2d 22, the court gave some rules for construction of statutes and also defined the word "all" as used in the statute relating to motions for new trials. At l.c. 25, the court said:

"\* \* \*In determining the meaning and application of the provisions of the statute to the question presented, the court should ascertain the legislative intent from the words used if that is possible, and in so doing give to such words their plain and ordinary meaning so as to promote the object and manifest purpose of the statute. A. P. Green Fire Brick Co. v. Missouri State Tax Commission, Mo., 277 S.W. 2d 544, 545[3].

"(4) The statute says that the motion for new trial is denied 'for all purposes.' The word 'all' is sometimes said to be the most comprehensive in the English language; it denotes the 'whole number of,' 'each' and 'every' State v. Hallenberg-Wagner Motor Co., 341 Mo. 771, 108 S.W. 2d 398, 401. The use of these all-inclusive terms indicates an intent to accomplish by operation of law each and every purpose achieved by a formal order of the trial court, timely made, overruling a motion for new trial. The act was not intended to change the method or scope of appellate review."

From the definition given of the word "all" in the above cited case, it is believed that such word is all inclusive, and means each and every article or thing to which it refers.

We note that the word "all" is used in Paragraph 3, Section 301.360 and Section 302.120. In the first section it refers to the destruction of each and every driver's license application after four years. In the second section it refers to the filing of each and every driver's license application, (1) denied and (2) accepted, and also to the keeping of certain records in connection therewith.

Honorable H. J. Turnbull

It is further believed that paragraph 3, Sec. 301.360, supra, cannot be construed to mean that the Director of Revenue is authorized to destroy all drivers' license applications after four years from the date the license was issued, or four years after the expiration date of the license, for obviously such construction would not be in accord with the legislative intent. Such construction would ignore the commonly accepted meaning of the word "all" as defined in Baker v. Brown's Estate, supra, in that it would authorize the director to destroy a part of the applications for drivers licenses, i.e., only those which had been accepted and upon which licenses had been issued.

We have already noted that Section 302.120, supra, requires the director to file and keep records of all drivers license applications, those that have been denied and those that have been accepted. In view of these facts we believe that all as used in Paragraph 3, Section 301.360, has reference to each and every application required to be filed by the director as referred to in Section 302.120.

Therefore, reading and construing Paragraph 3, Section 301.360 and Section 302.120, supra, together, it is our thought that the director of revenue may destroy each and every driver's license application after four years as provided by the former section, and that the terms used therein, refer to four years after the date of filing each and every such application by the director as provided by the latter section.

#### CONCLUSION

It is therefore the opinion of this department that Paragraph 3, Section 301.360, RSMo 1949, providing that the director of revenue may destroy all applications for drivers licenses after four years, means that each and every application for driver's license filed by the director, in accordance with the provisions of Section 302.120, RSMo 1949, may be destroyed after four years from the date each application was filed.

The above foregoing opinion, which I hereby approve, was prepared by my Assistant, Paul N. Chitwood.

Very truly yours,

John M. Dalton  
Attorney General

PNC:db:gm