

March 6, 1972

OPINION LETTER NO. 82
Answer by letter-Wieler

Mr. James E. Schaffner
Director of Revenue
Department of Revenue
Jefferson State Office Building
Jefferson City, Missouri 65101



Dear Mr. Schaffner:

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

- "1. Does the director of revenue have authority to deny a duplicate or substitute license to a person who alters his operator or chauffeur license by changing the date of birth, or name, or license number, or other information entered on the license?
- "2. Is the altered license itself all that is needed by the director to support his denial action?
- "3. If the answers to questions one and two are in the affirmative may the denial remain in effect until the expiration date of the original operator of chauffeur license?"

In answering this request, it will not be necessary to discuss the possible criminal violations arising from alteration of one's driver's license or knowingly possessing such an altered license as well as the criminal sanctions involved. We do note that Chapter 302, RSMo 1969, does not require a suspension or revocation of one's driving privilege upon the finding that he has altered his operator's or chauffeur's license or is in knowing possession of such a license.

Mr. James E. Schaffner

Section 302.185, RSMo 1969, provides that a chauffeur's or motor vehicle operator's license which has been lost or destroyed may be replaced by a duplicate or substitute if the person to whom such license was issued furnishes satisfactory proof of loss or destruction to the Director of Revenue and pays a fee of twenty-five cents for the duplicate or substitute license. In our opinion, a person whose driver's license has been altered is entitled to seek a duplicate or substitute under this section. As of the moment of alteration, a driver's license loses its validity as an instrument issued by the state for the purpose of driving. This destruction is sufficient to meet the language of Section 302.185 and thereby entitles a person who is otherwise qualified to drive to seek a substitute license in the absence of any statutory provision forbidding the issuance of such a substitute to one who has purposely altered his original license.

Yours very truly,

JOHN C. DANFORTH
Attorney General