

AUTOMOBILE LICENSE: Provisions relating to revocation of.

7-14
July 13, 1933



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Hon. Owen C. Rawlings
Prosecuting Attorney
Saline County
Marshall, Missouri

Dear Sir:

This department is in receipt of your letter of June 20th, in which you request an opinion as to the following state of facts:

"Please advise as to what steps can be taken and procedure followed, if any, to enjoin a resident citizen of Missouri, from continual and repeated violations of the State Motor Vehicle Law as to the operation and use of an automobile upon and over the public highways of this State. Can his automobile license be revoked and he be prohibited from operating a motor vehicle for some definite period of time?

The individual in question operates an old delapidated truck. Usually, when in operation, this vehicle has no lights, no foot brakes, no emergency brakes and no rear vision mirror." * * *

Section 7778 R. S. No. 1929, provides in part as follows:

"* * * Motor vehicles and motor tri-cycles shall display at least two white lights mounted at the front and directed forward, and one red light mounted at the back and directed to the rear." * * *

Section 7779 R. S. Mo. 1929, provides in part as follows:

"* * * (c) Brakes: All motor vehicles, except motorcycles, shall be provided at all times with two sets of adequate brakes, kept in good working order, and motorcycles shall be provided with one set of adequate brakes kept in good working order.

(d) Mirrors: All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat. * * *

Section 7786 R. S. Mo. 1929, provides in part as follows:

"* * * (d) Any person who violates any of the other provisions of this article shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) or more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding two years, or by both such fine and imprisonment. * * *

(h) When any person who is registered as a motor vehicle owner, dealer, chauffeur, or registered operator is convicted three times within a period of one year of a violation of any of the provisions of this article, or of a city ordinance, if such convictions have been reported to the commissioner, then the commissioner may revoke such certificate of registration and shall give written notice of such revocation to the holder of such certificate, to the sheriff and prosecuting attorney of the county in which said offender resides, or if he lives in a city having a metropolitan police department, to the chief of police of such city, and the person whose certificate of registration is so revoked shall immediately surrender his certificate of registration to the commissioner. * * *

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Section 7783 R. S. Mo. 1929, provides in part as follows:

* * *(e) Operating when license is revoked: No person whose certificate of registration for a motor vehicle, or as a chauffeur or registered operator has been revoked shall operate any motor vehicle on the highways of this state during the period for which said revocation is effective.* * *

Therefore, it is the opinion of this department that if a person operates a motor vehicle that has no lights, no foot brakes, no emergency brakes and no rear vision mirror, providing the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle, such person may be punished by a fine of not less than \$5.00, nor more than \$500.00, or by imprisonment in the county jail for a term not exceeding two years, or by both such fine and imprisonment. If any person is convicted three times within the period of one year of the violation of the provisions of Chapter 41 R. S. Mo. 1929, or of a city ordinance, and if such convictions have been reported to the commissioner of motor vehicles, then the commissioner may revoke the certificate of registration held by that person and it shall be unlawful for that person to operate any motor vehicle on the highways of this state during the period for which said revocation is effective.

Yours very truly,

JOHN W. HOFFMAN, JR.,
Assistant Attorney General.

APPROVED:

(Acting)
Attorney General.

JWH:MDA