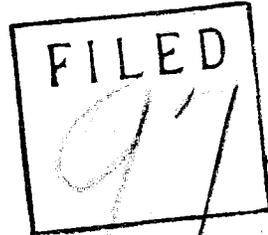


MOTOR VEHICLE LAWS:

DRIVER'S LICENSE ACT: Requires an operator to take out only one driver's license

October 11, 1937



Honorable Bryan A. Williams
Prosecuting Attorney
Bollinger County
Marble Hill, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion from this Department under date of August 31st, which reads as follows:

"Referring to Section 10, Driver's license card - form - shall be carried by driver at all times, of the Session acts of the Fifty-Ninth General Assembly of Missouri at page 374 of the Session Acts:

"Does the Driver's license only apply to one car, or does this license give the license holder the right to drive any car?

"Would appreciate your opinion."

Prior to the new Driver's License Law, becoming effective on September 6, 1937, there was no provision for licensing of all persons driving automobiles but only to the licensing of chauffeurs and registered operators as respectively shown in Sections 7765 and 7766, Revised Statutes Missouri 1929.

The new Driver's License Law enacted by the Fifty-ninth General Assembly, found at pages 370-379, Laws of Missouri 1937, requires each and every person operating a motor vehicle on the highways of this State to apply for a Driver's license, with the exception of certain exemptions found in Section 3 of said

Act, and any person holding a valid chauffeur's license or registered operator's license (Section 2, new act).

In construing statutory provisions the cardinal rule is to determine the legislative intent. *Tooker v. Missouri Power & Light Co.*, 80 S.W. (2d) 691. Another well established rule of construction is that all sections of the Act should be so construed as to harmonize, if possible. In *Re Rossing's Estate*, 85 S.W. (2d) 495, 337 Mo. 544.

Section 8 of the new Driver's License Act, page 373, Laws of 1937, provides what each application for a Driver's License shall contain, and reads as follows:

"Applications for a motor vehicle driver's license shall be made upon an approved form furnished by the Commissioner of Motor Vehicles. Every application shall state the name, age, height, weight, color of eyes, color of hair, sex, residence and business address of the applicant, whether or not the applicant has been licensed, if an operator or chauffeur of an automobile, and if so, when and by what state and whether or not such license has ever been suspended or revoked; and if revoked or suspended, the date and reason for such suspension or revocation. The application shall also give the applicant's qualification for driving a motor vehicle; he or she shall state whether or not the applicant has been convicted in this or any other state for violating the laws of this or any other state, or any ordinance of any municipality, relating to careless driving, or

driving while intoxicated, or failing to stop after an accident, and disclosing his or her identity, or driving a motor vehicle without the owner's consent. Said application shall be verified by the applicant before a person authorized to administer oaths, and officers and employees of the department are hereby authorized to administer such oaths without charge, and every application shall be accompanied by a fee of twenty-five cents. If the application shows that the applicant is under the age of sixteen (16) years or has been convicted of any of the offenses above set forth within the one year, prior to making the application, or is otherwise disqualified under the provisions of this act, the commissioner may not issue such license."

There is no provision in Section 8, supra, requiring an applicant to state what kind or type of vehicle he is qualified to operate or what kind of vehicle he owns or operates.

Section 10 of this Act simply provides the form of Driver's License and what same shall contain. Said section reads as follows:

"The motor vehicle driver's license issued under the provisions of this act shall be a white license card containing briefly the information given in the application. Such license card shall be signed with the applicant's usual signature with pen and ink in a space provided for that purpose on the license card so issued to him immediately upon the receipt

of such card and such license shall not be valid until the card is so signed. The license card so issued and signed shall be carried at all times by the licensed driver of such motor vehicle while driving the same, and shall be displayed upon demand of any officer of the highway patrol or any police officer or peace officer or any other duly authorized person, for inspection when demand is made therefor. Failure of any driver of a motor vehicle to exhibit his or her license to any of the aforesaid officers or other duly authorized officer, shall be presumptive evidence that said person is not a duly licensed driver."

There are other provisions which may help in answering your query.

Under Section 3, subdivision (2) of this Act, it is provided:

"A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State only as an operator."

The nonresident who has a valid operator's license issued to him from his home State may operate a motor vehicle in this State as an operator without obtaining a Driver's License in this State. This does not provide he shall drive only one certain vehicle but that he may operate a motor vehicle.

In like manner subdivision (3) of Section 3, supra, provides that a nonresident eighteen years of age, in

possession of a valid chauffeur's license issued to him in his home State may operate a motor vehicle in this State, either as an operator or chauffeur, without obtaining a Driver's license under this Act. This provision does not require that he drive only one certain vehicle, but, as in subdivision (2), supra, he "may operate a motor vehicle." Said subdivision (3) of Section 3, supra, provides as follows:

"A nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in this State either as an operator or chauffeur, except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State;"

Section 13 of this Act, in part, reads as follows:

"It shall be unlawful for any person * * * to lend to, or knowingly permit the use of by another any motor vehicle driver's license issued to the person so lending or permitting the use thereof, * * *"

If this Act required the issuance of a separate license for an operator to drive each and every vehicle he might desire to operate, such provision as we have hereinabove quoted would never have been included in this Act. Furthermore, the application for said license would have required the license and motor number of the particular vehicle said applicant should operate. To require an operator to take out more than one license would also cause an unnecessary expense and be burdensome for the reason that he must at all times have in his possession his Driver's License while operating a motor vehicle.

Apparently, the purpose of said Driver's License

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Law was to enable the Commissioner of Motor Vehicles to have some regulatory power and revoke the driver's license of any operator for certain violations (Sections 15, 16, 17, 18, 19 and 20). For this purpose the issuing of one license would serve the purpose as well as issuing a separate license for each vehicle operated.

In view of the foregoing, it is the opinion of this Department that the Driver's License Act (pages 370-379, Laws of 1927) is plain and unambiguous and requires an operator to take out only one driver's license.

Yours very truly,

AUBREY R. HAMMETT, Jr.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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