

MOTOR VEHICLES: Expiration date of Missouri drivers' licenses issued between July 1, 1946, and June 30, 1947.

*Apply to  
2/11/47*

February 11, 1947

FILED  
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*7/24*

Honorable Walter A. Eggers  
Judge of Probate  
Perry County  
Perryville, Missouri

Dear Sir:

Reference is made to your request of recent date for an official opinion of this department, reading, in part, as follows:

"There seems to be quite a difference of opinion in regard to the interpretation of the driver's license law Senate Bill 482.

"Reading Section 8451 line 9 we read 'provided that every operator of a motor vehicle shall, during the year beginning on the first day of July, 1946 and ending the thirtieth day of June, 1947, apply for a new motor vehicle driver's license which shall expire two years after the first anniversary of the date of birth of the applicant occurring after June 30, 1946 etc.'

"The question of the present controversy is as follows:

"John Doe, whose birthday is only December 9th, applies for a driver's license on December 15, 1946. What will be the expiration date of his license?"

Prior to the adoption of Senate Bill No. 482 of the 63rd General Assembly, the applicable statute relative to the term of Missouri drivers' licenses was found as Section 8451, R. S. Mo. 1939, as amended, Laws of 1943, page 661. It read as follows:

"To all applicants over the age of sixteen (16) years, submitting a satisfactory application under the requirements set forth in the preceding section, the commissioner shall issue a motor vehicle driver's license upon the payment of twenty-five cents therefor. From and after the 1st day of July, 1944 every license so issued shall expire at the expiration of the biennial period in which the same was issued. The first such biennial period shall begin on the 1st day of July, 1944 and expire on the 30th day of June, 1946, and each succeeding biennial period shall expire on the 30th day of June in each even numbered year thereafter; provided, however, that all such licenses issued prior to July 1st, 1944 shall be effective during the term for which they were issued." (Emphasis ours.)

You will note that the emphasized portion of this statute had the effect of causing all drivers' licenses issued subsequent to July 1, 1944, to expire on June 30, 1946.

On July 1, 1946, the administration of the Motor Vehicle Drivers' License Law was transferred to a new department as the result of the adoption of the Constitution of Missouri of 1945. The newly created department was without an appropriation and unable to supply applicants with forms by means of which new drivers' licenses might be procured. Recognizing the emergency that then existed, the Governor, by Executive Order dated June 12, 1946, extended the effective period of the licenses which were expiring, by the terms of the statute quoted, on June 30, 1946. The extension was effective "until further notice."

Senate Bill No. 482 of the 63rd General Assembly, with an emergency clause, was approved on July 17, 1946, becoming effective on that date. The Act repealed the statute quoted supra and enacted in lieu thereof a new Section 8451, reading as follows:

"To all applicants, submitting a satisfactory application under the requirements set forth in this article, the commissioner shall issue a motor vehicle driver's license upon the payment of a fee of twenty-five cents therefor, for two years. All motor vehicle drivers' licenses bearing the expiration

date of the thirtieth day of June, 1946, or a later date, shall be valid until the thirtieth day of June, 1947, without the renewal thereof or payment of a fee therefor, provided that every operator of a motor vehicle shall, during the year beginning on the first day of July, 1946 and ending the thirtieth day of June, 1947, apply for a new motor vehicle driver's license which shall expire two years after the first anniversary of the date of the birth of the applicant occurring after June 30, 1946. The anniversary of the date of birth of any applicant born on February 29 shall, for the purposes of this section, during the years in which there is no February 29, be considered as March 1. Every such license shall be renewable on or before its expiration upon application and payment of the required fee." (Emphasis ours.)

The emphasized portion of the Act had the effect of extending the expiration date of all drivers' licenses which would have expired on June 30, 1946, in accordance with the terms of the statute under which they were issued, for an additional period of one year, so that such licenses were and are valid until June 30, 1947.

An additional provision was inserted, however, requiring that all such drivers shall at some time during the year beginning July 1, 1946, and ending June 30, 1947, apply for new motor vehicle drivers' licenses. The expiration of such new motor vehicle drivers' licenses has been fixed at a time two years after the first anniversary of the date of the birth of such applicants occurring after June 30, 1946.

In reaching this conclusion, we have followed the ordinary rules of statutory construction. The phraseology of the statute is quite clear and unambiguous. It is written in words of commonly understood meaning. In construing the statute, such words must be taken in their plain, ordinary and usual sense, as is provided by Section 655, R. S. Mo. 1939, reading, in part, as follows:

"The construction of all statutes of this state shall be by the following additional rules, unless such construction be plainly repugnant to the intent of the legislature, or of the context of the same statute: First, words and phrases shall be taken in their

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plain or ordinary and usual sense, \* \* \*"

Applying this construction of the statute to the factual situation disclosed in your letter, it becomes apparent that the holder of a license issued under the circumstances mentioned will be entitled to operate a motor vehicle thereunder until December 9, 1948.

CONCLUSION

In the premises, we are of the opinion that Missouri motor vehicle drivers' licenses issued subsequent to July 1, 1946, will expire two years from the first anniversary of the birth of the holders thereof occurring subsequent to July 1, 1946.

Respectfully submitted,

WILL F. BERRY, Jr.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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