

CHAUFFEUR'S AND
OPERATOR'S LICENSE:
PUBLIC RECORDS:

Records of conviction kept by Director of Revenue, of accident reports and Court records of convictions are public records and thus open to inspection by the public.



April 27, 1953

Honorable H. J. Turnbull
Supervisor
Drivers' License Division
Department of Revenue
Jefferson City, Missouri

Dear Mr. Turnbull:

In your letter of April 14, 1953, you requested an official opinion of this office as follows:

"I am enclosing a copy of a letter received in this office from the Retail Credit Company which is self-explanatory.

"I would like an official opinion as to whether the records of conviction in our Operator's and Chauffeur's license files are public information and if we would be obligated to give the Retail Credit Company the information they are asking for."

The letter to which you refer is from the Retail Credit Company whose home office is in Atlanta, Georgia. In that letter they refer to themselves as: "an international reporting organization reporting principally to insurance companies" and ask whether they have the right to inspect files kept in your office.

Generally speaking, the public has a common law right to inspect all public records. This common law right is expressed by the Supreme Court of Missouri in State vs. Henderson, 169 S.W. (2d) 389, 350 Mo. 968, where the Court said, l.c. 392:

"In all instances where, by law or regulation, a document is required to be filed in a public office, it

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is a public record and the public has a right to inspect it. 53 Corpus Juris, Section 1, Pages 604 and 605; Clement v. Graham, 78 Vt. 290, 63 A. 146. Ann. Cas. 1913E, 1208; Robison v. Fishback, 175 Ind. 132, 93 N.E. 666, L.R.A. 1917B, 1179, Ann. Cas. 1913B, 1271; State ex rel. Eggers v. Brown, 345 Mo. 430, 134 S.W. 2d 28."

However, this common law right of inspection is limited to some extent. The right of the public is not such that they may interfere with the operation of the office where the public records are kept. This limitation is expressed by the Supreme Court of Missouri in State ex rel. Eggers vs. Brown, 134 S.W. (2d) 28, l.c. 32, as follows:

"* * * The special commissioner did not hold, and neither do we, that relator's right to inspect and copy the records is an unlimited right. It is subject to such reasonable regulations as respondents may impose to prevent undue interference with the work of the employees of the office, and to prevent undue interference with members of the public being served at the office."

Having determined that those records which are classed as "public records" are subject to inspection by the general public, except that such inspection may be limited to reasonable times, and as such will not interfere with the operation of the office, we must determine whether the records about which you inquire are, in fact, "public records".

76 C.J.S., Records, Paragraph 1, Page 112, defines "public records" in the following manner:

"* * * All records which the law requires public officers to keep, as such officers, are public records; and whenever a written record of

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the transactions of a public officer in his office is a convenient and appropriate mode of discharging the duties of the office, and is kept by him as such, it is a public record. * * *."

The files, or records, about which you inquire, are the records of convictions received in connection with violations of motor vehicle laws. The Director of Revenue is required by Section 302.120, RSMo 1949, to keep such records:

"302.120. Applications for license, accident reports and court convictions to be filed, how.--1. 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."

Since the Director of Revenue is specifically required by statute to maintain records of convictions of

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motor vehicle laws, these records meet the test set forth in Corpus Juris Secundum quoted above, i.e., they are records which a public officer is required to keep.

The Legislature may, of course, limit the right of inspection of any public records, but has not so closed subject records from public view; nor is the matter contained in such files such that should be kept confidential on grounds of public policy, since records of past convictions for violations of criminal laws are already matters of public record in the Courts in which they were obtained.

In your letter you inquire: "if we would be obligated to give the Retail Credit Company the information they are asking for". In the absence of statutory mandate you are not required to give the public any records in the sense that you must furnish copies to them. You are only required to keep such records reasonably accessible to public inspection.

CONCLUSION

Therefore, it is the opinion of this office that the records of convictions of violations of Motor Vehicle Laws which the Director of Revenue is required by Section 302.120, RSMo 1949, to keep, are public records, and thus open to public inspection.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul McGhee.

Yours very truly,

JOHN M. DALTON
Attorney General

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