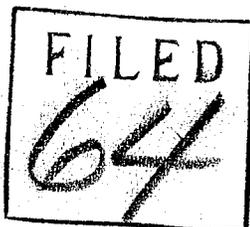


OPERATORS' LICENSE: Director of Revenue may not revoke operators' licenses of persons found guilty of violating city ordinances.



March 31, 1954

Mr. M. E. Morris  
Director of Revenue  
Jefferson Building  
Jefferson City, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this department reading as follows:

"We would appreciate having from your department an official opinion on the following question:

"Do we have authority to revoke operators' licenses of persons convicted in city courts for drunken driving, leaving the scene of an accident, or any other conviction which requires mandatory revocation of licenses in state courts?

"This information is necessary for the use of our Driver's License Division."

The duties imposed upon the Director of Revenue with respect to the revocation of operators' and chauffeurs' licenses are set forth in Section 302.271, RSMo 1949, as amended Laws of 1951, page 678:

"The director shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or

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chauffeur's conviction of any of the following offenses, when such conviction has become final:

"(1) Manslaughter resulting from the operation of a motor vehicle;

"(2) Driving a motor vehicle under the influence of intoxicating liquor or a narcotic drug;

"(3) Any felony in the commission of which a motor vehicle is used;

"(4) Leaving the scene of an accident knowing that injury has been caused to a person or damage has been caused to property without stopping and giving his name, residence, including city and street number, to the injured party, or to a police officer, or to other proper person, as required by law;

"(5) Perjury or the making of a false affidavit to the department of revenue under this chapter or under any other law relating to the ownership or operation of motor vehicles;

"(6) Conviction, or forfeiture of bail not vacated, upon three charges of careless or reckless driving committed within a period of two years.

"(7) Any offenses involving the wanton and reckless operation of a motor vehicle which has resulted in the death of another."

It is a familiar principle of statutory construction that legislative enactments are to be construed in a manner to effectuate the intent of the General Assembly in their passage. In determining such intent recourse may be had to the language contained in the statute itself, statutes in pari materia, the history of the act and the mischief it was designed to remedy.

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It will be observed that the first six enumerated offenses are ones which have been declared criminal by acts of the General Assembly. The seventh, which is more or less indefinite, but is rather all-inclusive, embraces several crimes. Further, all of the first five offenses enumerated are felonies. The sixth offense is an aggravated case in that before revocation is to be made thereunder there must have been three convictions of careless or reckless driving committed within a period of two years.

From the foregoing it will be seen that all of the offenses enumerated in the statutes are ones of comparative seriousness. They are of an entirely different nature than those which may be prosecuted under municipal ordinances duly enacted. In Missouri, as a matter of fact, it has long been held that prosecutions for violations of such municipal ordinances are actually civil cases and are not criminal in nature. See *Village of Marble Hill v. Caldwell*, 176 S.W. 294, 189 Mo. App. 286.

It is also to be observed that in referring to the statute quoted supra, the Legislature passed Section 302.225, RSMo 1949, as amended, Laws of 1951, page 678. This act incorporates the following significant provisions:

"1. Whenever any person is convicted of any offense or of the last of a series of three offenses for which this chapter makes mandatory the revocation of the operator's or chauffeur's license of such person by the director, the circuit court or magistrate court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses, then held by the person so convicted, and the court shall within ten days thereafter forward the same, together with a record of such conviction to the director. \* \* \*"  
(Emphasis ours.)

It is apparent that the Legislature contemplated that the revocations provided in Section 302.271, RSMo 1949, as amended Laws of 1951, page 678, would be only for convictions which occurred for prosecutions of state laws in state courts. The emphasized portion of Section 302.225, RSMo 1949, as amended, Laws of 1951, page 678, seems to us to render this conclusion imperative.

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CONCLUSION

In the premises we are of the opinion that the Director of Revenue of the State of Missouri does not have authority to revoke operators' licenses of persons found guilty of violations of municipal ordinances.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Very truly yours,

JOHN M. DALTON  
Attorney General

WFB:vlw