

MOTOR VEHICLES:
DRIVER'S LICENSES:
CHAUFFEURS' LICENSES:
OPERATORS' LICENSES:

The Director of Revenue is authorized to report out-of-state convictions on the back of renewed operator's and chauffeur's licenses in the same manner in which convictions in Missouri are reported.

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August 16, 1955

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

Dear Mr. Morris:

Your request for an opinion reads as follows:

✓ It has been the practice of our Driver's License Unit to record out-of-state convictions on the back of renewed Operator's and Chauffeur's licenses in the same manner in which convictions in Missouri courts are recorded.

"Our authority to do this has been questioned and we would appreciate your opinion as to our legal duty or authority in this connection."

Section 302.181, MoRS, Cum. Supp. 1953, reads, in part, as follows:

"1. The chauffeur's license and motor vehicle operator's license issued under the provisions of this chapter shall be in such form as the director shall prescribe. The expiration date thereof shall be printed or stamped in conspicuous letters and figures on the face of all licenses. The license shall not be valid unless signed by the applicant with pen and ink or unless it shall bear a photostatic copy or exact facsimile of his signature. The director shall inscribe on each license regularly renewed a complete memorandum of each conviction

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as shown by the records of his office or on the expiring license which have been had against the licensee during the twelve months' period next preceding the issuance of such renewal license. Space shall be provided on said license for brief notations which shall be made by or at the direction of judicial officers of all violations of state motor vehicle traffic laws or county or municipal traffic ordinances."

The important sentence in this paragraph which this office is of the opinion gives the Director the power to note out-of-state convictions on the back of a renewed chauffeur's license and operator's license is: "The director shall inscribe on each license regularly renewed a complete memorandum of each conviction as shown by the records of his office or on the expiring license which have been had against the licensee during the (twelve) months' period next preceding the issuance of such renewal license." (Emphasis ours.)

Thus, if any out-of-state convictions are in the records of the Director's office, they must be noted on the back of a renewed operator's and chauffeur's license, and if the expiring license contains noted out-of-state convictions on its back which have been had against the licensee during the twelve months' period next preceding the issuance of such renewal license, they too must be noted on the back of the renewed license.

Also, Section 302.120, RSMo 1949, in part, states as follows:

"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."

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Thus, this part of the above section empowers the Director to keep records of out-of-state convictions, for it states that he shall maintain convenient records of convictions received by him under the laws of this state. One of the laws of this state is Section 302.160, RSMo, 1949, which provides:

"The director of revenue is authorized to suspend or revoke the license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur."

Since this last section authorizes the Director to receive notice of convictions of persons in another state, paragraph 2 of Section 302.120 requires the Director to record such conviction and keep records thereof, and since Section 302.181, Mo. RS Cum. Supp. 1953, requires the Director to inscribe on each license regularly renewed a complete memorandum of each conviction as shown by the records of his office, the Director is authorized to note on the back of a renewed operator's or chauffeur's license out-of-state convictions.

CONCLUSION

It is the opinion of this office that the Director of Revenue is authorized by law to record out-of-state convictions on the back of renewed operator's and chauffeur's licenses.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Harold L. Volkmer.

Yours very truly,

John M. Dalton
Attorney General

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