

November 2, 1962

FILED
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Honorable John A. Honssinger
Prosecuting Attorney
Laclede County
Lebanon, Missouri

Dear Mr. Honssinger:

In your letter of August 26, 1962, regarding Section 302.302, Mo. Cum. Supp. 1961, you submit the following question:

"What does the term 'or forfeiture of collateral' mean? Does it mean forfeiture of collateral deposited for appearance on a traffic charge in the form of a bail bond, or does it mean collateral that might be deposited under the Safety Responsibility Act?"

Section 302.302, Mo. Cum. Supp., provides for the State Director of Revenue to put into effect a point system for the suspension and revocation of chauffeurs' and operators' licenses. It further provides that "points shall be assessed only after conviction or forfeiture of collateral".

Section 302.010, Mo. Cum. Supp. 1961, provides in part that when used in this chapter the following words and phrases mean: (4) "Conviction", any final conviction; also a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction, except that when any conviction as a result of which points are assessed under section 302.302 is appealed.

Under Section 302.010 forfeiture of bail or collateral deposited for the defendant's appearance in court is considered as a conviction for the purposes of assessing points

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under Section 302.302.

These sections were enacted by the legislature in 1961 as part of Senate Bill No. 90 and are contained in Chapter 302 of the Revised Statutes of Missouri concerning drivers' and chauffeurs' licenses.

We believe that "forfeiture of collateral" as used in Section 302.302, supra, refers to forfeiture of bail or collateral deposited to secure defendant's appearance in court as provided for under Section 302.010(4), supra, and that it does not refer to a bond of security deposited as provided for under the Safety Responsibility Act found in Chapter 303, RSMo 1959.

Very truly yours,

THOMAS F. EAGLETON
Attorney General

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