

DRIVER'S LICENSE: When a person has both a chauffeur's license
CHAUFFEUR'S LICENSE: as well as an operator's license and receives
MOTOR VEHICLES: the necessary points under the Point System
LICENSES: for revocation or suspension of his operating
privileges, then both such licenses are re-
voked or suspended.

OPINION NO. 213

August 31, 1965



Honorable Lawrence J. Lee
Prosecuting Attorney
City of St. Louis
Municipal Courts Building
14th and Market Streets
St. Louis, Missouri

Dear Mr. Lee:

This is in reply to your opinion request in which you state:

"I would like an opinion from your office as to whether or not a person convicted of 'driving while intoxicated' where an accident is involved, is subject to his operator's and chauffeur's license being suspended or revoked or is he subject to merely his operator's license being suspended or revoked and not his chauffeur's license being suspended or revoked."

The revocation and suspension of operator's and chauffeur's licenses is governed by the Point System set forth in Sections 302.302 through 302.309, RSMo Cum. Supp. 1963. When the Director of Revenue receives notice of conviction or forfeiture of collateral, he assesses points against the offender according to Section 302.302, supra, the first paragraph of which reads as follows:

"1. The director of revenue shall put into effect a point system for the suspension and revocation of chauffeurs' and operators' licenses. Points shall be assessed only after a conviction or forfeiture of collateral.
* * *" (Emphasis added.)

The suspension or revocation of driver's licenses is based upon the accumulation of points and affects "operating privileges," a plural term which we believe includes both chauffeur's licenses and operator's licenses. According to your facts, a revocation

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or suspension would result upon the assessment of the appropriate number of points. Section 302.304, supra, covers this subject and reads as follows:

"The director shall:

"(1) Notify by ordinary mail any operator or chauffeur of the point value charged against his record when the record shows four or more points have been accumulated in a twelve-month period;

"(2) Suspend the operating privileges of any person whose driving record shows he had obtained or accumulated eight points in eighteen months. The time of suspension shall not be less than thirty days nor more than ninety days;

"(3) Revoke the operating privileges of any person when his driving record shows he has obtained or accumulated twelve points in twelve months or eighteen points in twenty-four months or twenty-four points in thirty-six months;

"(4) Upon issuing a reinstated operator's or chauffeur's license, reduce the accumulated point value to six points." (Emphasis added.)

Section 302.020, RSMo 1959, requires those who wish to drive as a chauffeur to have a valid chauffeur's license and those who wish to drive a motor vehicle in a manner other than as a chauffeur must acquire a valid operator's license. Any person who has a chauffeur's license is not required to obtain an operator's license. However, there is nothing to prevent a person from obtaining both a chauffeur's as well as an operator's license. In fact, the Department of Revenue informs us that this is quite often done.

It is the opinion of this office that when a suspension or revocation occurs under Section 302.304, supra, these penalties apply to both chauffeur's and operator's licenses. If a person has both licenses, then both "operating privileges" are suspended or revoked. The entire operation of the Point System would be defeated if holders of both licenses would lose the privilege of driving under one of them but continue to operate a motor vehicle under the other.

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This reasoning is further reinforced by the language in Section 302.225, subsection 2, RSMo 1959, which reads as follows:

"2. Whenever any person is convicted of any offense or series of offenses for which this chapter makes mandatory the suspension or 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 the conviction, to the director."
(Emphasis ours)

CONCLUSION

Under the operation of the point system, providing for suspension and revocation of chauffeur's and operator's driving licenses, both chauffeur's and operator's licenses are suspended or revoked when the individual so licensed accumulates the necessary points set out in the statutes. In those situations, wherein a person has acquired both a chauffeur's license as well as a motor vehicle operator's license, then both such operating privileges are suspended or revoked when the proper number of points has been accumulated by such person.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Eugene G. Bushmann.

Very truly yours,


NORMAN H. ANDERSON
Attorney General