

OPINION NO. 70-REVISED (3-21-66)
Answered by Letter-Denman



Honorable Thomas A. David, Director
Department of Revenue
Jefferson Building
Jefferson City, Missouri

Dear Mr. David:

This is in answer to your request for an opinion of this office concerning the use of points assessed for out-of-state convictions of traffic violations under Section 302.160, RSMo Supp. 1965, before its revision by the 1965 Legislature.

Section 302.160 as amended provides:

"When the director of revenue receives notice of a conviction in another state, which, if committed in this state, would result in the assessment of twelve points, he is authorized to assess the points and revoke the operating privilege as provided in section 302.304."

Prior to its amendment, this section read:

"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." (Emphasis Ours)

At the time this Section was enacted, the so-called "point

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system" was not in effect. After the point system was enacted in 1961, Section 302.160, although not changed, was interpreted to mean that the proper number of points would be assessed for a conviction of an offense in another state, which, if committed in this state, would result in a corresponding point assessment.

In our opinion this interpretation was not justified by the language of Section 302.160 and was erroneous.

Under the point system a varying number of points are assessed for certain traffic violations. In Section 302.302, RSMo Cum. Supp. 1965, the Legislature has listed the offenses for which points shall be assessed and the number of points to be assessed for each offense. This number varies from one point for a minor offense to twelve points for several more serious offenses.

When a driver accumulates four points within a twelve month period he is so notified by the Director of Revenue. If he accumulates eight points within a twelve month period his license is suspended for a period of from thirty to ninety days. His license is revoked if he obtains or accumulates twelve points in twelve months, or eighteen points in eighteen months or twenty-four points in thirty-six months. Section 302.304, RSMo Cum. Supp. 1965.

There were no offenses with a point value of eight or more which would have been grounds for the suspension of a license. Thus, the only offenses committed in this state that initially were grounds, in and of themselves, for the revocation of the drivers license were those which carry a twelve point assessment value.

Section 302.160, before its amendment, did not provide for the assessment of points but only for suspension or revocation of a license, and then only upon receiving notice of a conviction in another state which, if committed in this state, would be grounds for suspension or revocation. It must follow that the Director could consider only those out-of-state convictions which, if committed in this state, would have required a twelve point assessment and an automatic revocation of the license. Out-of-state convictions of a lesser point value were not grounds for suspension or revocation of a license. Therefore, the assessment of points for such lesser offenses was not authorized and these points should not be considered in computing the number of points accumulated by an individual driver.

This conclusion is strengthened by the amendment to Section 302.160 in 1965 which clearly indicates the intention of the Legislature that only twelve point out-of-state assessments should be considered.

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CONCLUSION

It is the opinion of this office that prior to October 13, 1965, the effective date of the amendment to Section 302.160, RSMo 1965, the Department of Revenue was not authorized to assess points for traffic offenses committed outside the state unless such offense, if committed in this state, would have resulted in the assessment of twelve points. Any points assessed for violations in other states in lesser amounts should not be considered in computing the number of points accumulated by an individual driver.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

JHD:cw