

MOTOR VEHICLES: A person, resident or nonresident, whose
DRIVERS' LICENSES: Missouri operator's license has been revoked
by reason of accumulation of points as pro-
vided by Section 302.304(3), RSMo 1969, cannot legally operate a
motor vehicle in the State of Missouri under a license issued by
another state.

OPINION NO. 322

August 31, 1970

Honorable James L. Paul
Prosecuting Attorney
McDonald County Courthouse
Pineville, Missouri 64856



Dear Mr. Paul:

This official opinion is issued in response to the request contained in your letter concerning the Missouri driver's license law.

The question presented is as follows:

"Where a man has current drivers license in two different States, and his Missouri license are (sic) revoked by reason of points, does that automatically revoke the license in the other State."

The request does not state whether the person involved is a Missouri resident. Assuming the person is a Missouri resident, he can legally operate a motor vehicle in Missouri only if he possesses a valid operator's license issued in this state, Section 302.020, RSMo 1969. When his Missouri license is revoked for point accumulation pursuant to Section 302.304(3), RSMo 1969, the person may not drive a motor vehicle in Missouri even though he may possess a valid license issued by another state.

If the person involved is a nonresident, he is not required to obtain a Missouri license in order to drive in this state if he is authorized to operate a motor vehicle in his home state and otherwise complies with the provisions of Section 302.080, RSMo 1969. Section 302.080 expressly exempts nonresidents from the requirements of Section 302.020 under certain conditions. However, the driving privilege of a nonresident may be suspended or revoked pursuant to

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Section 302.150(1), RSMo 1969, which provides as follows:

"1. The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to suspension or revocation by the director of revenue in like manner and for like cause as an operator's, registered operator's or chauffeur's license issued hereunder may be suspended or revoked."

When this section is considered in conjunction with Section 302.304(3), RSMo 1969, which provides that the director of revenue shall revoke the operating privileges of any person who has accumulated a certain number of points within certain periods of time, it is apparent that driving privileges in Missouri of both residents and nonresidents are subject to revocation for point accumulation regardless of the source of the operator's permit.

Accordingly, it is our opinion that when a person's Missouri operator's license is revoked for points pursuant to Section 302.304, he may not legally drive a motor vehicle in Missouri under a license issued by another state.

The effect of suspension or revocation in Missouri upon driving privileges in other states depends upon the laws of the particular state or states involved. The Missouri statutes, of course, cannot control this situation and the Attorney General's Office is not authorized to issue an opinion on the matter.

CONCLUSION

Therefore, it is the opinion of this office that a person, resident or nonresident, whose Missouri operator's license has been revoked by reason of accumulation of points as provided by Section 302.304(3), RSMo 1969, cannot legally operate a motor vehicle in the State of Missouri under a license issued by another state.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John E. Park.

Yours very truly,



JOHN C. DANFORTH
Attorney General