

MOTOR VEHICLE
OPERATORS' LICENSES:

Licenses not revocable for conviction
of three offenses of careless driving
within two years, when offense occurred
prior to effective date of Section
302.271, V.A.M.S.

JOHN M. DALTON
XXXXXXXXXX



March 12, 1953

J. C. JOHNSEN
XXXXXXXXXX

Honorable Charles B. Cash
Magistrate
Fifth District
415 East Twelfth Street
Kansas City 6, Missouri

Dear Sir:

You have requested an official opinion of this
office as follows:

"This office desires an opinion from
your office regarding the construction
of Section 302.270 (6) of the new
Motor Vehicle Law, which reads as
follows:

"Sec. 302.270. The director shall
forthwith revoke the license of any
operator or chauffeur upon receiving
a record of such operator's or
chauffeur's conviction of any of
the following offenses, when such
conviction has become final: (6) Con-
viction or forfeiture of bail not
vacated upon three charges of care-
less or reckless driving committed
within a period of two years.

"The point that is in question is
whether or not these three convictions
are to be considered ONLY IF COMMITTED
AFTER the effective date of this new
section which was January 1, 1952,
or if convictions prior to said date
can be considered."

We take your reference of Section 302.270 to have

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been taken from the original bill as approved by the governor. This has now been renumbered by the reviser of statutes and is Section 302.271, V.A.M.S., and appears in Laws of Missouri, 1951, page 688, again as Section 302.270, as it was in the original bill. It is quoted in your letter.

Since we find no such law in effect prior to January 1, 1952, requiring the revocation of operators' licenses for conviction or forfeiture of bail not vacated upon three charges of careless or reckless driving committed within a period of two years, we believe that the applicable doctrine of law may be found in *State ex rel. v. Wright*, 158 S.W. 823, 251 Mo. 325, 1.c. 344, which is as follows:

"The act by its terms in no wise purports to look backward or to be designed as a matter of law to be curative in its intent. This law bears none of the outward earmarks of a retrospective statute. Unless it bears such indicia, a discussion in the light of the rules of construction would seem to be but 'weary, stale, flat and unprofitable,' for our court has said in the case of *State ex rel. v. Dirckx*, 211 Mo. 1.c. 577:

"The settled rule of construction in this State, applicable alike to the constitutional and statutory provisions, is that, unless a different intent is evident beyond reasonable question, they are to be construed as having a prospective operation only. (*State ex rel. v. Greer*, 78 Mo. 1.c. 190; *State ex rel. v. Frazier*, 98 Mo. 426; *Leete v. Bank*, 141 Mo. 574; *Shields v. Johnson County*, 144 Mo. 76; *Cooley on Constitutional Lim.* (6 Ed.), page 77; *Shreveport v. Cole*, 129 U.S. 36.)"

We believe that offenses committed prior to the effective date of the law cannot be made grounds for revocation of an operator's license.

CONCLUSION

It is, therefore, the opinion of this office that the provision of Section 302.271, V.A.M.S., for revocation of a

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motor vehicle operator's license, does not direct revocation of license for convictions of careless driving which occurred prior to the effective date of the act.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. James W. Paris.

Respectfully submitted,

JOHN M. DALTON
Attorney General

JWF:lrt