

SAFETY RESPONSIBILITY UNIT: (1) A person who has only a chauffeur's
DRIVER'S LICENSE: license and who has his license suspended,
CHAUFFEUR'S LICENSE: and is required by law to furnish proof
of financial responsibility should have
his chauffeur's license returned to him upon furnishing proof of
financial responsibility on all vehicles owned by him. (2) A per-
son who has his license suspended and is required to maintain proof
of financial responsibility and for whom there is filed proof of
financial responsibility on one specific vehicle by a proper person
under the terms of Section 303.250, should have his license, either
operator's, chauffeur's or both, returned to him with a notation
on the face of the license that said license is restricted to driv-
ing the particular vehicles for which proof was furnished.

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June 6, 1958

Mr. L. G. Cass
Supervisor, Safety Responsibility Unit
Department of Revenue
Jefferson Building
Jefferson City, Missouri

Dear Mr. Cass:

You recently requested an opinion on the following subject:

"If a subject has only a chauffeur's license issued to him, if his driving privileges are suspended and the chauffeur's license is surrendered to this office, and if a Form SR-22 is filed showing that the subject has insurance coverage for only his privately owned vehicle, could his driving privileges be reinstated and he be notified that he could apply for an operator's license, but that his chauffeur's license could not be returned until such time as proof of financial responsibility relevant to the vehicle or vehicles which he would operate while using said license is filed with this Unit.

We also request an opinion as to the return of an operator's and chauffeur's license under Section 303.250 where a Form SR-22A is filed for a subject by the owner of one specific vehicle."

For clarity we set out Section 303.020, RSMo Cum. Supp. 1957, subsections 4 and 11, which is a part of the definition section

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of the Safety Responsibility Law, and defines license and registration as follows:

"'License', an operator's or driver's license, temporary instruction permit, chauffeur's or registered operator's license issued under the laws of this state;

"'Registration', registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;"

We also set out Section 303.150, RSMo Cum. Supp. subparagraphs 1 and 2 as follows:

"1. Whenever the director, under any law of this state, suspends or revokes the license of any person upon receiving record of a conviction or a forfeiture of bail, the director shall also suspend the registration for all motor vehicles registered in the name of such person except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

"2. Such license and registration shall remain suspended or revoked and shall not at any time thereafter be renewed, nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person, until permitted under the motor vehicle laws of this state, and not then unless and until he shall give and thereafter maintain proof of financial responsibility."

Section 303.160, paragraph 1 and subparagraph 1 read:

"1. Proof of financial responsibility when required under this chapter with respect to a motor vehicle or with respect to a person who is not the owner of a motor vehicle may be given by filing:

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"(1) A certificate of insurance as provided in section 303.090 or section 303.170; or"

Section 303.170, reads:

"1. Proof of financial responsibility may be furnished by filing with the director the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all motor vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle.

"2. No motor vehicle shall be or continue to be registered in the name of any person required to file proof of financial responsibility unless such motor vehicle is so designated in such a certificate."

We assume that the situation referred to arises when a person who holds only a chauffeur's license has his license revoked or suspended due to convictions or due to an unsatisfied judgment and the period of revocation or suspension has passed. The person then supplies your division with a properly authorized form stating that the person has insurance on a privately owned vehicle (your Form SR-22). No proof is offered, however, for commercial vehicles which may be driven by the person but which are not owned by him. Your question then is whether, under these circumstances, you may keep the chauffeur's license and request the individual to apply for a driver's license.

We believe that this procedure is improper. The definition section of the Safety Responsibility Law clearly treats drivers' licenses and chauffeurs' licenses as being covered under the term license. A person who has his license suspended for convictions or because of an unsatisfied judgment under the law must maintain future proof of financial responsibility for all motor vehicles owned by him before his license may be returned. He may do this by supplying proper certificates of insurance indicating that insurance is in force on all of his vehicles.

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See Sections 303.160, RSMo Cum. Supp. 1957 and 303.170. But when the return of his license is allowed by law and when proper proof of financial responsibility is filed with your Unit, then the license of the person is to be returned. License, as before stated, under this Law, means operator's and chauffeur's license. It is further noted in this regard that no authority is given under the law for the Director of Revenue to request a person who has a chauffeur's license to secure a driver's license before his driving privileges will be restored.

We feel, therefore, that when the return of the license is permitted by law and when the person submits proper proof of financial responsibility for all vehicles owned by him, his license, and this term includes chauffeur's license, must be returned to him.

As for your second question, Section 303.250, RSMo Cum. Supp. 1957, reads as follows:

"Whenever any person required to give proof of financial responsibility hereunder is or later becomes an operator in the employ of any owner, or is or later becomes a member of the immediate family or household of the owner, the director shall accept proof given by such owner in lieu of proof by such other person to permit such other person to operate a motor vehicle for which the owner has given proof as herein provided. The director shall designate the restrictions imposed by this section on the face of such person's license."

Your form SR-22A is a form which certifies that there is insurance on a certain vehicle which will be used by the revoked licensee. When this form is filed by someone enumerated in the above cited statute, the Director designates the restrictions to be placed on the license and returns the license to the revoked license holder. A question might arise as to what restrictions the Director may properly impose on the face of the license. We feel that this is answered by the language of the statute which says, in part: "To permit such other person to operate a motor vehicle for which the owner has given proof as herein required." This, we feel, restricts the revoked licensee to driving only the car for which proof has been afforded. The Director should properly note on the license of the person that he is restricted to driving this certain specific vehicle. The license with such notation should then be returned to the licensee. License, of course, in this instance, also means chauffeur's license, operator's license, or both.

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CONCLUSION

It is the opinion of this office that:

(1) A person who has only a chauffeur's license and who has his license suspended, and is required by law to furnish proof of financial responsibility should have his chauffeur's license returned to him upon furnishing proof of financial responsibility on all vehicles owned by him.

(2) A person who has his license suspended and is required to maintain proof of financial responsibility and for whom there is filed proof of financial responsibility on one specific vehicle by a proper person under the terms of Section 303.250, should have his license, either operator's, chauffeur's, or both, returned to him with a notation on the face of the license that said license is restricted to driving the particular vehicle for which proof was furnished.

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

Very truly yours,

JOHN M. DALTON
Attorney General

JEC: mw
mjb