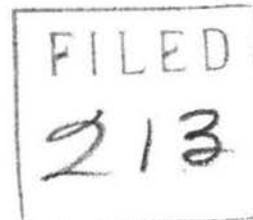


MOTOR VEHICLES:  
CRIMINAL LAW:  
DRIVERS' LICENSES:

If a person operates a motor vehicle when his driver's license is suspended under Chapter 303, RSMo, "The Safety Responsibility Law," he is in violation of Section 303.370, RSMo 1959, and not Section 302.321, RSMo Supp. 1967.

OPINION NO. 213

April 29, 1969



Honorable James S. Stubbs  
Prosecuting Attorney  
Livingston County  
Court House  
Chillicothe, Missouri 64601

Dear Mr. Stubbs:

This is in reply to your request for an official opinion of this office concerning the question whether Section 302.321, RSMo Supp. 1967, applies when a person has had his driver's license suspended under Chapter 303, RSMo.

Chapter 303 is "The Motor Vehicle Safety Responsibility Law." Section 303.010, RSMo 1959. Basically, this law provides that an operator of a motor vehicle involved in an accident on the streets and highways of Missouri in which injury or property damage in excess of one hundred dollars occurs must file a report with the Director of Revenue. Section 303.040, RSMo 1959. Section 303.030, RSMo Supp. 1967, provides for the suspension of drivers' licenses and registration plates unless financial security or release from liability is proven.

Chapter 302, RSMo, provides for drivers' and chauffeurs' licenses. This law provides for the suspension or revocation of drivers' licenses for assessment of points after receipt of notice of convictions for certain motor vehicle violations. Sections 302.302, 302.304, and 302.160, RSMo Supp. 1967.

The statute that is in question in this opinion, Section 302.321, provides criminal sanctions against someone who drives while his license has been suspended or revoked under Chapter 302. Section 302.321 reads:

Honorable James S. Stubbs

"Any person whose operator's or chauffeur's license, or driving privilege as a nonresident, has been canceled, suspended or revoked as provided in this chapter, and who drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended or revoked, is guilty of a misdemeanor and on conviction therefor shall be punished by confinement in the county jail for a term not exceeding one year. This section shall not apply when the operator's or chauffeur's license, or driving privilege as a nonresident, has been canceled, suspended or revoked under chapter 303, RSMo."

Therefore, it is our opinion that if a person operates a motor vehicle when his driver's license is suspended under Chapter 303, he is not in violation of Section 302.321 but instead is in violation of Section 303.370, RSMo 1959, which provides in part:

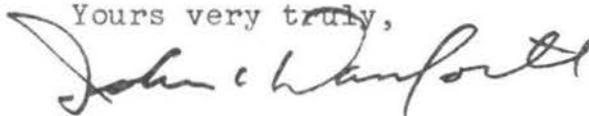
"Any person whose license or registration or nonresident's operating privilege has been suspended or revoked under this chapter and who, during such suspension or revocation drives any motor vehicle upon any highway or knowingly permits any motor vehicle owned by such person to be operated by another upon any highway, except as permitted under this chapter, shall be fined not more than five hundred dollars or imprisoned not exceeding six months, or both."

#### CONCLUSION

It is the opinion of this office that if a person operates a motor vehicle when his driver's license is suspended under Chapter 303, RSMo, "The Safety Responsibility Law," he is in violation of Section 303.370, RSMo 1959, and not Section 302.321, RSMo Supp. 1967.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Walter W. Nowotny, Jr.

Yours very truly,



JOHN C. DANFORTH  
Attorney General