

OPINION
43-56

June 7, 1943 (OPINION)

HIGHWAYS

RE: Patrol - Drivers License

Your inquiry of June 2nd wherein you ask whether a person whose driver's license has been revoked following his conviction for operating a motor vehicle, while under the influence of intoxicating liquor, may secure a new license at the end of the revocation period without complying with the financial responsibility act has been referred to the undersigned for attention.

This office has held on numerous occasions that a person, whose license has been revoked because of conviction, must comply with chapter 167 Session Laws of 1939. Subsection c of section 8 of chapter 107 Session Laws of 1939 specifically provides:

"The suspensions or revocations hereinbefore required shall remain in effect and the commissioner shall not issue to any such person any new or renewal of license or register or re-register in the name of such person any motor vehicle, until permitted under the motor vehicle laws of the state and not then, unless and until said person gives proof of his financial responsibility in future as hereinafter provided in this Act." (See 277 NW 535.)

Your second inquiry as to what may be done to an individual whose license was revoked and who goes and secures a license elsewhere during the period of revocation and drives his automobile is taken care of by subsection h of section 12 of the Driver's License Law, as amended by chapter 175 Session Laws of 1941. This provides:

"Any person who drives a motor vehicle upon the highways of this state while his license to operate a motor vehicle is suspended and revoked shall be guilty of a misdemeanor."

An individual driving an automobile after his license has been revoked, even though he might fraudulently obtain another license, would, I believe, be violating the provisions of this section.

ALVIN C. STRUTZ
Attorney General