

**OPINION  
73-484**

June 27, 1973           (OPINION)

Mr. Patrick A. Conmy  
Bismarck Police Commissioner  
P. O. Box 1398  
Bismarck, ND 58501

RE: Section 39-06-16, North Dakota Century Code

Dear Mr. Conmy:

Your letter of June 20, 1973, requested clarification of the language used in section 39-06-16 as it relates to the obligation to "exhibit" a driver's license to a peace officer. The statute reads as follows:

"39-06-19. License to be carried and exhibited on demand. Every licensee shall have his operator's license or permit in his immediate possession at all times when operating a motor vehicle and shall display the same, upon demand of any court, municipal court, a county justice, a patrolman, peace officer, or a field deputy or inspector of the highway department. However, no person charged with violating this section shall be convicted or assessed any court costs if he produces in court, to the chief of police or in the office of the arresting officer an operator's license or permit theretofore issued to him and valid and not under suspension, revocation or cancellation at the time of his arrest."

It perhaps is not significant but the word "exhibit" is used only in the headnote or title of the section and not in the body of the statute. Pursuant to the provisions of section 1-02-12, North Dakota Century Code, we are consequently concerned primarily in the meaning of the phrase ". . . shall display the same, upon demand . . ." as it appears in the body of the above quoted statute.

The guidelines for interpretation of words and language are found in sections 1-02-02 and 1-02-03, North Dakota Century Code, and for ordinary words we use ordinary sense, the rules of grammar, and approved language usage; and for technical terms we use peculiar and appropriate meaning or definition.

Both of the words "exhibit" and "display" can be used in an ordinary sense or as technical terms and in this statute it appears that they are used as technical terms describing a legal obligation of a driver and to permit the performance of a legal function by the official identified therein.

Section 39-06-16, North Dakota Century Code, was created as a part of a new driver's license law by chapter 251 of the Session Laws of 1955. Throughout that chapter we find provisions relating to the validity of the license and the verification thereof. For example, section 39-06-14, North Dakota Century Code, since its original enactment in 1955 has contained the language "For purposes of verification, an officer may require the licensee to write his

signature in the presence of such officer." The same section states that "no license shall be valid until it has been (so) signed by the licensee."

Also in section 49-06-16, North Dakota Century Code, we find language relating to a subsequent disposition of a charge " . . . if he produces . . . a valid . . . " license.

Considering all of such matters, it is our Opinion that the Legislative Assembly intended that the "display" of the license be for the purpose of accomplishing the purpose of permitting the determination of the validity of the license.

This conclusion leads us to believe that the word "display" in section 39-06-16, North Dakota Century Code, means "to submit, as a document, to an officer for inspection" for the purpose of determining its validity.

Very truly yours,

Allen I. Olson

Attorney General