

OPINION
50-131

January 26, 1950 (OPINION)

MOTOR VEHICLES

RE: Driver's License

Your letter of January 19th, addressed to Hon. Wallace E. Warner, Attorney General, has been referred to the undersigned in his capacity as Special Assistant Attorney General for the Highway Department.

Your inquiry is directed to the authority of a Police Magistrate to revoke, suspend or detach one section of a drivers license for violation of city ordinances and in that connection will state that two sections of our law are involved, namely 39-0610 and 39-0619 of the 1949 Supplement of the Revised Code of 1943.

Under section 39-0610 the Police Magistrate may for violation of a municipal ordinance revoke or suspend an operators license upon conviction of the offense of operating a motor vehicle while under the influence of intoxicating liquor or narcotic drugs or upon two charges of reckless driving in the preceding twelve months or the conviction of three misdemeanors during a two year period covered by any single license. Under section 39-0610 the only instances in which the violation of an ordinance permits the detachment of a section of a license is conviction for the driving of a motor vehicle while under the influence of intoxicating liquor or the offense of reckless driving.

The law as originally enacted and prior to the 1947 Amendment authorized any court either State or Municipal to remove a section of the card for any offense either under the State law or the Municipal Ordinance. However, this has been specifically changed by the 1947 Amendment and it must be presumed that the Legislature intended to limit the detachment of a portion of a drivers license to the particular instances set forth in 39-0619 of the 1949 Supplement and not for every violation of the Municipal Ordinances governing the operation of motor vehicles.

WALLACE E. WARNER

Attorney General