

MOTOR VEHICLE SAFETY RESPONSIBILITY: Certified copies of records
CRIMINAL PROCEDURE: of Motor Vehicle Safety
EVIDENCE: Responsibility Unit have
not been made "evidence"
in criminal proceedings by virtue of statutory enactment.



September 9, 1954

M. E. Morris, Director
Department of Revenue
State of Missouri
Jefferson City, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this department reading as follows:

"The Safety Responsibility Unit which administers the Safety Responsibility Law is frequently confronted with those situations in which a person whose operation and registration privileges have been suspended refuses to surrender licenses evidencing such privileges. Section 303.370 makes such refusal a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment not to exceed 30 days or both.

"Prosecuting Attorneys throughout this state are desirous of filing charges against these people, however, they are having great difficulty establishing a 'case', because many Judges are refusing to accept a certified copy of the Safety Responsibility Unit's record of suspension. The Judges point out that Section 490.180, Missouri Revised Statutes, 1949, which provides for the submittal of certified records does not include records of the Department of Revenue. It would be virtually impossible as a practical matter to have a representative from this Department personally appear and testify as to the authenticity of the original suspension records.

M. E. Morris, Director

"Prior to the adoption of the 1945 Constitution many of the activities now supervised by the Department of Revenue were under the Secretary of State or State Auditor. It would seem artificial to reason that by virtue of the creation of a new department that the records which were heretofore acceptable in a certified form are now no longer acceptable. Section 490.220 makes admissible all records and exemplifications of office books kept in any public office of the United States or a sister state as evidence if publicly attested to by the keeper of the records. It is evident by this section that practically all records of a sister state may be certified and various records of the State of Missouri cannot.

"In view of the foregoing facts, we respectfully request your opinion as to whether or not Section 490.180 can be interpreted to include the papers on file in the Department of Revenue in addition to the papers of the offices specifically enumerated therein."

Section 490.180 RSMo 1949, which you have referred to in your letter of inquiry, forms a portion of Chapter 490 RSMo 1949 denominated "Evidence" and reads as follows:

"Copies of all papers on file in the office of the secretary of state, state treasurer, state auditor and register of lands, or of any matter recorded in either of said offices, certified under the seal of the respective offices, shall be evidence in all courts of this state."

It will be observed that official records of the Department of Revenue have not been included within the scope of the statute.

Of course this is equally true with respect to the official records of a great many other departments of the State of Missouri. We have diligently searched other statutory enactments of the General Assembly of the State of Missouri and do not find that the official records of the Department of Revenue have been placed in the same category as those found in the offices of secretary of state, state treasurer, state auditor, and register of lands.

M. E. Morris, Director

It is an elementary rule of statutory construction that no occasion for construction arises with respect to a statute which is definite and unambiguous. Neither may the scope of the applicability of a statute be broadened beyond those persons or the particular subject matter to which, by its own terms, it relates. We are of the belief that the particular statute here under consideration falls within such a category, and that no construction thereof is necessary.

CONCLUSION

In the premises, we are of the opinion that certified copies of the official records of the Motor Vehicle Safety Responsibility Unit have not been accorded the status of "evidence" under the provisions of Section 490.180 RSMo 1949, or under any other statutory enactment.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Yours very truly,

John M. Dalton
Attorney General

WFB/vtl