

MOTOR VEHICLES: Proof of financial responsibility must be maintained in the future.

November 5, 1948

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93

Col. Hugh H. Waggoner, Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri

Dear Colonel Waggoner:

This is in reply to your letter of recent date requesting an opinion of this department and reading in part as follows:

"We request your opinion as to whether or not a person whose driver's license has been revoked or suspended must show financial responsibility before the license is reinstated and must this financial responsibility be maintained thereafter until he no longer operates a motor vehicle on the highways of this state."

The Motor Vehicle Safety Responsibility Act, Laws of Missouri, 1945, page 1207, Section 3(a), reads as follows:

"Whenever the Commissioner, under any law of this State, suspends or revokes the license of any person upon receiving record of a conviction of such person of any offense requiring such suspension or revocation, or of a forfeiture of bail or collateral deposited to secure an appearance for trial for such offense, the Commissioner shall also suspend the registration for all motor vehicles registered in the name of such person, except that he shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles register by such person."

(d): Section 3 further provides in subsections (b), (c) and

"(b) Such license and registration shall remain suspended or revoked and shall not

at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the Motor Vehicle Laws of this State, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility.

"(c) If a person is not licensed, but by final order or judgment is convicted of any offense requiring suspension or revocation of license, or forfeits any bail or collateral deposited to secure an appearance for trial for any such offense, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person, and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person, until he shall give and thereafter maintain proof of financial responsibility.

"(d) Whenever the Commissioner suspends or revokes a non-resident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility."

It will be noted that whenever a license has been suspended or revoked it will not be renewed unless and until the licensee gives proof of financial responsibility. The further condition of such renewal is that said licensee shall also thereafter maintain proof of financial responsibility. The intent of the Legislature is of primary concern in the construction of statutes. The evident intent of the Legislature in this case requires that a license cannot be renewed unless and until the licensee not only gives proof of financial responsibility but maintains such proof in the future. This conclusion is strengthened by the provisions of Section 5 of said act, which is in part as follows:

"(a) The suspensions required in Section 4 shall remain in effect and no other motor vehicle shall be registered in the name of such judgment debtor nor any new license issued to such person for the vehicle involved unless and until such judgment is satisfied or stayed and the judgment debtor gives proof of financial responsibility in future, as hereinafter provided, except under the conditions as herein stated in the next succeeding sections."

(Underscoring ours.)

The wording of the foregoing provisions regarding proof of financial responsibility in the future is plain and unambiguous and under the well settled rules of statutory construction must be given effect as written.

#### CONCLUSION

Therefore, it is the opinion of this department that under the provisions of the Motor Vehicle Safety Responsibility Act, Laws of Missouri, 1945, page 1207, proof of financial responsibility must be maintained in the future by a licensee after the renewal of a previously suspended or revoked driver's license.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

J. E. TAYLOR  
Attorney General *JB*

DD:VLM