

Opinion No. 53-5720

March 31, 1953

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Rosendo Garcia, Director Drivers' License Division Bureau of Revenue Santa Fe, New Mexico

{*115} In your letter dated March 23, 1953, you refer to HB 310 recently signed by the Governor, which will become Ch. 74, Laws of 1953, and be effective on June 13, 1953. This bill amends the law relating to operators' licenses for minors and raises the minimum age from 14 to 16 years.

Since the bill makes no provision for persons under 16 who presently hold operator's licenses, you are wondering whether such licenses will be affected when the new law goes into effect. Since violations of the licensing provision constitute a crime, the act should not be construed as being retroactive. For this reason, minors who hold valid licenses under the present law would not be affected by the act except that in the event that such licenses expire before such persons reach the age of 16, they could not be issued a new license until they have reached the age of 16 under the provisions of the new law.

If a minor over the age of 14 and under 16 has a valid operator's license for 2 or 3 years such license would remain valid and would not be affected by the new law.

{*116} As to minors who hold a 1-year license and desire to surrender the same prior to the effective date of the new act, in order to obtain licenses for 2 or 3 years and thus be protected until reaching the age of 16, there is nothing in the present law to prohibit this procedure. Upon the surrender of the current year's license by such a person, accompanied by a valid application signed as required in the case of applications of minors under the age of 18, there is nothing to prevent you from issuing 2 or 3-year operator's licenses to such persons and cancelling the 1-year license, provided this procedure is followed prior to the effective date of the new act.

If a minor not having a license can qualify under the present law as to age and driving ability and obtain a valid license before the amendment becomes effective, such licenses also will remain valid during the term for which they are issued.

If a minor holding a 1-year license applies for a 2 or 3-year license as the case may be and offers to surrender the 1-year license, no credit or refund should be allowed on the 1-year license and the full fee for the 2 or 3-year license should be collected.

By: C. C. McCulloh

Assist. Attorney General