

**Opinion No. 53-5869**

December 14, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Mr. M. W. Hamilton Attorney for the Bureau of Revenue Santa Fe, New Mexico

{\*298} You have requested an opinion from this office as to whether or not a person under the age of 16 who had a duly issued driver's license as of the effective date of Chapter 74, Session Laws of 1953, to-wit, June 12, 1953, could have said driver's license renewed under § 68-315, N.M.S.A., 1941 Compilation.

Chapter 74, Session Laws of 1953, provides that no license shall be issued . . . to any person as an operator under the age of 16 years.

Section 68-315, N.M.S.A., 1941 Compilation, which was not repealed by the 1953 statute, provides:

"Every license issued under this Act shall expire upon the same date as is now or may hereafter be designated as the expiration date for annual registration of motor vehicles, unless suspended or revoked, as provided by this Act, **and such license shall be renewed annually** upon application and payment of fees as required by this Act, etc."

It is the opinion of this office, therefore, that any person holding a duly issued license under the previous statute may have said license renewed under the provisions of § 68-315. Section 68-315 constitutes a grandfather clause as applied to Chapter 74 of the 1953 Session Laws so far as renewal of licenses, which are in full force and effect, are concerned. As for licenses which have expired, it will be necessary to abide by the 1953 Session Laws, as set out in Chapter 74 thereof, and no licenses {\*299} may be issued after expiration as such issuance would be a new issuance and not merely a renewal as set out above.