

Opinion No. 57-265

October 16, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Howard M. Rosenthal,
Assistant Attorney General

TO: Mr. Charles B. Barker, Attorney, Bureau of Revenue, State Capitol Building, Santa Fe, New Mexico

QUESTION

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May the division issue a license to operate a car to a former epileptic?

CONCLUSION

See opinion.

OPINION

ANALYSIS

Section 64-13-40 (6), N.M.S.A., 1953 Comp., 1957 Supp., reads:

"The division shall not issue any license hereunder: To any person, as an operator or chauffeur, who is afflicted with or suffering from any mental disability or disease which would render him unable to operate a motor vehicle with safety upon the highways, or to any person who is insane, or an idiot, imbecile, epileptic or feebleminded."

This provision appears quite specific. When the applicant is suffering from any of the included infirmities and disabilities no license to operate a car may be issued. However, when such disability or infirmity is removed by cure, and the applicant is able to safely operate a car upon the highways, no reason appears for the withholding of a license.

Hence, when an applicant, formerly disabled under this provision is cured, the division may in its discretion, upon proper medical representation as to the cure of the disability, issue a license.