

**Opinion No. 43-4243**

February 19, 1943

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mr. Al S. Roughton, Director, Driver's License Division, Bureau of Revenue, Santa Fe, New Mexico

We have your letter of February 15, 1943, wherein you request our opinion concerning whether or not an applicant for a driver's license may sign the application by placing his thumb print thereon. or whether he must either sign his name with an "X" or by writing it.

We have been unable to find any statute wherein it is required that a signature be made in any particular manner, such as by placing an "X" when the applicant cannot possibly write his signature.

Section 68-308 of the New Mexico 1941 Compilation provides that an application for an operator's or chauffeur's license shall be signed by the applicant and verified under oath. The question is what constitutes a signing.

The following cases have held that a finger print constituted a signature: Re: Romaniw (1937) 163 Misc. 481, 296 N. Y. S. 925; Finn's Estate .1935) 52 Times L. R. (Eng.) 153; De Gala v. Gonzales (1929) 53 Philippine 104; Dolar v. Diancin (1930) 55 Philippine 497.

The last three cited cases specifically held that a thumb mark constituted a signature, while the first case held that finger prints constituted a signature.

The New York Court stated that

"It was a far more effective way of executing the paper writing than if he had signed by an ordinary cross mark."

In view of the above, it would seem that an applicant has conformed to the statute when he has signed his application by placing his thumb mark thereon, and adopting such as his signature, and having such signature verified under oath before a person authorized to take such oaths.

Trusting that the above sufficiently answers your inquiry, I am

By HARRY L. BIGBEE,

Asst. Atty. General