

Opinion No. 39-3190

June 23, 1939

BY: FILIO M. SEDILLO, Attorney General

TO: Mr. R. L. Hollis, Sheriff of Roosevelt County, Portales, New Mexico.

{*71} We have your recent inquiry as to whether an officer who catches "any one in the act of driving an automobile while intoxicated" has the right to relieve such person of his drivers license then and there.

Licenses may be revoked or taken away only in accordance with the provisions of Sections 17, 18, and 19 of Chapter 110, Laws of 1937, (11-1417 to 11-1419, 1938 Supplement). This law does not give you or your deputies the right to take a drivers license away from any person for any reason whatsoever. Persons who are found driving cars while intoxicated should be prosecuted, and when convicted the license may be revoked in the manner provided by the statute above cited.

By: A. M. FERNANDEZ,

Asst. Atty. Gen.