

Opinion No. 39-3265

September 1, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Tom Summers, Chief, New Mexico State Police, Santa Fe, New Mexico. Attention: H. K. Dalbey, Sergeant

{*101} I am in receipt of your letter of August 31st, wherein you inquire as to whether or not anyone has power to restore a driver's license which has been revoked for drunken driving prior to the expiration of the one year required by law.

Section 11-1419, New Mexico Supplement, 1938, provides that whenever any person holding an operator's or chauffeur's license shall be convicted on a charge of driving a motor vehicle while under the influence of an intoxicating liquor the court shall, immediately upon such conviction require such licensee to surrender his license to the court and the court shall indorse thereon, in space provided therefor, a record of such conviction and shall forward such certificate so indorsed to the department (Bureau of Revenue, State of New Mexico).

Section 11-1417, New Mexico Supplement, 1938, provides as follows: The department (Bureau of Revenue) shall forthwith revoke {*102} the license of any person upon receiving a record of the conviction of such person of the crime of driving a motor vehicle while under the influence of an intoxicating liquor.

Section 11-1420 of the 1938 Supplement provides that any person whose license has been revoked under this Act shall not be entitled to apply for or receive any new license until the expiration of one year from date of such revocation.

Under Section 11-1417 of the 1938 Supplement the department (Bureau of Revenue) has no choice other than to revoke the license of said person since it is mandatory and there being no provision for the reinstatement of said license, no one has the power to restore the driver's license to a person thus convicted of drunken driving and whose license has been revoked.