

Opinion No. 41-3678

January 8, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Captain A. B. Martinez New Mexico State Police Santa Fe, New Mexico

{*20} We have your letter of January 5 wherein you inquire as to whether or not those persons who neglect to apply for their drivers' licenses between the period from December 31, 1940, to March 2, 1941, are subject to prosecution.

Chapter 110, Section 15 of the Laws of 1937, pertaining to drivers' licenses, provided as follows, to-wit:

"Expiration of Licenses. Every license issued under this Act shall expire upon mad hereafter be, designated as the expiration date for annual registration or motor vehicles, unless suspended or revoked as provided by this Act, and such licenses shall be renewed annually upon application and payment of fees as required by this Act; Provided, That the commissioner, in his discretion, may waive the examination of any applicant previously examined and licensed under this Act."

At the time the above law was enacted, Section 11-317 of the 1929 Compilation, as amended by the Laws of 1931, relative to the registration and renewal of registration of motor vehicles, was in effect and reads as follows, to-wit:

"Every vehicle registration under this Act shall expire December 31 each year and shall be renewed annually on application by the owner and by payment of the fees required by law, such renewal **to take effect on the first day of January each year.**"

This last quoted law was amended by Section 1 (a), Chapter 101 of the Session Laws of 1939, which reads as follows, to-wit:

"(a) Every vehicle registration under this act shall expire December thirty first of each year and shall be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to **be made on or before the second day of March of each year.**"

Chapter 110, Section 15 of the Laws of 1937, above referred to and applying to drivers' licenses, specifically says "every license issued under this Act **shall expire** upon the same date for annual registration of motor vehicles."

Chapter 101, Section 1 (a), 1939 Session Laws, above quoted, does not change the date that the motor vehicle registration shall expire, but merely extends the time that the renewal for said motor vehicle registration can be made.

Construing the language used in this last quoted act, and the language used in Chapter 110, Section 15 of the Laws of 1937, we do not believe it was the intention of the Legislature to extend the time for the purchase of drivers' licenses; had it been it would have so stated "Expressio unius est exclusio alterius", i.e., "The expression of one thing is the exclusion of another."

Therefore, it is my opinion that all persons who operate a motor vehicle in New Mexico, not otherwise exempt by law, are subject to prosecution if they have failed to apply for their 1941 drivers' licenses on or before December 31, 1940.

Trusting that the above answers your inquiry, I am,

By HOWARD F. HOUK,

Asst. Atty. General

1940

40-3638

40-3636

40-3616

40-3593

40-3582

40-3563

40-3559

40-3556

40-3550

40-3544

40-3541

40-3532

40-3531

40-3493

40-3492

40-3477

40-3474

40-3459

40-3457

40-3454

40-3446

40-3434

40-3432

40-3429

40-3417

40-3416

40-3411

40-3410

40-3407

40-3405

40-3403

40-3402

40-3400

40-3396

40-3392

40-3390

40-3383