

Opinion No. 42-3985

January 10, 1942

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Al S. Roughton Bureau of Revenue Driver's License Division P. O. Box 1686
Santa Fe, New Mexico

{*142} I have your letter of January 9, wherein you relate that a person had his driver's license revoked by the district court for a period of one year beginning July 21, 1940, for operating a motor vehicle while under the influence of intoxicating liquor. You further relate that subsequent to July 21, 1940, and on September 30, 1940, a date prior to the time the revocation period had expired on the first conviction, the same party was again convicted for operating a motor vehicle while under the influence of intoxicating liquor.

In view of the foregoing facts, you request our opinion as to whether or not the final revocation of the party's driver's license would expire on September 29, 1941, or July 21, 1942.

In connection with this question, your attention is directed to the provisions of Chapter 110, Section 17, subdivision 6 (b) of the Laws of 1937, which reads as follows, to-wit:

"The department, upon receiving a record of the conviction of any person upon the charge of operating a motor vehicle while the license of such person is revoked or suspended, shall immediately extend the period of such revocation or suspension for an additional like period."

It occurs to me that the foregoing section of the law covers the situation which you have submitted, as, under the facts submitted by you, a conviction of drunken driving necessarily, in this case, includes the offense of operating a motor vehicle while the operator's driver's license is suspended or revoked.

I am, therefore, of the opinion that an additional revocation of one year should be added for the second offense. In other words, the party's driver's license in question should be suspended and revoked to July 21, 1942.

Trusting that the foregoing sufficiently answers your inquiry, I am

By HOWARD F. HOUK,

Asst. Atty. General