

**Opinion No. 42-4059**

April 2, 1942

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

**TO:** Honorable John E. Miles Governor of New Mexico Santa Fe, New Mexico

{\*175} This will acknowledge receipt of your request for an opinion of this office as to whether or not you, as Governor of the State of New Mexico, may restore a person's driver's license once the same has been revoked.

I have carefully examined the provisions of Chapter 110, Laws of 1937, as it has been amended by Chapter 156, Laws of 1939, and find that the legislature has vested in the Commissioner of Revenue {\*176} of the State of New Mexico the power and duty of revoking drivers' licenses. The Commissioner himself may not restore a driver's license to a person, once it has been revoked, until the period of revocation has elapsed. I can find no delegation of authority by the legislature to the Governor to restore drivers' licenses.

In view of the foregoing, it is my opinion that a Governor may not restore a driver's license once the same has been revoked.

You will note that under the provisions of Section 5 (h), Chapter 110, Laws of 1937, a person whose license has been revoked has the right to file a petition in the district court within thirty days from the revocation, for the purpose of obtaining an examination of the facts in his particular case. This provision is the only one which is made with regard to the restoration of drivers' licenses once the same have been revoked.

Trusting that the foregoing sufficiently answers your inquiry, I am,

By GEO. H. HUNKER, Jr.

Asst. Atty. General