

Opinion No. 46-4880

March 14, 1946

BY: C. C. McCULLOH, Attorney General

TO: Mr. J. B. Mitchell, Director Driver's License Division Bureau of Revenue Santa Fe, New Mexico

{*208} We are in receipt of your letter of March 5, 1946, in which you ask our opinion as to whether a person whose license has been revoked for a period of one year, but whose license did not expire for a period of two or three years, would have to apply for a new license or, in the alternative, whether the Department can return the unexpired license.

Your attention is directed to Section 68-320 of the 1941 Compilation, which provides as follows:

"Any person whose license has been revoked under this act shall not be entitled to apply for or receive any new license until the expiration of one year from the date of such revocation."

In view of this section, it appears to me that a new license is required rather than the return of the old one. If, however, the man has, by pre-payment, paid for the license for the year in which the new license is issued, it does not appear to me that a new license fee need be charged.

By ROBERT W. WARD,

Asst. Atty. General