

CHAPTER 171

DRIVERS' LICENSE ACT

171.01 DEFINITIONS.

Inconsistency between various acts relating to revocation of license, and history of acts passed to clarify. The legislative purpose of protecting the public from the menace of drivers operating motor vehicles while intoxicated should not be thwarted by a construction that does violence to the clear and unambiguous language of the statutes relating thereto. (See also L. 1945, c. 285, Safety Responsibility Act.) *Martinka v Hoffman*, 214 M 346, 9 NW(2d) 13.

Unlicensed driver; liability of driver or owner for injuries. 7 MLR 68.

171.02 MOTOR VEHICLE DRIVERS' LICENSE.

An insurance policy from which liability is excluded while the automobile is driven or operated by a person violating any law as to driving license does not cover an accident while the automobile is driven by one who does not have a driver's license. *Giacomo v State Farm Mutual*, 203 M 185, 280 NW 653.

An unlicensed driver is neither barred from recovering for injuries received by himself in an automobile accident nor liable as a matter of law for injuries sustained by another, because there is no causal connection between his failure to comply with the licensing statute and the accident. *Mahowald v Beckrich*, 212 M 81, 2 NW(2d) 569.

Where a car is licensed in the name of two persons, the facts may constitute a joint tenancy, or a partnership, and in either event, in case of a transfer of the license to a third party both joint owners should sign the transfer. OAG Aug. 8, 1946 (632a-21).

Exemption of property from taxation in the United States. 18 MLR 411.

171.06 APPLICATIONS FOR INSTRUCTION PERMITS; FORMS; FEES.

Fees received on account of drivers' license applications are included as emoluments of the clerk's office. OAG June 16, 1945 (144-a-4).

Fees for processing drivers' licenses must be included by the clerk of court in his statement of emoluments. OAG July 11, 1946 (144-A-4).

Clerk of court in accounting for fees for issuing drivers' licenses may except payments to agents named by him to issue such licenses. OAG July 27, 1946 (144-A-4).

171.13 EXAMINATION; PENALTY FOR REFUSAL TO TAKE.

Amended by L. 1947 c. 479 s. 1.

171.17 REVOCATION OF LICENSES.

Section 169.12 requires the commissioner of highways to revoke the license of a driver convicted of a first offense of driving a motor vehicle while intoxicated without the necessity of a recommendation by the court before which the conviction was had. *Martinka v Hoffman*, 214 M 346, 9 NW(2d) 13.

The requirement for a court recommendation prior to revocation with relation to drunken drivers was repealed by L. 1941, c. 552. This put the law back where it was prior to enactment of L. 1939, c. 430. 1942 OAG 160, June 6, 1941 (291F).

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Driving after revocation of a license is either a misdemeanor or a gross misdemeanor according to the law under which the driver's license was suspended. OAG Aug. 6, 1945 (391-K).

171.19 . PETITION FOR REINSTATEMENT OF LICENSES.

One whose driver's license has been canceled because of conviction on the charge of driving a motor vehicle while intoxicated may not again be granted a driver's license by the court without the driver showing ability to comply with the financial responsibility act. *Halverson v Elsberg*, 202 M 232, 277 NW 535.

Construction relating to seeming inconsistency between L. 1939, c. 401, s. 17 (2), and L. 1939, c. 430, s. 4 (b). *Martinka v Hoffman*, 214 M 348, 9 NW(2d) 13.

171.24 VIOLATIONS, MISDEMEANORS; EXCEPTIONS.

Amended by L. 1947 c. 479 s. 2.

City ordinance penalizing a person for driving after his license has been revoked is valid. OAG Aug. 4, 1944 (199-B-4).

A driver, whose license was revoked in 1943, when arrested in 1945 must be charged with a misdemeanor. OAG July 18, 1945 (632-a-12).

171.26 MONEYS CREDITED TO GENERAL REVENUE FUND.

Amended by L. 1947 c. 607 s. 1.

Where prosecution is under a city ordinance the fines are payable to the city treasurer. OAG Aug. 4, 1944 (199-B-4).

171.27 EXPIRATION OF LICENSES.

Amended by L. 1947 c. 479 s. 3.