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OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

J. C. MANN  
ATTORNEY GENERAL

Hon. W. B. Baker  
County Attorney  
Coleman County  
Coleman, Texas

Dear Sir:

Opinion No. O-1050

Re: Is a person guilty of violating the Operator's License Law by discarding his old license under the belief that it was invalid and is the driver's license law still in effect?

Your request for an opinion as to whether or not the Texas Driver's License Law is still in effect and as to whether or not a person is violating the law by operating a car without a license at the present time has been received by this department.

The Texas Driver's License Law is codified in Vernon's Annotated Texas Statutes as Article 6687a and the material therein contained is the body of Acts 1935, 44th Legislature, 2nd Called Session, Chapter 466, as amended by Acts 1937, 45th Legislature, Chapter 369. Section 2 of the act reads as follows:

"Section 2. Operators and chauffeurs must be licensed: On and after April 1, 1936, no person except those expressly exempt under this act, shall drive any motor vehicle upon a highway in this state unless such person upon application has been licensed as an operator or chauffeur by the Department under the provisions of this act."

The word "department" refers to the Department of Public Safety of this State. It thus appears from the

Hon. W. B. Baker, Page 2

express language of the statute that after April 1, 1936, all operators of motor vehicles except those expressly exempt under the law must have an operator's or chauffeur's license. Section 9 of the act provides for the issuance of duplicate licenses in the event an operator's or chauffeur's license is lost or destroyed. Section 11 of the Act provides that every operator's license shall expire within three years from the date of issuance and shall be renewed on or before April 1, 1939 and each three years thereafter upon presentation of a valid license previously issued under this act.

Unless an act expires by its own terms, it remains in full force and effect until repealed or amended by the Legislature. Tax enforcement or extraneous circumstances do not affect the validity of an act passed by the Legislature which has not been amended or repealed. The act under consideration does not state how the Department of Public Safety shall renew licenses, but simply directs it to do so. The method of renewal is left to the discretion of the Department.

It is the opinion of this department that it is a violation of the law for a person to operate a motor vehicle without an operator's or chauffeur's license and that the provisions of the law are still in full force and effect.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

Rosa Carlton  
Assistant

APPROVED JUL 17 1939  
RC:AM

FIRST ASSISTANT  
ATTORNEY GENERAL

