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1. LICENSE — OPERATOR OR CHAUFFEUR — MOTOR VEHICLE — SECTION 6296-7, PARAGRAPH f G. C. — PROVISIONS APPLICABLE TO JUDGMENTS RENDERED PRIOR TO EFFECTIVE DATE OF LAW.
2. UNSATISFIED LIVE JUDGMENT — ONE NOT DORMANT OR UNENFORCEABLE AND REMAINS UNPAID.
3. REGISTRAR OF MOTOR VEHICLES — DUTY TO DETERMINE AND ASCERTAIN IF APPLICANT FOR MOTOR VEHICLE LICENSE MEETS NECESSARY REQUIREMENTS — DRIVERS' LICENSE LAW — INFORMATION MAY BE OBTAINED FROM TRIAL COURT OR THROUGH FORM OF LICENSE APPLICATION.
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6. LICENSE — OPERATOR — CHAUFFEUR — ISSUED ON ANNUAL BASIS — DEFENDANT WHO HAS OUTSTANDING UNSATISFIED LIVE JUDGMENT AGAINST HIM MUST FILE PROPER PROOF OF RESPONSIBILITY OR MAKE OTHER NECESSARY SHOWING FOR LIKE PERIOD BEFORE ENTITLED TO RECEIVE LICENSE — SECTION 6296-15 G. C.

SYLLABUS:

1. The provisions of paragraph (f) of section 6296-7, General Code, are applicable to judgments rendered prior to the effective date of such law.

2. An unsatisfied live judgment is one that is not dormant or unenforceable and remains unpaid.

3. It is the duty of the registrar of motor vehicles to determine and ascertain whether or not an applicant for a motor vehicle license meets the necessary requirements of the Drivers' License Law, and the necessary information may be obtained from the trial court or through the form of the license application.

4. Upon receipt of a discharge in bankruptcy a judgment rendered against the bankrupt prior to the adjudication and listed in the bankrupt's schedules is no longer "a live judgment" and therefore is not "an unsatisfied live judgment" as that phrase is used in section 6296-7, General Code.

5. Where a judgment has been obtained prior to the effective date of the Amended Driver's License Law, against a defendant, and has been reported to the Registrar under the financial responsibility law and such defendant either filed proof as required thereunder or had his driving rights revoked for a year, said defendant is amenable to the provisions of section 6296-7, General Code, and must comply with its provisions.

6. Operators' and chauffeurs' licenses, being issued on an annual basis, as provided in section 6296-15, General Code, a defendant who has an outstanding unsatisfied live judgment against him must file a proper proof of responsibility or make other necessary showing for a like period before he is entitled to receive a chauffeur's or driver's license.

Columbus, Ohio, November 21, 1944

Hon. Cylon W. Wallace, Registrar, Bureau of Motor Vehicles
Columbus, Ohio

Dear Sir:

This will acknowledge receipt of your request for my opinion which reads as follows:

"Paragraph (f) of Sec. 6296-7 of the Amended Drivers License Law provides as follows:

'(f) No operator's or chauffeur's license shall be issued to any person against whom there is an unsatisfied live judgment

in any court of record of this state in an action for wrongful death, personal injury, or damages to property, caused by such person's individual operation of a motor vehicle, unless such person shall furnish proof of his ability to respond in damages as provided in section 6298-6 of the General Code.'

We would like your formal opinion upon the following questions relative to the administration of the law announced in the paragraph.

1. Are the provisions of the paragraph retroactive so as to reach judgments rendered prior to the effective date of the amended law?

2. What is an unsatisfied live judgment?

3. Who is to determine when an application is made for a drivers license whether or not an outstanding judgment is alive?

4. If a defendant takes bankruptcy, what effect has that upon the status of the judgment?

5. Where a judgment has been obtained prior to the effective date of the amended Drivers License Law against a defendant and same has been reported to the Registrar under the Financial Responsibility Law and such defendant either filed proof as required thereunder or had his driving rights revoked for a year, is he still amenable under the provisions of this section so that he must again file proof in order to obtain his drivers license.

6. Under the provisions of said law will it be necessary for a defendant who has an outstanding unsatisfied live judgment against him to file yearly proof in order to be entitled to drivers license from year to year?"

The questions will be considered in the order of their appearance in the above communication.

Without changing the tenor of your first question, it is believed that the use of the word "retroactive" therein was not intended to be given the effect which it usually implies. The question to be determined is whether or not the Legislature may adopt a statute setting up certain conditions under which a license to drive a motor vehicle may be obtained and what effect, if any, the statute has upon those conditions which existed at the time the statute was adopted.

Paragraph (f), section 6296-7, General Code, as amended by the

95th General Assembly (120 O. L. S.B. 53), reads as follows:

“No operator’s or chauffeur’s license shall be issued to any person against whom there is an unsatisfied live judgment in any court of record of this state in an action for wrongful death, personal injury, or damage to property, caused by such person’s individual operation of a motor vehicle, unless such person shall furnish proof of his ability to respond in damages as provided in section 6298-6 of the General Code.”

Section 6298-6, General Code, provides, in substance, for the proof of ability to respond in damages by showing that there has been issued to or for the benefit of such person making such proof, (a) a motor vehicle policy covering a period of one year, (b) or the posting of a surety bond or execution of a bond by individual sureties owning unencumbered property within this state, with a value of at least \$11,000 over and above all exemptions; or depositing government, state or bonds of a political subdivision with a par value of \$11,000, or a like sum in cash; the purpose of which is to secure payment of judgments of the nature and in the amounts set forth in section 6298-5, General Code.

To properly pass upon your first question, consideration should be given to the type of legislation involved. It should be clearly observed that the statute does not in any manner change or affect the judgment itself so as to burden the judgment debtor or benefit the judgment creditor. It adds nothing to or takes from, the force and effect of the judgment. The question involved is whether or not a license to operate a motor vehicle should be issued to a party who was a judgment debtor prior to the adoption of the act, and whether or not he meets the conditions set forth in the statute, before he can receive such a license. A distinction should be carefully noted between a statute that is passed which has a bearing on the judgment itself, and one that sets up certain standards or requirements, for the privilege or right to legally operate a motor vehicle on the highways or municipal streets lying within Ohio.

It should also be noted that the occasion of enacting a statute may be looked to, to assist in determining whether it is retroactive or prospective. *People v. Supervisors of Essex County*, 70 N. Y. 228.

This brings us to the point of a consideration of the power of the state to regulate the use of motor vehicles by means of the licensing of its

operator. To determine this question, it is necessary to consider the inherent right or power, if any, that is vested in the public to operate motor vehicles.

In the case of *Jacobson v. Carlson*, 302 Mich. 448, at page 453, it was held:

“The legislature in passing the vehicle act, was concerned in making the public highways of the State, which are public ways for use of the public in general for passage and traffic without distinction, reasonably safe for public travel * * *.

The general purpose of the act as expressed in its title is not circumscribed to the manual operation and control of vehicles, but embraces innumerable factors of highway traffic which promote public safety.”

It was held in the case of *Commonwealth v. Funk*, 323 Pa. 390, 186 A. 65, 68, as follows:

“The Legislature, in the exercise of the police power of the commonwealth, not only may, but must, prescribe how and by whom motor vehicles shall be operated on the highways. One of the primary purposes of a system of general regulation of the subject matter, as here by The Vehicle Code, is to insure the competency of the operators of motor vehicles. Such a general law is manifestly directed to the promotion of public safety and is well within the police power. Even if the license were a right of property, which it is not, it would be held in subordination to such reasonable regulations by the state as are clearly necessary to preserve the safety, health, and morals of the people.”

In *Rawson v. Department of Licenses*, 130 Pa. (2d) 876, 878, the court held:

“Doubtless the primary purpose of this and similar laws is to reduce the number of accidents involving motor vehicles, and render the highways as safe as possible. Such laws have been very generally held constitutional, as well within the scope of the police power.”

In the case of *Continental Ins. Co. v. Charest*, 20 A. (2d) 447 (N. H.), it was stated:

“The use of state highways by motor vehicles is a privilege which may be granted on such terms and conditions as the state

at its pleasure may offer, regardless of their reasonableness, if equality in the bestowal of the privilege is observed.”

See also, Darnell Trucking Co. v. Simpson, 12 S. E. (2d) 516; Jacobson v. Carlson, 302 Mich. 448, Atkins v. Inland Mut. Ins. Co. 20 S. E. (2d) 471.

In the case of Pritchard v. Battle, 17 S. E. (2d) 393, 178 Va. 455, it was held (fourth syllabus):

“The enactment of the operators’ and chauffeurs’ act by the legislature was designed under the ‘police power’ of the state to protect the use of highways from those who are not qualified to operate automobiles, (and) to exercise some measure of control over such operators and generally to regulate, standardize and make uniform, so far as practicable, the granting or withholding of the privilege to use an automobile on highways in furtherance of safety of users of highways, and the provisions for both issuance and revocation of licenses are a part of that purpose.”

In the case of Rosenblum v. Griffin, 89 N. H. 314, it was held that “protection in securing redress for injured highway travelers is a proper subject of police regulation, as well as protection from being injured.”

The court in the Rawson case states, at page 879, as follows:

“The general rule is laid down in Babbitt’s *The Law applied to Motor Vehicles*, 3rd Ed. p. 150, sec. 233, as follows:

‘A license being “neither a contract nor a right of property within the legal and constitutional meaning of those terms”, is no more than “a temporary permit to do that which would otherwise be unlawful, * * * hence, the authority which granted a license always retains the power to revoke it, either for due cause of forfeiture, or upon a change of policy and legislation” in regard to the subject.’ ”

The Rawson case, *supra*, held that it was immaterial whether or not the judgment debtor was actually operating the car at the time of the accident. If a judgment was unsatisfied or its payment had not been provided for, regardless of the fact who was operating the vehicle at the time of the accident, he could not obtain a license.

In *State v. McDaniels*, 14 So. Eastern Reporter, 793, the court said:

“The legislature has full authority to prescribe the conditions on which a driver’s license will be issued and to designate the court or agency through which and the conditions upon which it will be revoked.”

In the fourth syllabus, in the case of *Sullins v. Butler, et al.*, 135 So. Western R. (2d) 930, it was held:

“It is competent for Legislature to prescribe conditions under which the privilege of operating automobiles on public highways may be exercised.”

On page 933, it was stated:

“A person who is execution proof will quite naturally operate his automobile more carelessly and negligently when he knows that the only effect of any damage occasioned thereby will be a civil action. On the other hand when he is conscious of the fact that if he incurs liability by his negligence, and has not the financial ability to discharge same that his driver’s license will be revoked, he will necessarily operate his automobile with more care and circumspection. The enforcement of the statute will also have the effect of depriving a number of incompetent persons from operating motor vehicles upon the highways of the state.”

In *Garford Trucking Inc. v. Hoffman*, 114 N. J. Law, 522, 177 A. 882, 885 (decided March, 1935), the court, in passing upon a law denying a motor vehicle license to a person until he had satisfied an outstanding judgment founded on previous operation of a motor vehicle, said:

“Substantially similar legislation, to that herein complained of, has been enacted by many of our sister states. Courts, state and federal, have uniformly upheld and sustained under the police power, such regulatory legislation provided such legislation bears a direct relationship to the public safety; and that it is reasonable and not arbitrary. The financial responsibility law of our state seeks to impose a penalty not for the failure to pay a judgment, that is merely incidental, but rather does it impose a penalty for negligent driving. It, therefore, bears a direct relationship to public safety; it is fair and reasonable and is not arbitrary. The following are but a few of the many illustrative cases. (Citing ten cases.)

It is within the legislative power of a state to enact that no person shall have a license to operate a motor vehicle on the public ways until such person has satisfied an outstanding judgment against him founded on previous operation of a motor ve-

hicle. In re Opinion of Justices (1925), 251 Mass. 617, 147 N. E. 680; and that the state has the like power to require, by enactment, the furnishing of liability insurance prior to the issuance of a license, as a means of protecting those who use the highways." (Citing cases.)

In view of the foregoing pronouncements, it will be observed that the state is empowered to prescribe and regulate the granting of a license or permit to operate a motor vehicle, upon such terms and conditions as the Legislature deems advisable, in furtherance of its police power.

Bearing in mind the aforementioned decisions, the question now presents itself as to whether or not the Legislature intended to include judgments rendered prior to the adoption of the act and whether or not such right exists.

To determine the question of the intention of the Legislature, it is necessary to consider the language of the statute. It provides "no operator's or chauffeur's license shall be issued to any person *against whom there* is an unsatisfied live judgment in any court of record * * *." The phrase "against whom there is an unsatisfied live judgment * * *" indicates, clearly, that the Legislature had in mind judgments that were in existence and unsatisfied at the time of the adoption of the statute. In other words, the phrase "against whom there is an unsatisfied live judgment" refers to those judgments that are unsatisfied at the time that an application for the license is made, and naturally no application could be made or was necessary until the law was in force and became effective.

So it is immaterial whether or not the judgment was unsatisfied at the time of the adoption of the act. The test is whether or not the judgment is unsatisfied at the time application is made for the issuance of an operator's or chauffeur's license.

The Legislature clearly intended to include all unsatisfied live judgments. This is borne out by the language of the statute which fixes the status of the operator or chauffeur as of the time the application is made. In adopting the statute it was necessary for the Legislature to fix a point of beginning and used the present tense, "there is", which refers to the time of the procurement of the application.

A case directly in point is the case of *In re Mealey*, Commissioner of Motor Vehicles of the State of New York, 35 New York Supplement (2d) 772, wherein it was held that:

“Section 94-b of former Article 6-A of the Vehicle and Traffic Law, as amended by laws 1939 c. 618, applies to any judgment in a civil action or cause of action arising out of an accident *occurring prior to the effective date of the present law.*”
(Emphasis added.)

While this decision was rendered by a New York Supreme Court Justice at a Special Term, it is believed to be sound and coincides with the fundamental principles of the motor vehicle laws as interpreted by the various courts throughout the United States. See also *People, ex rel. Schackel v. Mealey*, Commissioner of Motor Vehicles, etc., 28 New York Supp. (2d) 1022.

Section 6296-7, General Code, sets up several other limitations besides the non-payment of a live judgment. It provides that no license shall be issued to a person who is under sixteen years of age. Could it be seriously contended that those under sixteen prior to the time of the adoption of the act were not affected and therefore such persons would be entitled to a license? It also provides that a license shall not be granted to an applicant suffering from a mental disorder. Could it be contended that the act did not apply to those mentally ill, because they were so handicapped, prior to the adoption of the act and therefore such individual would be entitled to a license? These analogies are not intended to be in a facetious vein, but it should indicate clearly that the Legislature intended, and well within its power, to establish certain qualifications and standards to be met at the time an application is made, regardless of the status of an individual prior to the adoption of the statute.

It should be observed carefully that this section deals with the question of the issuance of a license or permit to operate a motor vehicle within this state. The question of revoking a license after it is once issued is not involved. In other words, the act does not provide for a change of condition after the license or permit has been issued but establishes certain conditions under which a person may obtain a right to drive a motor vehicle upon highways or municipal streets of this state. As heretofore stated, that matter is not involved. The only matter for consideration is whether

or not an applicant meets the specific terms of the statute, irrespective of the time that the limitations arose.

A debtor of an unsatisfied live judgment, which judgment was rendered prior to the adoption of section 6296-7, General Code, as amended, is subject to its provisions.

Your second inquiry is of a very general nature and therefore can only be responded to in a similar fashion. Such a judgment is one that has not been paid and has not become dormant or unenforcible through the courts. In other words it is a judgment in which its collection may be enforced by an execution thereof without further proceedings.

In reference to your third question, your attention is directed to section 6298-3, General Code, which is a part of the Financial Responsibility Law, and reads in part:

“The trial court, which * * * renders a final judgment which remains unsatisfied and not stayed as set forth in section 1 (b) of this act, shall forward immediately to the registrar of motor vehicles, a certified copy or transcript of such * * * judgment, together with such other information as the registrar may prescribe.”

This is the only section that touches upon the question of the administration of carrying into effect the financial responsibility feature of the motor vehicle law.

In securing a license section 6296-9, General Code, requires the filling out of a certain form by the applicant, which compels the applicant to answer all questions pertaining to the limitations set forth in section 6296-7, General Code, except those matters pertaining to an unsatisfied judgment. Why such information was omitted in section 6296-9, General Code, is a matter that deals with a question of legislative policy. It would be a simple matter to obtain such information through the application blank.

Section 6296-9, General Code, after enumerating what information shall be set forth in the form of the application, provides, “Said application shall state such other and additional information as the registrar shall by rule require.”

It would therefore seem to be that information relative to an unsatisfied judgment is obtained from the trial court, or if such information is required by the registrar in the form of the application, such information could be obtained in that manner. Upon receipt of such information, it is the duty of the registrar to comply with the provisions of section 6298-4, General Code. In some states, the law provides that the judgment creditor shall furnish the information.

Your attention is further directed to the fact that section 6298-24, General Code, provides that the registrar is required "to furnish any person with a certified abstract of the operating record of any person subject to the provisions of this act, which abstract shall fully designate the motor vehicles registered in the name of such person, * * * a statement of any * * * judgments which have not been satisfied or stayed falling within the provisions of section 1(b) * * *."

Unless he has such information, the registrar would be unable to comply with the foregoing section.

It is the duty of the registrar, when an application is made for a driver's license to ascertain whether or not the applicant meets the necessary requirements of the Drivers' License Law. Unsatisfied live judgments, under certain conditions, are as much of a disqualification in obtaining a license as an age under sixteen, mental or certain physical defects or any of the other conditions set forth in section 6296-7, General Code, as amended.

The answer to your fourth question calls for a determination of the intent of the Legislature in using the phrase contained in paragraph (f) of section 6296-7 of the General Code, as follows: "an unsatisfied live judgment". In other words, what bearing, if any, does a discharge in bankruptcy have on this particular phrase?

Before considering the legislative intent, it must first be determined whether or not a state statute can have any effect upon the Bankruptcy Act.

This question was under consideration in the case of *Reitz v. Mealey*, Commissioner of Motor Vehicles, 34 Fed. Supp. 532. This matter arose in a three judge district court of New York by the filing of an action by

a bankrupt to enjoin the Commissioner of Motor Vehicles of New York from suspending the bankrupt's driver's license as a chauffeur for failure to satisfy a judgment in an automobile accident case after the transcript of the judgment had been remitted by the clerk of the Commissioner.

Section 94-B of the Vehicle and Traffic Law of New York and Consol. Laws C 71 provided that in the event a judgment is recovered against a licensee for damages resulting from an automobile accident, and the judgment is not paid within fifteen days, the judgment creditor shall in writing ask the clerk of the court where the judgment is entered to forward a certified copy of it to the Commissioner of Public Vehicles, and that the clerk shall do. The section then directs the Commissioner to suspend the license for three years unless he pays the judgment in the meantime, and even if he does, not to restore it within that time, unless he gives the security required by section 94-C of the act, to protect any whom he may injure in the future.

The bankrupt attacked these provisions on two grounds, first, that it violated the fourteenth amendment to the Federal Constitution, and second, that by impairing the effect of a discharge it conflicts with section 17 of the Bankruptcy Act, 11 U.S.C.A., section 35.

On page 534, the court stated as follows:

"Whether the section can be justified or not, certainly power to suspend the driver's license is in effect a means of collecting the debt; it takes away his livelihood until he pays, and its imposition lies in the creditor's hands. The fact that the section adds the sanction that the driver, once found negligent, must in any event give security for the future, does not obliterate this; each condition is independent of the other. Therefore if sec. 17 must be read as relieving bankrupts of all sanctions for the collection of dischargeable debts, no matter what other public purpose they may serve; this section is invalid, for the Bankruptcy act is paramount. We do not think that the section so much impedes the states in their polity. Inability to pay one's debts is not irrelevant in determining one's fitness for many kinds of activity."

The court in its opinion cited and criticized the ruling in the case of *In re Hicks*, 133 F. 179, which held that an ordinance requiring a city fireman to meet his obligations was invalid because it conflicted with the

Bankruptcy Act. The court said:

“The ruling seems to us plainly wrong; the city might have good reasons for excluding from a position so vital to its welfare men who were so irresponsible that they would not live within the salaries given them. * * *, the city was still entitled to make its own standards for admission to its fire department. Drivers of motor cars are a selected class, and of these those who suffer judgments for faulty driving are presumably less likely to be safe drivers than the average.”

The court in the above action vacated the temporary injunction and dismissed the complaint.

Thus it will be noted that the foregoing decision authorizes state statutes to set up certain limitations and among such limitations the statute may provide that a discharge in bankruptcy shall not act as a release of a judgment in granting a license, and such statutes do not conflict with the Bankruptcy Act.

The Supreme Court of the United States, in affirming the decision of the case of *George C. Reitz v. Carroll E. Mealey, Commissioner of Motor Vehicles*, cited in 314 U. S. 33, stated on page 37 as follows:

“Prior to the amendment of 1936, the license could not be restored until three years had expired from its suspension unless the judgment were paid or discharged, except by a discharge in bankruptcy, and unless, also, the licensee furnished proof of his ability to respond in damages for any future accident.

If the statute went no further, we are clear that it would constitute a valid exercise of the state's police power not inconsistent with sec. 17 of the bankruptcy act. The penalty which sec. 94-b imposes for injury due to careless driving is not for the protection of the creditor merely but to enforce a public policy that irresponsible drivers shall not, with impunity, be allowed to injure their fellows. The scheme of the legislation would be frustrated if the reckless driver were permitted to escape its provisions by the simple expedient of voluntary bankruptcy, and, accordingly, the legislature declared that a discharge in bankruptcy should not interfere with the operation of the statute. Such legislation is not in derogation of the Bankruptcy Act. Rather it is an enforcement of permissible state policy touching highway safety.”

See also the case of *People, ex rel. Schackel v. Mealey, Commissioner of Motor Vehicles*, 28 New York Supp. (2nd) 1022.

It is true that the New York statute provided for a driving suspension while a judgment remained “unsatisfied and subsisting, until said judgment or judgments are satisfied or discharged, *except by a discharge in bankruptcy* * * *”. The foregoing decisions hold that a state is authorized to make such a provision and that such provision does not conflict with the Bankruptcy Act.

With reference to the Ohio law, it does not recite, “discharge, except by a discharge in bankruptcy”. Section 6296-7(f), General Code, provides, “an unsatisfied live judgment”.

This brings us to the point of construing the language of the Ohio statute in the light of a discharge in bankruptcy.

It is believed that the interpretation can best be approached from a converse standpoint.

If the judgment is “unsatisfied”, that of course means that it has not been satisfied. “Satisfaction” is a technical term, and in its application to a judgment it means the payment of the money due on the judgment, which must be entered of record; and nothing but this is a legal satisfaction of the judgment. *Armour Bros. Banking Co. v. Addington*, 37 S. W. 100, 102; *Churchill v. More*, 96 P. 108; *Fitzgerald v. Campbell*, 109 S. E. 308.

This brings us to the question of whether or not a discharge in bankruptcy is a satisfaction of the judgment or in other words, is a judgment unsatisfied, although the judgment debtor has been discharged in bankruptcy? In passing upon this question it is necessary to consider the legal effect of a discharge in bankruptcy,

A discharge in bankruptcy has never been held to be a payment or a satisfaction of a judgment. The courts hold that the effect of a discharge in bankruptcy is not to pay the debt or judgment but to render them unenforceable. *1st Nat'l. Bk. v. Livesay* (Tex. Cir. App.) 37 S.W. (2d) 765; *Winter v. Hindin, et al.*, 136 Atl. 280.

Therefore, if the discharge in bankruptcy is not a payment of the judgment, it remains unsatisfied and the Legislature having such authority to impose such a condition upon which a driver's license may be issued,

the licensee is not absolved from complying with the statute.

The Ohio statute uses the word "live". If a discharge in bankruptcy renders the judgment unenforcible, could it be said that the judgment is still "live"? The word "live" is defined in Webster's Unabridged Dictionary as something, "to continue in existence or activity; especially, to continue to be effective."

It is apparent that an unenforcible judgment cannot be considered as a "live" judgment, anymore than a dormant judgment could be said to be a "live" judgment. In fact an unenforcible judgment is far less alive than a dormant judgment. A dormant judgment could be revived, but an unenforcible judgment can never be revived, except as a moral proposition.

Therefore, it must be concluded that the judgment, being unenforcible by a discharge in bankruptcy and the Ohio statute specifies "live" judgments, the bankrupt is relieved of that particular limitation of the statute. In other words, there is no "live" judgment against him. Not being within that category he is not barred from obtaining a license on that ground.

Under the case of *Reitz v. Mealey*, Commissioner of Motor Vehicles, 314 U. S. 33, the Legislature could have provided that a discharge in bankruptcy would not relieve a judgment debtor in so far as the right to procure a license is concerned; however, it did not so provide and therefore under the present law a discharge in bankruptcy removes the "unsatisfied live judgment" restriction.

In a large measure, the answer to your fifth question was covered by the consideration of your first question. An applicant, who is a judgment debtor of an unsatisfied live judgment, must be prepared to meet the obligations of the statute at the time a license to operate a motor vehicle is sought.

In response to your sixth question, your attention is directed to section 6296-15, General Code, which reads in part as follows:

"Every operator's and chauffeur's license issued hereunder shall expire on the thirtieth day of September of each year,

and shall be renewed annually upon application and payment of fees as provided by law.”

In view of the fact that an operator’s license is issued on an annual basis, the conditions under which such a license may be obtained must be complied with annually. In other words, as long as there is an unsatisfied live judgment against an applicant, and the fact that a license is issued annually, he is required to meet the statutory requirements from year to year.

Specifically, the answers to your questions are as follows:

1. The provisions of paragraph (f) of section 6296-7, General Code, are applicable to judgments rendered prior to the effective date of such law.

2. An unsatisfied live judgment is one that is not dormant or unenforceable and remains unpaid.

3. It is the duty of the registrar of motor vehicles to determine and ascertain whether or not an applicant for a motor vehicle license meets the necessary requirements of the Drivers’ License Law, and the necessary information may be obtained from the trial court or through the form of the license application.

4. Upon receipt of a discharge in bankruptcy a judgment rendered against the bankrupt prior to the adjudication and listed in the bankrupt’s schedules is no longer “a live judgment” and therefore is not “an unsatisfied live judgment” as that phrase is used in section 6296-7, General Code.

5. Where a judgment has been obtained prior to the effective date of the amended drivers’ license law, against a defendant, and has been reported to the Registrar under the financial responsibility law and such defendant either filed proof as required thereunder or had his driving rights revoked for a year, said defendant is amenable to the provisions of section 6296-7, General Code, and must comply with its provisions.

6. Operators’ and chauffeurs’ licenses, being issued on an annual basis, as provided in section 6296-15, General Code, a defendant who has an

outstanding unsatisfied live judgment against him must file a proper proof of responsibility or make other necessary showing for a like period before he is entitled to receive a chauffeur's or driver's license.

Respectfully,

THOMAS J. HERBERT

Attorney General