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REGISTRAR DIRECTED TO FURNISH RECORD OF CONVIC-
TIONS FOR VIOLATION OF MOTOR VEHICLE LAW—REGIS-
TRAR AUTHORIZED TO FURNISH NAMES OF PERSONS
SIGNING MINORS APPLICATION FOR DRIVERS LICENSE—
SECS. 4507., 4507.25, 4509.05 (B), R.C. A.H.B. 975, 103RD GA, EF-
FECTIVE NOV. 2, 1959.

SYLLABUS:

1. Section 4509.05 (B), Revised Code, directs the registrar of motor vehicles to furnish a record of convictions for violation of the motor vehicle laws, including convictions for violation of that portion of the motor vehicle laws designated as the Driver's License Law, which is contained in Chapter 4507., Revised Code, provided that such information is not obtained from the applications for drivers' licenses.

2. Section 4507.25, Revised Code, prohibits the registrar from disclosing the name and address of any person signing a minor's application for a driver's license, other than the holder thereof, until November 2, 1959, at which time Amended House Bill No. 975, amending Section 4507.25, Revised Code, will become effective and will authorize the registrar to thereafter furnish lists of names and addresses as such appear upon the applications, including the names and addresses of persons who sign a minor's application as required by Section 4507.07, Revised Code.

Columbus, Ohio, October 23, 1959

Hon. C. W. Ayers, Registrar
Bureau of Motor Vehicles
Columbus, Ohio

Dear Sir:

I have before me your request for my opinion which reads as follows:

"Your attention is invited to Section 4509.05 of the Revised Code.

"This section under the financial responsibility law provides for the furnishing of certified abstracts and enumerates information that can be given.

"Specifically, we are referring to sub-paragraph (B), stating that the Registrar shall furnish a person's record of convictions for violation of motor vehicle laws.

"Opinion No. 3515, Opinions of the Attorney General for 1939, states that under the driver license law the Registrar may furnish only the name and address of the holder of a driver license.

"Your opinion is requested whether Section 4509.05 (B) of the Revised Code permits the Registrar to furnish all convictions including those had under the driver license law, or does Section 4509.05 (B), R.C., refer only to those convictions applicable under the financial responsibility law.

"Your attention is also invited to the second paragraph under Section 4507.07 of the Revised Code, which reads as follows:

" 'Any negligence or willful misconduct of a minor under eighteen when driving a motor vehicle upon a highway shall

be imputed to the person who has signed the application of such minor, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or willful misconduct'.

"Your opinion is respectfully requested whether the Registrar can divulge the name of the person who signed the application of a minor."

Your letter specifically refers to convictions had under the driver license law which is contained in Chapter 4507., Revised Code. The question then is whether or not the Registrar, under the provisions of Section 4509.05 (B), Revised Code, is permitted to furnish information as to a person's convictions for violations of any section contained in Chapter 4507., Revised Code.

Section 4509.05, Revised Code, provides in part :

"Upon request the registrar of motor vehicles shall furnish a certified abstract of the following information with respect to any person :

"* * *

"(B) Such person's record of convictions for violation of the motor vehicle laws ;

"* * *."

Section 4509.05, Revised Code, was enacted as a part of the financial responsibility act in 1951 (124 Ohio Laws, 563 at page 565), the section then being Section 6298-16, General Code. Thus, it might be argued that this section should apply only to said financial responsibility law, now Chapter 4509., Revised Code.

It will be noted, however, that the statute refers to convictions for violations of the *motor vehicle laws* and is not by its terms limited to convictions under either the driver's license law or the convictions applicable under the financial responsibility law. It, therefore, appears that the intent of the statute is to authorize the *registrar* to divulge any information for violations that he has in his possession regarding a person's convictions of any of the *motor vehicle laws*.

This statement, however, must be qualified to a certain extent if Opinion No. 3515, Opinions of the Attorney General for 1938, is to be followed. This opinion stated in the third paragraph of its syllabus :

“3. The authorization conferred on the Registrar of Motor Vehicles by virtue of the provisions of Section 6296-31 of the General Code is limited to the furnishing of a list in which is contained *only the names and address of the holders of chauffeur’s and operator’s licenses*. *A list containing information* relating to the reason for which the chauffeurs’ or operators’ licenses have been revoked or the period for which licenses have been suspended or revoked *may not be furnished* by the Registrar of Motor Vehicles upon application therefor.” (Emphasis added)

The reasoning of the above opinion, which is hereby adopted and followed, requires the conclusion that Section 4507.25, Revised Code (formerly Section 6296-31, General Code), prohibits the disclosure of information contained in applications for drivers’ licenses except as to names and addresses of the holders of licenses. In this way, the registrar is precluded from resorting to his file of applications for drivers’ licenses for the purpose of securing information in order to compile an abstract of a person’s convictions.

The above restriction upon the authority of the registrar, however, serves only to prevent resort to such applications as a source of information, and the registrar is authorized to divulge information otherwise obtained. This view is based upon the second sentence of Section 4507.25, Revised Code, which states :

“* * * All proceedings of the registrar shall be open to the public, and all documents in his possession shall be public records. * * *”

The question remaining is whether or not the laws contained in the drivers license law, Chapter 4507., Revised Code, are *motor vehicle laws*. It seems obvious that they are for several reasons.

FIRST: Title 45, Revised Code, contains laws relating to the following designated subject matters: Motor Vehicles; Aeronautics; Watercraft. Since drivers’ licenses have no logical connection with or relation to either Aeronautics or Watercraft, the only remaining designation would be that of Motor Vehicles.

SECOND: The fact that, under the terms of Sections 4507.01 and 4501.02, Revised Code, the driver’s license law is to be administered by the registrar of the bureau of motor vehicles creates a strong implication that it is a motor vehicle law. Also, the definition of “motor vehicle” as contained in Section 4501.01, Revised Code, applies to Chapter 4507., Revised Code, division (B) of said section reading :

“* * *

“(B) ‘Motor vehicle’ means any vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, threshing machinery, hay baling machinery, corn sheller, hammermill and agricultural tractors and machinery used in the production of horticultural, agricultural, and vegetable products.”

THIRD: The mere fact that Chapter 4507., Revised Code, is entitled “Driver’s License Law” does not prevent it from being a motor vehicle law for the reason that the term “motor vehicle laws” is a general term descriptive of several chapters of the Ohio Revised Code, each of which deals with a particular phase of the motor vehicle laws. (Section 4501.01 (B), Revised Code).

It is my conclusion, therefore, that Chapter 4507., Revised Code, regulating the licensing of operators of motor vehicles, which is arranged in the Revised Code together with other laws relating to motor vehicles and which is administered by the Registrar of Motor Vehicles, must be considered to constitute a portion of the motor vehicle laws. It follows that a conviction of a violation of any statute contained in Chapter 4507., Revised Code, is a conviction within the purview of Section 4509.05 (B), Revised Code, and, assuming that information regarding such convictions is available to the registrar other than by resort to the applications for drivers’ licenses, it should be furnished as provided in Section 4509.05 (B), Revised Code.

In regard to your second question, we are again confronted with the terms of Section 4507.25, Revised Code, which provides in part as follows:

“ * * The information contained in applications shall not be disclosed by the registrar or any deputy registrar, but any person may obtain information from the registrar relative to the name and address of not to exceed three holders of operator’s or chauffeur’s licenses in any one business day. * * *”* (Emphasis added)

The name and address of a parent or guardian or other person signing a minor’s application is clearly not the name and address of a holder of a license for the reason that the minor is the only holder of such a license. Any other name and address on the applications for such licenses is thus information that may not be disclosed by the registrar.

It is recognized that Section 4507.07, Revised Code, requires that a minor's application must be signed by another party and that it makes said party jointly and severally liable with such minor for any damages caused by the minor's negligence or willful misconduct. I also recognize that the registrar's lack of authority to voluntarily disclose this information will make it more difficult for injured parties to secure such information for the reason that it will be necessary for them to obtain a court order requiring either the registrar or the minor himself to disclose the identity of the unknown party defendant who is jointly and severally liable with the minor. Any other conclusion as to the authority of the registrar, however, would be a distortion of and in direct conflict with the clear and unambiguous language of Section 4507.25, Revised Code.

At the same time, however, it should be noted that Amended House Bill No. 975, effective November 2, 1959, amends the pertinent portion of Section 4507.25, Revised Code, to read as follows:

“* * * Upon the request of any person, accompanied by a fee of fifty cents per name, the registrar *may furnish* lists of *names and addresses as such appear upon the applications* for driver's licenses, provided that any further information contained in such applications shall not be disclosed. * * *” (Emphasis added)

The result of this amendment, effective November 2, 1959, will be to lift the numerical restriction from three names to an unlimited number, to increase the fee from three cents to fifty cents per name, and most important and relevant to the issue is the elimination of the modifying phrase “of * * * holders of operator's or chauffeur's licenses * * *.” The substantial changes effected thereby clearly manifest a legislative intention to change the former meaning of the statute, and the new language employed unambiguously authorizes the registrar to furnish lists of names and addresses appearing upon the application whether or not they represent the names of *holders* of licenses.

It is, therefore, my opinion and you are advised that:

1. Section 4509.05 (B), Revised Code, directs the registrar of motor vehicles to furnish a record of convictions for violation of the motor vehicle laws, including convictions for violation of that portion of the motor vehicle laws designated as the Driver's License Law, which is contained in Chapter 4507., Revised Code, provided that such information is not obtained from the applications for drivers' licenses.

2. Section 4507.25, Revised Code, prohibits the registrar from disclosing the names and address of any person signing a minor's application for a driver's license, other than the holder thereof, until November 2, 1959, at which time Amended House Bill No. 975, amending Section 4507.25, Revised Code, will become effective and will authorize the registrar to thereafter furnish lists of names and addresses as such appear upon the applications, including the names and addresses of persons who sign a minor's application as required by Section 4507.07, Revised Code.

Respectfully,

MARK McELROY

Attorney General