

3515.

REGISTRAR OF MOTOR VEHICLES—LIMITED TO FURNISHING LIST—NAMES AND ADDRESSES HOLDERS CHAUFFEUR'S AND OPERATOR'S LICENSES—INFORMATION—REASON FOR SUSPENSION OR REVOCATION OF LICENSE MAY NOT BE FURNISHED—NO AUTHORITY TO FURNISH LIST IN BLANKET FORM—WHEN UNDER SECTION 6296-31 G. C. NAMES AND ADDRESSES MAY BE FURNISHED.

SYLLABUS:

1. *Under the provisions of Section 6296-31 of the General Code, information concerning names and addresses may be obtained by any person "of not to exceed three holders of operator's or chauffeur's licenses in any one business day."*

2. *The registrar of Motor Vehicles has no authority, under the provisions of Section 6296-31 of the General Code, on an application which by its terms requests in blanket form the names and addresses of all licensees whose chauffeur's or operator's licenses have been suspended or revoked, to furnish such a list.*

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 addresses 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 A list containing information relating to the reason for which the chauffeurs' or operators' licenses have been revoked or the period for which licenses have been suspended or revoked may not be furnished by the Registrar of Motor Vehicles upon application therefor.*

COLUMBUS, OHIO, January 6, 1939.

HON. FRANK WEST, Registrar, Bureau of Motor Vehicles, Fourth and Main Streets, Columbus, Ohio.

DEAR SIR: I am in receipt of your recent communication which reads as follows:

"Calling your attention to the provisions of Section 6296-31 G. C. of the Drivers' License Law, upon request and payment of the fee this bureau has been furnishing lists of names of licensees whose driving rights have been suspended or revoked under that law together with other relating information including charge upon which conviction was had, and dates of period of suspension or revocation. Our authority for furnishing this information is in question.

Specifically, will you please give us your opinion; first, whether or not the Registrar is authorized upon payment of the fee to furnish lists of persons whose driving rights have been suspended or revoked under the Drivers' License Law when the request is made in blanket form for a list of all persons whose driving rights are suspended or revoked, or, must the Registrar require that the request for information contain the names of persons about whom information is sought, and, second, when furnishing information under this section is the Registrar authorized to furnish any information except the name and address of the licensees?"

Section 6296-31 of the General Code provides as follows:

"The registrar may adopt and publish rules to govern his proceedings. All proceedings of the registrar shall be open to the public and all documents in his possession shall be public records. He shall adopt a seal, bearing the inscription: 'Motor Vehicle Registrar of Ohio.' The seal shall be affixed to all writs and authenticated copies of records, and when so attached such copies shall be received in evidence with the same effect as other public records. All courts shall take judicial notice of this seal. 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. The registrar shall be authorized to furnish lists of such names and addresses on the application of any person accompanied by a fee of three cents per name. The fees so collected shall be paid by the registrar into the state treasury to the credit of the state maintenance and repair fund and are hereby appropriated to such use."

At the outset of the discussion which is to follow, it may be stated that the provisions of Section 6296-31, quoted *supra*, can not be construed as authorizing the Registrar of Motor Vehicles to furnish lists of names and addresses of persons whose drivers' licenses have been suspended or revoked. This becomes obvious from a careful consideration of the above quoted provisions. In this connection it will be noted that Section 6296-31, *supra*, only authorizes the furnishing, by the Registrar, of lists of names and addresses of *holders* of chauffeur's or operator's licenses. Manifestly, if a person's driving license has been suspended or revoked,

such person would not be a holder of such a license and consequently any information concerning such person could not be furnished under the foregoing provisions.

Coming now to the consideration as to the extent of the authority of the Registrar of Motor Vehicles to furnish lists of names and addresses of holders of operator's and chauffeur's licenses, it is noted that the authorization conferred by Section 6296-31, *supra*, upon the Registrar of Motor Vehicles is limited to the furnishing of only a list of those names and addresses of licensees appearing on the application filed with him or designated in the request of the person desiring such a list. The language contained in Section 6296-31, above quoted, unquestionably substantiates this view. In the first instance, the Legislature, in the enactment of this section, has provided that information may be obtained by any person "of not to exceed three holders of operator's or chauffeur's licenses in any one business day." The section then proceeds to authorize the Registrar to furnish such names and addresses "on the application of any person accompanied by a fee of *three cents per name*." Manifestly, the authorization given to the Registrar by virtue of this last referred to provision is restricted to the furnishing of only those names and addresses of licensees particularly designated by the person desiring such a list. Otherwise, the Legislature would not have provided that a fee of three cents per name should accompany each application. It can be readily seen that on an application filed with the Registrar which, by its terms, requests in blanket form the names and addresses of all licensees, it would be impossible for the Registrar to determine at the time of the filing of such application the amount of the fee to be charged for such a list. In other words, a fee could not be charged until the list had been prepared and the number of names furnished definitely determined. This course would be in direct violation of the provisions above cited.

The second question which you have presented is readily disposed of by the provisions of Section 6296-31, *supra*. As heretofore stated, by virtue of the provisions of this section, all documents in possession of the Registrar are public records and as such are subject to inspection at all reasonable times. However, this provision can not be construed as authorizing the Registrar, upon application, to furnish written information regarding the circumstances under which a chauffeur's or operator's license has been suspended or revoked, the period of suspension or revocation, or any other information relating thereto. The only authorization given to the Registrar of Motor Vehicles by virtue of the provisions of this section is that he may, upon an application which is accompanied by a fee of three cents per name, furnish a list of the names and addresses of holders of chauffeur's or operator's licenses. There is no other provision contained in Section 6296-31, *supra*, or any other section comprising the

Drivers' License Law which could be construed as enlarging this authorization. The section in this respect is so clear and free from doubt that any further comment regarding your second question seems unnecessary.

It is, therefore, my opinion in specific answer to your questions that:

(1) Under the provisions of Section 6296-31 of the General Code, information concerning the names and addresses may be obtained by any person "of not to exceed three holders of operator's or chauffeur's licenses in any one business day." (2) The Registrar of Motor Vehicles has no authority, under the provisions of Section 6296-31 of the General Code, on an application which by its terms requests in blanket form the names and addresses of all licensees whose chauffeur's or operator's licenses have been suspended or revoked, to furnish such a list. (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 addresses of the holders of chauffeur's and operator's licenses. A list containing information relating to the reason for which the chauffeur's or operator's 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.

Respectfully,

HERBERT S. DUFFY,
Attorney General.

3516.

MORTGAGE—CORPORATION ORGANIZED TO SERVICE SECOND MORTGAGE LOANS — HOMES — CONTRACTOR, BUILDER — SERVICE CHARGE — UNDISCLOSED PRINCIPAL—NOT TRUST COMPANY UNDER SECTIONS 710-150, ET SEQ. G. C. — NOT OF PUBLIC NATURE.

SYLLABUS:

A corporation organized for the purpose of servicing second mortgage loans on homes which a contractor had constructed, the corporation holding in its own name the second mortgage and remitting to the contractor for the amounts collected, less a service charge, the corporation