

CHAPTER 171

DRIVERS LICENSES

171.01 DEFINITIONS

A motor tractor to which a shovel or scoop is attached and which is equipped with rubber tires, and is capable of driving at slow speeds over the highways is a "motor vehicle" within the meaning of New Hampshire Financial Responsibility Law and was therefor an "automobile" within a liability policy indorsement relating to the use of automobiles. *American Mutual Liability Insurance Co. v Chaput*, 95 NH 200, 60 A(2d) 118.

The fees received by a clerk of district court for handling drivers licenses are required to be included in the statement of fees and emoluments. OAG Aug. 4, 1952 (144-A-4).

If city employees driving city vehicles fall within the definition of "chauffeur" as contained in section 168.39 (3) they must also have a chauffeurs license except those whose owners drive light cars classified as trucks which are only used to carry tools, repairs, or light materials used by the driver in his employment. OAG Dec. 14, 1949 (635-I).

171.02 MOTOR VEHICLE DRIVERS LICENSE

A nonresident holding a nonresident drivers license may operate an automobile in this state except that he may not operate as a chauffeur. OAG June 24, 1949 (291-I).

A person whose drivers license was rejected, but who had a chauffeurs license, may operate a motor vehicle as a chauffeur during the term of the suspension of his drivers license. OAG Feb. 10, 1950 (291-F) (635-D).

Municipal employees operating municipal motor vehicles on the highways on municipal business are required to have either drivers licenses or chauffeurs licenses according to the duties of their occupation. In certain instances he is required to have both licenses. OAG Aug. 28, 1953 (291).

A person whose drivers license has been revoked may nevertheless during the term his drivers license is suspended, operate as a chauffeur under his chauffeurs license. OAG Feb. 10, 1950 (291-F) (635-D).

171.03 PERSONS EXEMPT

Municipal employees operating municipal motor vehicles on the highways on municipal business are required to have either drivers licenses or chauffeurs licenses according to the duties of their occupation. In certain instances he is required to have both licenses. OAG Aug. 28, 1953 (635-I).

171.05 INSTRUCTION PERMITS

HISTORY. 1939 c 401 s 5; 1949 c 91 s 1.

171.06 LICENSES; PERMITS

HISTORY. 1939 c 401 s 6; 1949 c 689 s 1, 2.

Laws 1949, Chapter 689, increased the fee for a drivers license to \$1, all of which in counties where the clerk receives a salary and no fees, is to be paid into the county treasury and credited to the general revenue fund of the county. In other counties, the clerk is authorized to retain 20 percent of the drivers license fee for himself and remit the balance. OAG June 8, 1949 (144-B-15).

171.13 EXAMINATION

HISTORY. 1939 c 401 s 13; 1947 c 479 s 1; 1949 c 128 s 1.

Examination of applicants for a drivers license. 33 MLR 46.

171.15 NONRESIDENT PERMITS

Where a nonresident driver was convicted of operating a motor vehicle while intoxicated the nonresident license required by law to be delivered to the court under section 171.16, may be returned to the home state of the nonresident together with a certified copy of the conviction pursuant to section 171.15. OAG Aug. 31, 1953 (291-K).

171.16 COURTS TO REPORT TO COMMISSIONER

A juvenile court judge has no authority to suspend or revoke a drivers license; but he has authority to recommend to the commissioner of highways the suspension of the license. OAG Oct. 11, 1949 (291-F).

Where an appeal is taken from the municipal court to the district court under section 488.25, the provisions as to stay apply to acts required by sections 169.95 and 171.16. OAG Aug. 4, 1952 (291-F).

A justice of the peace is not authorized to revoke the license of a driver for driving a car while drunk. Upon conviction the matter should be reported to the department of highways. OAG July 20, 1953 (291-F).

An ordinance is valid which provides a maximum penalty of \$100 fine or 90 days in jail for driving an automobile while drunk and a justice of the peace may impose such sentence. The justice of the peace has no authority to revoke a driver's license. It is his duty to report the facts of the conviction to the department of highways, whereupon, pursuant to section 171.17, the department may revoke the license. OAG Feb. 16, 1949 (291-K).

171.17 REVOCATION

HISTORY. 1939 c 401 s 17; 1951 c 483 s 1.

Revocation of a motor vehicle drivers license is mandatory when the licensee has been convicted of a felony in the commission of which the motor vehicle was used in the actual commission of the felony of which the licensee was convicted. OAG May 4, 1948 (291-F).

A juvenile judge has no authority to suspend or reject a driver's license, but has authority to recommend to the commissioner of highways that the license be suspended. OAG Oct. 11, 1949 (291-F).

Where in a proceeding before a justice of the peace, a person is convicted of driving while under the influence of intoxicating liquors, proper procedure requires a report of conviction to the department of highways, which department then revokes the license. OAG Feb. 16, 1949 (291-K).

171.26 MONEYS CREDITED TO TRUNK HIGHWAY FUND

Where the sheriff, by the direction of the commissioner of highways, serves upon a person whose drivers license has been suspended a notice by the commissioner to the driver to surrender his drivers license, and the sheriff secures possession of the license, this service by the sheriff is not performed by the county but for a state officer, and the county is not liable therefor and the sheriff's compensation should be paid by the commissioner of highways. OAG May 11, 1951 (390-A-14).

171.27 EXPIRATION OF LICENSES

HISTORY. 1939 c 401 s 29; 1943 c 610 s 1; 1947 c 479 s 3; 1951 c 29 s 1.