

SEPTEMBER 21, 1956

HONORABLE FREDERICK J. GASSERT
Director, Division of Motor Vehicles
State House
Trenton 7, New Jersey

FORMAL OPINION, 1956—No. 19

DEAR DIRECTOR GASSERT:

You have requested our opinion as to whether the provisions of *N.J.S.A. 39:6-35* are applicable to a judgment debtor who had not been issued a driver's license at the time of the accident which resulted in the judgment. Your question arises in connection with the initial application for a driver's license of one who when he was but 15 years of age was involved in an accident while operating his father's automobile. This occurred on March 7, 1953. A subsequent suit resulted in judgments being entered in favor of certain parties against the infant. These judgments were subsequently discharged in bankruptcy proceedings. Now without having satisfied the judgments the applicant seeks an operator's license.

N.J.S.A. 39:6-35 reads in part as follows:

"If a person fails to pay and satisfy every judgment rendered against him for damages because of personal injury or death, or damage to property in excess of one hundred dollars (\$100.00), resulting from the ownership, maintenance, use or operation of a motor vehicle and every judgment based on an agreement or contract made in settlement of damages arising out of a motor vehicle accident, within sixty days after its entry, or if an appeal is taken therefrom within that time, within sixty days after the judgment as entered or modified becomes final, the operator's license and all registration certificates of any such person, other than a chauffeur or operator employed by the owner of a motor vehicle and so acting at the time of the damage, injuries or death resulting in the judgment, shall, upon receiving a certified copy of a transcript of the final judgment from the court in which it was rendered showing it to have been still unsatisfied more than sixty days after it became final, be forthwith suspended by the director.

* * *

"The license and registration certificates shall remain so suspended and shall not be renewed, nor shall a motor vehicle be thereafter registered in the name of that person while the judgment remains unstayed, unsatisfied, subsisting and until every such judgment is satisfied or discharged, and until he gives proof of his ability to respond in damages, as required in this act, for future accidents.

"A discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this act."

Though that section of the Motor Vehicle Security-Responsibility Law is expressly applicable to licensed drivers, its provisions by virtue of *N.J.S.A. 39:6-28(a)* are equally applicable to an operator or owner of a motor vehicle who is involved in an accident and has no license. *N.J.S.A. 39:6-28(a)* provides as follows:

"In case the operator or the owner of a motor vehicle involved in an

accident within this State has no license or registration, or is a nonresident, he shall not be allowed a license or registration until he has complied with the requirements of this act to the same extent that would be necessary if, at the time of the accident, he had held a license and registration."

Thus the applicant here should not be allowed a license until he has complied with the requirements of *N.J.S.A.* 39:6-35.

Additionally, our conclusion is not altered by the fact that the applicant was only 15 years of age at the time the accident occurred. *N.J.S.A.* 39:6-35 is applicable to "a person [who] fails to pay and satisfy every judgment rendered against him for damages because of personal injury or death or damage to property resulting from the ownership, maintenance, use or operation of a motor vehicle". *Person* is defined in *N.J.S.A.* 39:1-1 to include "natural persons, firms, co-partnerships, associations and corporations".

It is unnecessary here to attempt to define "natural persons". It is sufficient to say that no conception of that term consonant with the statute can justify the exclusion of an individual less than 17 years of age who in fact operated a motor vehicle involved in an accident.

The laws regulating motor vehicles are designed to safeguard the public generally. *Hochberger v. G. R. Wood, Inc.*, 124 *N.J.L.* 518, 520 (*E. & A.* 1940). The Motor Vehicle Security-Responsibility Law bears a direct relationship to that public safety, (see *Garford Trucking, Inc. v. Hoffman*, 114 *N.J.L.* 522, 527 (*Sup. Ct.* 1935) construing predecessor statute), and should not be construed in a manner that will do violence to the spirit and intent of the legislative scheme. The law is part of a comprehensive system set up by the Legislature to secure greater public safety.

We cannot, in the face of clear legislative intent, adopt a construction of the statute which will place beyond the reach of this legislation those who, despite their inability to qualify for an operator's license because of age, operate motor vehicles upon the highways causing personal injuries and damage to property. The Motor Vehicle Security-Responsibility Law must have a practicable interpretation and not an arbitrary or unreasonable construction.

No distinction is shown to us whereby the statute should be directed, in its application, toward licensed drivers who fail to satisfy a judgment to the exclusion of unlicensed drivers who do likewise; and we know of none.

We conclude, therefore, that *N.J.S.A.* 39:6-35 is applicable to a judgment debtor who had not been issued a driver's license at the time of the accident which resulted in the judgment. And this is equally true of such an operator who had not attained age 17 at the time of the accident.

Very truly yours,

GROVER C. RICHMAN, JR.
Attorney General

By: HAROLD ASHBY
Legal Assistant