

September 15, 1944

Mr. E. H. Braatlien  
Patrol Superintendent  
Arizona Highway Department  
Phoenix, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Sir:

The Patrol has asked us what attention should be paid by patrolmen to certain cards issued by the transportation department of the "WAR RELOCATION AUTHORITY" at Rivers, Arizona.

The cards are called "Operator's Licenses" and certify that the person described has been licensed to operate a motor vehicle in accordance with the motor vehicle laws of the "WAR RELOCATION AUTHORITY."

The three cards we have were issued to Japanese who, we assume, are internees at the relocation camp.

The question arose with the Division over drunk driving offenses on the part of two of the drivers and a hit and run charge against another. The Japs have not been licensed as operators or chauffeurs by our department. One of the vehicles was an army truck apparently driven in army business, while the others appear to have been privately owned vehicles.

Our law (Sec. 66-238) provides that driving without operator's or chauffeur's license is prohibited except as to a person in the service of the Army, Navy or Marine Corps of the United States, when furnished with a driver's permit, and when operating an official motor vehicle in such service.

We have been unable to find any statutory authority for the issuing by the "WAR RELOCATION AUTHORITY" of such operator's license. We assume that they must have been issued under some "WAR RELOCATION AUTHORITY" regulation. We also assume that they are sufficient for all operations of vehicles within the limits of government camps or reservations. We, however, do not believe that they have any effect or authority outside of federal reservations or on the public highways of the state.

We believe that they may therefore be wholly disregarded by the Patrol, especially when used by one who is not in the regular service of the military powers of the United States and who is not licensed by the State Motor Vehicle Division.

If the driver is in the military service, the military authorities will usually take him away from the civil authorities should he be detained by them, to which there can be no objection made. If the driver is guilty of an offense against our laws he should be treated the same as if he were a civilian, regardless of what the military authorities may afterwards do.

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If the vehicle is a federal vehicle in the service of the government it will receive registration and plates without charge from the Motor Vehicle Division. If the driver is otherwise qualified he may secure an operator's or chauffeur's license which will protect him in the operation of privately owned vehicles. We do not see where any operator's or chauffeur's license is required of one driving a military vehicle in military service. The Army may send out its vehicles in its service in charge of anyone it chooses and we have no right to question its act.

This, however, does not permit the driver, whether licensed or unlicensed, or whether driving a privately owned car or a military car, to violate the traffic laws of the state, and the possession of these "WAR RELOCATION AUTHORITY" operator's licenses does not shield drivers violating the law.

Very truly yours,

JOE CONWAY  
ATTORNEY GENERAL

A. R. LYNCH  
ASSISTANT ATTORNEY GENERAL

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