

April 28, 1955
Opinion No. 55-97

REQUESTED BY: Mr. Charles Penn, Driver's License Division
Arizona Highway Department, Phoenix, Arizona

OPINION BY: ROBERT MORRISON, The Attorney General
Ronald M. Bond, Special Assistant
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QUESTION: When is the Highway Department authorized to
issue a chauffeur's or driver's license to a
person who has at one time been committed to
the State Hospital for the Insane?

CONCLUSION: When, and only when, the former mental patient
presents to the Drivers' License Division a
certified copy of a Court Order certifying
that he has been restored to full competency
and to full civil rights.

The answer to the above question is found in the following
sections of the Arizona Code of 1939, as amended:

Section 66-266b, a part of which reads as follows:

"66-266b. What persons shall not be licensed.--
The department shall not issue any license here-
under:

* * * * *

5. To any person, as an operator or chauffeur,
who has previously been adjudged to be afflicted
with or suffering from any mental disability or
disease and who has not at the time of applica-
tion been restored to competency by the methods
provided by law;" (Emphasis supplied)

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Section 66-281, a part of which reads as follows:

"66-281. Authority of department to suspend or
revoke license.--(a) The department is hereby
authorized to suspend the license of an opera-
tor or chauffeur without preliminary hearing
upon a showing by its records or other suffi-
cient evidence that the licensee:

* * * * *

5. Is incompetent to drive a motor vehicle;"

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Section 8-208a, which reads as follows:

"8-208a. Order of restoration to full competency.--
Any person receiving a final discharge from the
state hospital, who, in the opinion of the super-
intendent of the state hospital has been restored
to competency and able to manage his own affairs,
shall be furnished by the board with a certifi-
cate stating that said person has been given a
final discharge from the hospital and is compe-
tent to manage his own affairs. A certified copy
of this certificate shall be sent by the hospital
to the superior court originally committing him
to the hospital, whereupon the court may enter
an order that such person has been restored to
full competency and to full civil rights. The
person may present such certificate to any superior
court and the court may enter an order that such
person has been restored to full competency and
to full civil rights."

The above statutes are so clear as to require no interpre-
tation.

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