



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

April 25, 1985

Juan Martin, Jr.
Division Director
Motor Vehicle Division
Arizona Department of Transportation
1801 West Jefferson Street
Phoenix, Arizona 85007

RE: I85-057 (R85-051)

Dear Mr. Martin:

You have asked for an opinion regarding the legality of a proposed Motor Vehicle Division procedure whereby an applicant for a driver's license renewal would be issued a temporary license with the photograph from the applicant's prior license attached.

The issuance of temporary licenses is governed by A.R.S. §28-415.C which provides:

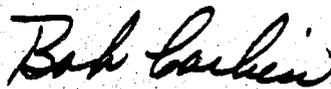
The department may in its discretion issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's right to receive an operator's license. The permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

Juan Martin, Jr.
April 25, 1985
Page 2

Paragraph C leaves the format of a temporary license to the discretion of the department. Therefore, the department may attach the photograph from a surrendered license to an applicant's temporary license.

However, A.R.S. §28-422.B requires that the department use processes "that prohibit as nearly as possible the ability to alter or reproduce the license or prohibit the ability to superimpose a photograph on such license without ready detection." If the department determines to attach photographs to temporary licenses, the photographs must be attached in a fashion that inhibits the ability to alter the photographs or substitute other photographs in place of the attached photographs.

Sincerely,



BOB CORBIN
Attorney General

BC:SNR:cf