Mr. Leland L. Smith,
Secretary of State,
State House,
Indianapolis, Indiana.

Dear Sir:

I have your request for an Official Opinion which reads as follows:

"Your official opinion is urgently requested.

"BRS 1933, Section 47-2713, Pocket Supplement, being the Acts of 1945, Chapter 304 as amended by Acts of 1947, Chapter 347, provides:

"'(a) Every operator's license issued under the provisions of this act, subsequent to the effective date of this act and prior to January 1, 1948, and every operator's license in effect on the effective date of this act, shall expire at midnight of the last day of the month in which the birthday of the holder thereof occurs in the year 1948, provided, that every operator's license applied for and issued under the provisions of this act in the year 1948 and thereafter, shall be issued as of the last day of the month in which the birthday of such applicant occurs in the year in which such license is issued and shall expire at midnight of the last day of the month in which the birthday of the holder thereof occurs, two (2) years following the date of issuance; and provided further, that any person, holding an operator's license which shall expire on the last day of February, 1948, whose birthday occurs in January or February, shall not be required to obtain a renewal of such license prior to such expiration date. The application for the renewal of an operator's license under the provisions of this act for such two-year period shall be filed not more than thirty (30) days prior to the expiration date of the operator's license held by the applicant for renewal.'

"An apparent confusion has arisen as to the interpretation of this sub-section.
"For example a person who held a valid operator's license expiring on the last day of his birthday month, either in November or December 1950, failed to renew the same during his birthday month.

"If he makes application for such renewal in January 1951, should such license expire in 1952, or 1953?"

From your request it is apparent that the following words are the source of difficulty:

"* * * shall be issued as of the last day of the month in which the birthday of such applicant occurs in the year in which such license is issued and shall expire at midnight of the last day of the month in which the birthday of the holder thereof occurs. * * *"

Reading these words in their literal sense one would reach the anomalous rule that if a person whose birthday fell in the month of November applied for a license in January 1951 he would get a license effective from November of 1951 to November 1953 and could not be licensed from January 1951 to November 30, 1951. It would seem clear that the legislature did not intend such a result. It has consistently been held that the purpose of statutory construction is to ascertain legislative intent, e.g. Smith, Trustee v. State ex rel. (1930), 202 Ind. 185. Furthermore, it has been held that a meaningless provision or an absurd result could not be attributed to the legislature.

Lost Creek School Township v. York (1939), 215 Ind. 636, 644;

Thus it becomes apparent that where the end of a calendar year has intervened between the birthday of the applicant and the date of the application for driver's license a license should be issued as of the last day of the last month in which the applicant had a birthday and for two years thereafter, rather than from a future month in which the applicant will have a birthday and for two years thereafter.