It should be noted, however, that the above classifications, as provided by Section 95 *supra*, are not ironclad but are subject to modification by order of the State Department for good cause shown. It is doubtful whether this last provision means very much, however, since there is no indication in the Act as to what would constitute "good cause." I think the foregoing answers your first question.

As to your second question, I think the County Department where the application is filed should make the investigation.


As to your third question, which seems to apply only to the old age assistance, I think the County Department where the application is filed will be responsible for the payment of any assistance granted except as provided in Section 49 in cases of removal, which, by analogy, would apply to an applicant who is actually residing in a county other than the county wherein his application, under the foregoing classifications, is required to be filed.

The answer to your fourth question is in the negative.

---

**MOTOR VEHICLES, BUREAU OF**: Financial responsibility requirements in case judgment is not paid within thirty days after becoming final.

May 2, 1936.

Hon. Benjamin Friedman,

Director, Division of

Financial Responsibility;

Department of Treasury,

Indianapolis, Indiana.

Dear Sir:

I have before me your letter referring to Section 3 of Chapter 113 of the Acts of 1935, entitled, "An Act concerning the financial responsibility of owners and operators of motor vehicles," and requesting an official opinion in answer to the following question:

"Does this department have the right to suspend the driver's license and license plates and withhold the
insurance of driver’s license and license plates in the future to an individual coming under the jurisdiction of the Financial Responsibility Law, where such individual has paid and satisfied the judgment rendered against him but has not filed proof of his ability to respond in damages for future accidents?"

The above question omits one very important condition which must have existed before Section 3 supra becomes applicable, namely,—the receipt by your department of a certificate from the court rendering the judgment referred to resulting from the ownership, maintenance, use or operation of a motor vehicle showing that the person against whom the judgment was rendered failed to satisfy the same within thirty days after it shall have become final “by expiration without appeal within the time in which appeal might have been perfected or by final affirmance on appeal.” The existence of this condition will be assumed in the further consideration of your question.

Section 3 supra in so far as necessary to the consideration of your question provides as follows:

“Section 3. (a) The operator’s license, chauffeur’s license, and all of the registration certificates and number plates of any person shall be forthwith suspended by the department upon receiving from the court in which rendered a certificate in the form prescribed by the department showing that such person failed to satisfy, within thirty days, any judgment which shall have become final by expiration without appeal within the time in which appeal might have been perfected or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this state or in any other state or the District of Columbia, or in any district court of the United States, or by a court of competent jurisdiction in any province, for damages on account of personal injury, including death, or damage to property in excess of seventy-five dollars, resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle.

Unsatisfied Judgments—Effect.
(b) Such operator's license, chauffeur's license, and registration certificates and number plates shall remain so suspended and shall not be renewed, nor shall ANY SUCH license be issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person (including any such person not previously licensed) while any such judgment remains unsatisfied, unsatisfied and subsisting, nor until every such judgment is satisfied or discharged, except by a discharge in bankruptcy, AND until such person gives proof of his ability to respond in damages as required in Section 2 of this act, FOR FUTURE ACCIDENTS. If, after such proof has been given, any other such judgment shall be recovered against such person resulting from an event occurring before such proof was given but after this act shall take effect, such licenses and certificates shall again be and remain suspended, and no other such license or certificates shall be issued to such person while any such judgment remains unsatisfied and subsisting, as aforesaid.” (Our italics and capitals.)


In consideration of the above language, I think the answer to your question is obvious, if there be included in it the condition that the judgment was not paid until after the thirty-day period referred to earlier in this opinion, which, as stated already, is assumed to be the case. The subsequent payment of the judgment when once the license has been suspended legally for failure to pay within said thirty-day period is only one of the conditions upon which a new or a renewal license may issue. The giving of proof of ability to respond in damages as required by the Act for future accidents is also a prerequisite to the issuance of such new or renewal license. This provision also applies to an operator's license and a chauffeur's license as well as to registration certificates and number plates. The words "any such" near the beginning of paragraph (b) of the above quotation clearly refer to all of the above types of licenses. Your question, supplemented as indicated in this opinion, is answered in the affirmative.