

MOTOR VEHICLES, BUREAU OF: Motor vehicles—suspension of license, operation of repealed law as to suspensions under it.

March 4, 1937.

Hon. Benjamin Friedman,
 Director, Financial Responsibility Division,
 Department of Treasury,
 State House,
 Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion as to the status of persons who, prior to the effective date of chapter 113 of the Acts of 1935 and during the period beginning with the effective date of chapter 179 of the Acts of 1931 and ending with the repeal of said Act of 1931 by section 21 of the 1935 Act, have had their motor vehicle license suspended pursuant to the 1931 Act, and who have not complied with the financial responsibility provisions of the 1931 Act so as to entitle them to a renewal of their license.

Section 1-307 of Burns Indiana Statutes, Annotated, 1933, provides in part as follows:

“The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture or liability incurred under such statute, unless the repealing Act shall so expressly provide; and such statute shall be treated as still remaining in force for the purposes of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture or liability.”

The repealing section of the 1935 Act does not expressly provide that persons under the prohibitions of the 1931 Act shall have such prohibitions released, and I do not think such was the intention of the provision.

In conformity with the above quoted section of the statute for the construction of statutes, I do not think you would be authorized to renew a license suspended under the 1931 Act until the financial responsibility provisions thereof are complied with.