

AUTOMOBILE REGISTRATION: Owner of vehicle does not need a  
Chauffeur's or registered operator's  
license.

2-24

February 22, 1934.



Hon. Roy L. Kay,  
Prosecuting Attorney,  
California, Missouri.

Dear Sir:

This department is in receipt of your request  
for an opinion as to the following facts:

"There is here a partnership  
composed of three brothers who  
are engaged in the business of  
distribution of beer. They have  
two trucks in the partnership  
and all three of the brothers,  
at different times drive the  
trucks in their business. They  
inform me that they buy the beer  
from the brewery and pay cash  
for it before they put it on the  
trucks.

Do they have to have either a  
chauffeur's or a registered  
operator's license? They inform  
me that the State Patrol and an  
agent in the Automobile Department  
told them they do not as they are  
hauling their own goods in their  
own trucks and for that reason do  
not fall within either rule.  
Please let me know at your very  
earliest convenience for the pro-  
tection of these men."

I.

The owner of a vehicle does not need a chauffeur's or registered operator's license.

Section 7758, R.S. Mo. 1929 defines the term "chauffeur" as follows:

"An operator (a) who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such service in wages, salary, commission or fare, or (b) who as owner or employe operates a motor vehicle carrying passengers or property for hire."

The term "registered operator" is defined as follows:

"An operator, other than a chauffeur, who regularly operates a motor vehicle of another person in the course of, or as an incident to his employment, but whose principal occupation is not the operating of such motor vehicle."

In the case here under consideration, a partnership composed of three brothers own two trucks which they use in the transportation of property owned by the partnership. The definitions as heretofore set out in no wise include the owners of trucks transporting property belonging to the owner. However, every motor vehicle owner in the State of Missouri must register the motor vehicle in accordance with the provisions of Sec. 7761, R. S. Mo. 1929.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,  
Assistant Attorney General

APPROVED:

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ROY McKITTRICK,  
Attorney General