

CHAUFFEURS AND REGISTERED) Section 5, p. 372 of the Motor Vehicle Law
OPERATORS LICENSES) of the Session Acts of 1937 must be followed
in lieu of Sections 7765 and 7766 of the
1929 statutes, in the issuance of licenses
to school bus and common carrier drivers.

October 6, 1937 ^{10/9}



Honorable Dwight H. Brown
Secretary of State
Jefferson City, Missouri

Dear Mr. Brown:

We acknowledge receipt of your letter of September 25, 1937, wherein you request an opinion as follows:

"We kindly request that you furnish this department an opinion concerning the following matter:

'Section 7765 of the Motor Vehicle Laws provides for the issuance of Chauffeur's license to persons over the age of 18 years. Section 5 of the recently passed Driver's license law provides that no person who is under the age of twenty-one (21) years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school, nor any motor vehicle while in use as a public or common carrier of persons or property, nor in either event until he has been licensed as a chauffeur or as a registered operator."

Which of these sections should this department follow in the issuance of Chauffeur's License? Kindly fully advise us in this connection."

Section 7765 of the 1929 statutes provides for the registration of chauffeurs, and among other provisions is the following:

"No certificate of registration as chauffeur shall be issued to any person under the age of eighteen years."

Section 7766 of the 1929 statutes provides for the registration of registered operators and among other provisions is the following:

"No certificate as a registered operator shall be issued to any person under the age of eighteen years."

Section 5 of the Motor Vehicle Laws, of the Session Acts of 1937, at page 372 relating to licensing drivers, is as follows:

"No person who is under the age of twenty-one (21) years shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school, nor any motor vehicle while in use as a public or common carrier of persons or property, nor in either event until he has been licensed as a chauffeur or as a registered operator."

Said Section 5, supra, suspended and revoked Sections 7765 and 7766 of the 1929 statutes insofar as they affected the changing of the age of persons who shall drive any motor vehicle while in use as a school bus for the transportation of pupils to or from school, and who shall drive any motor vehicle while in use as a public or common carrier of persons or property, from the age of eighteen to twenty-one years.

The provisions of said Section 5, 1937 Session Acts, are so inconsistent with and repugnant to said Sections 7765 and 7766 of said 1929 statutes, as to the above provisions, that they cannot operate together.

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In regard to the question of the conflict of a law with a former law, in the case of Asel vs. City of Jefferson, 287 Mo. 1. c. 204, the Court held:

"It follows that the two acts, providing for an entirely different method of procedure as to the paving and re-surfacing of streets respectively, are in that respect so inconsistent and repugnant that they both cannot operate together. But the Act of 1919, having been enacted subsequent to the Act of 1911, necessarily repeals the latter."

CONCLUSION

It is therefore the opinion of this Department that Section 5, page 372 of the Motor Vehicle Law, Session Acts of 1937, must be followed in lieu of Sections 7765 and 7766 of the 1929 statutes in the issuance of licenses to school bus and common carrier drivers, and that such licenses may not be issued to persons who are under the age of twenty-one years, but that said Section 5, supra, does not suspend nor revoke this right to issue licenses to chauffeurs and registered operators (under said Sections 7765 and 7766, 1929 Statutes) except as to school bus and common carrier drivers.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

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