

MOTOR VEHICLE ) C.C.C. enrollees driving government trucks  
DRIVER'S LICENSE) do not have to have state driver's licenses.

October 11, 1937

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Mr. James N. Diehl, Forest Supervisor  
U.S. Department of Agriculture  
218½ Walnut Street  
Springfield, Missouri

Dear Sir:

This department is in receipt of your request for an opinion which reads as follows:

"Is it necessary for CCC enrollees engaged in driving government-owned trucks and automobiles to procure state driver's licenses?"

We have probably one hundred CCC enrollees on this Forest who are engaged in driving such vehicles, who never drive privately owned vehicles.

This matter was taken up with the local Automobile License Office, but we were requested to refer the matter to you.

May we have your early reply?"

In view of Public Act 163, passed by the 75th Congress, First Session, and approved June 28, 1937, which is entitled "An Act to establish a Civilian Conservation Corps and for other purposes" there can be no question but that the Civilian Conservation Corps is an instrumentality of the federal government. The question, therefore, is whether the State of Missouri can require enrollees who drive motor vehicles belonging to the Corps to obtain a state driver's license. A similar situation arose in *Johnson vs. Maryland* 41 Supreme Court 16, 254 U.S. 51, 65 L. Ed. 126, in which the State of Maryland arrested one Johnson, an employee of the Postoffice Department of the United States, while driving a government truck in the transportation of mail, and convicted and fined him

for so driving without having obtained the driver's license. The court reversed the judgment and held that the appellant did not have to obtain a state driver's license. Mr. Justice Holmes, who delivered the opinion said:

"It seems to us that the immunity of the instruments of the United States from state control in the performance of their duties extends to a requirement that they desist from performance until they satisfy a state officer upon examination that they are competent for a necessary part of them and pay a fee for permission to go on. Such a requirement does not merely touch the Government servants remotely by a general rule of conduct; it lays hold of them in their specific attempt to obey orders and requires qualifications in addition to those that the Government has pronounced sufficient. It is the duty of the Department to employ persons competent for their work and that duty it must be presumed has been performed."

#### CONCLUSION

It is, therefore, the opinion of this department that Civilian Conservation Corps enrollees who drive government motor vehicles are not required to obtain state driver's licenses.

Respectfully submitted,

OLLIVER W. NOLEN  
Assistant Attorney-General

APPROVED By:

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J. E. TAYLOR  
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