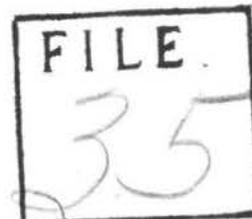


MOTOR VEHICLES: (1)
OPERATORS:
LICENSING:

Nonresident operator must secure registered operator's license when operating car belonging to some other person in the course of or incidental to his employment, but does not have to secure driver's license.

- (2) Nonresident who merely operates motor vehicle and who possesses driver's license in home state does not have to secure driver's license ^{May 1, 1942} to operate in Missouri.

Hon. Charles S. Greenwood
Prosecuting Attorney
Chillicothe, Missouri



Dear Mr. Greenwood:

We are in receipt of your letter of recent date wherein you request an opinion from this department based on the following statement of facts:

"One of the insurance companies has their mortgage loan department here and they have a number of field men who drive company cars. Should these operators or drivers register under No. 8373, Revised Statutes, 1929; and if so, do they have to obtain also a driver's license under No. 8443, et seq, Revised Statutes 1929."

Section 8367, R. S. Mo. 1939, defines "registered operator" 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. * * * * *"

It will be noted from the reading of Article 1, Chapter 45, R. S. Mo. 1939, that there does not appear any section or portion of a section which allows a nonresident to operate a motor vehicle in the State of Missouri, where such person comes within the definition of a registered operator on a registered operator's license procured in another state. We are mindful of Section 8375, R. S. Mo. 1939, which has to do with reciprocity, but it is our view that this section only has to

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charges that may be placed by the State of Missouri against the motor vehicle and does not extend to the person. Therefore, it is incumbent upon every person desiring to operate a motor vehicle in the State of Missouri, to procure a registered operator's license which is provided for in Section 8373, R. S. Mo. 1939.

Now turning to the question of whether or not such person shall first procure a driver's license, as is provided for under Article 3, R. S. Mo. 1939, Subdivision B of Section 8444, R. S. Mo. 1939, provides:

"(b) Any person holding a valid chauffeur's license or registered operator's license, as provided in Sections 8372 and 8373, need not procure an operator's license."

The words "operator's license" in the above subdivision are synonymous with driver's license.

We conclude, therefore, that a nonresident who comes within the definition of registered operator, as given in Section 8367, supra, must in all instances procure a registered operator's license, if he is to operate on said license in the State of Missouri, without further procuring an operator's or driver's license. On the other hand, a nonresident of the State of Missouri, operating a motor vehicle within the state, who does not come within the definition set forth in Section 8367, supra, and who possesses an operator's or driver's license which is in force in the state of his residence, may operate a motor vehicle in the State of Missouri, without first procuring an operator's or driver's license, for Subdivision (2) of Section 8445, R. S. Mo. 1939, provides as follows:

"2. A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State only as an operator."

The term "operator" is defined in Section 8367, supra, as follows:

"Any person who operates or drives a motor vehicle."

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CONCLUSION

We are of the opinion, therefore, that if a person regularly operates a motor vehicle belonging to 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, such person must first procure a registered operator's license in the State of Missouri, whether he be a resident or a nonresident. Having procured such registered operator's license, he is privileged to operate without procuring an operator's or driver's license. Secondly, a nonresident who is merely an operator of a motor vehicle may operate his car without first procuring an operator's or driver's license, if he possesses an operator's or driver's license in his home state or country, if such license is in full effect.

Respectfully submitted,

B. RICHARDS CREECH
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

BRC:NS