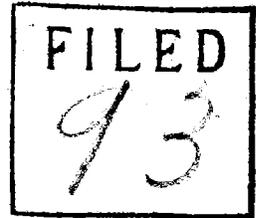


MOTOR VEHICLES: Chauffeur's license not required of nonresidents holding valid chauffeur's license from home state or country.

April 12, 1945



Mr. Hugh H. Waggoner
Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Sir:

This will acknowledge receipt of your request for an official opinion under date of April 7th, 1945. Your request reads as follows:

"It is requested that your department furnish an opinion to be used by this organization as a guide in handling the following types of cases:

- "a. When a Government owned vehicle is leased to a private concern to be used in 'for hire' operations, would the drivers of such vehicles be required to have chauffeur's license?

- "b. When a non-resident truck company by virtue of its operation through Missouri is required to purchase Missouri license either through lease title or otherwise, would the drivers of such vehicles be required to purchase Missouri chauffeur's license regardless of their residence?

"As an example, a truck company domiciled in the State of New Jersey, operates two trucks between Pittsfield, Illinois, and

Kansas City, Missouri. This company has leased the trucks from the legal owner who resides in Chicago, Illinois. The trucks are registered in Missouri on a leasee title and carry Missouri license. The drivers both reside in Illinois and carry Illinois chauffeur's license."

Section 8372, R. S. Mo. 1939, provides as follows:

"(a) Every person desiring to operate a motor vehicle as a chauffeur shall file in the office of the commissioner a statement containing his name, age, address and the trade name, style and motive power of the motor vehicles he is competent to operate, on a blank to be furnished for that purpose by the commissioner. Such application shall be indorsed by two citizens of this state who are registered motor vehicle owners who shall certify to the correctness of the facts stated in such application and the good character of the applicant, and such application shall be accompanied by two duplicate photographs of the applicant of such size as shall be specified by the commissioner, indorsed with the genuine signature of the applicant.

"(b) Upon the filing of such statement and photographs, if the commissioner is satisfied as to the competency and good character of such applicant, he shall assign to him a number and upon the payment of a fee of \$3.00 he shall issue and deliver to such applicant a certificate of registration which shall contain the name and address of the person registered and the words 'Registered chauffeur number, Missouri motor vehicle law' (with the number so assigned inserted) and one of the photographs of

the applicant. Such certificate shall be indorsed by the genuine signature of the person to whom it is issued.

"(c) The commissioner shall also furnish to such applicant, without further charge, a suitable metal badge of such size as the commissioner may determine which shall bear thereon the words 'Registered chauffeur number, Missouri motor vehicle law' (with the registry number inserted thereon) and said badge shall be thereafter worn by such chauffeur upon his clothing in a conspicuous place at all times when he is operating a motor vehicle on the highways. No certificate of registration as chauffeur shall be issued to any person under the age of eighteen years."

Section 8373, R. S. Mo. 1939, provides as follows:

"(a) Every person desiring to operate a motor vehicle as a registered operator shall file in the office of the commissioner a statement containing his name, age and address, and the trade name and motive power of the motor vehicle he is competent to operate, on a blank to be furnished by the commissioner for that purpose, which shall be indorsed by two citizens of this state who are registered motor vehicle owners, who shall certify to the correctness of the facts stated in such application and the good character of such applicant.

"(b) Upon the filing of such statement and the payment of a fee of \$3.00, the commissioner shall issue and deliver to the applicant a certificate of registration, which shall contain the name and address of the person registered and the words 'Registered operator number, Missouri motor vehicle law' (with the

registration number inserted therein). Such certificate shall be indorsed by the genuine signature of the person to whom it is issued. No certificate as a registered operator shall be issued to any person under the age of eighteen years."

Section 8445, R. S. Mo. 1939, which sets out exemptions from license laws, provides as follows:

"3. A nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in this State either as an operator or chauffeur, except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State."

CONCLUSION

It is, therefore, the opinion of this Department that:

(a) If the lessee of a government owned vehicle, leased to be used in "for hire" operations, is a resident of the State of Missouri a chauffeur's license would be required for anyone accepting employment as a chauffeur from the lessee to operate a motor vehicle in the State of Missouri; however, if the lessee is a nonresident of the State of Missouri, any of his employees who are nonresidents, and are at least eighteen years of age and have in their immediate possession a valid chauffeur's license issued to them in their home state or country, may operate a motor vehicle in this state as a chauffeur without registering as a chauffeur in the State of Missouri.

Mr. Hugh H. Waggoner

(5)

April 12, 1945

(b) A nonresident, who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country, may operate a motor vehicle in this state either as an operator or chauffeur.

Respectfully submitted,

A. V. OWSLEY
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

AVO:CP