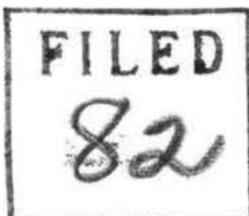


MOTOR VEHICLES:  
CHAUFFEUR'S LICENSE:

Section 302.010, et seq., does not  
require contractor driving own truck  
to work to have chauffeur's license.



April 23, 1952

4-24-52

Honorable William Siefert, Representative  
6025 Arthur Avenue  
St. Louis, Missouri

Dear Sir:

You have requested an opinion of this department, as follows:

"I would like to have an opinion from you in reference to the new drivers license law.

"People who have bought individual driver's license for a small or pickup truck used in going back and forth to their work and also carrying their own material used in their work are being stopped by the St. Louis Police and required to buy a chauffeurs license also.

"Section 302.010 referring to chauffeurs licenses seems to be for motor vehicles in use for transportation of persons and property and receiving compensation for such service. Is there A SECTION IN THE BILL PERTAINING TO THE individual truck owner to buy a chauffeurs license for his own truck used in connection with his business.

"The small trucks I have reference to are not for hire but only to carry workers and their material to their place of work, for example, a painting contractor driving his own truck."

We have examined the present statutory requirements for chauffeurs licenses and find that Section 302.010, effective January 1, 1952, to be in part, as follows:

Honorable William Siefert

"(1) 'Chauffeur', an operator 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 who as owner or employee operates a motor vehicle carrying passengers or property for hire; or who regularly operates a commercial 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 paragraph (16) of Section 302.010, an "owner" is defined as follows:

"'Owner', a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter;"

Section 302.020, paragraph (1) of the above "driver's license law" is as follows:

"302.020. It shall be unlawful for any person to:

"(1) Drive as a chauffeur any vehicle upon any highway in this state unless such person has a valid license as a chauffeur under the provisions of this chapter, or to"

The operation of a motor vehicle owned by the operator thereof does not come within the above definition of a chauffeur. He is not operating a vehicle in the transportation of persons or property for wages, salary, commission or fare. He is not carrying passengers or property for hire. This owner operator

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would not be said to come within the third phase of this definition as he is not operating the commercial motor vehicle of another.

CONCLUSION

It is therefore the opinion of this department that a contractor who uses his own motor truck to carry workers and their material to the place of the contract work does not need a chauffeur's license.

Respectfully submitted,

JAMES W. FARIS  
Assistant Attorney General

APPROVED:



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J. E. TAYLOR  
Attorney General

JWfab