

LICENSES: A resident of Missouri who operates a  
CHAUFFEUR'S LICENSES: vehicle as a chauffeur on the highways  
of Missouri must obtain a Missouri  
MOTOR VEHICLES : chauffeur's license even though he may  
be properly licensed by another state.

September 27, 1961



Honorable Forrest G. Roberts  
Prosecuting Attorney  
Lafayette County  
Lexington, Missouri

Dear Sir:

We are in receipt of your request for an opinion of  
this office, which request reads as follows:

"QUESTION: Does a Missouri resident  
chauffeur need a Missouri chauffeur's  
license to drive his employer's vehicle  
on Missouri highways, if he is employed  
by a Kansas firm and has the proper  
Kansas chauffeur's license required of  
outstate persons?"

The statutory provision requiring a chauffeur's license  
in Missouri is found in Section 302.020(1), RSMo 1959, as  
follows:

"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 exceptions to this requirement are contained in  
Section 302.080, RSMo 1959, the applicable portion of which  
is as follows:

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"The following persons are exempt from license hereunder:

\* \* \* \*

(3) 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, except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this state."

While no Missouri cases have been found on the point of which you inquire, it seems clear that there is no exemption provided by Section 302.080(3) for a resident of Missouri driving a vehicle on Missouri highways as a chauffeur. That the chauffeur in question has a Kansas license does not bear upon the application of Section 302.020(1). That section makes it mandatory for all persons to have a valid license under Missouri law in order to drive as a chauffeur on Missouri highways. The validity of a license issued in a state other than Missouri is recognized by Section 302.080(3), but only to the extent that it is used by a nonresident of Missouri. Since there does not appear to be any question but that the chauffeur involved is a resident of Missouri, the conclusion is inescapable that, in order to be properly licensed according to the terms of Chapter 302, he must have a Missouri license.

It might be noted that the Kansas law regarding the licensing of chauffeurs and the exemption therefrom is substantially equivalent to the above-quoted Missouri provisions. Included in the Kansas statute (§8-236, G.S. Kans. 1959 Supp.) is the proviso in the exemption granted nonresidents to the effect that anyone employed by a Kansas resident must obtain a Kansas license. The situation of which you inquire is the result of this requirement. The individual in question is employed by a Kansas firm and thus required to obtain a Kansas chauffeur's license though not a resident of Kansas. At the same time, he has occasion to drive as a chauffeur on Missouri highways and, being a Missouri resident, he is also required

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to have a Missouri license. Nowhere in Chapter 302, however, is provision made for an exemption from the licensing requirement for a Missouri resident solely on the ground that he is required by the laws of another state to obtain a license in that state.

CONCLUSION

In view of the foregoing, it is the opinion of this office that a resident of Missouri who operates a vehicle as a chauffeur on the highways of Missouri must obtain a Missouri chauffeur's license even though he may be properly licensed by another state.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, James J. Murphy.

Yours very truly,

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THOMAS F. EAGLETON  
Attorney General

JJM:ml