

CHAUFFEURS: An owner of an ambulance service who operates an
AMBULANCE: ambulance in connection with his business of pro-
LICENSE: viding ambulance service for compensation is re-
quired by Section 302.020, RSMo 1959, to have a
valid chauffeur's license.

OPINION NO. 228

July 20, 1967

Honorable Harold S. Hutchison
Prosecuting Attorney
Maries County
Vienna, Missouri 65582



Dear Mr. Hutchison:

This is in response to your request for an opinion from this office which request states the following:

"My question is whether or not the owner of an ambulance service is required to have a chauffeur's license as prescribed in Section 302.010, R.S.Mo. 1959."

It is our understanding that a charge is made for such ambulance service and that the owner drives the ambulance used in such service.

Section 302.020, RSMo 1959, relating to chauffeurs' licenses, states:

"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* * * "

Chauffeur is defined in Section 302.010, RSMo Cum. Supp. 1965, as follows:

"When used in this chapter the following words and phrases mean:

(1) 'Chauffeur', an operator who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such services in wages, salary, commission or fare; or who as owner or employee operates a

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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; * * * "

Section 302.010, subparagraph (1), supra, is composed of three separate definitions for determining who is a chauffeur. The second definition "or who as owner or employee operates a motor vehicle carrying passengers or property for hire" is applicable to your question.

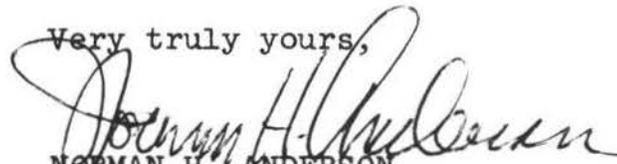
"The term 'operation for hire' has a well-known and definite meaning in the jurisprudence of this country. This term means in law, in commercial usage, and in ordinary parlance, the transportation of persons or property for compensation . . ." Brown vs. National Motor Fleets, Inc., Ala., 164 S. 2d 489, 490.

CONCLUSION

Therefore, it is the opinion of this office that an owner of an ambulance service who operates an ambulance in connection with his business of providing ambulance service for compensation is required by Section 302.020, RSMo 1959, to have a valid chauffeur's license.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Gerald L. Birnbaum.

Very truly yours,



NORMAN H. ANDERSON
Attorney General