

CHAUFFEUR LICENSE: Pursuant to Section
DEPARTMENT OF REVENUE: 302.775(3), RSMo Supp. 1990,
DRIVERS LICENSE: individuals driving emergency
EMERGENCY VEHICLES: vehicles or fire equipment
necessary to the preservation
of life or property or the execution of emergency governmental
functions are exempt from obtaining commercial driver's licenses
while driving such vehicles both to and from emergency
situations.

December 10, 1991

OPINION NO. 93-91

The Honorable Tom McCarthy
Senator, District 26
State Capitol Building, Room 331
Jefferson City, Missouri 65101

Dear Senator McCarthy:

This opinion is in response to your question asking:

Section 302.775(3) states as follows:
"any person who drives emergency or fire
equipment necessary to the preservation of
life or property or the execution of
emergency governmental functions under
emergency conditions."

Does this section mean that fire
service personnel are totally exempt from
the requirement to obtain a commercial
driver's license?

From the information included in your opinion request, it
appears the issue of concern is whether a fire fighter needs a
commercial driver's license to drive an emergency vehicle or
fire equipment away from the scene of a fire after the fire has
been extinguished and an emergency no longer exists.

Section 302.775(3), RSMo Supp. 1990, which exempts
specified individuals from the requirement of obtaining a
commercial driver's license, states that:

302.775. Provisions of law not
applicable, when.--The provisions of
sections 302.700 to 302.780 shall not apply
to:

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The Honorable Tom McCarthy

(3) Any person who drives emergency or fire equipment necessary to the preservation of life or property or the execution of emergency governmental functions under emergency conditions;

* * *

In interpreting the statute, a fundamental rule is to ascertain the intent of the General Assembly from the language used and to give effect to that intent. Brown Group, Inc. v. Administrative Hearing Commission, 649 S.W.2d 874, 881 (Mo. banc 1983). The plain and ordinary meaning of the statutory language should be given effect whenever possible. State ex rel. D.M. v. Hoester, 681 S.W.2d 449, 450 (Mo. banc 1984). It must be presumed that the legislature intended an enactment free from absurd consequences. Hyde v. City of Columbia, 637 S.W.2d 251, 262-263 (Mo. App. 1982).

The statute does not distinguish between emergency vehicles or fire equipment proceeding to an emergency situation and those returning from an emergency. A common sense interpretation would include the return from an emergency situation as being within the exemption. Otherwise, emergency personnel would be exempt from obtaining commercial driver's licenses while en route to a fire, for example, but would require such a license to return the emergency vehicle or fire equipment to the fire station. The legislature will not be presumed to have intended such an absurd result.

Therefore, we conclude that Section 302.775(3), RSMo Supp. 1990, exempts drivers of emergency vehicles or fire equipment while going both to and from an emergency situation.

CONCLUSION

It is the opinion of this office that pursuant to Section 302.775(3), RSMo Supp. 1990, individuals driving emergency vehicles or fire equipment necessary to the preservation of life or property or the execution of emergency governmental functions are exempt from obtaining commercial driver's licenses while driving such vehicles both to and from emergency situations.

Very truly yours,


WILLIAM L. WEBSTER
Attorney General