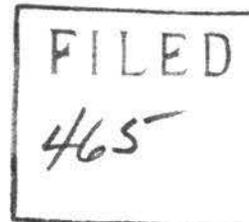


October 27, 1969

OPINION LETTER NO. 465  
(Answered by letter-Nowotny)

Mr. James E. Schaffner  
Acting Director of Revenue  
Department of Revenue  
Jefferson Building  
Jefferson City, Missouri 65101



Dear Mr. Schaffner:

This is in answer to your request for an official opinion of this office concerning the question whether chauffeurs' licenses are required when mechanics employed by a business firm which operates a fleet of trucks, drive trucks to the point where a vehicle of a company has broken down in order to repair such vehicle. You have stated that the mechanic is required to go to the point of breakdown "on some occasions" and that out of approximately thirty mechanics "there is no one mechanic who will normally perform this work and the job will be assigned to whomever is readily available."

Section 302.020, RSMo Supp. 1967, requires a chauffeur of any vehicle to have a valid chauffeur's license.

Chauffeur is defined in Section 302.010(1), RSMo Supp. 1967, as follows:

"(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;

Commercial motor vehicle is defined in Section 302.010(3), RSMo

Mr. James E. Schaffner

Supp. 1967, as follows:

"(3) 'Commercial motor vehicle', a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers;"

Enclosed is a copy of Attorney General Opinion No. 227, dated August 5, 1964, issued to the Honorable Bill D. Burlison, which held that a sheet metal worker is not required to have a chauffeur's license to operate his employer's trucks if the trips are so occasional and infrequent that they are not part of the employee's duties.

It is our opinion that Opinion No. 227 applies here and therefore the mechanics involved do not have to obtain chauffeurs' licenses.

Very truly yours,

JOHN C. DANFORTH  
Attorney General

encls.