

MOTOR VEHICLES: A person under twenty-one years of age operating a school
HIGHWAY PATROL: bus transporting ten or less pupils is required to have
SCHOOL BUS: a chauffeur's license unless said school bus is owned by
U. S., State of Missouri, Municipality or political Sub-
division of the State, which includes school district, in such case the
operator need only have an operator's license. If said school bus trans-
ports more than ten pupils regardless of ownership, if the operator is
under 21 years of age, he is required to have a chauffeur's license. A
person 18 years of age duly licensed as a chauffeur may operate a school
bus regardless of the number of pupils carried.

October 10, 1955

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FILED

Colonel Hugh H. Waggoner
Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Colonel Waggoner:

This will acknowledge receipt of your request for an opinion
which reads:

"We have several questions regarding Section
302.051 as re-enacted by Senate Bill No. 85;
Section 302.070 as re-enacted by Senate Bill
No. 251; and the definition of "chauffeur"
in Section 302.010 as re-enacted by Senate
Bill No. 251 which bills were passed by the
68th General Assembly and which become ef-
fective August 29, 1955. The questions are
as follows:

(1) Is a person, under the age of
21 years, required to have a chauf-
feur's license if operating a school
bus transporting less than 10 pupils?
If the bus transports more than 10
pupils?

(2) May a person who is 18 years of
age and properly licensed as a chauf-
feur operate a school bus regardless
of the number of pupils transported?

It is respectfully requested that you furnish
us with an official opinion to the questions
listed above."

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Senate Bill 251 and Senate Bill 85 referred to hereinabove both were truly agreed to and finally passed by the 68th General Assembly of the State of Missouri. Neither bill carried an emergency clause, therefore, both became effective on August 29, 1955.

Senate Bill 251, repealed Section 302.070, RSMo 1953 Cum. Supp., and re-enacted in lieu thereof a new section known by the same number which reads:

"No person who is under the age of twenty-one years shall drive any motor vehicle while in use as a school bus or public or common carrier of persons or property until he has been licensed as a chauffeur, except that drivers of trucks of less than one ton manufacturer's rated capacity may be licensed as a chauffeur if at least eighteen years of age."

Section 302.070 RSMo. 1953 Cum. Supp., contained an exception therein not found in Section 302.070, Senate Bill 251, relative to drivers of school busses, and provided that if not more than 10 pupils were riding in the bus then the age of the driver shall be not less than 16 years.

Under Senate Bill 85, Section 302.051, RSMo 1953, Cum. Supp., was repealed and a new section known by the same number was enacted in lieu thereof and reads:

"Any person holding a valid operator's license shall not be required to procure a chauffeur's license for the operation for official use of any motor vehicle owned by the United States, the state of Missouri, or by any municipality or political subdivision of this state, except that any person operating a school bus carrying more than ten pupils, shall be required to procure a chauffeur's license."

The foregoing statute makes an exception that was not contained in the former statute repealed, relative to operators of school busses, and that is that any person operating a school bus carrying more than 10 pupils shall not be required to procure a chauffeur's license.

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A primary rule for construction of statutes is to ascertain the lawmaker's intent from the words used, if possible, and give the language thereof, honestly and faithfully, its plain rational meaning and promote its objects. State ex rel. Jack Frost Abbotoirs Inc. v. Steinbach, 274 S.W. (2d) 588.

While there is apparently some conflict in the foregoing statutes, we believe that these two statutes can be construed together so as to give meaning to all provisions thereof.

It has been held by the appellate courts of this state that a school district is a political subdivision of the state. In ex. inf. v. Whittle 63 S.W. (2d) 100 l.c. 102, the court said:

"Respondent next contends that a school district is not a political subdivision of the State. The authorities are to the contrary."

Section 302.051, Senate Bill 85, supra, is in the nature of a special statute as it applies to person only operating motor vehicle owned by the United States, State of Missouri, and by any municipality or political subdivision of the state and Section 302.070, Senate Bill 251, supra, is in the nature of a general statute applicable to operation of all motor vehicles used as school busses or public or common carriers.

Therefore, applying another well established rule of statutory construction, that where two statutes are passed at the same session of the Legislature, taking effect at the same time and relating to the same subject matter, one dealing with the subject in general in comprehensive terms and another dealing with the part of the same subject in a more minute and definite way, the two should be read together and harmonized, with a view of giving effect to a consistent legislative policy, but to the extent of any necessary repugnancy between them, the special statute will prevail over the general statute. (State ex. rel. Moiner v. Crawford, 262 S.W. (2d) 341, 303 Mo. 652 and Dalton v. Fabius River Drainage Dist. 219 S.W. (2d) 289, State v. Harris, 87 S.W. (2d) 1026, 337 Mo. 1052.), we believe it was the legislative intent in enacting the foregoing statutes under Senate Bill 285 and 271 respectively, that duly licensed operators of motor vehicles owned by the United States, the State of Missouri, or by any municipality or political subdivision of the state, which includes school districts, carrying ten or less

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pupils are not required to obtain a chauffeur's license prior to operating said motor vehicles. Furthermore, that any person under 21 operating school busses carrying more than ten pupils are required to be licensed as a chauffeur.

CONCLUSION

It is the opinion of this department that a person under the age of 21 years is required to have a chauffeur's license if operating a school bus transporting ten or less pupils, unless said school bus is owned by the United States, State of Missouri, municipality or political subdivision of the state, which includes a school district, in such case the operator of such school bus need only have an operator's license. If said school bus transports more than ten pupils regardless of ownership, the operator being under 21 years of age is required to have a chauffeur's license. Furthermore, it is the opinion of this department that a person 18 years of age and duly licensed as a chauffeur, may operate a school bus regardless of the number of pupils transported.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. Aubrey R. Hammett, Jr.

Yours very truly,

John M. Dalton
Attorney General

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