

Chauffeur, Who Is—Owner of Motor Car.

One operating his own car is not a chauffeur within the meaning of Chapter 75, Laws of 1917.

Oct. 8th, 1919.

Hon. C. T. Stewart,
Secretary of State,
Building.

Dear Sir:

I have your letter of Sept. 26th, in which you ask for an opinion interpreting Section 3 of Chapter 207, Laws of 1919, particularly that portion

of said section defining the word "chauffeur." This particular section is an amendment of Section 12, Chapter 75, Laws of 1917. The law originally read as follows:

"The term 'chauffeur' shall mean any person operating or driving a motor vehicle for hire, or as an employee, but shall not be held to include an employee whose ordinary employment does not include the driving of any motor vehicle even though such employee should be temporarily engaged in driving a motor vehicle."

The language above set forth was changed by Section 3 of Chapter 207, Laws of 1919, so as to read as follows:

"The term 'chauffeur' shall mean any person operating a motor vehicle, other than his own, as a mechanic, employee, or for hire, but shall not apply to any employee of a registered dealer demonstrating or testing motor vehicles under such dealer's license, nor to an employee whose ordinary employment does not include the driving of any motor vehicle, even though such employee should be temporarily engaged in driving a motor vehicle."

The particular point upon which you desire information is whether or not a man driving his own automobile is a chauffeur within the meaning of the Act so that he is required to obtain a chauffeur's license.

I am of the opinion that one driving his own automobile is not a chauffeur within the meaning of the Act. As the law originally was passed in 1917 anyone driving an automobile for hire was unquestionably a chauffeur and was required to procure a license to entitle him to carry on his business. The amendment, however, is so worded that only such persons are chauffeurs who operate cars owned or belonging to another. The language expressly states that in order to constitute one a chauffeur he must be a person operating a motor vehicle "other than his own."

This is the construction which you state in your letter you have placed upon the statute and have administered said law accordingly. I am of the opinion that your administration of this particular law has been correct.

Respectfully,
S. C. FORD,
Attorney General.