

Opinion No. 39-3341

November 24, 1939

BY: FILO M. SEDILLO, Attorney General

TO: Mr. Al S. Roughton, Director, Driver's License Division, Bureau of Revenue, Santa Fe, New Mexico.

{*122} In your letter of November 21st you request an opinion with reference to state employees, particularly Highway employees, who are employed and carried on the payrolls as truck drivers, where the majority are confined to driving state-owned trucks. You wish to know whether or not they would be considered chauffeurs as under the law.

Section 1, paragraph (g), Chapter 110 of the Session Laws of 1937 defines a chauffeur to be a person who is employed for the principal purpose of operating a motor vehicle, and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

I am of the opinion that a person who is employed as a truck driver and drives a truck, though it may be state-owned, comes within the meaning of this provision, which defines chauffeurs as persons who are employed for the principal purpose of operating a motor vehicle while in use as a public carrier of property and that they would be considered as chauffeurs.