

Opinion No. 43-4353

August 4, 1943

BY: EDWARD P. CHASE, Attorney General

TO: Mr. V. J. Jaeger, Director, Bureau of Revenue, Driver's License Division, Santa Fe, New Mexico

We have your letter of August 3, 1943, wherein you point out that Section 68-306 of the New Mexico 1941 Compilation has been amended by Chapter 54 of the Laws of 1943, by changing the minimum age of school bus drivers from 21 years to 17 years.

You further point out that our chauffeur's license law, which is Section 68-305 of the New Mexico 1941 Compilation prohibits the issuing of a chauffeur's license to anyone under the age of 18 years.

You further note that a chauffeur's license is required for all school bus drivers before a person is eligible to drive a school bus.

In view of this situation you request an opinion of this office concerning whether or not a person under 18 years of age and over 17 years may obtain a chauffeur's license and thereby qualify to drive a school bus. I can only call your attention to the requirement of Section 68-305, which prohibits the issuing of a chauffeur's license to anyone under the age of 18 years. This act was not amended by our Legislature and since Chapter 54 provides that no one may drive a school bus until they have obtained a chauffeur's license it is my opinion that a school bus driver must obtain a chauffeur's license and qualify under the provisions of Section 68-305 in order to obtain such a license.

Hoping that the above fully answers your questions, I am

By HARRY L. BIGBEE

Asst. Atty. Gen.