

Subject: Chauffeur's License

First, allow me to thank you for your call on Friday concerning your drivers (lawn care specialists) licensing issue. I wish I could tell you that this is a simple matter (truly, it is) but it is made difficult by timing and responses to pointed questions.

The Indiana Code that defines the "chauffeur" is found in IC 9-13-2-21:

(a) "Chauffeur", except as provided in subsection (b), means a person:

(1) employed by another person for the "principal purpose" of operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property;

(2) operating a motor vehicle registered as having a gross weight of sixteen thousand (16,000) pounds or more for the purpose of transporting property for hire; or

(3) operating a private bus.

(b) "Chauffeur", for purposes of IC 9-25 (*financial responsibility*), means a person:

(1) who is employed for hire for the "principal purpose" of operating a motor vehicle upon the highways;

(2) who operates a motor vehicle while in use as a carrier of passengers or property for hire; or

(3) who drives or operates a motor vehicle while in use as a school bus for the transportation of pupils to or from school.

As added by P.L.2-1991, SEC.1

The key words in this code are (for the principal purpose of operating a motor vehicle), but this sword has two edges.

- 1. Unless the person who is operating the "commercial motor vehicle" is truly hired for the "principal purpose" of operating that motor vehicle, he is not a "driver subject to the chauffeur's license". He/she is a lawn care specialist or what-ever their title/ job description. He/she is not a "driver subject to the chauffeur's license".*
- 2. To "operate" a commercial motor vehicle (GV/ GVWR/ CGVWR of more than 10,000 pounds), requires the driver to possess a medical examiner's certificate and produce it when requested. That doesn't mean that he is a "driver subject to the chauffeur's license". It means he is a lawn care specialist, operating a commercial motor vehicle in the furtherance of his primary job responsibilities.*

This is often times difficult to get into the operator's head when he/she is stopped by law enforcement. Over reactive nerves, the overwhelming desire to provide all the officer asks for, delays he/she will have to explain and listening intently for the questions/ directions fogs the senses to the point of wrong or inappropriate responses.