



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 25, 1976

ATTORNEY GENERAL OPINION NO. 76- 110

L. R. Engel
Fire Chief
Parsons Fire Department
1819 Washington
Parsons, Kansas 67357

Re: Motor Vehicles--Operator's License--Classification

Synopsis: A driver of a vehicle which vehicle has a gross weight of more than 24,000 pounds must hold a Class B license or chauffeur's license in order to legally operate said vehicle.

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Dear Mr. Engel:

You have officially requested an opinion from this office in regards to K.S.A. 8-234(b). You specifically ask if firemen must hold a Class B license in order to operate a truck with a weight which exceeds 24,000 pounds. K.S.A. 8-234b states:

"(a) From and after January 1, 1976, every original driver's license issued by the division shall indicate the class or classes of motor vehicles which the licensee is entitled to drive. For such purpose the following classification of motor vehicles is hereby established:

(1) Class A motor vehicles shall include truck tractor and semi-trailer combinations; buses; trucks; passenger cars; and all lawful combinations of vehicles;

(2) class B motor vehicles shall include trucks; buses; passenger cars; and all lawful combinations of such motor vehicles with other vehicles;

(3) class C motor vehicles shall include trucks of a type required to be registered in this state for a gross weight of not more than twenty-four thousand (24,000) pounds; passenger cars; all lawful combinations of any such motor vehicle with any other vehicle having a gross weight of not more than twenty-four thousand (24,000) pounds, when such truck has been registered pursuant to subsection (2) of K.S.A. 8-143 as a farm truck, and

(4) class D motor vehicles shall include all motorcycles."

K.S.A. 8-234c states:

"(a) Every person who is the holder of a valid driver's license which originally was issued prior to January 1, 1976, shall be subject to the following:

(1) An 'operator's' license or a driver's license which classifies the licensee as an 'operator' shall restrict the licensee to driving motor vehicles in classes C and D; and

(2) a 'chauffeur's' license or a driver's license which classified the licensee as a 'chauffeur' shall entitle any such licensee to drive motor vehicles in any of the classes.

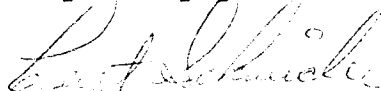
(b) From and after July 1, 1976, subject to the provisions of subsection (c), any person who renews a driver's license which originally was issued prior to January 1, 1976, shall be issued a driver's license which is classified as provided in subsection (a) of this section, and any person who renews a driver's license which originally was issued on or after January 1, 1976, shall be issued a driver's license which is classified in the same manner as the original driver's license. Except as otherwise

L. R. Engel
Page Three
March 25, 1976

provided in the motor vehicle driver's license act, an applicant for renewal of a driver's license shall not be required to demonstrate the applicant's driving ability as a condition precedent to any renewal of such license."

Therefore, if a fireman is to operate a vehicle with a gross weight in excess of 24,000 pounds, said fireman must either hold a "chauffeur's" license which was issued prior to January 1, 1976, or a Class B license issued subsequent to January 1, 1976. If a party does not hold either classification, said party must obtain a Class B license before renewal in order to operate a vehicle in excess of 24,000 pounds gross vehicle weight.

Very truly yours,



CURT T. SCHNEIDER
Attorney General

CTS:RRS:tg