



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

Curt T. Schneider
Attorney General

January 10, 1977

ATTORNEY GENERAL OPINION NO. 77- 11

Mr. Robert I. Nicholson
Miami County Attorney
Miami County Courthouse
Paola, Kansas 66071

Re: Motor Vehicles--Drivers Licenses--Conditions

Synopsis: Under K.S.A. 8-237, the holder of a restricted license may operate a motor vehicle at any time while going to or from or in connection with any job or employment, whether or not the driver receives compensation for such job or employment.

* * *

Dear Mr. Nicholson:

We have your letter of December 8, 1976, concerning K.S.A. 8-237. Concerning your second question, I enclose a photocopy of Opinion No. 75-363.

You also inquire whether the holder of a restricted driver's license may drive in connection with and to and from the holder's job or employment if the employment is either regular or occasional at the parents' business establishment or farm and no compensation is paid to the driver for such employment.

The former law, K.S.A 1974 Supp. 8-237, provided in pertinent part thus:

". . . a restricted license issued to the person, regardless as to where he resides, under the age of sixteen years shall provide that such person may drive a vehicle only

Mr. Robert I. Nicholson
Page Two
January 10, 1977

(1) during the hours of 7:00 a.m. to 7:00 p.m. unless accompanied by an adult who is a holder of a valid operator's or chauffer's license and who is actually occupying a seat beside the driver; (2) over the most accessible route between the licensee's residence and the school of which he is enrolled; and (3) for the purpose of performing errands for his parents in connection with farming or other agricultural pursuits; . . ."

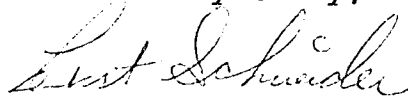
The present law, K.S.A. 8-237, now states in pertinent part thus:

". . . any such restricted license shall entitle the licensee to operate the appropriate vehicle at any time while going to or from or in connection with any job or employment, or on days when school is in session, over the most direct and accessible route between the licensee's residence and his or her school of enrollment for the purposes of school attendance, . . ."

Clearly, the legislature has broadened the driving privileges of holders of restricted licenses, permitting operation "while going to or from or in connection with any job or employment." [Emphasis supplied.]

Compensation is ordinarily an incident of employment. However, many young people do both regular and occasional work at their parents' business establishments, for other relatives and friends, and in family agricultural operations for which they receive no direct compensation. Nothing in the amendment to K.S.A 8-237 suggests that the legislature intended to restrict driving privileges for holders of restricted licenses to only those jobs and to only those employments for which the driver receives compensation. Compensation is not an express condition upon such restricted licenses, nor is it necessarily or reasonably to be implied from the language of the statute, and in my judgment, the language used reflects a clear legislative intent to permit holders of restricted drivers licenses to operate motor vehicles in connection with any job or employment, regardless of the compensation or lack thereof paid to the holders of such restricted licenses.

Yours very truly,



CURT T. SCHNEIDER
Attorney General