

With reference to your second inquiry as to whether a driver of a "trackless trolley" is a chauffeur, and required to obtain a license as such, the word "chauffeur" is defined in Section 6290, General Code, as "any operator who operates a motor vehicle as an employe or for hire." "Operator" is defined as including "any person who drives or operates a motor vehicle upon the public highways." Section 6302, General Code, provides that all chauffeurs shall be licensed pursuant to its provisions. Having held that the "trackless trolley" is a motor vehicle within the provisions of Sections 6290 et seq., General Code, it follows that the driver thereof, if an employe, must obtain a chauffeur's license in order to legally drive such vehicle.

Under date of January 25, 1930, the Attorney General of the state of Washington had before him for opinion the question as to whether the trackless trolley was a motor vehicle within the meaning of a statutory definition similar to that in the Ohio statute. He held (Wash. Op. Atty. Gen. 1930, p. 496) that such vehicles were not motor vehicles within the meaning of the Washington Motor Vehicle License Act. However, such opinion fails to disclose the reasoning by which he arrived at his conclusion.

The Attorney General of Illinois (Ill. Op. Atty. Gen. 1930, p. 302) held that the language in the exception clause "running only upon *fixed* rails or 'tracks'" meant "guided or steered by fixed rails or tracks." The Attorney General of Iowa likewise held trackless trolleys to be motor vehicles within the meaning of similar statutory definition but gave no reason for his opinion.

It is therefore my opinion, in specific answer to your inquiry:

1. A vehicle constructed in a manner similar to the ordinary motor bus operating over public streets or highways, although limited in its sphere of travel by reason of the fact that it obtains its motive power from overhead trolley wires, by means of a trolley pole, is a "motor vehicle" within the meaning of Sections 6290 et seq., General Code, and is subject to the "license tax" therein imposed.

2. The driver of such vehicle is a chauffeur, within the meaning of such term as defined in Section 6290, General Code, and as such, is required to obtain a chauffeur's license pursuant to the provisions of Section 6302, General Code.

Respectfully,

JOHN W. BRICKER,
Attorney General.

427.

APPROVAL, BONDS OF PARMA CITY SCHOOL DISTRICT, CUYA-HOGA COUNTY, OHIO—\$36,000.00.

COLUMBUS, OHIO, March 31, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

428.

APPROVAL, NOTES OF BYESVILLE VILLAGE SCHOOL DISTRICT, GUERNSEY COUNTY, OHIO—\$15,769.00.

COLUMBUS, OHIO, March 31, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.