

*Automobiles — Licenses — Chauffeurs.*

Members of family owning and operating an automobile, need not procure chauffeur's license.

STATE OF NEW YORK,

ATTORNEY-GENERAL'S OFFICE,

ALBANY, July 21, 1909.

HON. SAMUEL S. KOENIG, *Secretary of State, Albany, N. Y.:*

Dear Sir.—Your favor of July 13, 1909, duly received.

In answer to your inquiry as to whether or not it is necessary for various members of a family who own an automobile to procure a chauffeur's license in the event that different members of the family operate the automobile, I am of the opinion that such license is not necessary.

There is no provision of law that I am aware of requiring the owner of a motor car or any member of his family to procure a chauffeur's license to run such machine.

Subdivision 5 of section 280 of chapter 30 of the Consolidated Laws defines the word "chauffeur" as follows: "Shall mean any person operating a motor vehicle as mechanic, employee or for hire."

Section 282 requires the owner to file in the Secretary of State's office a statement of his name and address, with a brief description of the vehicle to be registered, etc.

Section 283 provides for the registration of such motor vehicle. Section 302 provides that every person desiring to operate a motor vehicle as a chauffeur shall file in the office of the Secretary of State a statement, which shall include his name and address and the trade name and motive power of the motor vehicle he is to operate. Upon filing such statement, the Secretary of State shall issue to the chauffeur a badge, as provided in section 304.

Section 306 provides that no person shall operate a motor vehicle as a chauffeur upon the public highways, unless such person shall have complied in all respects with the requirements of the four preceding sections.

There is no requirement that the owner of a motor vehicle shall procure a license to run the same, nor is there any requirement

that any other person shall do so, unless he proposes to become a chauffeur or a person conducting an automobile as an employee for hire or wages.

Yours very truly,

EDWARD R. O'MALLEY,

*Attorney-General.*

*Corporations.*

O. K. Leather Paring Company, and Urban Publishing Company. Voting power of stockholders. Under the decision of the Appellate Division in *People ex rel. Browne v. Koenig*, the Secretary of State must file certificate of incorporation even though it provides that certain classes of stockholders have no voting power.

(See opinion, August 31, 1909. See opinion, March 21, 1910, with references.)

STATE OF NEW YORK,

ATTORNEY-GENERAL'S OFFICE,

ALBANY, August 26, 1909.

HON. SAMUEL S. KOENIG, *Secretary of State, Albany, N. Y.:*

Dear Sir.—I have your letters of the 31st ultimo and the 5th instant, signed by Mr. Fennell, in which you request my opinion as to the scope of the decision of the Appellate Division in *People ex rel. Browne v. Koenig*, in relation to the right to file a certificate of incorporation providing that certain classes of stock shall be deprived of voting power. You enclose proposed certificates of incorporation of O. K. Leather Paring Company and Urban Publishing Company. In the former certificate it is provided that preferred stock alone is to have the right to vote and that the consent or favorable vote of such voting stock alone shall be requisite to a sale of the property of the company as an entirety. In the other certificate it is provided that the preferred stock shall have no voting powers except on the question of the increase or reduction of the authorized preferred stock.