

SCHOOL BUSES:) School employed bus drivers do not have to
) pay a 1% sales tax if such are not licensed
SALES TAX:) by the Public Service Commission.

10-21
October 17, 1935.



Mr. D. C. Wilson,
Superintendent,
Consolidated School District No. 5,
Stoddard County,
Bell City, Missouri.

Dear Sir:

This is to acknowledge your letter as follows:

"In our school we have employed four bus drivers at a certain salary per month regardless of the number of children they haul, and they furnish their own buses.

"Are these men subject to the recent one cent sales tax on their work?"

The Sales Tax law passed by the 1935 Legislature makes provision for charging a tax of one per cent. on amounts paid for tickets, fares and services to persons operating buses licensed by the Public Service Commission of Missouri. Section 2, subdivision "(h)", Laws of Missouri, 1935, pages 415-416, provides in part as follows:

"From and after the effective date of this Act and up to and including December 31, 1937, there shall be and is hereby levied and imposed and there shall be collected and paid:

* * * * *

"(h) A tax equivalent to one (1) per cent. of the amount paid or

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charged for tickets, fares and services by every person operating a railroad, sleeping car, dining car, express car, and such buses and trucks as are licensed by the Public Service Commission of Missouri, engaged in the transportation of persons or freight for hire."

It is to be noted that a bus licensed by the Public Service Commission of Missouri, engaged in the transportation of persons or freight for hire must pay one per cent. sales tax. However, if a person was engaged in transportation of persons or freight for hire and not licensed by the Public Service Commission, then there would be no authority for exacting the one per cent. tax.

From the foregoing it is our opinion that your school employed bus drivers do not have to pay a one per cent. sales tax if such are not licensed by the Public Service Commission of Missouri. However, if such are licensed by the Public Service Commission, then the tax would have to be paid.

Yours very truly,

James L. HornBostel
Assistant Attorney-General

JLH:EG

APPROVED:

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Attorney-General