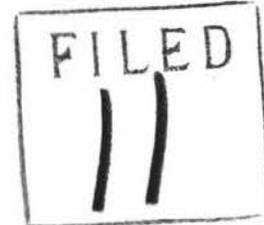


SCHOOL BUSES: Any motor vehicle operated for the purpose of transporting school children shall be required to comply with Laws of Missouri, 1949, p. 329, requiring the vehicle be marked with the specified lettering and equipped with a signaling device.

September 27, 1950.

Filed: #11

Honorable Edwin F. Brady,
Prosecuting Attorney
Benton County,
Warsaw, Missouri.



Dear Sir:

This will acknowledge receipt of your recent letter requesting an opinion from this office. Your request reads as follows:

"Re: Section 10327.1, R.S.Mo.,
School Buses.

"Does the above mentioned section apply to private passenger automobiles and commercial vehicles which are used as school buses, or does it only apply to vehicles of the school bus type?

"For instance, would a person using a sedan or station wagon as a school bus be required to have the school bus signs and signalling devices?

"It is my interpretation that this section should apply to all motor vehicles used as school buses, but I believe there is some question whether it is being interpreted to apply to all such vehicles or only vehicles of the bus type."

Section 10327.1, Mo. R.S.A. (Laws of Missouri, 1949, p. 329), to which you refer in your letter, reads as follows:

"A. The driver of a vehicle upon a highway outside the limits of an incorporated town or city, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signalled by its driver to proceed.

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"B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words 'school bus' in letters not less than 8 inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: 'State Law: Stop while bus is loading and unloading.' Each school bus subject to the provisions of this act shall be equipped with a mechanical or electrical signalling device, which will display a signal plainly visible from the front and rear and indicating intention to stop.

"C. The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or overtaking a school bus which is on a different roadway or which is stopped in a loading zone constituting a part of, or adjacent to, a limited or controlled access highway at a point where pedestrians are not permitted to cross the roadway."

This office recognizes the fact that there are numerous school districts in which school children are transported by buses to schools; that it frequently happens that a sedan, station wagon or other vehicle with a small carrying capacity is adequate and sufficient to transport the children, rather than using a larger vehicle or bus having twenty-five or more carrying capacity. The use of a smaller vehicle has long been recognized by the State Department of Education and the courts as the practical, economical and most suitable form of transportation in many instances where a larger vehicle would serve no additional purpose. In 1947 the Court in the case of State ex rel. Rice v. Tompkins et al. (203 S.W. (2d) 881, l.c. 883) remarked:

"When transportation in a school district has been voted it is the duty of the Board of Directors or Board of Education to provide for such transportation, providing money is available in the incidental fund of the district to meet the expense thereof, and if the Board, without reasonable cause therefor, fails to provide transportation, it may be compelled to do so by mandamus. However, this does not mean that the court may by the hard and unyielding writ of mandamus substitute its discretion for that of the Board as to the means and manner and sufficiency and safety of the transportation to be furnished. * * "

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Many different types of vehicles are used for transporting school children; some of the vehicles may carry twenty-five to fifty pupils, but in numerous districts where the number of children to be transported is small "jeeps", "carry-alls", "station wagons" and coaches and sedans of the commonly accepted passenger car design are frequently used. Recognizing that there is no necessity to use, for example, a twenty-five passenger vehicle to transport four to eight children there is employed some type of small vehicle in those instances where the larger bus would be impractical.

Your question then is whether Laws of Missouri, 1949, p. 329, quoted above, should be construed to apply to the smaller vehicles used for transporting school children.

It is a cardinal rule in construing a statute, repeated many times by the Supreme Court of this state, that a statute should be construed so as to ascertain and give effect to the legislative intent expressed therein. This principal was reiterated in Arto-phone Corporation v. Coale, 133 S.W. (2d) 343, 345 Mo. 354, in these words, "The primary rule of construction of statutes is to ascertain the lawmakers' intent from the words used, if possible, and to put on the language of the Legislature, honestly and faithfully, its plain and rational meaning and to promote its object and manifest purpose of the statute."

It is clearly the purpose of this section to provide safety measures for school children transported by motor vehicle to and from schools. This section requires the driver of a vehicle upon a highway outside the limits of an incorporated town or city, upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children and whose driver has in the manner prescribed by law given the signal to stop, shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signalled by its driver to proceed.

The danger to school children entering or leaving a small capacity motor carrier from passing or on-coming motorist is as great as though they were leaving a larger bus, and their need for this safety measure is as great whether a small or large motor vehicle be used for such transportation.

In order that all motorists who might be approaching a vehicle used for carrying school children should be informed of the use of such vehicle and have fair warning that the vehicle would be stopping at intervals, the legislature has provided that "every bus used for the transportation of school children shall bear

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upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than 8 inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "State Law: Stop while bus is loading and unloading": "Each school bus subject to the provisions of this act shall be equipped with a mechanical or electrical signalling device, which will display a signal plainly visible from the front and rear and indicating intention to stop." Unless a vehicle is so marked that other motorists can clearly ascertain and be informed of the use of such vehicle for transporting school children the purpose of this section as a safety measure for school children would be defeated.

It is the opinion of this office that a motor vehicle, regardless of type or size, which is owned by a school district or which the administrative officers of the district have contracted to use for transporting school children shall be required to comply with Sec. 10327.1, Mo. R.S.A. (Laws of Missouri, 1949, p. 329) requiring the vehicle to be marked with the required signs and equipped with a signalling device as required by the statute.

Realizing that some vehicles are used for transporting school children on which it would be impractical or impossible to letter a sign on the front and rear of the vehicles the State Department of Education has recommended the use of placards on the front and rear of the vehicles attached to the body thereof during such time as the vehicle is being used to transport school children. These placards may be made of any durable material upon which lettering may be painted and attached to the motor vehicle.

CONCLUSION.

It is the opinion of this office that any motor vehicle, regardless of type or size, which is owned by a school district or for the use of which the administrative officers of the district has contracted, and is used for transporting school children shall be required to comply with Laws of Missouri, 1949, p. 329, requiring such vehicles to be marked with the specified signs and equipped with a signalling device as required by the statute.

Respectfully submitted,

JOHN E. MILLS,
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney-General