

SCHOOLS:

School buses upon which licenses have been issued free by the state cannot be leased by school district for purposes other than transportation of school children.

August 1, 1951

Honorable Joe Collins
Prosecuting Attorney
Cedar County
Stockton, Missouri



Dear Sir:

Your letter at hand requesting an opinion of this department, which reads:

"May a school district which operates school buses by using free licenses issued by the state lease a school bus to Boy Scouts, Girl Scouts or Ball teams during the time that they are not in use for school purposes?"

Sections 301.010 through 301.440, RSMo 1949, provide for the registration and licensing of motor vehicles. Inasmuch as you state that the school district is operating the school buses in question and that the licenses for said buses are issued free by the State of Missouri, we assume that this is accomplished under the authority of Section 301.260, which, in part, reads:

" * * * Provided, further that when any motor vehicle is owned and operated exclusively by any school district and used solely for transportation of school children, the commissioner shall assign to each of such motor vehicles two plates bearing the words 'School Bus, State of Missouri, car no.', (with the number inserted thereon), which plates shall be displayed on such motor vehicles when they are being used on the highways. No officer, or employee of the municipality, county or subdivision, or any

other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employee or other person shall use such a motor vehicle for other than official purposes."

As we interpret the above statute, when licenses are issued for motor vehicles used solely for the transportation of school children, as provided therein, no person shall operate the motor vehicle in question for other than official purposes. In the case of school buses, it is our thought that the official purpose or use contemplated by the statute is solely that of transporting school children.

For the school district to permit its school buses to be used for the purpose of transporting Boy Scouts, Girl Scouts, or ball teams, would not be using them for an official purpose as contemplated by the statute.

It has also been held that a school district has only such powers as are conferred on it by statutes (Wright v. Board of Education, 246 S.W. 43, 295 Mo. 466), and we find no other statute which would permit a school district which is operating school buses with licenses issued free by the state to lease said buses for the purposes which you have stated in your letter.

CONCLUSION

It is therefore the opinion of this department that a school district operating school buses upon which licenses have been issued free by the state would not be authorized to lease said school buses to Boy Scouts, Girl Scouts, or ball teams, during the time that they are not being used for transportation of school children.

Respectfully submitted,

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APPROVED:

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