

SCHOOL BUS: A school bus license is not a proper license to be  
USE OF: used on a bus which is used to transport children to  
TYPE OF LICENSE: Sunday School. A school bus license is not the  
proper license for the use of the bus in transportation  
of teen-age scouts to summer camps and recreational  
areas.



June 23, 1953

*Motor Vehicles:  
Boy Scouts!*

Honorable M. E. Morris  
Director of Revenue  
Jefferson City, Missouri

Dear Sir:

This is in further reply to your request for an official opinion from my office. Your request reads as follows:

"Senator Jasper Smith of Springfield is interested in a situation wherein some of his constituents desire to use school busses to transport teen-age scouts to summer camps and recreational areas.

"Senator Smith's question is whether or not the legal definition of school bus as a vehicle to transport young people for educational purposes is broad enough to include this type of transportation during the summer months."

In further regard to your request for an official opinion, which reads as follows:

"It is my information that you have a pending request relative to whether or not a school bus can be used to transport students to Sunday School.

"Will you please expand this opinion, if possible, to cover the question as to whether or not Section 301.010, House Bill 283, 1952, Definition 22, is broad enough to include the transportation of teen-age scouts to summer camps and recreational areas.

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"If the two questions cannot be considered together, we would appreciate having an opinion on the latter one."

As there are two types of school bus licenses provided for under Chapter 301, RSMo. 1949, and Laws Mo. 1951, page 695, in regard to the registration of motor vehicles both such types of licenses should be considered.

The first type of registration license mentioned above surely cannot be construed as permitting a "school bus" owned and operated by a school district to be used for the purpose of transporting students to or from Sunday School. The language of the section which we consider as providing for a free license is contained in Section 301.260, RSMo. 1949, quoted in pertinent part as follows:

"\* \* \*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 such motor vehicle 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 officers, 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."

The language of this section prohibits any one from using a school bus to transport students to Sunday School as that is for other than an official purpose. In the recent Supreme Court case of *McVay v. Hawkins*, No. 42,903, not yet published, it is decided that the public school funds cannot be used for any but public school busses. Certainly under the terms as set forth in that case the use of the political subdivision's own bus would be unlawful.

The language of that case contained in the last paragraph on page 12 reads as follows:

"\* \* \*In this particular case, we would have to say that the money spent to transport the parochial school children part way to and from the St. Denis Catholic School, a private school in Benton, aids in the maintenance of and helps to support the

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free public schools of the Commerce District. We cannot do so. We must and do hold that the public school funds used to transport the pupils part way to and from the St. Dennis Catholic School at Benton are not used for the purpose of maintaining free public schools and that such use of said funds is unlawful. It necessarily follows that such transportation of said students at the expense of the district is unlawful and must be enjoined. \* \* \*"  
(Underscoring ours.)

School busses "not owned and operated exclusively" by a school district may be licensed under the provision of Section 301.060, Laws Mo. 1951, page 695, in accordance with subparagraph 9 which reads simply as follows:

"9. For each school bus . . . . . \$25.00."

This type of license is considered in subparagraph 22 under the definition section of Chapter 301. That definition section with the above quotation is the only other statutory consideration of school busses not owned by a municipality or political subdivision in Chapter 301. Section 301.010, Laws Mo. 1951, p. 697, subsection 22, is as follows:

"'School bus,' any motor vehicle used solely to transport students to or from school or to transport students to or from any place for educational purposes;"

This school bus definition is of primary concern in this the second type of school bus license.

In regard to whether or not the definition section quoted supra, is broad enough to include the transportation of teen-age scouts to summer camps and recreational areas, it is believed that as an exemption clause of a licensing statute the above definition should be strictly construed and in regard to the construction, Section 1.090 RSMo. 1949, in regard to laws in force and construction of statutes, is as follows:

"Words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import."

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It is not believed that the authority exists to enlarge upon this definition or amend it in any regard to cause this exemption to extend beyond the express words of the statute. It is construed as an exemption inasmuch as a school bus is permitted to operate under the same conditions that would ordinarily cost a passenger bus from \$100. minimum fee to \$450. maximum fee, for a license to haul passengers over the same route or distance.

In the consideration of the foregoing premises it must be concluded that for the purposes of this definition for an entitlement to the \$25. license fee we cannot enlarge upon the statute by calling a teen-age scout a student or a recreational area a place where he is to be taken for educational purposes.

#### CONCLUSION

Therefore, it is the opinion of this office that a school bus license is not a proper license for a bus used to transport students to Sunday School. This is either in the case of a school bus owned and operated by a political subdivision under provisions of Section 301.260, RSMo. 1949, or a bus licensed under the provisions of Section 301.060, Laws Mo. 1951, page 700.

It is the further opinion that a school bus license is not a proper license for a bus used in the transportation of teen-age scouts to summer camps and recreational areas, or for any other purposes than those within the terms of the definition as given.

This opinion which I hereby approve was written by my assistant, Mr. James W. Paris.

Yours very truly,

JOHN M. DALTON  
Attorney General

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