

SCHOOLS: Use of school buses to transport agricultural day-  
SCHOOL BUSES: haul workers under Employment Security Program.  
EMPLOYMENT SECURITY:  
MOTOR VEHICLES:



November 13, 1958

Honorable J. E. Taylor  
Director, Division of  
Employment Security  
Jefferson City, Missouri

Dear Mr. Taylor:

This refers to your letter of October 15, 1958, requesting an opinion from this office, which letter reads as follows:

"The Federal Bureau of Employment Security, Washington, D. C., has requested us to obtain from your office an opinion on the use of school buses for transporting agricultural day-haul workers.

"In the employment security program it is often necessary to transport agricultural workers in groups to and from work by a hired driver. This is the practice in the cotton producing section, the commercial vegetable growing section and the corn de-tasseling section of the state.

"Workers are assembled at a certain point and someone with a truck or other means of conveyance picks them up to go to work. The driver, who may also be the owner of the truck or other conveyance, may or may not be an agricultural worker and may or may not stay all day with the workers, but will return them from the place of work to the point of pick up.

"The Bureau is requesting us to obtain from your office an opinion as to whether school buses can be used for transporting agricultural day-haul workers and, if so, under what conditions."

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Your letter does not distinguish between privately-owned buses which are used to transport school children under contracts between the bus owners and school districts and buses which are owned by school districts; and, therefore, we shall deal with both types of buses in this opinion.

In the case of privately-owned buses which are used in the transportation of school children under contracts with school districts, we find nothing in the Missouri statutes which prohibits the use of such buses for purposes other than the transportation of school children; and, in fact, a requirement contained in Section 304.075, RSMo Cum. Supp. 1957, hereinafter quoted, expressly recognizes that the buses may be used for other purposes. Accordingly, we are of the opinion that such buses may be used to transport agricultural day-haul workers in connection with the Employment Security Program, provided that such use is not prohibited by the contracts between the bus owners and the school districts and does not interfere with the performance of such contracts.

In the event that a bus is so used, it would cease to be a "school bus" for licensing purposes and it would be necessary for the bus to be licensed in the same manner as though it were not used for the transportation of school children. It would also be necessary for the owner of the bus to comply with a requirement of Section 304.075, RSMo Cum. Supp. 1957, relating to the covering of signs on school buses, which reads as follows:

"\* \* \* When any person operating a school bus under contract with a school district uses it for purposes other than for the transportation of school children, he shall cover the signs thereon in such manner that it will not appear on the highways as a school bus. \* \* \*"

We next consider the situation with respect to the use of school district-owned buses for the purpose mentioned in your letter. In an opinion furnished by this office to William L. Hungate, on August 29, 1953, a copy of which is enclosed, we concluded that a school district had no authority to transport children to a private school even though the cost of transportation might be paid by the children so transported. That opinion was based upon the fact that, in accordance with the authorities cited in the opinion, school districts have only such powers as are conferred by statute or such as may be reasonably implied as necessarily incident to a power expressly conferred, and the fact that there was

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no statutory authorization for a school district to enter into a contract of the kind under consideration in that opinion.

We find no statutory authorization for a school district to provide transportation for agricultural day-haul workers or to enter into any contract under which district-owned buses would be used for that purpose. Accordingly, it is our opinion that such action by a school district would be beyond the powers of the district. While it is not necessary to our opinion, we also note that, as in the case of privately-owned buses, such use of a district-owned bus licensed solely as a school bus would be in violation of the licensing requirements of our state statutes.

#### CONCLUSION

It is the opinion of this office that privately-owned buses which are used in the transportation of school children under contracts between the bus owners and school districts may be used for the transportation of agricultural day-haul workers in connection with the Employment Security program, provided that (1) such use is not prohibited by, and does not interfere with the performance of, the contracts with the school districts, (2) the buses are properly licensed for such use, and (3) the bus owner complies with the requirement of Section 304.075, RSMo Cum. Supp. 1957, relating to the covering of signs on the buses. With respect to district-owned school buses, it is our opinion that such buses cannot be legally used for the transportation of agricultural day-haul workers.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John C. Baumann.

Yours very truly,

John M. Dalton  
Attorney General

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