

SCHOOLS - School districts are exempt from purchasing state automobile tags.

8-19
August 18, 1936



Honorable E. O. Hammond, Superintendent
Plattsburg Public Schools
Plattsburg, Missouri

Dear Sir:

This will acknowledge receipt of your request of August 15, 1936 for an opinion, which reads as follows:

"Our board of education is considering buying a bus for the purpose of transporting school children.

"We have been told that a school board does not have to carry liability insurance. We also understand that such a bus is exempt from the state automobile license tax."

In response to the first question you have propounded, we are enclosing herewith copy of an opinion dated April 10, 1933 addressed to the Honorable Charles A. Lee, State Superintendent of Public Schools, which opinion was written by George B. Strother, an Assistant Attorney General, and approved by Roy McKittrick, Attorney General.

The provisions of Section 7767, R. S. Mo. 1929, Subdivision (b), provides in part as follows:

"** and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of this article requiring registration, proof of ownership and display of number plates: PROVIDED, HOWEVER, that there shall be displayed on each side

of such motor vehicle, in letters not less than three inches in height with a stroke of not less than $\frac{3}{8}$ of an inch wide, the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. No officer, or employe 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, employe or other person shall use such a motor vehicle for other than official purposes."

The above quoted part of the statute specifically exempts motor vehicles owned and operated by municipalities, counties and other political subdivisions of this state from the provisions of the article requiring registration, proof of ownership and display of number plates. It also requires that no officer or employe of the county or subdivision, or any other person, shall operate such a motor vehicle unless upon the said motor vehicle there is displayed on each side, in letters not less than three inches in height with a stroke of not less than three-eighths of an inch wide, the name of such municipality, county or political subdivision.

The rule is universal that the public schools system has long been a part of the State Government as they perform and exercise a governmental function; their property is strictly public property, and their funds are expended only in the furtherance of the education of persons entitled thereto. *City of Edina vs. School District of Edina*, 267 S. W. 112.

In the case of *State vs. Whittle*, 63 S. W. (2d), 1.c. 102, the Supreme Court quoted approvingly a definition given by a standard text relating to a school district being a political subdivision as follows:

"A school district, or a district board of education or of school trustees, or other local school organization, is a subordinate agency, subdivision, or instrumentality of the state, performing the duties of the state in the conduct and maintenance of the public schools."

Thus, it may be seen that a school district within the purview of the above definition is properly a subdivision of the State, and as such we deem to be exempt within the meaning of Section 7767, supra.

CONCLUSION

In light of the above, it is the opinion of this department that a school district is exempt from the provisions of Article I, Chapter 41 relating to the registration of their motor vehicles used in the transporting of school children.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney General

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