

1308

BUSES—OPERATED BY PRIVATE OR PAROCHIAL SCHOOLS
—SECTION 6307-73 G. C. APPLIES AS WELL AS IT DOES TO
BUSES OPERATED BY OR UNDER DIRECTION, BOARDS OF
EDUCATION.

SYLLABUS:

Section 6307-73, General Code, applies as well to buses operated by private or parochial schools as to those operated by or under the direction of boards of education.

Columbus, Ohio, October 29, 1946

Honorable D. Deane McLaughlin, Prosecuting Attorney
Canton, Ohio

Dear Sir:

Your request for my opinion reads as follows:

“Will you please inform us whether in your opinion the regulations for the operation of school busses apply to vehicles

used in the transportation of students of parochial schools, when such vehicles are not owned by or under contract to a duly established school district.

Specifically, our problem is this. The law enforcement department of our sheriff's office is uncertain whether the statutes requiring traffic on the highways to come to a halt when school busses are in the process of loading and unloading passengers apply to the busses operated by the parochial schools as well as those operated by the school districts. Section 6307-73 and Section 6307-74 leave this point somewhat ambiguous.

The former section applies to 'a school bus.' The latter section refers to 'all school busses * * * owned and operated by * * * or privately owned and operated under contract with any school district.'

The sections of the statutes to which you refer are a part of the uniform traffic act passed by the 94th General Assembly and codified as Sections 6307-1 to 6307-110 inclusive of the General Code. The title of that act is suggestive as indicating the difference between the two sections to which you refer. That title reads in part as follows:

"To regulate traffic on streets and highways and defining certain crimes in the use and operation of vehicles, providing for traffic signs and signals and defining the power of local authorities to enact or enforce ordinances, rules, or regulations in regard to matters embraced within the provisions of this act, * * *."

It will be observed that there is indicated a twofold purpose, first, to regulate traffic generally, and second, to authorize local authorities to enact and enforce ordinances, rules or regulations pertaining to traffic. Obviously the first phase embraces regulations laid down by the legislature applying to all persons using the highways, the violation of which results in arrest and punishment, while the second would necessarily be limited to such regulations as are within the jurisdiction of the various local authorities.

Section 6307-73, General Code, obviously falls within the first division. It provides as follows:

"The driver of a vehicle, when approaching the front or rear of a school bus that has come to a stop upon a highway outside the limits of a municipal corporation, while in the act of receiving or discharging any school child shall stop such vehicle not less

than ten feet from such school bus and keep such vehicle stationary until such child has entered said bus or has alighted and reached the side of such highway. No school bus driver shall start his bus until after any child who may have alighted therefrom shall have reached a place of safety."

By its plain terms the driver of *any* vehicle when approaching *any* school bus that has come to a stop, must observe certain precautions. In determining what the general assembly meant by "school bus" as used in this section it is proper to refer to Section 6307-2 which contains definitions. That section provides in part as follows:

"The following words and phrases when used in this act, unless otherwise provided, shall have the meanings respectively ascribed to them in this section: * * *

School bus. Every motor vehicle which is being operated exclusively for the transportation of school children to or from a school session, or to or from a school function, and which is marked on both front and rear with the words 'school bus' in plain lettering not less than six inches in height."

This definition is certainly broad enough to include buses conveying pupils of a private or parochial school as well as those operated by boards of education. In my opinion Section 6307-73 read in conjunction with the definition quoted, just as clearly protects school children riding in a bus belonging to or operated by a private or parochial school as it does the children riding in a bus owned or controlled by a board of education of a public school district.

So far as Section 6307-74 is concerned it will be seen that the school buses referred to therein are specifically those that are owned and operated by a public school district or privately owned or operated under contract with the school district. This section provides in part as follows:

"The state department of education by and with the advice and consent of the director shall adopt and enforce regulations not inconsistent with this act to govern the operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations."

These regulations, as it will be observed, are such as the state department of education is given authority to promulgate and relate only to buses owned and operated by a school district or under contract between such district and private persons. Furthermore, these regulations are directed only against the officers and employees of the district and persons with whom contracts are had by a board of education, and have no application to the general public using the highways. Nor can violation of such regulations constitute a misdemeanor. Said Section 6307-74 has, therefore, no bearing on the question you submit.

Accordingly, in specific answer to your question it is my opinion that Section 6307-73, General Code, applies as well to buses operated by private or parochial schools as to those operated by or under the direction of boards of education.

Respectfully,

HUGH S. JENKINS
Attorney General