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BUS — NOT "SCHOOL BUS" WHEN USED TO TRANSPORT CHILDREN TO AND FROM SUNDAY SCHOOL — SECTION 6295-1 G.C.

SYLLABUS:

A bus, however owned, when being used to transport children to and from Sunday school is not a "school bus" as that term is used in Section 6295-1, General Code.

Columbus, Ohio, June 30, 1941.

Hon. Cylon W. Wallace, Registrar,
Bureau of Motor Vehicles, Main and Fourth Streets,
Columbus, Ohio.

Dear Sir:

This will acknowledge receipt of your recent request for my opinion as follows:

"This bureau has had numerous requests since the enactment of House Bill number 232 of the 91st General Assembly amending section 6295-1 G.C., the provisions of which were effective September 5th, 1935, for the issuance of gratis 'school bus' license plates for buses owned by a church or Sunday school used to transport children to and from Sunday school.

So-called special license plates bearing the designation 'school bus' plus identifying numerals are issued without charge for school buses used to transport school children to and from school or to and from a school function upon proper application and presentation of proper certificate of title. These license plate registrations are issued to the owner as named in the certificate of title regardless of who such owner may be, the restriction being applicable to the use of such license plates.

Will you please give us your opinion as to whether or not Sunday school children may be transported to and from Sunday school in a bus of more than six passenger seating capacity if such bus displays the proper 'school bus' license plates? Also, would the ownership of such bus have any bearing in the matter?"

The question presented in your communication is whether a bus which is used to transport children to and from Sunday school is a "school bus" as that term is used in Section 6295-1, General Code, which section provides in part as follows:

"No school bus as hereinafter defined shall be required to pay the annual license tax provided for in section 6291 of the General Code. The term 'school bus,' as used herein shall be construed to mean any vehicle, however owned, used exclusively to transport school children, either to and/or from school, or to and/or from any school function, having a seating capacity of more than five persons exclusive of the driver."

It is an elementary rule of statutory construction that words used in a statute should be given their usual and ordinary meaning unless the context requires a different interpretation. Consequently, it is necessary to ascertain the ordinary meaning of the word "school."

In Opinion No. 1989, Opinions of the Attorney General for the year 1938, Vol. I, page 425, the first branch of the syllabus reads:

"The word 'school' as used in Section 1345-1(E)(5), General Code, should be strictly construed and only includes institutions lower than the grade of college wherein a course of general education and mental training is offered for children similar to that offered in the public schools. Whether or not institutions are operated for profit is not a factor in determining whether said institutions come within the definition of the word 'school' as that word is used in Section 1345-1(E)(5)."

In Opinion No. 4500, reported in Opinions of the Attorney General for the year 1935, Vol. II, page 950, the second branch of the syllabus reads:

"Motor vehicles, however owned, having a seating capacity of more than five persons, exclusive of the driver, and used exclusively to transport school children attending any grades embraced within those of a high school or an elementary school or kindergarten, to and from school or to and from any school function, whether the school attended be a public or private school or the school function be one of a public or private school, are exempted from the payment of the annual motor vehicle license tax provided for in Section 6291, General Code"

It is apparent that the word "school" is construed generally to mean an institution of primary training where courses of general education and mental training, similar to those of our public schools, are offered. Therefore, I am constrained to the view that a Sunday school does not constitute a "school" as that term is generally defined and consequently, a bus used in connection therewith would not constitute a "school bus" as that term is used in Section 6295-1, General Code.

As to your second inquiry, an examination of Section 6295-1, General Code, reveals that the sole consideration in determining whether a bus constitutes a "school bus" is the use of such vehicle. The ownership of such a bus is immaterial.

In view of the foregoing and in specific answer to your inquiry, I am of the opinion that a bus, however owned, when being used to transport children to and from Sunday school is not a "school bus" as that term is used in Section 6295-1, General Code.

Respectfully,

THOMAS J. HERBERT,

Attorney General.