

Under contracts requiring the personal services of the owner of the bus, that amount of the contract price which fairly and reasonably represents the amount of the contract price paid to the driver for his personal services should be included in the amount expended for services of employes under the Workmen's Compensation Law, as required in the report under section 1465-65, General Code. It should be that amount of the contract price which the board of education deems a reasonable compensation for driving the bus or is that amount which the board would have to pay for drivers if the board of education owned the bus. The full amount of the contract price which includes compensation for use of the bus should not be included in the amount spent for personal services.

In specific answer to your inquiry, it is my opinion that:

1. The relation existing between the board of education and the bus driver under contract for the transportation of pupils must be determined by the terms of the specific contract, whether employe or independent contractor. Where the relationship of independent contractor exists between the board of education and the person contracting for the transportation of the pupils, the amount paid the independent contractor should not be included in the amount expended for services of employes, as required in the report in section 1465-65, General Code.

2. Where from the terms of the specific contract the person contracting for the transportation of the school pupils with the board of education is required to drive his own truck, such a contract is a contract of hire within the meaning of the Workmen's Compensation Act. That amount of the contract price which fairly represents the amount paid the driver for his personal services should be included in the amount expended for services of employes in the report required under section 1465-65, General Code, and not the full contract price.

Respectfully,

JOHN W. BRICKER,

Attorney General.

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APPROVAL, NOTES OF ORANGE VILLAGE SCHOOL DISTRICT, CUYA-
HOGA COUNTY, OHIO—\$5,000.00.

COLUMBUS, OHIO, April 6, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

489.

APPROVAL, BONDS OF STRUTHERS CITY SCHOOL DISTRICT, MA-
HONING COUNTY, OHIO, \$43,000.00.

COLUMBUS, OHIO, April 6, 1933.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.