

OPINION NO. 70-158**Syllabus:**

1. It is permissible for a vehicle used as a school bus to be used for other purposes as well without having to obliterate any marking thereon or change the color of the bus from that required by Section 4511.77, Revised Code.

2. A vehicle registered as a school bus in accordance with Section 4511.764, Revised Code, cannot also be registered as a church bus under Section 4503.07, Revised Code.

3. It is permissible for a vehicle used as a school bus as well as for other purposes to be equipped with flashing red lights as authorized by Section 4513.17, Revised Code, provided that when such vehicle is used as other than a school bus, the flashing red lights are inoperable or covered so that they may not be seen.

To: Robert M. Chiramonte, Ohio State Highway Patrol, Columbus, Ohio
By: Paul W. Brown, Attorney General, November 23, 1970

I have your request for my opinion on the following questions:

"1. Is it permissible to use the school

bus as a church bus if canvas is used to temporarily cover the words "SCHOOL BUS", "STOP", and "STATE LAW", or must they be obliterated by paint as required in Section 4511.762 of the Ohio Revised Code?

"2. Is it permissible to display the school bus identification number in accordance with Section 4511.764 of the Revised Code, and also have it registered as a "church bus" under Section 4503.07 of the Revised Code at the same time?

"3. Is it permissible to have the "church bus" equipped with the flashing red lights authorized for school buses only under Section 4513.17 of the Revised Code, if the lights are covered?"

You state in your opinion request that the school bus is owned and operated by a church school and is being used as a school bus as well as to transport persons to and from church or other church functions.

Section 4511.77, Revised Code, provides:

"No person shall operate, nor shall any person being the owner thereof or having supervisory responsibility therefor permit the operation of, a school bus within this state unless it is painted national school bus chrome number two and is marked on both front and rear with the words 'school bus' in black lettering not less than eight inches in height and on the rear of the bus with the word 'stop' in black lettering not less than ten inches in height."

Section 4511.762, Revised Code, provides:

"No person who is the owner of a school bus which is used or is to be used exclusively for purposes other than the transportation of children, shall operate such bus or permit it to be operated within this state unless such bus has been painted a color different from that prescribed for school busses by section 4511.77 of the Revised Code and painted in such a way that the letters 'stop' and 'school bus' are obliterated."

(Emphasis added.)

You will note that under these two sections, a school bus may be used for purposes other than the transportation of children, so long as such other use is not exclusive. This is simply because the prohibition in Section 4511.762, supra, applies only to school

busses used exclusively for purposes other than the transportation of children.

Accordingly, it is permissible for a vehicle used as a school bus to be used for other purposes as well without having to obliterate any marking thereon or change the color of the bus from that required by Section 4511.77, supra.

As to your second question, Section 4511.764, Revised Code, requires that the school bus registration number be marked on both the front and rear of the vehicle.

Section 4503.07, Revised Code, however, applies only to a vehicle used exclusively as a church bus or for the transportation of children to a camping function.

Since the vehicle in question is used to transport children to and from school, as well as for other church purposes, it is not used exclusively as a church bus and therefore cannot be properly licensed under Section 4503.07, supra.

Accordingly, a vehicle registered as a school bus in accordance with Section 4511.764, supra, cannot also be registered as a church bus under Section 4503.07, supra.

Concerning your final question, Section 4513.17 (D), Revised Code, provides:

"(D) Except a person operating * * * a school bus, no person shall operate or move upon any public street or highway any vehicle or equipment which has a flashing red * * * light * * *. This section shall not prohibit the use of warning lights required by law or the simultaneous flashing of turn signals on disabled vehicles."

(Emphasis added.)

Section 4513.01, Revised Code, provides that the definitions in Section 4511.01, Revised Code, apply to Chapter 4513, Revised Code, and Section 4511.01 (F), Revised Code, defines school bus as:

"(F) * * * every bus designed for carrying more than nine passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or school function; * * *

" * * * * * * * * * *"

In the case you have presented for my opinion, the bus involved is used as a school bus and also for other purposes such as transporting persons to church. Your third question is basically

whether the bus may use the flashing lights authorized for a school while being used for other purposes.

You will note that in the last sentence of Section 4513.17 (D), supra, the exception for warning lights refers to the "use" of such lights. It would therefore appear that the legislature intended to prohibit use of such flashing lights in certain cases rather than blanketly prohibiting certain vehicles from being equipped with them.

This being the case, the bus could lawfully use the flashing lights while transporting children to and from school, but not while being used for other purposes. Certainly such lights could be disengaged in such a fashion as to render them unusable or covered so that they could not be seen while the bus is being used as other than a school bus. This would seem to be well within the intent of the legislature.

Accordingly, it is my opinion and you are hereby advised that

1. It is permissible for a vehicle used as a school bus to be used for other purposes as well without having to obliterate any marking thereon or change the color of the bus from that required by Section 4511.77, Revised Code.

2. A vehicle registered as a school bus in accordance with Section 4511.764, Revised Code, cannot also be registered as a church bus under Section 4503.07, Revised Code.

3. It is permissible for a vehicle used as a school bus as well as for other purposes to be equipped with flashing red lights as authorized by Section 4513.17, Revised Code, provided that when such vehicle is used as other than a school bus, the flashing red lights are inoperable or covered so that they may not be seen.