

General Code amended and enacted by the legislature in the enactment of the conservation act, and inasmuch as said lease has been properly executed by the parties thereto, and the provisions thereof are in conformity with the above noted and other sections of the General Code relating to leases of this kind, said lease is hereby approved as is evidenced by my approval endorsed upon said lease and upon the duplicate and triplicate copies thereof, all of which are herewith returned.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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3564.

SCHOOL BUS DRIVER—COUNTY BOARD OF EDUCATION MAY ISSUE  
CERTIFICATE TO DRIVE TO A WOMAN OVER EIGHTEEN.

*SYLLABUS:*

*A county board of education may issue certificates to drive a school vehicle to women or girls over eighteen years of age, provided such persons show that they are over eighteen years of age, of good moral character and qualified for such position.*

COLUMBUS, OHIO, September 12, 1931.

HON. FRED W. EVERETT, JR., *Prosecuting Attorney, Jackson, Ohio.*

DEAR SIR:—This is to acknowledge receipt of your communication which reads as follows:

“I would like to submit the following question for your advice:

Under Section 7731-3 of the General Code, may the County Board of Education issue a certificate to drive a school wagon or bus to a woman if she provides sufficient bond and shows that she is over eighteen years of age and of good moral character and is qualified for the position? I am aware of your opinion holding that a girl sixteen attending school does not come within the exception in this section, but I did not understand that opinion to hold that a woman over eighteen could not qualify as a school bus driver.”

Section 7731-3, General Code, which you mention in your communication, provides as follows:

“When transportation is furnished in city, rural or village school districts no one shall be employed as driver of a school wagon or motor van who has not given satisfactory and sufficient bond and who has not received a certificate from the county board of education of the county in which he is to be employed or in a city district, from the superintendent of schools certifying that such person is at least eighteen years of age and is of good moral character and is qualified for such position. Provided, however, that a county board of education may grant such certificate to a boy who is at least sixteen years of age and

who is attending high school. Any certificate may be revoked by the authority granting same on proof that the holder thereof has been guilty of improper conduct or of neglect of duty and the said driver's contract shall be thereby terminated and rendered null and void."

From a perusal of the above statute, it will be observed that the first sentence provides that *no one* shall be employed as a school bus driver who has not given proper bond and received a certificate from the county board of education, the city superintendent of schools, in city school districts, vouching that *such person* is at least eighteen years old, of good moral character and qualified for the position.

Now it is a general principle of law that words in a statute are used in their plain, ordinary and usual sense, unless the contrary is clearly shown. The words "no one" are defined by Webster's New International Dictionary as follows:

"No person; nobody; none."

The same lexicographer defines "person" as:

"A rational being; a being possessing or forming the subject of, personality; hence, an individual human being."

Obviously, the legislature had in mind both sexes when it broadly stated that no person could drive a school vehicle unless over the age of eighteen and possessed of the other qualifications.

The second sentence in the section strengthens this conclusion; for the legislature in making an exception to the general provision set out in the first sentence stated that a county board of education could authorize a *boy* at least sixteen years of age and attending high school, to drive a school vehicle. By limiting the exception specifically to "a boy" instead of using the word "pupil", it is clear that the legislature intended that the preceding sentence should authorize girls to drive busses as well as boys.

In my opinion No. 2790, rendered January 2, 1931, it was held in the first paragraph of the syllabus:

"By force of Section 7731-3, General Code, a county board of education is not authorized to issue a certificate authorizing the holder thereof to drive a school wagon or motor van, to a girl."

Standing alone, the above statement of the law is very broad and would undoubtedly indicate that a girl could not drive a school vehicle under any circumstances. However, the above portion of the syllabus of said opinion must be read in connection with the question presented therein. The opinion was responsive to the following question submitted:

"The Code provides that a driver's certificate may be given by the Board of Education to a boy over 16 years of age attending high school and that he may transport pupils by this authority. Does this include a girl?"

Clearly, the question there discussed had reference only to the matter con-

tained in the exception set out in the second sentence of section 7731-3, General Code. The syllabus, of course, is too broad and should have had the words added, "under eighteen years of age."

In view of the foregoing discussion, I am of the opinion that a county board of education may issue certificates to drive a school vehicle to women or girls over eighteen years of age, provided such persons show that they are over eighteen years of age, of good moral character and qualified for such position.

Respectfully,  
GILBERT BETTMAN,  
*Attorney General.*

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3565.

APPROVAL, BONDS OF CITY OF SHAKER HEIGHTS, CUYAHOGA COUNTY, OHIO—\$36,185.66.

COLUMBUS, OHIO, September 12, 1931.

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

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3566.

APPROVAL, BONDS OF GALLIPOLIS CITY SCHOOL DISTRICT, GALLIA COUNTY, OHIO—\$64,000.00.

COLUMBUS, OHIO, September 12, 1931.

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

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3567.

CRIMINAL LAW—SECTION 2166-1, GENERAL CODE, APPLICABLE TO PRISONERS ALREADY INCARCERATED AT THE TIME OF ITS PASSAGE.

*SYLLABUS:*

*The provisions contained in section 2166, as amended, and supplemental section 2166-1, as enacted, in 114 Ohio Laws, Senate Bill 68, apply to prisoners already confined in the Ohio penitentiary as well as those who may be hereafter sentenced to that institution.*

COLUMBUS, OHIO, September 12, 1931.

HON. CAMERON MEACHAM, *Prosecuting Attorney, Portsmouth, Ohio.*

DEAR SIR:—This will acknowledge your letter of recent date, which reads in part as follows:

"I should like to have a ruling from you as to whether these two Sections (referring to Sections 2166 and 2166-1, General Code) apply to