

209.

APPROVAL, NOTES OF ORANGE TOWNSHIP RURAL SCHOOL DISTRICT, SHELBY COUNTY—\$50,000.00.

COLUMBUS, OHIO, March 18, 1929.

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

210.

HOUSE BILL NO. 301—PROVIDING FOR LIABILITY INSURANCE ON SCHOOL BUSES—UNCONSTITUTIONAL.

SYLLABUS:

House Bill No. 301, if enacted into law in its present form, would be unconstitutional.

COLUMBUS, OHIO, March 19, 1929.

HON. S. K. MARDIS, *Chairman, School Committee, House of Representatives, Columbus, Ohio.*

DEAR SIR:—This will acknowledge receipt of your request for my opinion as to whether or not the terms of House Bill No. 301, will, if enacted into law, be constitutional. The title and text of said House Bill No. 301 are as follows:

"A BILL

To supplement Section 7731 of the General Code by the enactment of supplemental Section 7731-5, relative to providing liability insurance on school busses.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That Section 7731 of the General Code be supplemented by the enactment of supplemental Section 7731-5, to read as follows:

SEC. 7731-5. The board of education of each school district shall procure liability insurance covering each school wagon or motor van and all pupils transported under the authority of such board of education. This insurance shall be procured from a recognized insurance company authorized to do business of this character in the State of Ohio, and shall include compensation for injury or death to any pupil caused by any accident arising out of or in connection with the operation of such school wagon, motor van or other vehicle used in the transportation of school children. The amount of liability insurance carried on account of any school wagon or motor van shall not exceed fifty thousand dollars."

In an early case decided by the Supreme Court of Ohio, *State of Ohio ex rel Cincinnati*, 19 O. 178, at page 195, the court said:

"Before this court will declare any law to be unconstitutional that part of