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EDUCATION, TRANSPORTATION — BUS DRIVERS — COVERED BY BLANKET BOND, PERMISSIBLE UNDER §3.06, RC—EXCEPTION OF THIS SECTION NOT APPLICABLE—BUS DRIVER DOES NOT HAVE TO EXECUTE “INDIVIDUAL” BOND—Am. H. B. 471, 102nd GENERAL ASSEMBLY—BOND REQUIRED OF BUS DRIVERS, §3327.10 RC.

## SYLLABUS:

Under the provisions of Section 3.06, Revised Code, as amended in Am. H. B. No. 471, 102nd General Assembly, blanket bonds may be procured for the coverage of school bus drivers as required by Section 3327.10, Revised Code.

Columbus, Ohio, September 20, 1957

Hon. James A. Rhodes, Auditor of State  
Columbus, Ohio

Dear Sir:

I have before me your request for my opinion reading as follows:

“In your Opinion No. 706, rendered July 3, 1957, you have held that every school bus driver must furnish a bond as provided for by Section 3327.10 of the Revised Code.

“Amended House Bill No. 471, which amends Section 3.06 of the Revised Code provides for the issuance of blanket bonds; it exempts from coverage of blanket bonds:—

“(a) treasurers or tax collectors by whatever title known and

“(b) any officer, clerk or employee required by law to execute or file an *individual official bond* to qualify for office or employment.

“Bus drivers are required to furnish a bond whether employed by a school district directly or by contract bus hirers.

“A formal opinion is requested as to whether or not the bond required of a bus driver by Section 3327.10 of the Revised Code, may be a “blanket bond,” which would cover all of the bus drivers of a school district, or whether an individual bond must be filed by each such driver.”

Section 3.06, Revised Code, to which you refer, as amended in Am. H. B. No. 471, 102nd General Assembly, reads in pertinent part:

“A deputy, when duly qualified, may perform any duties of his principal. A deputy or clerk, appointed in pursuance of law, shall hold the appointment only during the pleasure of the officer appointing him. The principal may take from his deputy or clerk a bond, with sureties, conditioned as hereinafter set forth. The principal is answerable for the neglect or misconduct in office of his deputy or clerk.

“Notwithstanding the provisions of any other law requiring an official bond to be conditioned substantially to the effect that an officer, clerk or employee will faithfully perform his duties, it shall be permissible in lieu thereof, with the consent and approval of the officer or governing body authorized to require the bond, for any department or instrumentality of the state or any county, township, municipal corporation, or other subdivision or board of education or department or instrumentality thereof, to procure a blanket bond from any duly authorized corporate surety covering officers, clerks and employees, other than (a) treasurers or tax collectors by whatever title known and (b) any officer, clerk or employee required by law to execute or file an *individual official bond* to qualify for office or employment. Such blanket bond shall indemnify against losses through one of the following conditions:

“(a) through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account

properly for all moneys or property received by virtue of their positions or employment, or

“(b) through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder. \* \* \*”

(Emphasis added)

By referring to Section 3327.10, Revised Code, it will be seen that school bus drivers are required to furnish bond but are not required to furnish “individual” bonds. Thus, the exemption set out in subparagraph (b) in Section 3.06, Revised Code, is not applicable, and the general provision relative to blanket bonds is applicable to the bonds of such drivers.

Accordingly, in specific answer to your query, it is my opinion that under the provisions of Section 3.06, Revised Code, as amended in Am. H. B. No. 471, 102nd General Assembly, blanket bonds may be procured for the coverage of school bus drivers as required by Section 3327.10, Revised Code.

Respectfully,

WILLIAM SAXBE

Attorney General