



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

February 25, 1975

Opinion No. 75- 78

The Honorable J. Santford Duncan
State Representative
3rd Floor - State Capitol Building
Topeka, Kansas 66612

The Honorable Marian K. Reynolds
State Representative
3rd Floor - State Capitol Building
Topeka, Kansas 66612

Dear Representatives Duncan and Reynolds:

You inquire, first whether 1975 House Bill No. 2090 is "in conflict with any provisions of the Motor Carriers Act." This bill proposes to amend K.S.A. 1974 Supp. 72-8302, concerning school buses, and specifically subsection (b) thereof, to provide thus:

"Any board of education may, pursuant to rules or regulations adopted by it, provide by contract with the governing body of any township, city, or county for transportation of senior citizen groups or organizations, or with any nonprofit organization or association for transportation of persons who are members of, or are sponsored by, such organization or association in district-owned or leased school buses when not in use for school purposes."

K.S.A. 66-1,108(h) states thus:

"The term 'contract motor carrier of passengers' when used in this act shall mean any person engaged in the transportation

The Honorable J. Santford Duncan
The Honorable Marian K. Reynolds
Page Two
February 25, 1975

by motor vehicle of persons for hire and not included in the term 'public motor carrier of passengers' as hereinbefore defined."

Under K.S.A. 66-1,109, this act does not apply to certain operations and vehicles, in pertinent part as follows:

"(e) (1) the transportation of children to and from school, or (2) to motor vehicles owned by schools, colleges and universities, religious or charitable organizations and institutions, or governmental agencies, when used to convey students, inmates, employees, athletic teams, orchestras, bands, etc.;

* * *

(j) motor vehicles owned and operated by the United States, the District of Columbia, or any state, or any municipality, or any other political subdivision of this state,"

Thus, buses owned and operated by unified school districts in the State of Kansas are exempt from the motor carrier act. Those buses leased by unified school districts but not owned by them, and those buses owned and operated by contractors with unified school districts to transport students, are exempt when used to provide "transportation of children to and from school." When used to provide transportation for volunteer or other nonprofit associations or organizations, buses which are leased by the district but not owned by it, and buses owned by contractors operating under contract with the district, may no longer be exempt from the provisions of the motor carrier act. The interpretation and administration of that act rests, of course, with the Kansas Corporation Commission, and we shall not presume to anticipate its judgment in this matter. However, there exists a serious question that buses which are not district-owned and which are used for the additional transportation purposes authorized by 1975 House Bill No. 2090 would become subject to registration and the permit requirements of K.S.A. 66-1,115. This does not suggest, of course, that there is any

The Honorable J. Santford Duncan
The Honorable Marian K. Reynolds
Page Three
February 25, 1975

"conflict" between the bill and the motor carrier act; it does suggest only that buses not heretofore subject to the act may become subject to its requirements if used to provide the additional transportation services authorized by K.S.A. 1974 Supp. 72-8302 as proposed to be amended by the bill.

You inquire, secondly, whether there is a "conflict between this bill and any regulations concerning markings, lightings, and safety equipment on school busses." Extensive regulations governing school bus transportation are found at K.A.R. 36-13-1 et seq. The scope of these regulations is defined by K.A.R. 36-13-15:

"These regulations shall be applicable to the transportation of pupils by bus to and from all public schools and school activities within this state whether said school buses be owned and operated by the school district, or be privately owned and operated under contract with any school district in the state." [Emphasis supplied.]

By their own terms, these regulations are not applicable to the transportation of others than pupils.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj