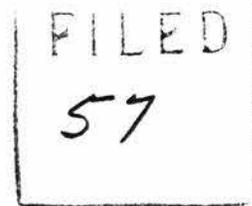


SCHOOLS: State Board of Education may adopt regulation requiring school buses to be painted yellow.

January 26, 1950



Honorable G. Logan Marr
Prosecuting Attorney
Morgan County
Versailles, Missouri

Dear Sir:

This will acknowledge your request for an opinion of this office in which you inquire if the Attorney General, State Highway Patrol or State Board of Education could issue an order or directive that school buses be painted yellow.

Section 1 of House Bill No. 69, enacted by the 65th General Assembly, now incorporated in Missouri Revised Statutes Annotated as Section 10327.1, provides in part as follows:

"B. Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words 'school bus' in letters not less than 8 inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: 'State Law: stop while bus is loading and unloading.' Each school bus subject to the provisions of this act shall be equipped with a mechanical or electrical signalling device, which will display a signal plainly visible from the front and rear and indicating intention to stop."

While the above quoted section does provide that school buses must have the required lettering warning motorists to stop when the bus is loading and unloading, we find no provision in the statute requiring that the school buses must be painted a certain color.

However, your attention is further directed to Section 2 of House Bill No. 69, Section 10327.2 Mo. R.S.A., which provides as follows:

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"A. The state board of education shall adopt and enforce regulations not inconsistent with law to cover the design and operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district of this state, and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to such regulations. The State Board of Education shall cooperate with the State Highway Department and the State Highway Patrol in placing suitable warning signs at intervals on the highways of the State.

"B. Any officer or employee of any school district who violates any of the regulations or fails to include obligation to comply with such regulations in any contract executed by him on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any such regulations shall be guilty of breach of contract and such contract shall be cancelled after notice and hearing by the responsible officers of such school district."

Under the above quoted section, the State Board of Education is given the power to adopt and enforce regulations to cover the design and operation of all school buses used for the transportation of school children, and we do not believe that a regulation adopted by the State Board of Education that school buses be painted yellow would be inconsistent with law. We believe that if such a regulation were adopted it would be for the purpose of safeguarding the school children who ride in the buses and that the adoption of such a regulation would fall within the ambit of authority conferred upon the State Board of Education by the above quoted section.

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CONCLUSION

It is therefore the opinion of this department that the State Board of Education, under the powers given it by law, could adopt and enforce a regulation requiring that school buses used for the transportation of school children must be painted yellow.

Respectfully submitted,

RICHARD F. THOMPSON
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

RFT:VLM