

September 10, 1947

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Dr. L. A. Eastburn, President
Arizona State College
Flagstaff, Arizona

Dear Dr. Eastburn:

We have your letter of September 6, 1947, wherein you inquire whether it would be legal for the State College to purchase public liability insurance upon a bus operated by the college for the purpose of transporting elementary school children to and from the training school maintained by the college; and on the bus which is maintained by the college for the purpose of transporting athletic teams to and from games played off the campus.

We note that you inquire further as to the extent of the liability of the Board of Regents and the members of the administrative staff of the college in the case of accidents and suits resulting from such accidents.

With respect to the latter question it is our opinion that no liability can attach to the Board of Regents or to the members of the administrative staff of the college by reason of any intentional or negligent acts or omissions on the part of any employee of the college. The college and the Board of Regents are public institutions and they share in the immunity from liability which is enjoyed by the state and its various political subdivisions. In the event of accident the only liability which can attach will attach to the individual who caused the accident. Since no liability can attach arising out of any such accident it follows that the payment of an insurance premium on a policy insuring against the risk of such liability would in effect be gratuity.

For the foregoing reasons we believe that it would not be legal for you to purchase public liability insurance.

Very truly yours,

JOHN L. SULLIVAN,
Attorney General

CHAS. D. McCARTY
Assistant Attorney General

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