



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007
August 27, 1975

75-301
BRUCE E. BABBITT
ATTORNEY GENERAL

R75-351
McDougal

The Honorable Edward L. Dawson
Gila County Attorney
Post Office Box 612
Globe, Arizona 85501

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Dear Mr. Dawson:

We have reviewed the letter opinion dated May 2, 1975, written by Alan L. Slaughter of your office, addressed to Dr. Jody Matthews of the Payson Public Schools, which letter you forwarded to us on June 2, 1975. Mr. Slaughter's letter responded to two questions relating to the use of a twelve passenger van by the Payson school district. Because of the importance of the questions, and because we have recently issued a related opinion, we felt it appropriate to supplement Mr. Slaughter's opinion.

The first question concerned whether the driver of a twelve passenger van which is used for school purposes must be fully certified as a school bus driver. Article IV of the Arizona Regulations for School Bus Operation, effective July 1, 1971, which are enforced by the Arizona Department of Transportation pursuant to A.R.S. § 28-900, provides, among other things, that no person shall act as a school bus driver unless such person holds a school bus driver's certificate. Consequently, it must be determined whether the district's twelve passenger van constitutes a school bus.

In this regard, Paragraph 40 of A.R.S. § 28-101 provides, in pertinent part, that the phrase "school bus" means a motor vehicle operated for the transportation of children to or from school. Paragraph 4 of A.R.S. § 28-101 provides, in pertinent part, that a "bus" means a motor vehicle designed for carrying more than ten passengers which is used for the transportation of persons. It seems fairly clear that in order for a vehicle to be a "school bus", it must first be a "bus". In this case, since we are



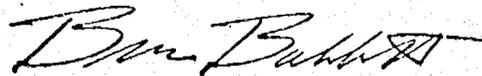
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discussing a twelve passenger van, it is clear that the van fits within the statutory definition of the term "bus". Furthermore, this office has recently held, in the attached opinion dated August 19, 1975, that all school vehicles which are used as buses must be operated in accordance with the Arizona Regulations for School Bus Operation, whether or not, as operated, they fall within the above-mentioned statutory definition of the term "school bus". Therefore, the district's twelve passenger van must, when it is used as a "bus", be operated in a manner consistent with those Regulations. As a result, the driver of the twelve passenger van must obtain a school bus driver's certificate in accordance with Article IV of those regulations. R7S-454

The second question to which Mr. Slaughter's letter addressed itself is whether it was necessary for a certified bus driver to drive the twelve passenger van on a trip over twenty-five miles. The short answer to this question is that a certified bus driver must always drive a school vehicle which is being operated as a "bus" no matter what the distance travelled. The twenty-five mile exception, which is contained within Subparagraph C of Paragraph 9 of Article VI of the above-mentioned Regulations, only exempts a district from the necessity of having a faculty member in attendance on the bus when a daytime activity trip is involved which is within the school district or within a twenty-five mile radius of the school. Consequently, a certified bus driver must be used for the operation of the twelve passenger van at all times during which that van is being used to transport students.

If you have any questions concerning this opinion, please let us know.

Sincerely, ,



BRUCE E. BABBITT
Attorney General

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