

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

August 9, 1990

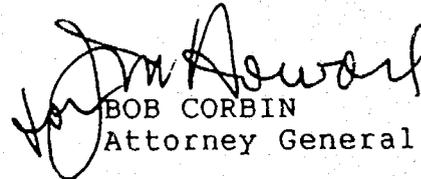
The Honorable Alan K. Polley  
Cochise County Attorney  
P.O. Drawer CA  
Bisbee, Arizona 85603

Re: 190-070 (R90-080)

Dear Mr. Polley:

Pursuant to A.R.S. § 15-253(B), we have reviewed your May 25, 1990 letter to Mr. Peter M. Lewiston, Principal of the Pearce Elementary School District. We concur that A.R.S. § 15-1105(C) requires persons using or leasing school district property pursuant to § 15-1105(A) or (B) to provide proof of liability insurance and that a school district insurance policy does not meet that requirement.

Sincerely,

  
BOB CORBIN  
Attorney General

BC:LSP:bl



OFFICE OF THE  
Cochise County Attorney

P.O. DRAWER CA  
BISBEE, ARIZONA 85603  
(602) 432-5471 EXT. 260

ALAN K. POLLEY  
COCHISE COUNTY ATTORNEY

May 25, 1990

R90-080  
*[Handwritten signature]*

The Honorable Bob Corbin  
Arizona Attorney General  
1275 W. Washington  
Phoenix, AZ 85007

Dear Mr. Corbin:

Enclosed for your review, pursuant to A.R.S. §15-253, is an opinion issued by this office to Mr. Pete Lewiston, Principal of Pearce Elementary School District No. 22. I will be happy to provide whatever additional information you may require.

Thank you for your assistance with this matter.

ALAN K. POLLEY  
Cochise County Attorney

*[Handwritten signature]*

By: Paula N. Wilk  
Chief Civil Deputy County Attorney

PNW:gg

Enc.



May 25, 1990

OFFICE OF THE  
Cochise County Attorney

P.O. DRAWER CA  
BISBEE, ARIZONA 85603  
(602) 432-5471 EXT. 260

ALAN K. POLLEY  
COCHISE COUNTY ATTORNEY

Mr. Peter M. Lewiston, Principal  
Pearce Elementary School District No. 22  
P. O. Drawer 127  
Pearce, AZ 85625

Re: Proof of liability insurance pursuant to  
A.R.S. §15-1105(C)

Dear Mr. Lewiston:

This responds to your letter, dated May 15, 1990, in which you ask whether A.R.S. §15-1105(C) mandates that a school district require persons using or leasing school district property to provide proof of liability insurance coverage if the district's own liability insurance coverage covers the use.

My understanding of the factual background is that a group of parents wish to take all of the students in the eighth grade class on a multi-day trip to California. The trip is scheduled to occur during the summer and is not a school-sponsored activity. The parents wish to lease a District vehicle to transport the students, and the District Governing Board would like to allow them to do so. Unfortunately, the parents have not been able to purchase liability insurance for the trip. The District insurer has confirmed that the District's liability coverage extends to "[a]ny other person while using an owned, non-owned or Hired Automobile, and any person or organization legally responsible for the use thereof, provided the actual use of the automobile is with the permission granted by the District." Presumably, the vehicle which the parents propose to use is an "automobile" within the scope of this policy provision. Thus, the District's question is whether its own coverage can be used to meet the requirements of A.R.S. §15-1105(C).

A.R.S. §15-1105(C) states that:

"The governing board shall require proof of liability insurance for such use or lease of school property."

Mr. Peter M. Lewiston, Principal  
May 25, 1990  
Page two . . .

In an opinion issued in 1987, the Attorney General concurred that "A.R.S. §15-1105(C) provides that the school district must require proof of liability insurance coverage by persons using or leasing school property." Ariz. Atty. Gen. Op. I87-025 (emphasis added). See also Ariz. Atty. Gen. Op. I84-136. While neither opinion specifically addresses the existence of insurance coverage under a school district's own policy and while the goal of assisting a group of dedicated parents willing to provide a benefit to all members of a class of District students is particularly appealing, the language in A.R.S. §15-1105(C) clearly supports the interpretation that those using or leasing school property must provide proof of insurance. In my opinion, unless the activity is school-sponsored, the presence of District-purchased liability insurance does not suffice to meet the requirement of A.R.S. §15-1105(C).

In accord with your request, this opinion is being forwarded to the Arizona Attorney General for review pursuant to A.R.S. §15-253.

Sincerely,

ALAN K. POLLEY  
COCHISE COUNTY ATTORNEY



By: Paula N. Wilk  
Chief Civil Deputy County Attorney

PNW:gg