

Injuries—School Trustees—Liability—Carriers.

In the absence of a statute imposing liability school districts are not liable for injuries resulting to school children while being transported in school busses.

The carrier is liable for injuries resulting to school children while being transported to school if such injury is the result of his negligence.

February 24, 1928.

C. N. Clark, Esq.,
Trustee, School District No. 2,
Alberton, Montana.

My dear Mr. Clark:

You have requested my opinion as to who is liable in case of an injury to school children while being transported in a school bus operated under contract between the school district and the carrier.

By an opinion of this office (Vol. 10, Opinions of Attorney General, p. 83) this question was considered from the standpoint of the personal liability of the trustees and the conclusion was reached that the trustees of a school district are not liable for injuries to pupils enroute to school in conveyances provided by the school district, unless the board, while convened as such, had notice of a defect in the mode of conveyance which should have been remedied in the exercise of reasonable care and diligence.

As to the liability of the school district itself, "A school district is a political subdivision of the state created for the convenient dispatch of public business." (State ex rel. Redman v. Meyers, 65 Mont. 124-127.)

The general rule is that quasi public corporations, which are agencies of the state, merely, are created for purposes of public policy and are not responsible for the neglect of duties enjoined on them unless the action is given by statute. (McQuillin on Municipal Corporations, vol. 6, p. 5381.)

In this state we have no statute imposing liability upon school districts for the negligence of their officers or employees. It is therefore my opinion that no liability would attach to the school district itself for injuries of the character referred to in your letter.

As to the liability of the carrier, that is a matter that would depend wholly on the facts of the case. If the injury resulted from the negligence of the carrier, the latter would be liable.

Very truly yours,

L. A. FOOT,
Attorney General.