

VOLUME NO. 40

OPINION NO. 53

SCHOOL BUS - Whether a 14-passenger van is a "school bus";

SCHOOL DISTRICT - Whether a 14-passenger van is a "school bus";

SCHOOLS - Whether a 14-passenger van is a "school bus";

MONTANA CODE ANNOTATED - Section 20-10-101(3).

HELD: A 14-passenger van owned by two school districts and used to transport students to

and from activity events is a school bus under section 20-10-101(3)(a), MCA.

1 June 1984

John P. Connor  
Jefferson County Attorney  
Jefferson County Courthouse  
Boulder MT 59632

Dear Mr. Connor:

You have requested my opinion concerning this question:

Is a 14-passenger van owned by two school districts and used to transport students to and from school activities a "school bus" within the meaning of section 20-10-101(3)(a), MCA?

Determination of your question must be made with reference to section 20-10-101(3)(a) and (b), MCA.

The definition of "school bus" in section 20-10-101(3), MCA, was substantially modified during the 1983 legislative session. See 1983 Mont. Laws, ch. 525. Section 20-10-101(3)(a) and (b), MCA, now reads:

(3)(a) A "school bus" means, except as provided in subsection (3)(b), any motor vehicle that:

(i) complies with the bus standards established by the board of public education as verified by the Montana division of motor vehicles' semiannual inspection of school buses and the superintendent of public instruction; and

(ii) is owned by a district or other public agency and operated for the transportation of pupils to or from school or owned by a carrier under contract with a district or public agency to provide transportation of pupils to or from school.

(b) A school bus does not include a vehicle that is:

(i) privately owned and not operated for compensation under this title;

(ii) privately owned and operated for reimbursement under 20-10-142;

(iii) either district-owned or privately owned, designed to carry not more than nine passengers, and used to transport pupils to or from activity events or to transport pupils to their homes in case of illness or other emergency situations; or

(iv) an over-the-road passenger coach used only to transport pupils to activity events.

It is clear that, unless excepted under section 20-10-101(3)(b)(iv), MCA, the 14-passenger van at issue is a "school bus."

The term "over-the-road passenger coach" is not specifically defined. Nonetheless, "[t]he terms [of a statute] must be given the natural and popular meaning with which they are usually understood...." Jones v. Judge, 176 Mont. 251, 254, 577 P.2d 846, 848 (1978). The term "over-the-road" is commonly associated with long-distance highway transportation, while the term "passenger coach" normally refers to a large common carrier type of bus. Moreover, even if the phrase "over-the-road passenger coach" were ambiguous, legislative history clearly indicates that subsection (3)(b)(iv) is inapplicable to a small passenger van such as that involved here. In written analysis before the House Committee on Education and Cultural Resources, that portion of House Bill 794 later enacted as section 20-10-101(3)(b)(iv), MCA, was explained as exempting only "the greyhound-type buses used by many school districts for various activity events." February 16, 1983 Minutes of House Committee on Education and Cultural Resources, Ex. 2 at p. 2. A 14-passenger van does not fall within this exception. Instead, the van here is the general type of vehicle contemplated by the subsection (3)(b)(iii) exclusion but, because its passenger capacity exceeds nine, is not excepted thereunder.

THEREFORE, IT IS MY OPINION:

A 14-passenger van owned by two school districts and used to transport students to and from activity events is a school bus under section 20-10-101(3)(a), MCA.

Very truly yours,

MIKE GREELY  
Attorney General