brings into operations the provisions of Section 1, Chapter 14 of the Acts of 1945, aforesaid, which would authorize the Superintendent of the Indiana State Police to exercise all those functions of office prescribed for the State Director of Public Safety under the provisions of said State School Bus Safety Committee Statute. However, under the provisions of Chapter 14, Acts of 1945, supra, such official acts are to be performed under the present proper name of your office and such act should be taken by you under the title of Superintendent of Indiana State Police.


OFFICIAL OPINION NO. 31
April 26, 1950.

Mr. Charles F. Fleming,
Secretary of State,
State House,
Indianapolis 4, Indiana.

Dear Sir:

I have received your letter of April 21st, which reads as follows:

"Your official opinion is respectfully requested on the following: BRS 1933, Section 47-2801, Pocket Supplement, being Acts of 1949, Chapter 258, Section 3, Page 927, provides that all owners of busses operated for hire shall pay such fees for the use of the public highways on a declared gross weight basis, and such busses are divided into eleven classifications.

"The same section of the statutes provides that busses operating in any local transportation system shall pay a fee according to their weight in an amount equal to twenty per cent required for busses for hire.

"Sub-section D provides for the licensing of church busses and school busses on a flat fee basis. The statute does not make any provision for the registration and licensing of busses not for hire. There are cases where a bus is owned and operated by the owner for the trans-
transportation of employees to and from the place of employment but not for hire.

"On August 15, 1949, we directed a query and received Official Opinion Number 86 dated September 20, 1949, pertaining to privately owned busses leased to other persons or firms to be used for transporting employees to and from work.

“Our question now is: How the Bureau of Motor Vehicles is to register and license busses not for hire, using the public highways.”

Section 24 of Chapter 304, of the Acts of 1945, same being Burns 47-2601, reads as follows:

“Except as herein otherwise provided, before any motor vehicle, motorcycle, truck, trailer, semi-trailer, tractor, farm tractor used in transportation, bus, schoolbus, house car, or special farm machinery, shall be operated or driven on any public highway, the owner thereof shall register the same with the department as herein provided.”

I find no exception to this section.

Section 3 of Chapter 258 of the Acts of 1949, same being Burns 47-2801, divides motor vehicles to be registered into two divisions. The portion of that section defining what vehicles shall be considered as a part of the second division is as follows:

“Second: The second division shall consist of vehicles which are designed and used for the pulling or carrying of freight, goods, wares, merchandise, or property of any kind, including trucks, trailers, semi-trailers and tractors, excepting as hereinafter provided; also vehicles, motor cars or motor busses designed and used for the carrying of more than seven (7) persons.”

Under the 1949 Act there is no provision for fees for busses not for hire which are neither school busses nor used by religious organizations. Inasmuch as these busses are by statute required to be registered and are made a part of the second division, it is my opinion that they are entitled to be registered by the department and no license fee may be charged.