

money or securities, or other obligations or prohibitions are imposed upon insurance companies of this or other states, or their agents, greater than are required by the laws of this state, then the same obligations and prohibitions, of whatever kind, shall, in like manner for like purposes, be imposed upon all insurance companies of such states and their agents. All insurance companies of other nations, under this section, shall be held as of the state where they have elected to make their deposit and establish their principal agency in the United States." Section 259 Chapter 162 Acts 1935.

Since no suggestion is made the State of Missouri is imposing a greater obligation on companies of this state we believe the retaliatory provision (*supra*) is not applicable to your query.

It is therefore our opinion, in the absence of any previous agreement between the insurance commissioner of Missouri and Indiana relating to comity between their departments, that Missouri reciprocal companies doing business in Indiana are obligated to pay into the treasury of this state for the privilege of doing business in this state, an amount equal to three per cent of the excess, if any, as provided for Section 235 (a) Chapter 162, Acts 1935 *supra*.

JAW:aa

OFFICIAL OPINION NO. 29

May 3, 1949.

Mr. B. B. McDonald,
Assistant Director,
Bureau of Motor Vehicles,
State of Indiana,
Indianapolis, Indiana.

Dear Sir:

Your letter of April 14, 1949 has been received, together with a correspondence file, showing in substance that parents of children of elementary school age have purchased a school bus and by such means transported their children to an adjoining township school for educational purposes, these

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pupils being enrolled in such township school other than that of their residences.

Your question seems to be whether or not the Bureau of Motor Vehicles is required, or is authorized, to revoke a school bus license issued by your Department for this vehicle.

Section 47-712 *et seq.* Burns 1947 Supplement, same being page 57 of the Acts of 1943, makes provisions for the registration of all school buses used in transporting children to school and provides for the issuance of a license therefor on such registration.

Section 1 of said act defines the term "school bus" as follows:

"* * * As used in this act unless a different meaning appears from the context: The term "school-bus" shall be construed to mean any bus, hack, conveyance of motor vehicle used to transport school children to and from school, and from school athletic games or contests or other school functions, but that privately owned automobiles with a capacity of five (5) passengers or less which are used for the purpose of transporting school children to and from school are hereby specifically excepted from the above definition."

From the foregoing it is clear that all school buses and vehicles used for transporting children to school are required to comply with such statute. The only exception seems to be, privately owned automobiles with a capacity of five (5) passengers or less, which motor vehicles are exempt from the provisions of the statute.

The statute does not prescribe that only school buses or vehicles owned by school corporations, or those operated by school corporations under contract, are governed by the statute.

In my opinion this statute requires this school bus to be registered and licensed under the statute. In such case I do not see where you are authorized to revoke the license on the ground that it is not an official school bus of some particular school corporation.

I am herewith returning to you your correspondence file in the matter.

TLW:man