reason. would be authorized to create a cumulative building or sinking fund for the erection of a public library under the provisions of said Cumulative Building Fund statute.

OFFICIAL OPINION NO. 86

September 20, 1949.

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

Dear Sir:

I am in receipt of your letter of August 15, 1949, as follows:

"Your official opinion is respectfully requested on the following:

"BRS 1933 Section 17-110 provides:

'A fee of $3.00 per person per annum at the rated carrying capacity, allowing 16 inches for each person, exclusive of the driver, shall be paid upon the registration or re-registration for each calendar year for each auto bus operated over any of the public highways of the state, but not on a regular schedule of time and rates.'

"Vehicles of this type include special party and private bus and busses leased to railroad companies and other firms, used for the express purpose of transporting employees to and from work.

"Chapter 258, Acts of 1949 does not take this type of equipment into consideration. How can the Bureau of Motor Vehicles properly plate this type of equipment?"

House Enrolled Act No. 393, same being Chapter 258 of the Acts of 1949 as pointed out in your letter makes no provision for busses not operated on a regular schedule of times
and rates. The general license provision for busses is as follows:

“All owners of busses, excepting hereinafter provided, operated for hire shall pay such fees for the use of the public highways as follows:

“(1) For a bus the declared gross weight of which does not exceed fourteen thousand (14,000) pounds, sixty-five dollars ($65.00).

“(2) For a bus the declared gross weight of which does not exceed eighteen thousand (18,000) pounds, eighty-five dollars ($85.00).

“(3) For a bus the declared gross weight of which does not exceed twenty-two thousand (22,000) pounds, one hundred twenty dollars ($120.00).

“(4) For a bus the declared gross weight of which does not exceed twenty-six thousand (26,000) pounds, one hundred forty-five dollars ($145.00).

“(5) For a bus the declared gross weight of which does not exceed thirty thousand (30,000) pounds, one hundred seventy dollars ($170.00).

“(6) For a bus the declared gross weight of which does not exceed thirty-six thousand (36,000) pounds, two hundred dollars ($200.00).

“(7) For a bus the declared gross weight of which does not exceed forty thousand (40,000) pounds, two hundred fifteen dollars ($215.00).

“(8) For a bus the declared gross weight of which does not exceed forty-four thousand (44,000) pounds, two hundred thirty dollars ($230.00).

“(9) For a bus the declared gross weight of which does not exceed forty-eight thousand (48,000) pounds, two hundred forty-five dollars ($245.00).

“(10) For a bus the declared gross weight of which does not exceed fifty-two thousand (52,000) pounds, two hundred sixty-five dollars ($265.00).
("(11) For a bus the declared gross weight of which is fifty-two thousand (52,000) pounds or more, three hundred dollars ($300.00): Provided, however, That for any bus operating wholly within the corporate limits of any city or town, including contiguous cities or towns, and cities and towns contiguous thereto, or operating in any local transportation system within any city and suburban territory adjacent thereto on any route which extends from within such city into such suburban territory for a distance of not more than one mile beyond the corporate limits of such city and one mile additional for each 50,000 population of such city or major portion thereof, shall pay a fee according to their weight in an amount equal to twenty (20) per cent of the fees as hereinbefore required in this subsection for busses operated for hire, for each bus so operated."

The only exceptions I find to this classification are "For a school bus ten dollars ($10.00)," "For bus owned and operated by a religious organization and used to haul persons to religious services ($10.00)." "For a farm tractor used in transportation, three dollars ($3.00)." As the class of vehicles that you describe is not apt to fall within these exceptions, it is my opinion that they would be subject to licensing under the general weight classification of busses.

It is to be noted that Chapter 258 of the Acts of 1949 is amendatory of the section of the Act which appears in Burns' 1947 Supplement, 47-2801 which superseded the Act you set out in your letter. It is to be further noted that Chapter 258 will not be in force until January 1, 1950. It is my opinion that after Chapter 258 becomes effective all busses operated for hire which previously came under the part of the statute which you set out in your letter will be required to pay the normal fees for busses as set out in Chapter 258 of the Acts of 1949.

NJB:AR:VB