October 16, 1940.

Honorable Frank J. Viehmann,
Commissioner, Department of Insurance,
State House,
Indianapolis, Indiana.

Dear Sir:

Your letter of September 9th asks whether, in light of the definition of “fleet policy” as stated in Section 178, subsection (s) of the Indiana Insurance Law of 1935, individually owned school buses may be included and insured as a part of a fleet of automobiles owned by school authorities under whose supervision and control the individually owned school buses are operated.

The definition to which you refer reads as follows:

“The term ‘fleet policy’ as used in this act shall mean an insurance risk of five or more automobiles of any kind, all owned by one assured and all under one direct operating management: Provided, That automobiles and/or other motor vehicles owned by employees may not be included or insured under the fleet policy of an employer under any circumstance.”

The foregoing definition reads, “all owned by one assured and all under one direct operating management.” (Our italics.) The purpose to confine the ownership of all the motor vehicles insured to one assured or owner is reemphasized in the proviso.

It is my opinion, in view of the definite phraseology of Section 178 (s), that school buses even though operated by owners under contract to use them exclusively for school purposes and under the direction and control of school authorities, could not be included or insured in a fleet policy along with a fleet of motor vehicles owned by school authorities.