he had died during the following month, then interest would be chargeable from the beginning. Such a situation would be anomalous, and not within the spirit or intent of the Act. Accordingly, the answer to your Questions 3, 4, 5, 6 and 7 is that 3% is chargeable upon the respective amounts from the time of the individual payments and 50% of the entire amount repaid or recovered, including interest, is payable to the United States Treasury.

PURCHASING BUREAU, CENTRAL: Contracts—Whether bid and acceptance thereof before withdrawal of bid constitutes a contract.

September 14, 1936.

Mr. C. M. McAlpin,
Assistant State Purchasing Agent,
Indianapolis, Indiana.

Dear Sir:

I have before me your letter of September 10, 1936, concerning your order of August 27, 1936, for tires pursuant to the bid of Firestone Service Stores dated August 20, 1936. If this bid had not been withdrawn at the time your order was received it seems to me that you would be entitled to have it filled. If the seller continues to refuse to make delivery I suggest that you have them write you more fully their reasons so that I may have them before me for such further consideration as may be necessary.

PUBLIC SAFETY, DIVISION OF: Bus drivers, school—Whether health certificate must be secured annually.

September 15, 1936.

Hon. Don F. Stiver,
Director,
Department of Safety,
Indianapolis, Indiana.

Dear Sir:

I have before me your request for an official opinion in answer to the question as to whether school bus drivers are
required, under Section 1 of Chapter 303 of the Acts of 1935, to furnish the health certificate therein described at the beginning of each year of employment in cases where such drivers are under contract for periods exceeding one year.

The Section of the statute referred to is as follows:

"That the officials now obligated by law, or who may hereafter be obligated by law to employ drivers of motor driven vehicles for the transportation of school children shall not employ any person who does not hold a certificate of health issued by a licensed physician, thirty days or less prior to the employment, certifying that such person applying to be employed as said driver is in normal physical and mental health, free from communicable disease, and with all physical members free from any permanent injury or affliction which in any way may affect the natural means of locomotion and control and no such person shall be employed who uses intoxicating liquor to excess and who does not possess a good moral character."


Disregarding the question of whether the above provision is within the title of the Act of which it is a part, I think the language "thirty days or less prior to the employment," supra, refers to the time when the contract of employment is entered into. The prohibition is against the employment of a person who does not have the required certificate. The employment takes place when the contract is entered into and the time when the certificate must be procured is with reference to such time of employment rather than the time when actual service begins. There is no provision for the furnishing of such certificate annually.

I call your attention, however, to the provision of Burns Indiana Statutes Annotated (1933), Section 28-3902, which provides among other things that all bus driver contracts are subject to the right of dismissal of any such driver at any time "for incompetence, negligence, failure to perform his duties or for any other just cause." This provision may be used as a protective measure where necessary.