

OPINION 11

unusual or special treatment and your department is authorized to accept any such additional amounts.

Therefore, it is my opinion that the mandatory provision of Burns' 52-1135 (b), *supra*, does preclude recovery of the necessary costs of such medical, surgical or hospital care from the responsible relatives of the patient unless such relatives voluntarily agree to make such payments.

OFFICIAL OPINION NO. 11

April 22, 1963

Hon. William E. Wilson
State Superintendent of Public Instruction
227 State House
Indianapolis 4, Indiana

Dear Mr. Wilson:

Your letter of April 8, 1963, has been received requesting an Official Opinion and reads as follows:

"I respectfully request an Official Opinion with reference to Chapter 264, Acts of 1963, on the following question:

"In cases where a school corporation owns both body and chassis of one or more of its school buses, and owns the body only of one or more of its school buses, and owns no part of one or more school buses transporting school children in this corporation, may the corporation employ school bus drivers, as other non-instructional employees are employed, for the school buses where the corporation owns both the body and chassis, and at the same time continue contracting with drivers for the remaining school buses?"

The Acts of 1963, Ch. 264, amends the school bus contract statute, Acts of 1945, Ch. 210, as found in Burns' (1948 Repl., 1962 Supp.), Section 28-3930 *et seq.* by adding a new section thereto to be known as Section 10, which, in part, reads as follows:

“* * * Sec. 10. Any school corporation may employ school bus drivers in the same manner as other non-instructional employees are employed on a school year basis, where it owns in its entirety the equipment to be operated by such drivers. In such event, Sections 1 through 9 of this act shall not apply, but the school corporation shall purchase and carry public liability and property damage insurance covering the operation of such equipment, subject to and in compliance with the requirements of the Acts of 1941, c. 52.”

The primary object of statutory construction is to ascertain and effectuate the intent of the Legislature as shown by the whole act, the law existing before its passage, the changes made and the apparent motive for making them.

State ex rel. Rogers v. Davis (1952), 230 Ind. 479, 482, 104 N. E. (2d) 382;

1955 O. A. G., page 81, No. 23.

When the above wording of the statute is construed in compliance with the foregoing rule of statutory construction, it is clear the Legislature intended to make it optional for a school corporation to employ school bus drivers, as other non-instructional employees are employed, under Ch. 264 of the Acts of 1963, “where it owns in its entirety the equipment to be operated by such drivers.” The statute does not say such right exists only where they own all of the equipment used to transport children in the school corporation, nor does it require that they own a majority of such equipment.

I am therefore of the opinion a school corporation may employ school bus drivers as other non-instructional employees are employed on a school year basis for those buses which the corporation owns in their entirety and by complying with the other requirements of Section 10 of said statute and without being required to meet the requirements of Secs. 1 through 9, Ch. 210 of the Acts of 1945. Contracts for driving school buses partly owned by the school corporation or owned by the school bus drivers would be pursuant to the old statutes.