

MAINE STATE LEGISLATURE

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February 26, 1975

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Classification of Buses Operated by Houses of Religious Worship

SYLLABUS:

Buses owned or operated by houses of religious worship are required to comply with the regulations regarding school buses in Title 29 §2011 et seq. if they otherwise qualify as school buses.

FACTS:

An act is presently pending in the Legislature (L.D. 364) which provides special regulations for motor vehicles which are used solely for the purpose of school busing by houses of religious worship. Charles Wyman of the Division of Motor Vehicles has asked whether or not the present regulations pertaining to school buses in Title 29 pertain to buses operated by houses of religious worship.

QUESTION:

Are buses owned and operated by houses of religious worship required to comply with the safety regulations of Title 29 M.R.S.A. §2011 et seq., if such buses otherwise qualify as "school buses"?

ANSWER:

Yes, provided the conveyance is not being operated solely to convey children to Sunday school or other such religious functions.

REASONS:

The words "school" and "school bus" are defined in Title 29 M.R.S.A. §2011 in the following way:

"School. The word 'school' as used in this subchapter shall mean an institution or facility for the teaching of children or for the custodial care of children, whether public or private, which is regularly attended by such children.

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School Bus. The term 'school bus' shall include every motor vehicle with a carrying capacity of 10 or more passengers, whether publicly or privately owned, which is used to transport school children to and from school or to and from school activities for which such transportation is approved by the appropriate school authorities. This definition shall not include private motor vehicles used to transport members of the owner's household."

The legislature's basic concern in this safety statute is with protecting all school children traveling regularly to and from school on a school bus. There is no indication anywhere in the statute that a bus owned by a religious institution is exempt from the safety requirements. The language defining school bus indicates that "every motor vehicle" whether "publicly or privately" owned will be regarded as a school bus if it meets the other requirements of the definition.

As we have indicated in earlier opinions, if the bus owned by a religious institution is operated solely for the purpose of transporting children to and from Sunday school and other church functions, the safety regulations need not be complied with. The statute is concerned with protecting children as they travel in a daily manner to and from school and school related activities. To interpret the word school to include weekly religious meetings or occasional church functions would be to completely distort the legislative intent behind the school bus statute.

RSR/mp