



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable K. A. McElrath
County Auditor
Gainesville, Texas

Dear Sir:

Opinion No. 0-1369
Whether a boy over 19 and under
21 years of age with disabilities
removed may lawfully operate a
school bus.

We are in receipt of your letter of August 31, 1939, wherein you request our opinion as to whether a boy who is over 19 years of age and under 21, with his disabilities of minority removed, may lawfully operate a school bus.

Section 14 of Senate Bill No. 15, being Chapter 455, beginning at page 1785, 2nd Called Session, 44th Legislature, provided that "it shall be unlawful for any person who is under the age of 21 years to drive a motor vehicle while in use as a school bus for the transportation of pupils to and from school or for any person who is under the age of 18 years to drive a motor vehicle while in use for hire as a public common carrier of persons or property."

Section 20 of the same act makes the violation of such provision a misdemeanor and fixes a penalty.

The above statute making it unlawful for a person under 21 years of age to operate a school bus for the transportation of pupils to and from school was intended to operate as a safety measure for children riding school buses by requiring that persons who should act as a driver of such vehicle should have attained the reasonably mature age of 21 years. Articles 5921 to 5923, Revised Civil Statutes, inclusive, providing for the removal of disabilities of minors above the age of 19 years under certain circumstances, were enacted for the purpose of enabling such a minor to transact his own business, but not to have such effect as is sug-

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gested by you upon measures enacted for the public safety. Article 4625, Revised Civil Statutes, provides that every female under 21 years of age who shall marry shall thereafter be deemed to be of full age. We might just as well say that a girl 15 years of age who should marry could legally drive a school bus as to say that a boy under 21 who has had his disabilities removed could do so. If necessary we would mention that said Senate Bill No. 15, Chapter 466, was enacted long subsequent to the enactment of Articles 5921 to 5923.

Our answer to your question is in the negative.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Glenn R. Lewis*
Glenn R. Lewis
Assistant

GR1:N

APPROVED SEP 8, 1939

George H. Mann
ATTORNEY GENERAL OF TEXAS

