

Opinion No. 55-6166

May 18, 1955

BY: RICHARD H. ROBINSON, Attorney General

TO: Honorable Jose E. Armijo, District Attorney, Fourth Judicial District, Las Vegas, New Mexico

This is to acknowledge your request for an opinion concerning the minimum age required by school bus operators as provided in Section 64-13-6, N.M.S.A., 1953 Compilation.

This section of our statutes was amended in 1943 during the time in which World War II was in progress to substitute "17 years" for "21 years" concerning the minimum age required of operators of school busses. The proviso clause stated, "however, that six (6) months after the war, the requirement will automatically revert back to twenty-one (21) year old school bus drivers."

The Legislative intent was therefore clear, in our opinion, that six (6) months after the end of World War II, (which event has occurred) the minimum age requirement for school bus operators would be twenty-one (21) years of age.

However, of course, you are aware that this matter was changed by the 1955 Legislature in House Bill No. 290, (Ch. 179) wherein they repealed this particular section; and in Section 204 subparagraph (b) of said House Bill the Legislature provided:

"(b) No person who is under the age of **eighteen (18) years** shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The division shall not issue a chauffeur's license for the purpose of operating a school bus transporting school children unless the applicant has had at least one (1) year of driving experience prior thereto and has filed with the division one (1) or more certificates signed by a total of at least three (3) responsible people to whom he is well known certifying as to his good character and habits and the division is fully satisfied as to the applicant's competency and fitness to be so employed." (Emphasis supplied)

This provision will take effect on the first day of July, 1955.

By: J. A. Smith

Assistant Attorney General