

## **N.D.A.G. Letter to Martinson (Sep. 12, 1989)**

September 12, 1989

Honorable Bob Martinson  
House of Representatives  
District 49  
P.O. Box 2296  
Bismarck, ND 58502

Dear Representative Martinson:

Thank you for your July 27, 1989, letter concerning House Bill No. 1389 as passed by the 1987 Legislative Assembly. 1987 N.D. Sess. Laws 473.

Essentially, House Bill No. 1389 required school buses to be equipped with a stop sign on a controlled arm that could be activated by the bus driver. The act, however, does not require the installation of stop signs on control arms for school buses in use before July 1, 1988. 1987 Sess. Laws ch. 473 § 5. Your question is whether the exemption provided by section 5 applies to school buses in use before July 1, 1988, but acquired by a district after July 1, 1988.

In interpreting statutes, the primary goal is to fulfill the objective and intent of the Legislature. See Larson v. Wells County Water Resource Bd., 385 N.W.2d 480, 482 (N.D. 1986). Initially, the legislative intent is sought from the literal language of the statute. Stutsman County v. State Historical Soc'y, 371 N.W.2d 321, 325 (N.D. 1985). If an ambiguity remains, legislative history may be reviewed to construe the ambiguity. North Am. Coal Corp. v. Huber, 268 N.W.2d 593, 597 (N.D. 1978).

House Bill No. 1389 exempts school buses in use before July 1, 1988 from its provisions. No mention is made as to school buses manufactured before a particular date. Therefore, a school bus which was being used by a school before July 1, 1988, need not be equipped with stop signs on control arms so long as it continues in use.

However, there is ambiguity with respect to a used bus which is acquired by a school district after July 1, 1988. This scenario is the apparent subject of Mr. Koppang's memorandum which you question in your letter. The statute does not specifically address this fact situation. Thus, resort to legislative history is appropriate to resolve the question. North Am. Coal Corp. v. Huber, 268 N.W.2d at 597.

Representative Belter, a primary sponsor of House Bill No. 1389, appeared before the Senate Transportation Committee on March 5, 1987, to testify in favor of the bill. Representative Belter testified that the exemption provided for in section 5 of the bill was intended to exempt existing buses from the stop sign control arm provision.

This bill would also - it would not require safety arms to be put on existing buses. It would only be buses that are - new buses put into operation after July 1, of 1988. . . . The existing buses would be able to operate as they now are.

Hearings on H. 1389 before the Senate Committee on Transportation, 50th Leg. (March 5, 1987) (statement of Rep. Belter.)

Thus, in light of the legislative intent as expressed by the legislative history, a used bus acquired by a school district after July 1, 1988, is not subject to the stop sign control arm provisions of House Bill No. 1389 if that bus existed on July 1, 1988.

In summary, if a particular school bus was in use as a school bus before July 1, 1988, and continues in use it is not subject to the requirements of House Bill No. 1389. A school bus placed in use after July 1, 1988, will be subject to the stop sign control arm requirement of House Bill No. 1389. The date of purchase of the new or used bus is irrelevant. It is the date that the school bus is placed in use that is critical.

I hope this information is helpful to you.

Sincerely,

Nicholas J. Spaeth

vkk

cc: Alton Koppang, Department of Public Instruction