

**OPINION
72-243**

January 20, 1972 (OPINION)

Mr. Charles Bosch
Registrar
Motor Vehicle Department

RE: Motor Vehicles - Snowmobiles - Definition

This is in response to your letter in which you refer to a vehicle described as an "all terrain type. You also call our attention to the statutory definition found in subsection 2 of section 39-24-01 defining what constitutes a snowmobile. You further observe that the vehicle is amphibious in nature and would seem that registration would sanction its use the year around in various lakes and water courses of the state, as well as on public lands. However, you are uncertain as to how this vehicle should be registered and it is for this reason that you are asking for an opinion on the following question:

"May this office properly register, as a snowmobile, an 'all terrain' type of vehicle and be in compliance with the provisions of Chapter 39-24 of the North Dakota Century Code, and the legislative intent expressed therein?"

A motor vehicle is defined in subsection 32 of section 39-01-01 to include every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

If it were not for other definitions further defining vehicles which generally come under the heading of motor vehicles, we would be inclined to consider the all terrain vehicle as a motor vehicle. We must, however, take into account that the legislature has further defined for registration purposes motor vehicles which are constructed differently than the ordinary passenger care with the purpose of treating such "redefined motor vehicles" differently than the ordinary passenger vehicle. For example, in section 39-01-01(32a) a motorcycle is defined. Likewise, a snowmobile has been defined in subsection 2 of section 39-24-01 to mean "a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by wheels, skis or runners.

We must assume that when the Legislature created special definitions for vehicles which otherwise would come within the general definition of a motor vehicle that it intended for the subclassifications or special definition to prevail if the subject matter comes within the realm of the special definition.

We are aware that Chapter 39-24 is entitled regulation and registration of snowmobiles. This on the surface would imply that the provision of Chapter 39-24 would apply only to the snowmobile as it is conventionally envisioned. However, when the Legislature defined snowmobile as set out above, we must accept the statutory definition in the term in which it is couched.

In examining the literature which you have submitted along with your request, it is observed that the all-terrain vehicle vehicle is capable of traveling on sand, water, snow, ice, swamps and obstacles. It is self-propelled and is steered by wheels. This brings it clearly within the statutory definition of a snowmobile, in that it is self-propelled, is capable of traveling on snow, ice or natural terrain, and is steered by wheels.

While the Legislature may not have had in mind a vehicle known as an all-terrain vehicle, nevertheless, it fits the definition enacted by the Legislature.

We are aware that the term "snowmobile" is capable of conveying a picture of a vehicle different than the one in question and, in its conventional meaning, would not include an "all-terrain" vehicle, nevertheless where the definition of a snowmobile has become a work of art, we are compelled to accept the terms of the definition rather than the conventional meaning of such term.

It is therefore our opinion that the "all-terrain" vehicle may be registered under the provisions of Chapter 39-24.

It would also be noted that if the vehicle is used as a motor boat, it would have to satisfy the provisions of Chapter 61-27.

HELGI JOHANNESON

Attorney General