

**OPINION  
72-288**

July 5, 1972 (OPINION)

Mr. Dewel E. Viker, Jr.

State's Attorney

Traill County

Hillsboro, ND 58045

Dear Mr. Viker:

This is in response to your letter of June 14, 1972, wherein you make inquiry of this office for an opinion regarding the interpretation of section 39-21-45.1 of the North Dakota Century Code, as amended. You submit the following facts and inquiry in your letter:

"As you are perhaps aware Traill County is bordering on the sister state of Minnesota and vehicles with Minnesota registration are frequently found upon our highways. Several vehicles with out of state registration have been observed to have modifications which would fall under the purview of North Dakota Century Code section 39-21-45.1. The early part of the statute provides that it shall be unlawful for any person to operate motor vehicles of a type required to be registered under the laws of this state. It is my opinion that this clearly means that any type of vehicle which would require registration, if locally owned, could be cited. Other local authorities believe that the statute may mean that any vehicles with out of state registration which appears to comply with the equipment statutes of the state of registration may be legally operated here. I would sincerely appreciate your opinion on this issue."

As you have noted in your letter of inquiry, the pertinent portion of the subject statute provides, "It shall be unlawful for any person to operate a motor vehicle of a type required to be registered under the laws of this state \* \* \* ". (emphasis supplied) It is to be noted that the statute does not provide "any motor vehicle required to be registered" but rather "of a type required to be registered". For this reason we are compelled to the conclusion partially in accordance with your stated opinion that any type of a vehicle which would require registration under the laws of this state, would be subject to the regulatory provisions of the statute.

In conclusion, it is the opinion of this office that said section 39-21-45.1 applies to any type of vehicle which would require registration under the laws of this state and not just to vehicles which actually are required to be registered under the laws of this state.

We trust that the foregoing will be of interest and assistance to you.

Sincerely yours,

Helgi Johanneson

Attorney General