

Office of the Attorney General
State of North Dakota

Opinion No. 81-85

Date Issued: August 13, 1981

Requested by: T. L. Strinden
Motor Vehicle Registrar

--QUESTION PRESENTED--

Whether an owner of a snowmobile is required to provide security for payment of basic no-fault benefits and the liabilities covered under the motor vehicle liability insurance in order to be registered in the State of North Dakota.

--ATTORNEY GENERAL'S OPINION--

It is my opinion that an owner of a snowmobile is not required to provide security for payment of basic no-fault benefits and the liabilities covered under the motor vehicle liability insurance contained in Chapter 26-41 of the North Dakota Century Code in order to be registered in the State of North Dakota.

--ANALYSIS--

Section 39-24-01(9), N.D.C.C., defines a snowmobile for the purposes of Chapter 39-24, N.D.C.C., as: '. . . a self-propelled vehicle designed for travel on snow, ice or a natural terrain and steered by wheels, skis or runners.'

Chapter 26-41, N.D.C.C., entitled Auto Accident Reparations Act defines 'motor vehicle' for the purposes of this Act under Section 26-41-03(8), N.D.C.C., and states, in part: '. . . a vehicle having more than three load-bearing wheels, of a kind required to be registered under the laws of the state relating to motor vehicles, designed primarily for operation upon the public streets, roads, and highways, and driven by power other than muscular power, and includes a trailer drawn by or attached to such a vehicle.'

A snowmobile is a vehicle which must be registered under the laws of the state pursuant to Section 39-24-03, N.D.C.C., which requires that snowmobiles be registered and titled. A snowmobile is a vehicle which is self-propelled by power other than muscular power. However, a snowmobile does not meet the definition of motor vehicle found under Section 26-41-03(8), N.D.C.C., since it is not a vehicle which has more than three load-bearing wheels and is not a vehicle which is designed primarily for operation upon public streets, roads, or highways.

In fact, snowmobiles are statutorily barred from operating upon public highways with few exceptions. Section 39-24-09, N.D.C.C., states in part:

- '1. No person shall operate a snowmobile upon the roadway, shoulder or inside bank or slope of any road, street, or highway in this state except as provided pursuant to this chapter. No snowmobile shall be operated at any time within the right of way of any interstate highway within this state except for emergency purposes.
2. A snowmobile may make a direct crossing of a street or highway provided:
 - a. The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and
 - b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway; and
 - c. The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard; and
 - d. In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.

4. The emergency conditions under which a snowmobile may be operated other than as provided by this chapter shall be such as to render the use of an automobile impractical under such conditions at such period of time and location.

8. It shall be unlawful for any person to operate a snowmobile within a highway right of way as defined in subsection 37 of section 24-01-01.1 between April first and November first of any year.

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Since a snowmobile does not meet the definition of a motor vehicle under Chapter 26-41, N.D.C.C., and is prohibited from operating a snowmobile on public highways with few exceptions, the registrant of a snowmobile in this state is not required to procure insurance covering legal liability arising out of ownership or operation of such snowmobile

and is not required to provide benefits to persons occupying such snowmobile or to persons injured in accidents involving the snowmobile.

This opinion would not preclude an owner of a snowmobile from obtaining no-fault insurance. It must also be noted that owners of snowmobiles are subject to the financial responsibility statutes found under Title 39, N.D.C.C.

--EFFECT--

This opinion is issued pursuant to Section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the courts.

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