

**OPINION  
45-169**

May 10, 1945            (OPINION)

INSURANCE

RE: Public Buildings - Permanent Contents

Your letter of April 28 addressed to the attorney general has been received and contents noted.

You state that under section 26-2401 of the North Dakota Revised Code of 1943 it appears that fire trucks are excluded from "Permanent Contents" as used in said section. You state further that fire trucks are regularly in municipal fire halls except when in actual use for extinguishing fires, and in addition to this, a large quantity of fire equipment constitutes "Permanent Contents" and are not a part of the truck itself.

In view of these facts, you inquire whether fire trucks housed in municipal buildings may be included in and classified as "Permanent Contents."

Chapter 28 of the Special Session of 1944 provides as follows:  
"Permanent Contents, shall refer only to such public property usually kept or used in or about public buildings insured in the fund, and to all public personal property usually kept or used in or about all buildings used for public purposes, or within 100 feet of all such buildings, or while on sidewalks, streets, alleys, yards, detached platforms and in or on railway cars. Permanent contents, as used in this Act, shall not, however, include automobiles, trucks, tractors, road machinery or similar property used principally outside of such buildings."

It seems clear under the provisions of this statute that fire trucks which are used solely for public purposes and which, when not in use, are stored and kept within public buildings are included in the term "Permanent Contents." It is our opinion, therefore, that fire trucks used solely for the public purpose of extinguishing fires should be covered as "Permanent Contents" since they do not come within the classification of automobiles, trucks, tractors, road machinery or similar property used principally outside of public buildings.

NELS G. JOHNSON

Attorney General