

**OPINION
61-154**

May 11, 1961 (OPINION)

MOTOR VEHICLES

RE: Registration - Trucks

Under date of May 4, 1961, you addressed to this office your request for an opinion on House Bill No. 724 as passed by the 1961 Legislature. The question you raise is as follows: "Does House Bill No. 724 apply to passenger cars only, or does it also apply to trucks?" By way of explanation, you state that your department instituted House Bill No. 724 but intended that it would apply only to passenger cars, and it is your judgment that the Legislature in passing the bill intended it to apply only to passenger cars.

House Bill No. 724 is an amendment to subsection 4 of section 39-0402 of the North Dakota Century Code and this subsection as amended reads as follows:

If the vehicle for which registration is sought is a new vehicle, no registration shall be issued unless a certificate of origin executed by the manufacturer of such vehicle is attached to the application for registration or is attached to the application for the certificate of title for such vehicle. If the new motor vehicle for which registration is sought is of foreign manufacture, the certificate of origin shall be furnished by the importer of such vehicle. The manufacturer or importer of all new vehicles shall designate the total shipping weight of the vehicle on the certificate of origin."

Pertinent to the understanding of this subsection is the definition of the word "vehicle." Section 39-0101 of the North Dakota Century Code as follows:

DEFINITIONS. In this title, unless the context or subject matter otherwise requires:

1. Vehicle' shall include every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks;"

Thus we discover that this definition of the word "vehicle" applies throughout the entire Title 39 unless an exception is made. No exception is made in chapter 39-04.

Therefore, bearing in mind the inclusiveness of the word "vehicle", as above set forth, it is the opinion of this office that the amendment does apply to trucks as well as passenger cars.

LESLIE R. BURGUM

Attorney General