

**OPINION  
69-240**

December 17, 1969 (OPINION)

Colonel Ralph M. Wood

Superintendent

North Dakota Highway Patrol

RE: Motor vehicles - Snowmobiles - Operation on city streets

This is in response to your letter dated December 15, 1969, with regard to the application of subsection 1 and subsection 3 of Section 39-24-09 of the North Dakota Century Code. You indicate that your question pertains primarily to the operation of snowmobiles on city streets. You request our prompt official opinion.

It is the opinion of this office that the language of subsection 1 of Section 39-24-09 of the 1969 Supplement to the North Dakota Century Code, " \* \* \* 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.", does not of itself contain an absolute prohibition of the use of snowmobiles upon city streets. Looking to the precise content of Chapter 39-24 of the 1969 Supplement to the North Dakota Century Code, it is our opinion that a violation thereof will require proof of a violation of another provision of said Chapter 39-24, such as the provision of subsection 3 of said Section 39-24, providing for some of the equipment of such vehicles.

The sentence, " \* \* \* No snowmobile shall be operated at any time within the right-of-way of any interstate highway within this state except for emergency purposes.", does constitute an absolute prohibition of the use of snowmobiles upon interstate highways, subject to the specified exception for "emergency purposes."

HELGI JOHANNESON

Attorney General