Bulletin No. 17

SCOPE OF UNINSURED MOTORIST COVERAGE

October 25, 1974

In reviewing filings by some companies and from inquiries received by this Department from others, there appears to be some confusion as to the uninsured motorist coverage. Section 26-02-42 of the North Dakota Century Code reads in its entirety as follows:

> Uninsured Motorist Coverage – Compulsory. No motor vehicle liability policy of insurance against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of ownership, maintenance, or use of any motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto in amounts not less than that set forth in section 39-16.1-11 for bodily injury or death, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicle and hit-and-run vehicles because of bodily injury, sickness or disease, including death, resulting therefrom.

The question which we resolve through this administrative interpretation of the above-quoted section is whether or not uninsured motorist coverage must be provided on any policy insuring a snowmobile against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a snowmobile.

The general definition of motor vehicle appears in Subsection 32 of Section 39-01-01 of the North Dakota Century Code and reads:

> "Motor vehicle" shall include every vehicle which is self-propelled and every vehicle which was propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

This general definition of motor vehicles would appear to encompass snowmobiles, but we also have in Subsection 39-24-01 of the North Dakota Century Code a specific definition of snowmobile which reads:

> "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by wheels, skis, or runners.

This specific definition of snowmobiles does not appear to be in any way in conflict with the general definition of motor vehicles.

Chapter 39-24 of the North Dakota Century Code specifically pertains to the regulation and registration of snowmobiles. Section 39-24-02 of the North Dakota Century Code provides that snowmobiles must be registered in accordance with Chapter 39-24 if a snowmobile is operated on any public-owned easement, trails, accesses, lands, lakes, rivers, or streams. The only exception from such regulation appears in Section 39-24-04 which reads:

> Exemption from fees and registration.
>
> 1. A registration number shall be issued without the payment of a fee for snowmobiles owned by the state of North Dakota or any of its political subdivisions upon application for such registration.
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> 2. No registration or fees shall be required of:
>
> a. Snowmobiles owned and used by the United States, another state or its political subdivisions.
>
> b. Snowmobiles registered in a country other than the United States and temporarily used within this state.
>
> c. Snowmobiles validly licensed in another state and which have not been within this state for more than thirty consecutive days.

If a snowmobile is operated under the conditions set out in Section 39-24-02 and does not fall within the exemptions stated in Section 39-24-04, such snowmobile must be registered as provided in Chapter 39-24.

Since there does not appear to be a conflict in the definition of "motor vehicle" and "snowmobile" and the two definitions can stand contemporaneously, any policy issued covering a snowmobile against loss resulting from liability imposed by law for bodily injury or death suffered by

any person arising out of the ownership, maintenance, or use of a snowmobile which must be registered under the laws of the State of North Dakota must also provide uninsured motorist coverage as specified in Section 26-02-42 of the North Dakota Century Code.

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