

N.D.A.G. Letter to Wold (April 18, 1986)

April 18, 1986

Mr. James W. Wold
Griggs County State's Attorney
P. O. Box 541
Cooperstown, ND 58425

Dear Mr. Wold:

Thank you for your letter of March 21, 1986, wherein you asked whether an individual must have an operator's license when operating a farm tractor on a public highway.

It is my opinion that an individual must have an operator's license to drive a farm tractor on a public highway.

A farm tractor is defined in N.D.C.C. § 39-01-01(17) as a ". . . motor vehicle designed and used primarily as a farm implement . . ." N.D.C.C. §39-01-01(34) also embraces a farm tractor within the definition of a motor vehicle. The latter statute includes any vehicle which is self-propelled, and a farm tractor would fall within that definition.

The first portion of N.D.C.C. §39-06-01, prohibits the operation of a motor vehicle on a public highway, or a private area which is open to vehicular travel by the public, unless the individual has a valid operator's permit. The prohibition is clear and free of any ambiguity and it is broad in its application.

Uniform Vehicle Code, §6-101(a), upon which N.D.C.C. §39-06-01 is based, carries the following footnote:

3 Attention is directed to the fact that this section referring to any person driving "any motor vehicle" is sufficiently broad by reason of the definition of motor vehicle in §1-134 to apply to any person driving any type of motor vehicle, including any motorcycle, motor-driver cycle, any motor scooter or bicycle with motor attached, and to any person driving or operating a trackless trolley coach and other more commonly recognized types of motor vehicles. Thus, all of the provisions of this chapter apply to any person driving a motor vehicle.

It is quite evident from the statutory scheme that a farm tractor is deemed to be a motor vehicle. Therefore, an individual operating a farm tractor on a public highway would have to possess a valid operator's permit.

Sincerely,

Nicholas J. Spaeth

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