

**STATE OF TENNESSEE
OFFICE OF THE ATTORNEY GENERAL**

March 21, 2017

Opinion No. 17-20

Meaning of “Motor Vehicle Race” Under Tenn. Code Ann. §§ 55-22-101 to -105

Question 1

Are the requirements of Tenn. Code Ann. §§ 55-22-101 to -105 limited to automobile races?

Opinion 1

No. The referenced statutes apply to “motor vehicle races,” and that term is considerably broader than automobile races.

Question 2

If not, what types of races are covered?

Opinion 2

The referenced statutes apply to “motor vehicle races,” which include any “contest of speed” among “self-propelled wheeled conveyance[s] not running on rails.” *Webster’s II New College Dictionary* (2001).

ANALYSIS

Tennessee Code Ann. § 55-22-101(a) requires persons, firms, and corporations that operate or conduct “motor vehicle races” to obtain insurance for the general public:

No person, firm, or corporation shall operate or conduct any motor vehicle races on any permanent race track or other place for the holding of a motor vehicle race upon which motor vehicles of any description are raced, unless the applicant has insurance for the general public

Tenn. Code Ann. § 55-22-101(a) (2016 Supp.).¹

¹ The above statutory requirement to obtain insurance for the general public replaced a statutory requirement for persons, firms, and corporations that operated or conducted motor vehicle races to obtain a license from the Department of Commerce and Insurance. *See* 2015 Pub. Acts, ch. 354, § 1; Tenn. Code Ann. § 55-22-101 (2012).

County clerks are required to “[v]erify the person, firm, or corporation operating or conducting a motor vehicle race has insurance as prescribed in subsection (a)” and “[i]ssue documentation to the person, firm, or corporation confirming that the requirements of subdivision (c)(1) have been met.” Tenn. Code Ann. § 55-22-101(c) (2016 Supp.). A violation of Tenn. Code Ann. § 55-22-101 is a Class A misdemeanor. Tenn. Code Ann. § 55-22-104 (2016 Supp.). County legislative bodies are authorized to “[p]rovide for the times, dates, and conditions under which motor vehicle races shall be conducted” and “[e]stablish any other rule relative to the regulation and licensure of automobile race tracks that the county legislative body deems prudent and advisable.” Tenn. Code Ann. § 55-22-102 (2016 Supp.).

The requestor informs this Office that there is some confusion in county clerks’ offices regarding the types of races that are covered by the statute. The requestor asks whether the statute applies only to automobile races. By its terms, the statute applies to “motor vehicle races”; however, “motor vehicle race” is not defined in the statute.

In construing a statute, the words used by the legislature are given their natural and ordinary meaning. *See Martin v. Powers*, 505 S.W.3d 512, 517 (Tenn. 2016). “In seeking to determine the ‘natural and ordinary meaning’ of statutory language, the usual and accepted source for such information is a dictionary.” *English Mountain Spring Water Co. v. Chumley*, 196 S.W.3d 144, 148 (Tenn. Ct. App. 2005). The relevant dictionary definition of “race” is “[a] contest of speed, as in running, driving, or riding.” *Webster’s II New College Dictionary* (2001). The natural and ordinary meaning of “motor vehicle” is “[a] self-propelled wheeled conveyance not running on rails.” *Id.* This definition is considerably broader than the definition of “automobile,” which is “[a] self-propelled passenger vehicle used for land transport, usu. with four wheels and an internal combustion engine.” *Id.* Moreover, by stating that insurance is required for any “place for the holding of a motor vehicle race upon which *motor vehicles of any description* are raced,” Tenn. Code Ann. § 55-22-101(a) makes clear that, in the context of this statute, “motor vehicle” is to be understood in its broadest sense, which is consistent with the purpose of protecting the general public.

While Tenn. Code Ann. § 55-22-102 does mention “automobile race tracks,” this language is not sufficient to overcome the broader term “motor vehicle race” that is used throughout Chapter 22. Because the legislature repeatedly used the broader term “motor vehicle,” it did not intend to limit the statute’s requirements to “automobile” races.

In sum, the statute's requirements apply to any "contest of speed" among "self-propelled wheeled conveyance[s] not running on rails." *Id.* Thus, the statute encompasses all races of all vehicles that depend on a motor for propulsion, other than railroads.

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