"The board of chosen freeholders of any county operating a library pursuant to chapter 33 of Title 40 of the Revised Statutes and any one or more municipalities, situate within such county, operating jointly or severally a library or libraries pursuant to chapter 54 of Title 40 of the Revised Statutes or any 2 or more such municipalities, situate within the same county, may contract or agree with each other to establish a federation of their libraries for the purpose of providing such forms of cooperative library service as the contracting parties shall agree upon."

R.S. 40:9A–1 thus provides that the contracts therein referred to shall be made by "board of chosen freeholders of any county" and "any one or more municipalities, situate with such county" or "2 or more such municipalities, situate within the same county." It is evident from the quoted statute that a county library may enter into a contract specified therein only by action of its board of chosen freeholders. However, R.S. 40:9A–1 does not expressly specify whether municipalities desiring to enter into the specified contracts may do so by their governing bodies or by the board of trustees of the municipal library.

Chapter 108, P.L. 1956 must be construed as being *in pari materia* with the other statutes governing cooperation between public libraries. When the other statutes refer to "municipalities" as contracting parties to agreements authorized therein, they clearly mean that the contracts are to be made by the governing bodies of the two municipalities. See R.S. 40:54–29.1, 29.2; R.S. 40:33–13.1, 13.2. It is therefore our opinion that the word "municipality" in R.S. 40:9A–1 also refers to the governing body of the municipality.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: MURRY BROCHIN
Deputy Attorney General

April 18, 1960.

NED J. PARSEKIAN, *Acting Director*
Division of Motor Vehicles
State House
Trenton, New Jersey

FORMAL OPINION 1960—No. 10

DEAR DIRECTOR PARSEKIAN:

You have requested our opinion as to the proper interpretation of the phrase "exhibitions of motor vehicle driving skill" as contained in and regulated by chapter 174, L. 1953 (N.J.S.A. 5:7–8 to 19). You have made specific reference to the problem of whether or not this term would embrace contests in the operation by children of undersized vehicles through various obstacle arrangements. The sport of driving small motor-powered "carts" on parking lots, race tracks and other off-street locations for the amusement of the children, their parents and other spectators has become popular in recent years.

N.J.S.A. 5:7-8 provides as follows:

> "No person shall operate or conduct any motor vehicle races or exhibitions of motor vehicle driving skill, or any track or other place for the holding of such races or exhibitions, unless a license to operate and conduct the same shall be first obtained from the Department of Law and Public Safety, which license said department may, in its discretion, issue to any applicant therefor upon compliance with the provisions of this act and the rules and regulations issued pursuant thereto, and the payment of a fee of one hundred dollars ($100.00) in the manner hereinafter provided."

The underlying motive of the legislation is to provide protection to spectators and participants in races and exhibitions since the requirements outlined by the legislature for licensees primarily concern safety and liability insurance provisions (N.J.S.A. 5:7-10 to 15).

The term "motor vehicle" is commonly used and understood. It is defined in N.J.S.A. 39:1-1 as including "all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks." "Carts" are motor-powered and come within this broad definition.

The carts serve a single purpose. They are operated at off-street locations where spectators can gather to observe the driving skill of the operator. They are not used for ordinary driving on the public street, nor are they licensed for such use. N.J.S.A. 39:3-5. In the cited circumstances the driving becomes an "exhibition" and is within the regulated conduct embraced by the above quoted statute.

The meaning of the phrase in question, "exhibitions of motor vehicle driving skill," is thus, in paraphrase: a public display or showing of competence in operating and controlling motor-powered vehicles. This definition is such as to apply the statute to the exhibition of driving of any size vehicle. It applies to all competitive driving and also to a public show of ordinary driving. The statute governs regardless of the age of the driver or the type of display involved. As to racing, under N.J.S.A. 5:7-8 there is no requirement of an exhibition—all racing is regulated.

This definition is reasonable and seems appropriate to the "cart" driving already discussed. While N.J.S.A. 5:7-10(a)(1) requires post and rail safety protections intended for larger vehicles, N.J.S.A. 5:7-10(a)(2) allows the Department of Law and Public Safety to substitute other devices. The absolute requirements of guards (N.J.S.A. 5:7-12) and insurance (N.J.S.A. 5:7-13) are appropriate to racing and exhibitions regardless of the size of the vehicles involved. Speed is an important factor in the danger to participants and spectators, and speed is not related to the size of the vehicles.

It is our opinion that the statutory language in question applies to all public shows of motor vehicle operation of any nature, regardless of the age of the drivers or the size of the vehicles involved, and specifically those contests you have described. Persons conducting such exhibitions or contests must be licensed.

Very truly yours,

DAVID D. FURMAN
Attorney General

By: EDWIN C. LANDIS, JR.
Deputy Attorney General