7. LOOPHOLES IN STATE LAWS REGARDING RIGHT TO TRAVEL

This chapter contains details on the research of various state laws regarding the right to travel. The information was originally prepared as a flyer to hand to police officers who were arresting people for the infractions identified at the beginning of each section. The information clearly illustrates graphically using real law the significant points we make elsewhere in this document. We would like to thank Lewis Ewing for contributing most of this chapter. You can reach him at:

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You can also hear the above two gentlemen on the internet at: www.truthradio.com or www.theotherradionetwork.com or www.tiger1590.com. They specialize in Drug Possession, D.U.I.'S & Driving While License Suspended License Violations. WE DRIVE WITH NO DRIVER'S LICENSE & SMOKE POT AND SO CAN YOU!

7.1 Idaho

7.1.1 No driver's license required

To all Idaho State Law Enforcement I am NOT required to Have a "Drivers License" to drive a Motor Vehicle in the State of Idaho for NON-COMMERCIAL PURPOSES!

It is an undisputed fact of law that you are **NOT** required to have a "**Driver's license**" to drive a Motor Vehicle in the State of Idaho unless you are making a **COMMERCIAL USE** of the **Public Highways** pursuant to **Title 49, Idaho Code Section 49-105(18)** which reads:

> *49-105. Definitions – . . . (18) "Driver's license endorsements" means special authorizations that are required to be displayed on a driver's license which permit the driver to operate certain types of commercial vehicles or commercial vehicles hauling certain types of cargo, or to operate a motorcycle.*

It is undisputed that Idaho law at subsection (18) of Title 49-105 defines Class A, B, C & D "endorsement's" as permit to the driver to operate "COMMERCIAL VEHICLES."

> ***49-301. Drivers to be licensed. – (1)*** *No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a valid Idaho driver's license.*
>
> ***...(2) Any holder of a class A, B or C commercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued commercial driver's license within thirty (30) days of establishing a domicile in Idaho.***

It is also clear that Idaho law at **49-301(2)** requires any holder of a **Class A, B, or C Commercial Driver's License** issued by a jurisdiction other than Idaho shall be required to apply for an **Idaho-issued COMMERCIAL DRIVER'S LICENSE** within (30) days of establishing a domicile in Idaho. It is also clear that **subsection (15) of Idaho law at Title 49-105 defines a driver's license to mean a license which authorizes the individual to driver commercial motor vehicles.** See 49-105(15) to wit:

> ***49-105. Definitions – (15) "Driver's license"***
>
> *"**(15) "Driver's license" means a license** or permit issued by the department or by the department or by any other jurisdiction to an individual **which authorizes the individual to operate a** motor vehicle or **commercial motor vehicle** on the highways in accordance with the requirements of title 49, Idaho Code.*
>
> ***(16) "Drivers license" – classes of" are issued for the operation of a vehicle based on the size of the vehicle or the type of load and mean:***
> *(a) Class A. . . . Persons holding a valid class A license may also operate vehicles requiring a class B, C, or D license.*

> *(b) Class B. . . . Persons holding a valid class B license may also operate vehicle requiring a class C license or a class D license.*
> *(c) Class C. . . . Persons holding a valid class C license may also operate vehicles requiring a class D license.*
> ***(d) Class D.** This license shall be issued and valid for the operation of a motor vehicle that is not a commercial vehicle as defined in section 49-123, Idaho Code.*

In Idaho, first time "drivers license" applicants are required to get an instruction permit pursuant to the provisions of **49-110(6)(a)** which clearly show that a **Class A, B or C** is a type of "endorsement" as stated in **49-105(18)** which authorizes a "driver" to operate or drive **"certain types of commercial vehicles**.".

> ***49-110. Definitions – I. [Effective January 1, 2001.]***
>
> ***(6) "Instruction permits":***
>
> ***(a) "Class A, B or C instruction permit" means a temporary privilege to operate a motor vehicle for which a commercial driver's license is required;** is available only to a person who is (18) years of age or older; is issued pursuant to the provisions of section 49-305, Idaho Code; and the permittee is subject to the conditions specified therein.*

Idaho law 49-301 is clearly consistent with Oregon law which provides that you are **NOT** required to have a "**Driver's license**" to drive a Motor Vehicle in the State of Oregon unless you are making a **COMMERCIAL USE** of the **Public Highways** pursuant to **ORS 807.031** which reads:

> ***807.031 Classes of license. This section describes the type of driving privileges granted by the various licenses issued by this state**. Licenses are established by class with the highest class being Class A commercial. Each class of license grants driving privileges for that class and for all lower classes. No license grants driving privileges for which an indorsement is required. The following licenses grant the driving privileges described:*
>
> ***(1) A Class A commercial driver license***
>
> ***(2) A Class B commercial driver license***
>
> ***(3) A Class C commercial driver license***
>
> *...[1989 c.636 §12]*

Washington law also provides that all Washington drivers license's are "commercial," see specifically RCW 46.25.050 the one & only license classification statute in Washington!

7.1.2 Your car is a recreational vehicle

MY FAMILY CAR IS A RECREATIONAL VEHICLE AS DEFINED AT Title 49-302(4) and is NOT a COMMERCIAL VEHICLE that would require a Title 49-105(16)(a)(b)(c)(d) & Section (18) COMMERCIAL CLASS A, B, C, or D DRIVERS LICENSE ENDORSEMENT

Idaho law at Title 49-301(1) provides that NO PERSON, EXCEPT THOSE EXPRESSLY EXEMPTED by the provisions of this chapter shall drive any motor vehicle upon a highway unless the person has a valid Idaho driver's license. See 49-301 to wit:

> ***49-301. Drivers to be licensed. – (1)** No person, except those expressly exempted by the provisions of this chapter, shall drive any motor vehicle upon a highway unless the person has a valid Idaho driver's license.*
>
> ***...(2) Any holder of a class A, B or C commercial driver's license issued by a jurisdiction other than Idaho shall apply for an Idaho-issued commercial driver's license within thirty (30) days of establishing a domicile in Idaho.***

Idaho law at subsection (4) of Title 49-302 specifically exempts any person from obtaining a class A, B or C Commercial Driver's License Endorsement as defined at 49-105(18) to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes. See Title 49-302(4) to wit:

> ***49-302. What persons are exempt from License.*** *– The following persons are exempt from licensing ...:*
> *(c) Not used in the operations of a common or contract motor carrier; and*
> ***...(4) Any person is exempt from obtaining a class A, B, or C license to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes.***

Oregon Law at ORS 801.208 & Washington Law at RCW 46.25.050 & WAC 308-100-210 is consistent with Idaho Law 49-302(4).

> ***801.208 "Commercial motor vehicle."***
>
> ***(2) Notwithstanding subsection (1) of this section, the term "commercial motor vehicle" does not include the following:***
>
> ***(e) A recreational vehicle that is operated solely for personal use.*** *[1989 c.636 §2; 1991 c.185 §1; 1991 c.676 §1; 1999 c.359 §1]*

> ***RCW 46.25.050(1) Drivers of Commercial motor vehicles shall obtain a "commercial driver's license" as required*** *under this chapter by April 1, 1992. ..., no person may drive a "commercial motor vehicle" unless the person holds and is in immediate possession of a "commercial drivers license" and applicable endorsements valid for the vehicle they are driving.* ***HOWEVER, this requirement does not apply to any person: (c) Who is operating a recreational vehicle for non commercial purposes.***
>
> *(2) No person may drive a "commercial motor vehicle" while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of out of service order. Violation of this subsection shall be punished in the same way as violations of RCW 46.20.342(1). And;*

> ***(WAC) 308-100-210 Recreational vehicle–Definition****. For the purposes of* ***RCW 46.25.050(1)(c)****, the term* ***"recreational vehicle" shall include vehicles used exclusively for NONCOMMERCIAL PURPOSES which are: (1) Primarily designed for recreational, camping, OR TRAVEL USE.*** *And;*
>
> *"Privately owned Buses not engaged in for hire Transportation are outside the jurisdiction of Division of Motor Vehicles enforcement of N.C. G.S. Article 17, Chapter 20***" 58 N.C.A.G. 1 (It follows that those Citizens not engaged in extraordinary use of the highway for profit or gain are likewise outside the jurisdiction of the Division of Motor Vehicles.)*
>
> *"Since a sale of personal property is not required to be evidenced by any written instrument in order to be valid, it has been held in North Carolina that there may be a transfer of title to an automobile without complying with the registration statute which requires a transfer and delivery of a certificate of title."* ***N.C. Law Review Vol. 32 page 545, Carolina Discount Corp. v. Landis Motor Co., 190 N.C. 157; 129 S.E. 414 (Sept. 30, 1925)*** *"The following shall be exempt from the requirements of registration and the certificate of title: 1.) Any such vehicle driven or moved upon the highway in conformance with the provisions of this Article relating to manufacturers, dealers, or nonresidents." 2.) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another. ****20-51(1)(2)(comment: not driven or moved upon the highway for transporting persons or property for profit.)* ***(Case note to North Carolina G.S. 12-3 "Statutory Construction")*** *"A vehicle not used for commercial activity is a* ***"consumer goods****", ...it is* ***NOT*** *a type of vehicle required to be registered and "****use tax****" paid of which the tab is evidence of receipt of the tax."* ***Bank of Boston vs Jones, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14****. "It is held that a tax upon common carriers by motor vehicles is based upon a reasonable classification, and does not involve any unconstitutional discrimination, although* ***it does not apply to private vehicles,*** *or those used by the owner in his own business, and not for hire."* ***Desser v. Wichita, (1915) 96 Kan. 820; Iowa Motor Vehicle Asso. v. Railroad Comrs., 75 A.L.R. 22.*** *"Thus self-driven vehicles are classified according to the use to which they are put rather than according to the means by which they are propelled."* ***Ex Parte Hoffert, 148 NW 20.*** *"In view of this rule a statutory provision that the supervising officials* ***"may****" exempt such persons when the transportation is not on a commercial basis means that they* ***"must" exempt them****."* ***State v. Johnson, 243 P. 1073; 60 C.J.S. section 94 page 581.***

See **California Motor Vehicle Code, section 260**: Private cars/vans etc. not in commerce / for profit, are immune to registration fees: a) A "**commercial vehicle**" is a vehicle of a type **REQUIRED** to be **REGISTERED** under this code". (b)

"Passenger vehicles which are not used for the transportation of persons for hire, compensation or profit, and housecars, **are not commercial vehicles".** (c) "a vanpool vehicle **is not a commercial vehicle.**" See **New Jersey Motor Vehicle Code Chapter 3, Section 39:3-1. Certain vehicles excepted from chapter** which reads: "**Automobile** fire engines **and such self propelling vehicles as are used neither for the conveyance of persons for hire**, pleasure or business, nor for the transportation of freights, such as steam road rollers and traction engines **are excepted from the provisions of this chapter.**" See **Annual Report of the Attorney General of the State of New York issued on July 21, 1909, ALBANY NEW YORK, pages 322-323** which reads: "**There is NO requirement that the owner of a motor vehicle shall procure a license to run the same, nor is there any requirement that any other person shall do so, unless he proposes to become a chauffeur or a person conducting an automobile as an employee for hire or wages.** Yours very truly, EDWARD R. O'MALLEY Attorney General. See **Laws of New York 1901, Chapter 53, page 1316, Section 169a**. See also **Laws of Wyoming 2002, Motor Vehicle Code, page 142, Section 31-5-110. See RCW 5.24.010!**

7.2 Oregon

7.2.1 No driver's license required

To all Oregon State Law Enforcement I am NOT required to Have a "Drivers License" to drive a Motor Vehicle in the State of Oregon for NON-COMMERCIAL PURPOSES!

It is an undisputed fact of law that you are **NOT** required to have a "**Driver's license**" to drive a Motor Vehicle in the State of Oregon unless you are making a **COMMERCIAL USE** of the **Public Highways** pursuant to **ORS 807.031** which reads:

> ***807.031 Classes of license. This section describes the type of driving privileges granted by the various licenses issued by this state****. Licenses are established by class with the highest class being Class A commercial. Each class of license grants driving privileges for that class and for all lower classes. No license grants driving privileges for which an indorsement is required. The following licenses grant the driving privileges described:*
>
> ***(1) A Class A commercial driver license authorizes a person to operate*** *any vehicle or combination of vehicles except that the person may not operate any vehicle for which an indorsement is required unless the person obtains the indorsement.*
>
> ***(2) A Class B commercial driver license authorizes a person to operate*** *any single vehicle and to tow a vehicle that is not in excess of 10,000 pounds gross vehicle weight rating. The person may not operate any vehicle for which an indorsement is required unless the person obtains the indorsement.*
>
> ***(3) A Class C commercial driver license authorizes a person to operate:***
>
> *(a) Any vehicle that is designed to transport 16 or more persons, including the driver, if the gross vehicle weight rating of the vehicle is less than 26,001 pounds and the person has a passenger indorsement;*
>
> *...[1989 c.636 §12]*

It is an undisputed fact of law that **ORS 807.031** is the "**one and only**" license classification statute in the entire Oregon Motor Vehicle Code. **It is also an undisputed fact of law that the State of Oregon only sells COMMERCIAL DRIVERS LICENSES!** (Emphasis added.)

It is also an undisputed fact of law that you are NOT required to have a "Drivers license" to drive a Motor Vehicle in the State of Oregon unless you are driving a motor vehicle owned or operated by the United States, this state or any county, city, district or any other political subdivision of this state pursuant to **ORS 801.020** which reads in part:

> ***801.020 Statements of policy and purpose; applicability of vehicle code.*** *This section contains statements of purpose or intent that are applicable to portions of the vehicle code as described in the following:*
>
> *(1) The provisions of the vehicle code and other statutory provisions described in this subsection* ***are an exercise of the police powers of this state****, and the purpose, object and intent of the sections is to provide a comprehensive*

*system **for the regulation of all motor and other vehicles in this state**. This subsection is applicable to the following:*

. . . (d) Those provisions of the vehicle code relating to the regulation of the businesses of vehicle dealers, wreckers, vehicle transporters, driver training schools and instructors and the towing and recovery of vehicles.

*. . . (2) It is the policy **of this state** to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered **in this** and such other **states, provinces, territories and countries**, thus contributing to the economic and social development and growth **of this state**.*

***. . . (4) The provisions of the vehicle code applicable to drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, district or any other political subdivision of this state**, ...*

*(5) Except as provided otherwise by federal law, **the provisions of the vehicle code shall be applicable and uniform on federal lands within this state.***

*(6) Except as provided otherwise by **federal law,** traffic rules and regulations which are promulgated by a federal authority having jurisdiction over federal lands within this state and which vary from the provisions of the vehicle code **shall be the law of the local authority within whose boundaries the federal land is located, and enforceable as such**, ...*

. . . [1983 c.338 §4; 1985 c.16 §4]

ORS 801.020 clearly is consistent with **Title 4 U.S.C.** the **BUCK ACT** which reads in part:

*"**110(d)** The term "State" includes any Territory or possession of the United States." And;*

*"**11(e)** The term "Federal Area" means any lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States; and any Federal area, or any part thereof, which is located within the exterior boundaries of any State, shall be deemed to be a Federal area located within such State."*

"There has been created a fictional Federal "state within a state." Howard v. Commissioners of Sinking fund of Louisville, 344 U.S. 624, 73. S.Ct. 465, 476, 97 L.Ed. 617 (1953); Schwartz v. O'Hara TP. School Dist., 100 A.2d 621, 625, 375 Pa. 440. (Compare also 31 C.F.R. Part 51.2 and 52.2, which also identifies a fictional State within a state.)

"Both parties agreed that, prior to the passage of the Buck Act (1940) 4 U.S.C.A. SSSS 105-110, the various states of the Union had no legal basis for imposing a tax on the activities of a business or individual, when such activities were carried on exclusively within the confines of a federal reservation. They are also in agreement that the effect of the Buck Act was to grant to the states certain taxing powers. This is specifically provided in 4 U.S.C.A. 4 106:"

"(a) No person shall be relieved from liability for any income tax levied by any State, or by any duly constituted taxing authority therein, having jurisdiction to levy such a tax, by reason of his residing within a Federal area or receiving income from transactions occurring or services performed in such area; and such State or taxing authority shall have full jurisdiction and powers to levy and collect such tax in any Federal area within such State to the same extent and with the same effect as though such area was not a Federal area." Alaska v. Baker, 64 Wn.2d 207, 390 P.2d 1009 (1964) And;

7.2.2 Your car is a recreational vehicle

MY FAMILY CAR IS A RECREATIONAL VEHICLE AS DEFINED AT ORS 801.208(2)(e) and is NOT a COMMERCIAL VEHICLE which would require a ORS 807.031 COMMERCIAL DRIVERS LICENSE

> ***801.208 "Commercial motor vehicle."***
>
> ***. . . (2) Notwithstanding subsection (1) of this section, the term "commercial motor vehicle" does not include the following:***
> *. . . (c) A motor home used to transport or house, for nonbusiness purposes, the operator or the operator's family members or personal possessions;*
> *. . .* ***(e) A recreational vehicle that is operated solely for personal use.*** *[1989 c.636 §2; 1991 c.185 §1; 1991 c.676 §1; 1999 c.359 §1]*

It is clear that **ORS 801.208** provides that my "**FAMILY CAR**" is a recreational vehicle that is operated solely for personal use and is not included within the definition of a **"Commercial motor vehicle**" as defined in **ORS 801.210** that would require me to have a **ORS 807.031 COMMERCIAL DRIVERS LICENSE.** See **ORS 801.210** to wit:

> ***801.210 "Commercial vehicle."*** *"Commercial vehicle" means a vehicle that:*
>
> *(1) Is used for the transportation of persons for compensation or profit; or*
> *(2) Is designed or used primarily for the transportation of property. [1983 c.338 §34]*

Washington Laws RCW 46.25.050 & WAC 308-100-210 is consistent with Oregon law ORS 801.208.

> ***RCW 46.25.050(1) Drivers of Commercial motor vehicles shall obtain a "commercial driver's license" as required*** *under this chapter by April 1, 1992. ..., no person may drive a "commercial motor vehicle" unless the person holds and is in immediate possession of a "commercial drivers license" and applicable endorsements valid for the vehicle they are driving.* ***HOWEVER, this requirement does not apply to any person: (c) Who is operating a recreational vehicle for non commercial purposes.***
>
> *(2) No person may drive a "commercial motor vehicle" while his or her driving privilege is suspended, revoked, or canceled, while subject to disqualification, or in violation of out of service order. Violation of this subsection shall be punished in the same way as violations of RCW 46.20.342(1). And;*

> *(WAC) 308-100-210 Recreational vehicle–Definition.* ***For the purposes of*** *RCW 46.25.050(1)(c)****, the term*** *"recreational vehicle****"*** *shall include vehicles used exclusively for NONCOMMERCIAL PURPOSES which are: (1) Primarily designed for recreational, camping, OR TRAVEL USE.*
>
> ***"Sec. 103 It shall be unlawful for any person to drive an automobile or other motor vehicle carrying passengers for hire, within the city of Seattle, without having a valid and subsisting license so to do, to be known as a 'drivers license'*** *..."Driver's license, 'first class' shall entitle the holder thereof to drive any kind or class of motor vehicles for hire within the city of Seattle. "Drivers license, second class' shall be limited to stages, sight-seeing cars, or other motor vehicles operating over a specified route and having a fixed terminal. "Drivers license, 'third class' shall be limited to drivers of taxicabs, for hire cars, or other automobiles not operating on fixed routes, and having a passenger capacity of less than seven (7) persons, not including the driver.* ***...It is intended to apply to "for hire" vehicles as provided in section 6313, Rem. Comp. Stats., are defined to mean all motor vehicles other than auto-mobile stages used for the transportation of persons for which remuneration of any kind is received, either directly or indirectly.*** *"* ***[<u>INTERNATIONAL MOTOR TRANSIT CO. et al. V. CITY OF SEATTLE et al.</u> , (No. 19992) 251 PACIFIC REPORTER 120-123 (Dec. 6, 1926.)]***
>
> *"Privately owned Buses not engaged in for hire Transportation are outside the jurisdiction of Division of Motor Vehicles enforcement of N.C. G.S. Article 17, Chapter 20***" 58 N.C.A.G. 1 (It follows that those Citizens not engaged in extraordinary use of the highway for profit or gain are likewise outside the jurisdiction of the Division of Motor Vehicles.)*

> *"Since a sale of personal property is not required to be evidenced by any written instrument in order to be valid, it has been held in North Carolina that there may be a transfer of title to an automobile without complying with the registration statute which requires a transfer and delivery of a certificate of title." [****N.C. Law Review Vol. 32 page 545, <u>Carolina Discount Corp. v. Landis Motor Co.</u>, 190 N.C. 157]***
>
> *"The following shall be exempt from the requirements of registration and the certificate of title: 1.) Any such vehicle driven or moved upon the highway in conformance with the provisions of this Article relating to manufacturers, dealers, or nonresidents."*

> *2.) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another. ****20-51(1)(2)(comment: not driven or moved upon the highway for transporting persons or property for profit.)* ***(Case note to North Carolina G.S. 12-3 "Statutory Construction")***

See **California Motor Vehicle Code, section 260**: Private cars/vans etc. not in commerce / for profit, are immune to registration fees:

> *(a) A "**commercial vehicle**" is a vehicle of a type **REQUIRED** to be **REGISTERED** under this code".*
>
> *(b) "Passenger vehicles which are not used for the transportation of persons for hire, compensation or profit, and housecars, **are not commercial vehicles".***
>
> *(c) "a vanpool vehicle **is not a commercial vehicle.**" And;*

The courts agree with these conclusions:

> *"A vehicle not used for commercial activity is a **"consumer goods**", ...it is **NOT** a type of vehicle required to be registered and "**use tax**" paid of which the tab is evidence of receipt of the tax." **Bank of Boston vs Jones, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14**.*
>
> ---
>
> *"It is held that a tax upon common carriers by motor vehicles is based upon a reasonable classification, and does not involve any unconstitutional discrimination, although **it does not apply to private vehicles,** or those used by the owner in his own business, and not for hire." [**Desser v. Wichita, (1915), 96 Kan. 820; Iowa Motor Vehicle Asso. v. Railroad Comrs., 75 A.L.R. 22]***
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>
> *"Thus self-driven vehicles are classified according to the use to which they are put rather than according to the means by which they are propelled." [**Ex Parte Hoffert, 148 NW 20]***
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> *"In view of this rule a statutory provision that the supervising officials **"may"** exempt such persons when the transportation is not on a commercial basis means that they **"must" exempt them**." [**State v. Johnson, 243 P. 1073; 60 C.J.S. section 94 page 581]***

7.3 Washington

7.3.1 No driver's license required

To all Washington State Law Enforcement I am NOT required to Have a "Drivers License" to drive a Motor Vehicle in the State of Washington for NON-COMMERCIAL PURPOSES!

In anticipation that the police officer, prosecutor or judge will "lie" to you and tell you that RCW 46.20.001 requires you to have a driver's license, I will now expose their scam!

> "**RCW 46.20.001License required--Rights and restriction.**
>
> *(1) No person may drive a motor vehicle upon a highway in this state without first obtaining a valid driver's license issued to Washington residents **under this chapter**."*

THERE IS NO LICENSE ISSUED UNDER THIS CHAPTER, RCW 46.20. et seq!

It is an undisputed fact of law that RCW 46.25.080 is the one (1) and only license classification statute in Title 46 the motor vehicle code for the State of Washington and it is also undisputed that all three classes of licenses issued under this statute, Class A, Class B & Class C are all COMMERCIAL DRIVERS LICENSE'S. See RCW 46.25.080 to wit:

> *"RCW 46.25.080 License contents, classifications, endorsements, restrictions, expiration--Exchange of information.*
> *(1) The commercial driver's license must be marked "commercial driver's license" or "CDL,"*
> *...(a) Licenses may be classified as follows:*
> *(i) Class A . . .*
> *(ii) Class B . . .*
> *(iii) Class C . . ."*

Please note that the older Washington Drivers licenses used to say "COMMERCIAL CLASSES" on the back side of the drivers license and in the left hand column of back side of driver's license, it used to say "Class A, Class B and Class C. The Department of Licensing has committed fraud against the Citizens of Washington and has removed the COMMERCIAL CLASSES designation from the back of the drivers license? However, the New Drivers License's still says in very small print: "CDL END" in the upper left hand corner of the front of the New Drivers License's. CDL END obviously means COMMERCIAL DRIVERS LICENSE ENDORSEMENT! (Emphasis added.)

> ***RCW 46.25.050(1) Drivers of Commercial motor vehicles shall obtain a "commercial driver's license" as required** under this chapter by April 1, 1992. ..., . . . **HOWEVER, this requirement does not apply to any person: (c) Who is operating a recreational vehicle for non commercial purposes.***

RCW 46.25.050(1) makes it clear that this requirement does NOT apply to any person: (c) WHO IS OPERATING A RECREATIONAL VEHICLE FOR NON COMMERCIAL PURPOSES! (Emphasis added.) For clarification, the Washington Administrative Code at WAC 308-100-210 which reads:

> *(WAC) 308-100-210 Recreational vehicle–Definition.* ***For the purposes of** RCW 46.25.050(1)(c)**, the term** "recreational vehicle**"** shall include vehicles used exclusively for NONCOMMERCIAL PURPOSES which are: (1) Primarily designed for recreational, camping, OR TRAVEL USE. **And;***
>
> *WAC 308-100-210 specifically defines the term "RECREATIONAL VEHICLE" shall include vehicles used exclusively for NON COMMERCIAL PURPOSES which are: (1) PRIMARILY DESIGNED FOR RECREATIONAL, CAMPING, OR TRAVEL USE. Hey Officer Friendly, I do not "transport" passengers, freight or commodities for compensation. I use my vehicle solely for NON-COMMERCIAL PURPOSES such as RECREATIONAL, CAMPING OR TRAVEL USE AS A MATTER OF RIGHT! (Emphasis added.)*

The Washington State Supreme Court has already made it clear in the following case that the "drivers license" is intended to apply only to "for hire" vehicles. (Emphasis added.)

> ***"Sec. 103 It shall be unlawful for any person to drive an automobile or other motor vehicle carrying passengers for hire, within the city of Seattle, without having a valid and subsisting license so to do, to be known as a 'drivers license'** ..."Driver's license, 'first class' shall entitle the holder thereof to drive any kind or class of motor vehicles for hire within the city of Seattle. "Drivers license, second class' shall be limited to stages, sight-seeing cars, or other motor vehicles operating over a specified route and having a fixed terminal. "Drivers license, 'third class' shall be limited to drivers of taxicabs, for hire cars, or other automobiles not operating on fixed routes, and having a passenger capacity of less than seven (7) persons, not including the driver. **...It is intended to apply to "for hire" vehicles as provided in section 6313, Rem. Comp. Stats., are defined to mean all motor vehicles other than auto-mobile stages used for the transportation of persons for which remuneration of any kind is received, either directly or indirectly."** **INTERNATIONAL MOTOR TRANSIT CO. et al. V. CITY OF SEATTLE et al. , (No. 19992) 251 PACIFIC REPORTER 120-123 (Dec. 6, 1926.)***

7.3.2 Your car is a recreational vehicle

MY FAMILY CAR IS A RECREATIONAL VEHICLE AS DEFINED AT RCW 46.25.050(1)(c) & WAC 308-100-210 and is NOT a COMMERCIAL VEHICLE which would require a RCW 46.25.080 COMMERCIAL DRIVERS LICENSE

> *RCW 46.25.050(1) Drivers of Commercial motor vehicles shall obtain a "commercial driver's license" . . . HOWEVER, this requirement does not apply to any person: (c) Who is operating a recreational vehicle for non commercial purposes.*

RCW 46.25.050(1)(c) makes it clear that the alleged requirement for a "drivers license" does NOT apply to any person: (c) WHO IS OPERATING A RECREATIONAL VEHICLE FOR NON COMMERCIAL PURPOSES! (Emphasis added.) For clarification, the Washington Administrative Code at WAC 308-100-210 which reads:

> *(WAC) 308-100-210 Recreational vehicle–Definition.* ***For the purposes of*** *RCW 46.25.050(1)(c)****, the term*** *"recreational vehicle****"*** *shall include vehicles used exclusively for NONCOMMERCIAL PURPOSES which are: (1) Primarily designed for recreational, camping, OR TRAVEL USE.*

And;

WAC 308-100-210 specifically defines the term "RECREATIONAL VEHICLE" shall include vehicles used exclusively for NON COMMERCIAL PURPOSES which are: (1) PRIMARILY DESIGNED FOR RECREATIONAL, CAMPING, OR TRAVEL USE.

Oregon law at ORS 801.208 is consistent with both RCW 46.25.050(1)(c) & WAC 308-100-210 and provides:

> ***801.208 "Commercial motor vehicle."***
>
> ***. . . (2) Notwithstanding subsection (1) of this section, the term "commercial motor vehicle" does not include the following:***
>
> *. . . (c) A motor home used to transport or house, for nonbusiness purposes, the operator or the operator's family members or personal possessions;*
>
> *. . .* ***(e) A recreational vehicle that is operated solely for personal use.*** *[1989 c.636 §2; 1991 c.185 §1; 1991 c.676 §1; 1999 c.359 §1]*

Similarly, **Idaho law at subsection (4) of Title 49-302** is consistent with both RCW 46.25.050(1)(c) & WAC 308-100-210 and provides:

> ***49-302. What persons are exempt from License.*** *– The following persons are exempt from licensing ... (c) Not used in the operations of a common or contract motor carrier; and*
>
> ***...(4) Any person is exempt from obtaining a class A, B, or C license to operate a commercial vehicle which is exclusively used to transport personal possessions or family members for nonbusiness or recreational purposes.***
>
> *"Privately owned Buses not engaged in for hire Transportation are outside the jurisdiction of Division of Motor Vehicles enforcement of N.C. G.S. Article 17, Chapter 20***" 58 N.C.A.G. 1 (It follows that those Citizens not engaged in extraordinary use of the highway for profit or gain are likewise outside the jurisdiction of the Division of Motor Vehicles.)*
>
> *"Since a sale of personal property is not required to be evidenced by any written instrument in order to be valid, it has been held in North Carolina that there may be a transfer of title to an automobile without complying with the registration statute which requires a transfer and delivery of a certificate of title."* ***N.C. Law Review Vol. 32 page 545, Carolina Discount Corp. v. Landis Motor Co., 190 N.C. 157; 129 S.E. 414 (Sept. 30, 1925)*** *"The following shall be exempt from the requirements of registration and the certificate of title: 1.) Any such vehicle driven or moved upon the highway in conformance with the provisions of this Article relating to manufacturers, dealers, or nonresidents." 2.) Any such vehicle which is driven or moved upon a highway only for the purpose of crossing such highway from one property to another. ****20-51(1)(2)(comment: not driven or moved upon the highway for transporting persons or property for profit.)* ***(Case note to North Carolina G.S. 12-3 "Statutory Construction")*** *"A vehicle not used for commercial activity is a* ***"consumer goods****", ...it is* ***NOT*** *a type of vehicle required to be registered and "****use tax****" paid of which the tab is evidence of receipt of the tax."* ***Bank of Boston vs Jones, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14****. "It is held that a tax upon common carriers by motor vehicles is based upon a reasonable classification, and does not involve any unconstitutional discrimination, although* ***it does not apply to private vehicles,*** *or those used by the owner in his own business, and not for hire."* ***Desser v. Wichita, (1915) 96 Kan. 820; Iowa Motor Vehicle Asso. v. Railroad Comrs., 75 A.L.R. 22.*** *"Thus self-driven vehicles are classified according to the use to which they are put rather than according to the means by which they are propelled."* ***Ex Parte Hoffert, 148 NW 20.*** *"In view of this rule a statutory provision that the supervising officials* ***"may"*** *exempt such persons when the transportation is not on a commercial basis means that they* ***"must" exempt them****."* ***State v. Johnson, 243 P. 1073; 60 C.J.S. section 94 page 581.***

See **California Motor Vehicle Code, section 260**: Private cars/vans etc. not in commerce / for profit, are immune to registration fees: a) A "**commercial vehicle**" is a vehicle of a type **REQUIRED** to be **REGISTERED** under this code". (b) "Passenger vehicles which are not used for the transportation of persons for hire, compensation or profit, and housecars, **are not commercial vehicles".** (c) "a vanpool vehicle **is not a commercial vehicle.**"

See **New Jersey Motor Vehicle Code Chapter 3, Section 39:3-1. Certain vehicles excepted from chapter** which reads: "**Automobile** fire engines **and such self propelling vehicles as are used neither for the conveyance of persons for hire**, pleasure or business, nor for the transportation of freights, such as steam road rollers and traction engines **are excepted from the provisions of this chapter.**"

See **Annual Report of the Attorney General of the State of New York issued on July 21, 1909, ALBANY NEW YORK, pages 322-323** which reads: "**There is NO requirement that the owner of a motor vehicle shall procure a license to run the same, nor is there any requirement that any other person shall do so, unless he proposes to become a chauffeur or a person conducting an automobile as an employee for hire or wages.** Yours very truly, EDWARD R. O'MALLEY Attorney General. See **Laws of New York 1901, Chapter 53, page 1316, Section 169a**. See also **Laws of Wyoming 2002, Motor Vehicle Code, page 142, Section 31-5-110. See RCW 5.24.010!**

7.3.3 There is no seat belt law

"CLICK IT & STICK IT UP YOURS OFFICER" – DO YOU WANNA GET SUED? THERE IS NO SEAT BELT LAW! THAT CAN LAWFULLY CIRCUMVENT THE PROBABLE CAUSE REQUIREMENT AS ESTABLISHED BY THE SUPREME COURT OF THE UNITED STATES IN

TERRY v. OHIO, 392 U.S. 1, 20 L.Ed.2d 889, 88 S.Ct. 1868 (1968).

Governor Locke and or the Legislature has absolutely NO authority to authorize law enforcement to stop motorist's on the public highways absent the minimum probable cause standard & threshold established by the Supreme Court of the United States of America in the Seminal case of **Terry v. Ohio**, supra. **It is undisputed that the Seat Belt violation is still a SECONDARY OFFENSE pursuant to subsection's (4)(b) & (7) of RCW 46.61.688.**

RCW 46.61.688 Safety belts, use required--Penalties--Exemptions. (Effective until July 1, 2002.)

(1) For the purposes of this section, the term "motor vehicle" includes:

(a) "Buses," meaning motor vehicles with motive power, except trailers, designed to carry more than ten passengers;

(b) "Multipurpose passenger vehicles," meaning motor vehicles with motive power, except trailers, designed to carry ten persons or less that are constructed either on a truck chassis or with special features for occasional off-road operation;

(c) "Passenger cars," meaning motor vehicles with motive power, except multipurpose passenger vehicles, motorcycles, or trailers, designed for carrying ten passengers or less; and

(d) "Trucks," meaning motor vehicles with motive power, except trailers, designed primarily for the transportation of property.

(2) This section only applies to motor vehicles that meet the manual seat belt safety standards as set forth in federal motor vehicle safety standard 208. This section does not apply to a vehicle occupant for whom no safety belt is available when all designated seating positions as required by federal motor vehicle safety standard 208 are occupied.

(3) Every person sixteen years of age or older operating or riding in a motor vehicle shall wear the safety belt assembly in a properly adjusted and securely fastened manner.

(4) No person may operate a motor vehicle unless all passengers under the age of sixteen years are either wearing a safety belt assembly or are securely fastened into an approved child restraint device.

(5) A person violating this section shall be issued a notice of traffic infraction under chapter 46.63 RCW. A finding that a person has committed a traffic infraction under this section shall be contained in the driver's abstract but shall not be available to insurance companies or employers.

(6) Failure to comply with the requirements of this section does not constitute negligence, nor may failure to wear a safety belt assembly be admissible as evidence of negligence in any civil action.

...[1990 c 250 § 58; 1986 c 152 § 1.]

Notes:
Severability--1990 c 250: See note following RCW 46.16.301.
Study of effectiveness--1986 c 152: "The traffic safety commission shall undertake a study of the effectiveness of section 1 of this act and shall report its finding to the legislative transportation committee by January 1, 1989." [1986 c 152 § 3.]
Physicians--Immunity from liability regarding safety belts: RCW 4.24.235.
Seat belts and shoulder harnesses, required equipment: RCW 46.37.510.

RCW 46.61.688 Safety belts, use required--Penalties--Exemptions. (Effective July 1, 2002.)

(1) For the purposes of this section, the term "motor vehicle" includes:

...(4) No person may operate a motor vehicle unless all child passengers under the age of sixteen years are either: (a) Wearing a safety belt assembly or (b) are securely fastened into an approved child restraint device.

...(7) EXCEPT FOR SUBSECTION (4)(B) OF THIS SECTION, WHICH MUST BE ENFORCED AS A PRIMARY ACTION, ENFORCEMENT OF THIS SECTION BY LAW ENFORCEMENT OFFICERS MAY BE ACCOMPLISHED ONLY AS A SECONDARY ACTION WHEN A DRIVER OF A MOTOR VEHICLE HAS BEEN DETAINED FOR A SUSPECTED VIOLATION OF TITLE 46 RCW OR AN EQUIVALENT LOCAL ORDINANCE OR SOME OTHER OFFENSE. ...." (Do you see the SCAM?)

It is undisputed that the alleged Seat Belt Law was NEVER enacted into law by the Legislature, because the Legislature of STATE OF WASHINGTON has been held in abeyance by the Office of the Code Revisor pursuant to the requirements of the Enabling Act & the Organic Act**. "REGISTERED VOTERS" do NOT have the legal capacity to change law!!!**

"But the legislature specifically disclaimed any intention to change the meaning of any statute. The compilers of the code were not empowered by congress to amend existing law, and doubtless had no thought of doing so ..." ...the act before us does not purport to amend a section of an act, but only a section of a compilation entitled "REVISED CODE OF WASHINGTON," WHICH IS NOT THE LAW. Such an act purporting to amend only a section of the prima facie compilation leaves the law unchanged. En Banc." PAROSA v. TACOMA, 57 Wn.(2d) 409 (Dec.22, 1960).

It is also undisputed that the alleged Seat Belt law does NOT purport to amend a section of an act, but only a section of the prima facie compilation entitled **"REVISED CODE OF WASHINGTON," WHICH IS NOT THE LAW." Parosa v. Tacoma, supra. Title 46 the Motor Vehicle Code of Washington is NOT the Law, NEVER HAS BEEN & NEVER WILL BE! (Emphasis added.) Seat Belt Violation is STILL A SECONDARY OFFENSE!**

Police officers must still have PROBABLE CAUSE to pull anyone over! (Emphasis added.)

7.3.4 No insurance required

I AM NOT REQUIRED TO HAVE INSURANCE UNTIL AFTER I HAVE BEEN IN AN ACCIDENT CAUSING AT LEAST $700.00 WORTH OF DAMAGE TO ANOTHER VEHICLE PURSUANT TO RCW 46.29.060 TO WIT:

I demand that all Law Enforcement stop trafficking in INSURANCE CLAIMS in violation of the Washington State Criminal Profiteering Act **RCW 9A.82.010(4)(DD)** committed solely for the financial gain of Corrupt Washington State Bar Member Judges Retirement Fund's by writing NO INSURANCE TICKETS to those who are NOT involved in ACCIDENT'S causing the minimum threshold of $700.00 worth of damage. See RCW 46.29.060 :

> ***"RCW 46.29.060***
>
> ***Application of sections requiring deposit of security and suspensions for failure to deposit security.*** *The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions,* ***shall apply to the driver and owner of any vehicle of a type subject to registration under motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person to an apparent extent equal to or greater than the minimum amount established by rule adopted by the director****. The director shall adopt rules establishing the property damage threshold at which the provisions of this chapter apply with respect to the deposit of security and suspensions for failure to deposit security.* ***Beginning October 1, 1987, the property damage threshold shall be five hundred dollars.*** *The thresholds shall be revised when necessary, but not more frequently than every two years. The revisions shall only be for the purpose of recognizing economic changes as reflected by an inflationary index recommended by the office of financial management. The revisions shall be guided by the change in the index for the time period since the last revision and by the threshold established by the chief of the Washington state patrol for the filing of accident reports as provided in RCW 46.52.030. [1987 c 463 section 1; 1977 ex.s. C 369 section 1; 1971 ex.s. c 22 section 2; 1963 c 169 section 6.] And;* ***(See State Vehicle Accident Collision Report form: $700.00)***
>
> *[1] It is undisputed that, at the time of this accident, Mr. Boldt was not subject to the requirements of our financial responsibility statute (RCW 46.29)* ***and that his insurance coverage was a matter of voluntary contract. . . . The statute speaks in terms of "proof of financial responsibility for the future,"*** *and defines that phrase in terms of "accidents occurring subsequent to the effective date of said proof . . ." RCW 46.29.260.* ***The statute does not impose its requirements as to proof of financial responsibility until the occurrence of certain accidents****, convictions or bail forfeitures. RCW 46.29.250; RCW 46.29.060-.080."* ***ROYSE v. BOLDT, 80 Wn.2d 44, 46, 491 P.2d 644 [No. 42072. En Banc. December 9, 1971.]***
>
> *"****In 1963, after Barkwill, the Washington legislature enacted a financial responsibility law, RCW 46.29. Under the provisions of this statute, the driver after an injury accident must deposit security, unless he or she has an "automobile liability policy." RCW 46.29.060, .080. In addition, the driver involved in such an accident must furnish proof of financial responsibility for the future. RCW 46.29.260, .420."*** ***MUTUAL OF ENUMCLAW v. WISCOMB, 95 Wn.2d 373, 378, 622 P.2d 1234 [No. 47034-1. En Banc. December 31, 1980.]*** *And;*
>
> *". . .* ***the act does not require mandatory insurance coverage****, . . .* ***The financial responsibility act does not require an individual to prove that he is financially able to compensate those he may injure through the use of his vehicles until he is is involved in an automobile accident resulting in bodily injury or death of any person or property damage of $300 or more. RCW 46.29.060." MUTUAL OF ENUMCLAW v. WISCOMB, 97 Wn.2d 203 206, 643 P.2d 441 [Nos. 47145-2, 47202-5. En Banc. April 8, 1982.]; MILLER v. AETNA LIFE & CASUALTY CO., 70 Wn. App. 192, 197, 851 P.2d 1253 (June 1, 1993.)***
>
> *"****Under our financial responsibility act, an individual need not prove financial responsibility until a vehicle owned or driven by him is involved in an accident resulting in bodily injury or death of any person, or property damage of $300 or more. RCW 46.29.060.*** *Even after such an accident has occurred, proof of financial responsibility for the accident and in the future may be made in a number of ways, including, but not limited to proof of liability insurance. RCW 46.29.070, .080, .450. Since the Legislature has not seen fit to require mandatory insurance coverage, we will not replace its assessment of public policy with our own. . . . we cannot require mandatory insurance where the Legislature has declined to do so. . . .WILLIAMS, C.J. (Dissenting) ...****As we noted in Wiscomb, the provisions of the financial responsibility act, RCW 46.29, do not become mandatory until the driver is involved in an accident causing injury or damage of $300 or more. RCW 46.29.060****; Wiscomb, at 206." PROGRESSIVE CASUALTY INS. v. JESTER, 102 Wn.2d 78, 81, 82, 83, 683 P.2d 180 [No. 50007-0. En Banc. June 21, 1984.];* ***JOHNSON v. DEPT. OF LICENSING****, 46 Wn. App. 701, 731 P.2d 1097 (December 22, 1986)*

To all Law Enforcement Officer's: **"IT'S NONE OF YOUR BUSINESS WHETHER OR NOT IF I HAVE INSURANCE,"** and you have NO business in the first place inquiring as to whether or not I have insurance as this is a private contract between two (2) parties, and you all can "C" your way out of this A & B conversation on the following authority to wit:

> *"[1] The existence of an insurance policy is a matter of contract law, since insurance involves a contractual relationship between the insurer and the insured." LaPOINT v. RICHARDS, 66 Wn.(2d) 585, 588 (July 8, 1965). And;*

> *"[2] Traditionally, insurance contracts have been considered to be private contracts between the parties." MUTUAL OF ENUMCLAW v. WISCOMB, 25 Wn.App. 841, 846, 611 P.2d 1304 (April 14, 1980). And;*

NO MORE MONEY FOR JUDGES RETIREMENT FUNDS! – STOP RIPPING US OFF!