

# Driver – a Table of Authorities

## Are you sure you're a "driver" ?

**DRIVER.** One employed...  
Bouvier's Law Dictionary, 1856

**DRIVER**-- one employed in conducting a coach, carriage, wagon, or other vehicle..."  
BOUVIER'S LAW DICTIONARY, (1914) p. 940.

**Driver** - One employed in conducting or operating a coach, carriage, wagon, or other vehicle, with horses, mules, or other animals, or a bicycle, tricycle, or motor car, though not a street railroad car. See Davis v. Petrinovich, 112 Ala. 654, 21 So. 344, 36 L.R.A. 615; Isaacs v. Railroad Co., 7 Am. Rep. 418, 47 N.Y. 122. -- Black's Law Dictionary, Third Edition

**DRIVER.** One employed...  
--Black's Law Dictionary, Fourth Edition, 1951

“The activity licensed by state DMVs and in connection with which individuals must submit personal information to the DMV - the operation of motor vehicles - is itself integrally related to interstate commerce”.

Seth Waxman, Solicitor General  
U.S. Department of Justice  
BRIEF FOR THE PETITIONERS  
*Reno v. Condon*, No. 98-1464, decided January 12, 2000  
Supreme Court of the United States

---

Title18, UNITED STATES CODE Sec. 31  
PART I – CRIMES  
CHAPTER 2 - AIRCRAFT AND MOTOR VEHICLES

### Sec. 31. Definitions

When used in this chapter the term -

"Motor vehicle" means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo;

---

**Motor vehicle** - Laws of Florida c. 14764 (1931)

The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular used upon the public highways (but not over fixed rails) for the transportation of

persons or property for compensation either as common carriers, private contract carriers or for hire carriers.

---

**Traffic** - Webster's Unified Dictionary and Encyclopedia, International Illustrated Edition (1960)

1. Business or trade, commerce. 2. Transportation. 3. The movement of vehicles on street or highway, as, the *traffic* is very heavy today.

**Traffic** - Bouvier's Law Dictionary (1856)

Commerce, trade, sale or exchange of merchandise, bills, money and the like.

**Traffic** - Black's Law Dictionary, Second Edition

Commerce; trade; dealings in merchandise bills, money, and the like. See *In re Insurance Co.* (D.C.) 96 Fed. 757. *Levine v. State*, 35 Tex. Cr. R. 647, 34 S.W. 969; *People v. Hamilton*, 17 Misc. Rep. 11, 39 N.Y. Supp. 531; *Merriam v. Langdon*, 10 Conn. 471.

**Traffic** - Black's Law Dictionary, Third Edition

Commerce; trade; sale or exchange of merchandise, bills, money, and the like. The passing of goods or commodities from one person to another for an equivalent in goods or money. *Senior v. Ratterman*, 44 Ohio St. 673, 11 N.E. 321; *People v. Horan*, 293 Ill. 314, 127 N.E. 673, 674; *People v. Dunford*, 207 N.Y. 17, 100 N.E. 433, 434; *Fine v. Morgan*, 74 Fla. 417, 77 So. 533, 538; *Bruno v. U. S.* (C.C.A.) 289 F. 649, 655.

Traffic includes the ordinary uses of the streets and highways by travelers. *Stewart v. Hugh Nawn Contracting Co.*, 223 Mass. 525, 112 N.E. 218, 219; *Withey v. Fowler Co.*, 164 Iowa, 377, 145 N.W. 923, 927.

**Traffic** - Black's Law Dictionary, Fourth Edition

Commerce; trade; sale or exchange of merchandise, bills, money, and the like. The passing of goods or commodities from one person to another for an equivalent in goods or money. *Senior v. Ratterman*, 44 Ohio St. 673, 11 N.E. 321; *Fine v. Morgan*, 74 Fla. 417, 77 So. 533, 538; *Bruno v. U. S.* C.C.A.Mass., 289 F. 649, 655; *Kroger Grocery and Baking Co. v. Schwer*, 36 Ohio App. 512, 173 N.E. 633. The subjects of transportation on a route, as persons or goods; the passing to and fro of persons, animals, vehicles, or vessels, along a route of transportation, as along a street, canal, etc. *United States v. Golden Gate Bridge and Highway Dist. Of California*, D.C.Cal., 37 F. Supp. 505, 512.

**Traffic** - Black's Law Dictionary, Sixth Edition

Commerce; trade; sale or exchange of merchandise, bills, money, and the like. The passing or exchange of goods or commodities from one person to another for an equivalent in goods and money. The subjects of transportation on a route, as persons or goods; the passing to and fro of

persons, animals, vegetables, or vessels, along a route of transportation, as along a street, highway, etc.

---

**Transportation** - Webster's Unified Dictionary and Encyclopedia, International Illustrated Edition (1960)

1. The act or business of moving passengers and goods. 2. The means of conveyance used. 3. Banishment, esp. of convicts to a penal colony.

**Transportation** - Black's Law Dictionary, Third Edition

The removal of goods or persons from one place to another, by a carrier. See *Railroad Co. v. Pratt*, 22 Wall. 133, 22 L.Ed. 827; *Interstate Commerce Com'n v. Brimson*, 154 U.S. 447, 14 Sup.Ct. 1125, 38 L.Ed. 1047; *Gloucester Ferry Co. v. Pennsylvania*, 114 U.S. 196, 5 Sup.Ct. 826, 29 L.Ed. 158.

Under Interstate Commerce Act, (49 USCA sec. 1 et seq.), "transportation" includes the entire body of services rendered by a carrier in connection with the receipt, handling, and delivery of property transported, and includes the furnishing of cars. *Pletcher v. Chicago, R. L. & P. Ry. Co.*, 103 Kan. 834, 177 P. 1, 2.

In a general sense transportation means merely conveyance from one place to another. *People v. Martin*, 235 Mich. 206, 209 N.W. 87.

**Transportation** - Black's Law Dictionary, Fourth Edition

The removal of goods or persons from one place to another, by a carrier. *Railroad Co. v. Pratt*, 22 Wall. 133, 22 L.Ed. 827; *Interstate Commerce Com'n v. Brimson*, 14 S.Ct. 1125, 154 U.S. 447, 38 L.Ed. 1047; *Gloucester Ferry Co. v. Pennsylvania*, 5 S.Ct. 826, 114 U.S. 196, 29 L.Ed. 158.

**Transportation** - Black's Law Dictionary, Sixth Edition

The movement of goods or persons from one place to another, by a carrier.

**Transportation** - 49 U.S.C. § 5102(12)

"transports" or "transportation" means the movement of property and loading, unloading, or storage incidental to the movement.

**Transportation** - *Words and Phrases*

See *State v. Western Trans Co.* (1950, Iowa) 43 N.W.2d 739 [The judge, after giving his conclusion, goes on to give examples of "transportation" - all involving the movement of persons or goods for hire.]

"Prior to November 2, 1926, the Statutes of 1925 imposed a license tax ... on those operating motor vehicles over the public highways for hire, ... On November 2, 1926, the People adopted an amendment to article XIII, section 15, of the Constitution, changing the tax rate ... on carriage of passengers and ... on transportation of property, and relieving the carrier of municipal licenses and taxes. ... The amendment contained the provision that 'Such taxes shall be in lieu of all other taxes and licenses' upon the property of such companies."

--*People v. Borderland Express* (1933) 218 Cal. 680, 681.

"It is obvious that those who operate motor vehicles for the transportation of persons or property for hire enjoy a different and more extensive use of the public highways. \* \* \* Such extraordinary use constitutes a natural distinction and a full justification for their separate classification and for relieving from the burden of the license tax those who merely employ the public highways for the transportation of their own property or employees."

--*Bacon Service Corporation v. Huss*, 129 Cal. 21, 248 P. 235, 238." (State v. Karel, 180 So. 3 at 8.)

"... [T]he exemptions provided for in section 1 of the Motor Vehicle Transportation License Act of 1925 (Stats. 1925, p. 833) in favor of those who solely transport their own property or employees, or both, and of those who transport no persons or property for hire or compensation, by motor vehicle, have been determined in the Bacon Service Corporation case to be lawful exemptions. --*In re Schmolke* (1926) 199 Cal. 42, 46.

"The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty.... It includes the right in so doing to use the **ordinary and usual conveyances of the day**; and under existing modes of travel includes the right to drive a horse-drawn carriage or wagon thereon, or to operate an automobile thereon for the usual and ordinary purposes of life and business. It is not a mere privilege, like the privilege of moving a house in the street, operating a business stand in the street, or transporting persons or property for hire along the street, which the city may permit or prohibit at will."

Key emphasis added. Indisputable wisdom recorded in **Thompson v. Smith, 154 S.E. 579, 1929.**

