

Are you involved in "TRAFFIC" when you use your car?

TRAFFIC. 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. Moran*, 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 a long a street, canal etc. *United States v. Golden Gate Bridge and Highway Dist. of California*, D.C.Cal., 37 F. Supp. 505, 512. *Black's Law Dictionary*, 4th Ed., p. 1667

Terms found in the CALIFORNIA VEHICLE CODE and associated with the DMV and applied to those persons who do what the DMV regulates:

COMMERCIAL. Relating to or connected with trade and traffic or commerce in general. "Zante Currents", C.C.Cal., 73 F. 189. Occupied with commerce. *Bowles v. Co-Operative G. L. F. Farm Products*, D.C.N.Y., 53 F. Supp. 413, 415. *Black's Law Dictionary*, 4th Ed., p. 337

INTERSTATE COMMERCE. **Traffic**, intercourse, commercial trading, or the transportation of persons or property between or among the several states of the Union, or from between points in one state and points in another state; commerce between the states, or between places in different states. It comprehends all the component parts of commercial intercourse between different states. [Cites omitted] *Black's Law Dictionary*, 4th Ed., p. 955

TRANSPORTATION. 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 *Black's Law Dictionary*, 4th Ed., p. 1670

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...
Black's Law Dictionary, 4th Ed, 1951

Corpus Juris Secundum §151. – Chauffeur or Operator
A distinction is recognized between an operator and a chauffeur under some licensing regulations, "chauffeur" referring to one who is paid for driving an automobile.
60 C.J.S. MOTOR VEHICLES §§ 150 - 151, p. 797 (also see "Tests"(1) and (2))

The California Appellate Court in 1948 defined what types of licensing is required to operate a "motor vehicle:

"Section 250 . . . "(a) It is a misdemeanor for any person to drive a motor vehicle upon a highway unless he then holds a valid operator's or chauffeur's license" . . . driving privileges--of which the license is but evidence (People v. Noggle (1935), 7 Cal.App.2d 14, 17, [45 P.2d 430, 432]) People v. Higgins (1948) 97 Cal.App.2d Supp. 938, 939, 941; 197 P.2d 417.

The foregoing court citation clearly shows that the "operator's license" permits engagement in commercial activity.

Section 1. (b) The word "operator" shall include all persons, firms, associations and corporations who operate motor vehicles upon any public highway in this state and thereby engage in the transportation of persons or property for hire or compensation, but shall not include any person, firm, association or corporation who solely transports by motor vehicle persons to and from or to and from attendance upon any public school or who solely transports his or its own property, or employees, or both, and who transports no persons or property for hire or compensation...

Section 2. Each operator of a motor vehicle within this state who transports or desires to transport for compensation or hire persons or property upon or over any public highway within this state shall apply to and secure from the board of equalization of the State of California a license to operate each and all of the motor vehicles which such operator desires to operate or which such operator from time to time may operate."
Stats. 1925, ch 412, p. 833. Approved by the Governor May 23, 1925.

CARRIERS, contracts. There are two kinds of carriers, namely, common carriers, (q.v.) who have been considered under another head; and private carriers. These latter are persons who, although they do not undertake to transport the goods of such as choose to employ them, yet agree to carry the goods of some particular person for hire, from one place to another.

2. In such case the carrier incurs no responsibility beyond that of any other ordinary bailee for hire, that is to say, the responsibility of ordinary diligence. 2 Bos. & Pull. 417; 4 Taunt. 787; Selw. N. P. 382 n.;

Wend. R. 272; 1 Hayw. R. 14; 2 Dana, R. 430; 6 Taunt. 577; Jones, Bailm. 121; Story on Bailm, Sec. 495. But in Gordon v. Hutchinson, 1 Watts & Serg. 285, it was holden that a

Wagoner Who carries goods for hire, contracts, the responsibility of a common carrier, whether transportation be his principal and direct business, or only an occasional and incidental employment.

3. To bring a person within the description of a common carrier, he must exercise his business as a public employment; he must undertake to carry goods for persons generally; and he must hold himself out

as ready to engage in the transportation of goods for hire, as a business; not as a casual occupation pro hac

vice. 1 Salk. 249; 1 Bell's Com. 467; 1 Hayw. R. 14; 1 Wend. 272; 2, Dana, R. 430. See Bouv. Inst. Index, b. t.

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.

...state activities integrally related to commerce, and acted within its sphere of power to afford "security * * * to the rights of the people" by preventing the States from releasing personal information that they require individuals to submit as a condition of **engaging in activity-owning and operating a motor vehicle-that is integrally related to commerce generally...**

JANET RENO, ATTORNEY GENERAL OF THE UNITED STATES, ET AL.,
PETITIONERS v. CHARLIE CONDON, ATTORNEY GENERAL FOR THE STATE OF SOUTH CAROLINA, ET AL.,

In the Supreme Court of the United States, (Jan. 12, 2000)

No. 98-1464

[**Emphasis added**]

Traffic = Commercial Activity