

## FREE RIDE

### Driver's License?

#### "Transportation- 49 CFR 390.3 - General applicability. (f) Exceptions.

Unless otherwise specifically provided, the rules in this subchapter **do not apply to—**

**(3) The occasional transportation of personal property by individuals not for compensation nor in the furtherance of a commercial enterprise;**(a) The exemptions provided in subdivisions one and four of this section shall not apply to a motor vehicle, motorcycle or trailer, other than a semitrailer drawn by a tractor registered in this state which is operated on any public highway of this state to transport persons or property for hire or profit from one point in this state to another point in this state or which is operated in doing any work perform under a contract for a public improvement..."

#### "DRIVER" OR PRIVATE TRAVELER-NOT FOR HIRE?

**DRIVER** "One employed in conducting 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 South. 344, 36 L. R. A.615; Gen. St. Conn. 1902" **(Black's Law Dictionary)**

#### "MOTOR VEHICLE", OR PRIVATE TRAVEL MACHINE?

**"Motor vehicle.** — 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."**(18 U.S. Code § 31-Definitions)**

*"Driver's license" is synonym "commercial license" based on the "LEGAL" definition of the word driver.*

#### 49 U.S. Code § 31302 - Commercial driver's license requirement

"No individual shall operate a commercial motor vehicle without a valid commercial driver's license issued in accordance with section 31308. An individual operating a commercial motor vehicle may have only one driver's license at any time and may have only one learner's permit at any time."

## Vin's Plates, Registration?

#### U.S. Code › Title 18 › Part I › Chapter 25 › § 511- Altering or removing motor vehicle identification numbers

"(a) A person who—(1) knowingly removes, obliterates, tampers with, or alters an identification number for a motor vehicle or motor vehicle part; or (2) with intent to further the theft of a motor vehicle, knowingly removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the Motor Vehicle Theft Prevention Act, shall be fined under this title, imprisoned not more than 5 years, or both.(1) Subsection (a) of this section does not apply to a removal, obliteration, tampering, or alteration by a person specified in paragraph (2) of this subsection (unless such person knows that the vehicle or part involved is stolen). (b) paragraph (2) (D) a person who removes, obliterates, tampers with, or alters a decal or device affixed to a motor vehicle pursuant to the **Motor Vehicle Theft Prevention Act**, if that person is the owner of the motor vehicle, or is authorized to remove, obliterate, tamper with or alter the decal or device by—(i) the owner or his authorized agent; (ii) applicable State or local law; or (iii) regulations promulgated by the Attorney General to implement the **Motor Vehicle Theft Prevention Act**."

#### 42 U.S.C. § 14171 : US Code - Section 14171: Motor vehicle theft prevention program

"(a) In general Not later than 180 days after September 13, 1994, the Attorney General shall develop, in cooperation with the States, a national voluntary motor vehicle theft prevention program (in this section referred to as the "program") under which - (1) the owner of a motor vehicle may voluntarily sign a consent form with a participating State or locality in which the motor vehicle owner - (A) states that the vehicle is not normally operated under certain specified conditions; and (B) agrees to - (i) display program decals or devices on the owner's vehicle; and (ii) permit law enforcement officials in any State to stop the motor vehicle and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner, if the vehicle is being operated under the specified conditions; and (2) participating States and localities authorize law enforcement officials in the State or locality to stop motor vehicles displaying program decals or devices under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner. (b) Uniform decal or device designs (1) In general The motor vehicle theft prevention program developed pursuant to this section shall include a uniform design or designs for decals or other devices to be displayed by motor vehicles participating in the program. (2) Type of design The uniform design shall - (A) be highly visible; and (B) explicitly state that the motor vehicle to which it is affixed may be stopped under the specified conditions without additional grounds for establishing a reasonable suspicion that the vehicle is being operated unlawfully. (c) Voluntary consent form The voluntary consent form used to enroll in the

program shall - (1) clearly state that participation in the program is voluntary; (2) clearly explain that participation in the program means that, if the participating vehicle is being operated under the specified conditions, law enforcement officials may stop the vehicle and take reasonable steps to determine whether it is being operated by or with the consent of the owner, even if the law enforcement officials have no other basis for believing that the vehicle is being operated unlawfully; (3) include an express statement that the vehicle is not normally operated under the specified conditions and that the operation of the vehicle under those conditions would provide sufficient grounds for a prudent law enforcement officer to reasonably believe that the vehicle was not being operated by or with the consent of the owner; and (4) include any additional information that the Attorney General may reasonably require. (d) Specified conditions under which stops may be authorized (1) In general The Attorney General shall promulgate rules establishing the conditions under which participating motor vehicles may be authorized to be stopped under this section. These conditions may not be based on race, creed, color, national origin, gender, or age. These conditions may include - (A) the operation of the vehicle during certain hours of the day; or (B) the operation of the vehicle under other circumstances that would provide a sufficient basis for establishing a reasonable suspicion that the vehicle was not being operated by the owner, or with the consent of the owner. (2) More than one set of conditions The Attorney General may establish more than one set of conditions under which participating motor vehicles may be stopped. If more than one set of conditions is established, a separate consent form and a separate design for program decals or devices shall be established for each set of conditions. The Attorney General may choose to satisfy the requirement of a separate design for program decals or devices under this paragraph by the use of a design color that is clearly distinguishable from other design colors. (3) No new conditions without consent After the program has begun, the conditions under which a vehicle may be stopped if affixed with a certain decal or device design may not be expanded without the consent of the owner. (4) Limited participation by States and localities A State or locality need not authorize the stopping of motor vehicles under all sets of conditions specified under the program in order to participate in the program. (e) Motor vehicles for hire (1) Notification to lessees Any person who is in the business of renting or leasing motor vehicles and who rents or leases a motor vehicle on which a program decal or device is affixed shall, prior to transferring possession of the vehicle, notify the person to whom the motor vehicle is rented or leased about the program. (2) Type of notice The notice required by this subsection shall - (A) be in writing; (B) be in a prominent format to be determined by the Attorney General; and (C) explain the possibility that if the motor vehicle is operated under the specified conditions, the vehicle may be stopped by law enforcement officials even if the officials have no other basis for believing that the vehicle is being operated unlawfully. (3) Fine for failure to provide notice Failure to provide proper notice under this subsection shall be punishable by a fine not to exceed \$5,000. (f) Notification of police as a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials throughout the State or locality are familiar with the program, and with the conditions under which motor vehicles may be stopped under the program." ...

#### **"28 CFR Part 29 - MOTOR VEHICLE THEFT PREVENTION ACT REGULATIONS - § 29.1 Purpose.**

(a) The purpose of this part is to implement the Motor Vehicle Theft Prevention Act, 42 U.S.C. 14171, which requires the Attorney General to develop, in cooperation with the states, a national voluntary motor vehicle theft prevention program. The program will be implemented by states and localities, at their sole option. (b) Under this program, individual motor vehicle owners voluntarily sign a consent form in which the owner (1) Indicates that the identified vehicle is not normally operated under certain specified conditions and....."

#### **(You agreed to be stopped?)**

".....(2) Agrees to display a program decal or license plate on the vehicle and to permit law enforcement officials in any jurisdiction to stop the motor vehicle if it is being operated under specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner.

(c) The regulations set forth in this part establish the conditions under which an owner may consent to having his or her vehicle stopped and the manner in which a State or locality may elect to participate.

#### **§ 29.5 Notification of law enforcement officials.**

In addition to the actions enumerated in § 29.4(b), as a condition of participating in the program, a State or locality must agree to take reasonable steps to ensure that law enforcement officials under its jurisdiction are familiar with the program and with the conditions under which motor vehicles may be stopped.

#### **§ 29.8 Motor vehicle owner participation.**

In order to participate in this program, the owner(s) of a motor vehicle must sign a program consent form and register with a participating State or locality. If the vehicle is registered to more than one person, both owners must sign the consent form. By enrolling in the federal program, the owner(s) of the motor vehicle—

(a) State(s) that the vehicle is not normally operated under the specified conditions; and (b) **Agree(s)** to:  
(1) Display the program decals or devices on the owner's vehicle; (2) **Permit** law enforcement officials in **any State** or locality **to stop the motor vehicle** if the vehicle is being operated under the specified conditions and take reasonable steps to determine whether the vehicle is being operated by or with the permission of the owner; (3) **Expressly advise any borrower of the vehicle of the existence of this agreement**, and that such user will be subject to being stopped by law enforcement officials if the vehicle is being operated under the specified condition(s) **even if the officials have no other basis for believing the vehicle is being operated unlawfully**; and (4) Comply with **any other** regulation(s) or guideline(s) governing participation in this program.

#### **§ 29.10 Owner withdrawal from the program.**

**An owner may withdraw from the program at any time by completely removing the program decal and changing the license plate if necessary. The owner is also encouraged to notify the participating agency in writing of such withdrawal."**

#### **49 U.S. Code Chapter 331 - THEFT PREVENTION § 33107 - Voluntary vehicle identification standards**

"(a) **Election To Inscribe or Affix Identifying Marks.**— The Secretary of Transportation by regulation may prescribe a vehicle theft prevention standard under which a person **may elect** to inscribe or affix an identifying number or symbol on major parts of a motor vehicle manufactured or owned by the person for purposes of section 511 of title 18 and related provisions. The standard **may** include provisions for **registration of the identification** with the Secretary or a person designated by the Secretary. ... (c) **Voluntary Compliance.**— Compliance with the standard under this section is **voluntary**. Failure to comply **does not subject a person to a penalty or enforcement** under this chapter. (d) **Compliance With Other Standards.**— Compliance with the standard under this section does not relieve a **manufacturer** from a requirement of a standard prescribed under section 33102 or 33103 of this title. "

#### **§ 33114 - Prohibited acts**

(b) **Nonapplication.**— Subsection (a)(1) of this section **does not apply** to a person establishing that **in the exercise of reasonable care** the person did not have **reason to know** that the motor vehicle or major replacement part was not in conformity with the standard.

#### **§ 33118 - Preemption of State and local law**

When a motor vehicle theft prevention standard prescribed under section 33102 or 33103 of this title is in effect, a State or political subdivision of a State **may not have a different motor vehicle theft prevention standard** for a motor vehicle or major replacement part."

#### **49 U.S. Code § 31312 - Decertification authority**

(a) **In General.**— If the Secretary of Transportation determines that a State is in substantial noncompliance with this chapter, the Secretary shall issue an order to— **(1) prohibit that State from carrying out licensing procedures** under this chapter; and (2) prohibit that State from issuing any commercial driver's licenses until such time the Secretary determines such State is in substantial compliance with this chapter. ..."

#### **N.Y. VAT. LAW § 2102: Exclusions**

...(c) The provisions of paragraph (a) of this subdivision, insofar as they require display of **number plates** issued by the commissioner, **shall not apply to any motor vehicle**, other than a bus, **which is duly registered** in another state and **displays registration and number plates** as required by that state, **which registration and number plates permit the transportation of persons for-hire** within that state,..."

#### **Title 49: Transportation PART 6—IMPLEMENTATION OF EQUAL ACCESS TO JUSTICE ACT IN AGENCY PROCEEDINGS, Subpart A—General Provisions §6.1 Purpose of these rules.**

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible individuals and entities who are parties to certain administrative proceedings (called "adversary adjudications") before government agencies, such as the Department of Transportation or any of its operating administrations. The rules in this part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that this agency will use to make them. The use of the term "Department", in this rule, will be understood to mean the Department of Transportation or any of its operating administrations, unless otherwise specified. The term "agency counsel" will be understood to mean counsel for the Department of Transportation or any of its operating administrations. [48 FR 1070, Jan. 10, 1983, as amended at 62 FR 19233, Apr. 21, 1997]

### Title 49 → Subtitle A → Part 21 → §21.11 Conduct of investigations.

(a) *Periodic compliance reviews.* The Secretary shall from time to time review the practices of recipients to determine whether they are complying with this part. (b) *Complaints.* Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with the Secretary a written complaint. A complaint must be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Secretary. (c) *Investigations.* The Secretary will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part. (d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the Secretary will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in §21.13. (2) If an investigation does not warrant action pursuant to paragraph (d)(1) of this section the Secretary will so inform the recipient and the complainant, if any, in writing. (e) *Intimidatory or retaliatory acts prohibited.* **No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part.** The identity of complainants shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. [35 FR 10080, June 18, 1970, as amended by Amdt. 72-2, 38 FR 17997, July 5, 1973]

#### **“Modern Business Law First Edition- (Forgery) pg. 528**

“A person whose signature is used on a negotiable instrument without authority is not liable on it. If, however, the person’s negligence substantially contributed to the use of the unauthorized signature, he or she is precluded from asserting the lack of authority against a holder in due course (section 3-406)”

#### **(Material Alteration) pg. 531**

“A material alteration is one that changes the contract of any of the parties. Changes that do not affect the agreement of the parties are not considered material...”

#### **(Fraud in the Execution) pg. 531**

“The basis of this defense is similar to that underlying forgery and material alteration. A holder in due course attempting to recover on a forged instrument is not allowed to recover because the defendant never agreed to be bound. Where a material alteration has occurred, the defendant’s liability is **limited** because he or she did not agree to the instrument’s terms **as they now appear.** In fraud in the execution, also called fraud in the factum, the party defending **escapes liability** because he or she was misled as to what was being signed. This might happen in a number of ways. Extreme cases exist in which promissory note was cleverly hidden under another document that a person supposedly signed. Upon removal of the cover document, the signature is on the note, which the payee then negotiates. The more usual situation is one in which a buyer signs a promissory note or some other type of commercial paper, being assured by the seller that the instrument is merely an authorization to conduct a credit investigation or a receipt. In these situations, because the signer never intended to make a promise, **no liability exists.** For this defense to be successful, the defendant must be able to show that no reasonable opportunity existed to discover what was actually being signed. If the defendant acted carelessly either in not reading the instrument being signed or in some other manner, the defense will fail. Fraud in the execution differs from the false statement made to induce a person to enter into a contract. This is called fraud in the procurement or fraud in the inducement. Fraud in the inducement is not a defense against a holder in due course. Although it is a defense in a contract case, contractual defenses of this kind may be asserted only against ordinary holders.”

#### **(Duress and Illegality) pg. 532**

“Duress and Illegality are treated by UCC in a manner **similar to incapacity** other than infancy (section 3-305[1][b]). In both instances, if applicable state law renders the contract void, duress or illegality can be asserted against a holder in due course. **In most states a contract secured by duress is voidable,** not void; thus duress is generally unavailable as a defense against a holder in due course. If, however, the duress is so extreme that the agreement is void from the beginning, duress is a good defense...”