

# Sovereignty Education and Defense Ministry (SEDM) Right to Travel Authorities

Date Printed 8/15/2012 2:50:21 PM

<b>Jurisdiction Name:</b> Alabama			
Type:	State	IncomeTax?:	<input checked="" type="checkbox"/>
Abbreviation:	AL	Country:	United States
StatutesName:	Code of Alabama (C.O.A.)	DateJoinedCountry:	1819-12-14 00:00:00
NumCounties:	67		
AreaCodes:	205 - 251 - 256 - 334		

Jurisdiction General Information:

## VEHICLE CODE

VehCodeTitle:	Title 32
VehCodeLink:	<a href="http://www.legislature.state.al.us/CodeofAlabama/1975/22786.htm">http://www.legislature.state.al.us/CodeofAlabama/1975/22786.htm</a>
VehicleRegTitle:	
VehicleRegLink:	

VehicleCodeInfo:

1. Definitions
  - 1.1 Definitions are found in Section 32-1-1.1.  
<http://www.legislature.state.al.us/CodeofAlabama/1975/32-1-1.1.htm>
  - 1.2 32-1-1.1(67) defines "State" as a territory or possession of the United States or a province of Canada.
  - 1.3 32-1-1.1(81) defines "vehicle" as a device that transports "persons" and "property" upon a "highway". All "persons" in turn can only be public officers and not private human beings.
  - 1.4 32-1-1.1(71) defines "suspension" of driver's licenses, which is instituted by the Direct or Public Safety.
  - 1.5 32-1-1.1(53) describes a "revocation" of driver's license as a termination by director of a person's license or privilege.
  - 1.6 32-1-1.1(14) defines "driver" as "every person who drives or is in actual physical control of a vehicle."
2. Vehicle registration
  - 2.1 32-6-61 through 32-6-68 talks about registration.
  - 2.2 32-6-194, 273, 332, 363, 382, 392, 402, 412 say that sale of vehicles shall not include the plate and that the original owner must retain the plate after transfer of the vehicle.
  - 2.3 32-7-18 suspends license and registration upon conviction, unless proof of financial responsibility is provided.
3. Driver licensing
  - 3.1 32-6-1 through 32-6-49.23 talks about driver licensing.
  - 3.2 32-5A-195 talks about cancellation, suspension or revocation of driver's licenses. There appears to be no provision described by which the HOLDER of the license can TERMINATE it rather than the director of public safety. If you wish to terminate a license unilaterally yourself, you should call it a TERMINATION, and emphasize that it is NOT a "cancellation, suspension, or revocation" in order to prevent seizure of the vehicle if caught traveling without said license per 32-6-19.
  - 3.3 32-5A-300 talks about suspension of driving privileges. The main cause is driving while intoxicated.
  - 3.4 32-7-14 suspends license, registration, and privilege for nonpayment of judgments.

4. Insurance

4.1 32-7 talks about insurance.

4.2 32-7-6 requires security to be furnished within 20 days of an accident. The license, registration, and driver privilege shall be suspended for failure to deposit security.

4.3 32-7-7 exempts suspension if there was no injury or damage.

5. Impoundment

5.1 32-5A-203 authorizes seizure and forfeiture of vehicle driven by person driving while license is suspended or revoked. It does not mention licenses terminated but not "cancelled, suspended, or revoked". This provision was Repealed by Act 98-470, § 2, effective May 1, 1998. That section is under Article 9: Serious Traffic Offenses.

5.2 32-6-19 currently authorizes impoundment of vehicles driven by those with "denied, cancelled, suspended, or revoked" licenses. It does not authorize impoundment of vehicles in which the driver is NOT "licensed" or who terminated but did not CANCEL an existing license. It does not define "denied". It also says that a nonresident who has been denied a license, can have his vehicle impounded. What if he/she was denied BECAUSE they were a nonresident and not because they were not otherwise eligible? This appears to compel people to choose a residence within "the state", which is the government.

6. Enforcement

6.1. 31-1-4 is the authority for issuing tickets or citations with summons. It requires the officer to take the name, address, and license and to issue summons ONLY when there is a misdemeanor. Where there is no misdemeanor or injured party, the officer cannot issue the ticket. Most traffic infractions are NOT misdemeanors, and therefore not allowed to have tickets issued.

6.2 32-10-2 says drivers involved in accidents resulting in injury or death of any person or damage to vehicle shall give personal information such as name, address, the registration number of the vehicle, and driver's license. It says nothing about those who are NOT "drivers". The penalty for failure to cooperate is found in 32-10-6. which is a Class A misdemeanor if no death or personal injury is involved. If death or personal injury is involved, it becomes a Class C felony.

6.3 32-6-19(a)(2) identifies proceedings in courts as "quasi-criminal", which means it is not criminal and is a franchise.

6.4 32-1-3 talks about when right to use highways may be restricted. The main occasion is when vehicle weighs too much and would damage the road.

VehicleCodeLoopholes:

1. Corpus Delecti

"There are only two elements in the corpus delecti of an offense: (1) That a certain result has been produced, and (2) that a person is criminally responsible for that result." Ex parte Slaton, 680 So.2d. 909, 925 (Ala. 1996).

““Corpus delecti” consists of two elements: that a certain result has been produced that some person is criminally responsible for the act.” Johnson v. State, 473 So.2d. 607, 609.

“Thus, although a certain section of Amendment III appears on its face to be discriminatory, because “plaintiff in this case alleged that he or she suffered an injury under this section, no case or controversy was ever presented to the trial court to invoke its jurisdiction...”

"Under Alabama law, every action in tort consists of three elements: The existence of a legal duty by defendant to plaintiff; a breach of that duty; and damage as the proximate result. Alabama Power Co. v. Guy, 281 Ala. 583, 206 So.2d. 594, 599 (1967)." Dobbs v. Alabama Power Co., 549 So.2d. 35, 36 (Ala. 1989).

"To present a justiciable case or controversy, the individual plaintiff must have standing to sue; to have standing, the individual must allege an injury directly arising from or connected with the wrong alleged. The standing requirement applies whether the plaintiff sues individually or on behalf of a class." Ex Parte Blue Cross & Blue Shield of Alabama, 582 So.2d. 469, 474...

"When a party without standing purports to commence an action, the trial court acquires no subject matter jurisdiction. Barshop v. Medina County Underground Water Conservation District, 925 S.W.2d. 618, 626...('standing is a necessary component of subject matter jurisdiction'). See also Rames v. Bryd , 521 US 811...("standing is perhaps the most important of [the jurisdictional] doctrines"); National Organization for Women, Inc., v. Scheidler , 510 US 249...('standing represents a jurisdictional requirement which remains open to review at all stages of the litigation')...('standing is a jurisdictional prerequisite to every case and may be raised at any stage of the proceedings')..." Ex parte James, 836 So.2d. 813, 871, 872-873.

"Standing requires an injury in fact...When a party without standing purports to commence an action, the trial court acquires no subject matter jurisdiction...If a named plaintiff has not been injured by the wrong alleged in the complaint, then no case or controversy is presented...A party's injury must be "tangible,"..." Kid's Care, Inc. v. Ala. Dept' of Hum. Res., 843 So.2d. 164, 166-167 (Ala. 2002).

"Standing turns on whether the party has been injured in fact and whether the injury is to a legally protected right." Walters v. Stewart, 838 So.2d. 1047.

"Judicial power is authority vested in some court, officer or person, to hear and determine when the rights of person or property, or the propriety of doing an act, are the subject-matter of adjudication." State v. Jelks, 35 So. 60, 62.

<b>Jurisdiction Name:</b> Alaska			
Type:	State	IncomeTax?:	<input type="checkbox"/>
Abbreviation:	AK	Country:	United States
StatutesName:	Alaska Statutes	DateJoinedCountry:	1959-01-03 00:00:00
NumCounties:	25		
AreaCodes:	907		

Jurisdiction General Information:

**VEHICLE CODE**

VehCodeTitle:	Title 28
VehCodeLink:	<a href="http://www.touchngo.com/lglcntr/akstats/Statutes/Title28.htm">http://www.touchngo.com/lglcntr/akstats/Statutes/Title28.htm</a>
VehicleRegTitle:	
VehicleRegLink:	

VehicleCodeInfo:

1. Definitions
  - 1.1 AS 28.90.990 contains the definitions for the title.
  - 1.2 AS 28.90.990(8) Defines "driver".
  - 1.3 AS 28.90.990(16) Defines "motor vehicle".
  - 1.4 AS 28.90.990(13) Defines "highway".
  - 1.5 AS 28.90.990(28) Defines "vehicle". Vehicle does NOT include mobile homes.
  - 1.6 AS 28.90.990(3) Defines "commercial purpose" to include use of the roadways for compensaion or for a person's business.
2. Registration
  - 2.1 AS 28.10.011 describes vehicles subject to registration. Nonresident vehicles per AS 28.10.121 are expressly exempted. Section 121 in turn does NOT exempt unregistered vehicles from out of state. Therefore, it is prudent to display SOME kind of plate in order to come under the provisions of this section. AS 28.10.041 talks about grounds for refusing registration. Among the grounds are filure to do inspection, failure to have a liability policy, failure to provide full legal name of registrant; suspension of registration in another state; fees not paid, unsafe vehicle, fraud on application, failure to provide complete information.
  - 2.2 AS 28.10.121 talks about vehicles of nonresidents. It says that nonresidents are exempt from registration for 60 days after entry into "this state". It says that:  
"However, if the person becomes gainfully employed in the state or takes action that indicates an intention to acquire residence in the state, the person shall comply with the licensing and registration provisions of this chapter within 10 days of commencement of employment or of taking action that indicates the person's intention to acquire residence." By "employed", they can only mean public officers engaged in a "trade or business".
3. Licensing
  - 3.1 AS 28.05.045 says that all those who apply for a drivers licenses are "residents". It authorizes the department to register these "residents" to vote at the time of obtaining said license. "A state resident, who will be 18 years of age or older within 90 days, who applies in an office of the department for a driver's license, identification card issued under AS 18.65.310 , or vehicle registration under AS 28.10 shall at the time of application be advised by the division that the resident may also register to vote. "
  - 3.2 AS 28.20.160 talks about application to nonresidents, unlicensed drivers, and unregistered vehicles. It

says the owner of the unregistered vehicle cannot be licensed or register in the state until the driver complies with the requirements of the chapter.

3.3 AS 28.20.250 talks about actions in respect to unlicensed persons. It says that those committing an offense that requires license suspension or those driving without a license or without a registration, a license may not be issued to the person without proof of financial responsibility.

#### 4. Insurance

4.1 AS 28.20.400 talks about self insurers, which it identifies as those having more than 25 vehicles registered in the state.

#### 5. Impoundment

5.1 AS 28.35.036 is the basis for forfeiture of vehicle, aircraft, or watercraft.

5.2 It cites AS 28.15.291 (b), AS 28.35.030, and 28.35.032 as the procedure for forfeiture

5.3 Offenses found in AS 28.15.291 (b), AS 28.35.030, or AS 28.35.032 are the only conditions for forfeiture.

5.4 15.291 is the condition of driving while license is cancelled, suspended, or revoked. AS 28.35.030 talks about driving while intoxicated or stoned. AS 28.35.032 talks about refusal to submit to a chemical test. AS 28.35.031 says that all those who drive give "implied consent" to be chemically tested.

5.5 AS 28.05.091 authorizes impoundment of "unlawful vehicles", which are unsafe vehicles or those whose identification numbers are defaced or altered or removed.

5.6 AS 28.01.015 identifies municipal impoundment and forfeiture requirements. It mentions driving with suspended or cancelled licenses, those who fail to carry proof of insurance, driving under the influence, or those with over \$1,000 in traffic fines.

#### 6. Enforcement

6.1 AS 28.35.225 makes enforcement officers responsible to enforce Title 28.

6.2 AS 28.90.010 makes it a misdemeanor to violate a provision of the title, unless the offense is a felony. It also says that "infractions" are not criminal offenses and may not result in imprisonment. It defines "infractions" as a violation of the regulations implementing the title.

6.3 AS 28.35.060 says all those who instigate injury or death or damage have a duty to give information and render aid. The penalty for failing to give information is imprisonment for not more than one year, fine of \$500, or both. The penalty for failure to aid the injured person is 10 years or fine of \$10,000.

6.4 AS 28.35.182 makes it an offense to fail to stop for the police officer as soon as safely practical.

6.5 AS 28.04.151 talks about authority for citations for scheduled vehicle and traffic offenses.

#### VehicleCodeLoopholes:

##### 1. Corpus Delicti

"Degree of injury required under interest-injury standing need not be great; an "identifiable trifle" is said to suffice to fight out a question of principal." *Alaskans for a Common Language, Inc. v. Kritz*, 3 P.3d. 906 (Alaska 2000).

"State courts grant standing to any person who can show injury-in-fact." *In re Dissolution of Marriage of Alaback*, 997 P.2d. 1181.

"the duty of this court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted in the particular case before it." *Tyler v. Judges of the Court of Registration*, 179 U.S. 405, 21 S.Ct. 206, 208.

<b>Jurisdiction Name:</b> All 50 U.S. States			
Type:	State	IncomeTax?:	<input type="checkbox"/>
Abbreviation:		Country:	United States
StatutesName:		DateJoinedCountry:	
NumCounties:			
AreaCodes:			

Jurisdiction General Information:

**VEHICLE CODE**

VehCodeTitle:	
VehCodeLink:	
VehicleRegTitle:	
VehicleRegLink:	

VehicleCodeInfo:

VehicleCodeLoopholes:

<b>Jurisdiction Name:</b> Arizona			
Type:	State	IncomeTax?:	<input checked="" type="checkbox"/>
Abbreviation:	AZ	Country:	United States
StatutesName:	Arizona Revised Statutes (A.R)	DateJoinedCountry:	1912-02-14 00:00:00
NumCounties:	15		
AreaCodes:	480 - 520 - 602 - 623 - 928		

Jurisdiction General Information:

**VEHICLE CODE**

VehCodeTitle:	Title 28
VehCodeLink:	<a href="http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=28">http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=28</a>
VehicleRegTitle:	
VehicleRegLink:	

VehicleCodeInfo:

1. Definitions
  - 1.1 28-101 is the definitions.
  - 1.2 28-101(17) defines "drive".
  - 1.3 28-101(33) defines "motor vehicle".
  - 1.4 28-101(39) defines "operator".
  - 1.5 28-101(49) defines "State" as a state of the United States nad the District of Columbia.
  - 1.6 28-101(57) defines "Vehicle".
  - 1.7 Article 9, 28-1191 et seq. identifies a nonresident daily commuter as someone from outside the state who commutes daily into the state for employment purposes. Such a person is authorized to obtain external vehicle indicia and identification card.
2. Registration
  - 2.1 28-2152 says that it is a misdemeanor to register a vehicle owned by a person in other than the county of his residence.
  - 2.2 28-2321 identifies registration requirements for nonresident's vehicle. Transportation for hire or business use is the basis for requiring registration in the state.
  - 2.3 28-4032 lists commercial carriers who are subject to financial responsiibility. Private parties are not listed.
3. Driver licensing
  - 3.1 28-1557 distinguishes between a "license" and a "nonresident operating privilege". 28-3302 says EITHER can be suspended.
  - 3.2 28-3151 mandates driver licenses. 28-3169 says the license must be in the possession of the driver at all times. 28-3308 says the license must be suspended if they are cited and fail to appear.
  - 3.3 28-3226 says that a commercial driver may only have ONE license, which implies that the issuer is the state of domicile of the licensee. See also 28-3222.
4. Insurance
  - 4.1 28-4001 through 28-4152 discuss insurance.
  - 4.2 28-4135 mandates financial resonsibility for all motor vehicles. Penalty of \$500 for first violation. \$700 for second violation.
  - 4.3 28-4073 requires suspension of license for nonpayment of judgments.

4.4 28-4077 authorizes a certificate of insurance to be used as proof of responsibility.  
4.5 28-4003 lists motor carriers excepted from responsibility.  
4.6 28-4132 lists people excepted from responsibility.  
4.7 28-4144 authorizes suspension of license, registration, and plates for failure to have insurance.  
4.8 28-4143 authorizes suspension of license following an accident if no financial responsibility was demonstrated.

4. Impoundment

4.1 28-3511 describes impoundment of vehicles. Included in the list authorizing impoundment is driving with privilege suspended or revoked, not having a driver license for ANY jurisdiction, aiding illegal aliens, not in compliance with financial responsibility.

5. Violations and penalties

5.1 Violations are described in 28-121 as class 2 misdemeanors for chapters 3, 5, 7, 8, or Chapter 9 art. 4. Chapters 3, 5, 7, 8, 9 art 4, or 10 art. 10 are civil traffic violations.

5.2 28-1521 identifies penalties as CIVIL, meaning that you must have a domicile and/or be a "resident" to be subject to them.

5.3 28-1593 is the authority for issuing a civil traffic ticket.

5.4 28-1594 is the authority to detain persons. It states that detention is authorized to issue tickets and investigate violations or suspected violations of the vehicle code.

VehicleCodeLoopholes:

1. Corpus Delecti

"All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights." Arizona constitution article II § 2.

"it is declared that the public policy of this state and the general purposes of the provisions of this title [criminal code title 13] are: 1. To proscribe conduct that unjustifiably and inexcusably causes or threatens substantial harm to individual or public interests." Arizona criminal code § 13-101 .

"Two elements comprise the corpus delecti of a crime: (1) the basic injury...(2) the fact that the basic injury was the result of a criminal, rather than a natural or accidental, cause. State v. Thomas, 78 Ariz. 52, 59, 275 P.2d. 408, 413 (1954)." State v. Atwood, 832 P.2d. 593, 614, 171 Ariz. 576.

"In Arizona, both "but for" causation and proximate cause must be established in a criminal case." State v. Marty, 801 P.2d. 468, 471, 166 Ariz. 233.

"If such preliminary proof has been submitted the confession or statements may then be used to assist in proving the corpus delecti beyond a reasonable doubt, the degree necessary for conviction." State v. Hernandez, 320 P.2d. 476, 469, 83 Ariz. 279.

"In order to establish corpus delecti, state must prove that a certain result has been produced and that someone is criminally responsible for that result." State v. Gerlaugh, 654 P.2d. 800, 134 Ariz. 164.

"To establish corpus delecti, there must be some proof that a certain result has been produced and that someone is criminally responsible for the act." State v. Pineda, 519 P.2d. 41, 100 Ariz. 342.

"“Corpus delecti” of a crime is established by showing proof of result and that someone is criminally responsible therefore." State v. Flores, 454 P.2d. 172, 9 Ariz.App. 502.



““Corpus delecti” has as its two elements that a certain result has been produced and that some person is criminally responsible for the act.” State v. Wilson, 548 P.2d. 23, 113 Ariz. 145.

“In Sears, we denied standing to citizens seeking relief against the governor because they failed to plead and prove palpable injury personal to themselves.” Bennet v. Napolitano, 81 P3d 311, 315.

“To gain standing to bring an action, a plaintiff must allege a distinct and palpable injury. Warth v. Seldin, 422 U.S. 490, 501.” Sears v. Hull, 961 P.2d. 1013, 1017 (1998).

“To gain standing to bring an action, a plaintiff must allege a distinct and palpable injury.” Fernandez v. Takata Seat Belts, Inc., 108 P.3d. 917.