Bill clarifies rights of travel, policing of commercial users of roads in N.H.

A bill by Rep. Dick Marple in New Hampshire retains police power over trucking and transportation, but bans cops from enforcing the transportation statute on people not involved in for-hire use of the roads. (Photo Bizfluent.com)

A bill before the New Hampshire general assembly would codify the common law right of free movement on the state’s roads and stab back the practice of administrative agencies such as the state’s department of safety to enforce the commercial statute upon 100 percent of the users of...
the roads.

The bill is introduced by Rep. Bill Marple, an liberty-minded octogenarian who was re-elected in the middle of a court fight in which he argued the right to travel as against the state privilege of driving.

By David Tulis / NoogaRadio 92.7

The bill, which has not yet been assigned a number, requires the state to give at no cost to all private users of the road — traveling about in noncommercial conveyances — an owner’s decal and ID card that state the holder is “exempt” from rules requiring him to register the conveyance with the state, pursuant to the uniform commercial code exemption for categories of private property that include cars and motorcycles.

In New Hampshire, as in Tennessee, one must have a driver license to be a driver. “Residents of New Hampshire are required to have a valid New Hampshire driver license,” the state says, “to legally operate a vehicle in the state.” Mr. Marple doesn’t dispute this claim. But what about people who are not operating a motor vehicle, but merely traveling to exercise constitutional rights and for other private purposes?

The bill is a breath of fresh air among American state general assemblies for its clear understanding about the distinction between travel and transportation.

“The general court finds that the authority of the department of safety is limited to only the commercial users of the public ways and that the corporate state employees have, by their silence, failed to fully inform the sovereign people of this state that an automobile has been confirmed by Chief Justice Grimes, in 108 N.H. 386, to be ‘private property’ defined by current RSA 382-A:9–109, as ‘household goods’ and ‘consumer goods’ not for commercial use or for profit or gain.”

Says Rep. Marple in an interview, “The right to travel existed before governments were created, Governments do have the authority to have jurisdiction over the commercial use of the highway, *** There is a distinction between the automobile and the motor vehicle. The motor vehicles is defined by the federal government as a commercial vehicle, one that is used on the public ways as a medium of commercial use, a medium to collect revenue — use of the highways to collect profit and gain.”

“That,” he says, “the government has jurisdiction over. But the government has absolutely no jurisdiction over your automobile which is defined as consumer goods. It’s consumer goods under the uniform commercial code.” (UCC 9–102 and UCC 9–109).

In Tennessee the white legal political establishment oppresses private minorities, immigrants, the poor, and orphans and widows under Tenn. Code Ann. Title 55, the scope of which is strictly commercial. Chattanooga and several other Southeast Tennessee towns, however, are under transportation administrative notice and are required, pursuant to statute, to reform traffic stop protocols and end ultra vires enforcement.
Bill of rights requires respect of free movement

Dick Marple, ornery New Hampshire legislator
The bill sources its authority in the state bill of rights and chides officials of commercial government for their long abuse. “Further, the courts have found that corporate public servants who ignore their accountability as mandated in Article 8, N.H. Bill of Rights have by their silence and failure to fully inform the sovereign people of the consequences arising from the corporate ‘offer to contract,’ is deemed silent deception and inducement by fraud.

The bill repeals existing statute and starts afresh, first with definitions applicable to Tennessee no less than to New Hampshire.

➤ “Automobile” and “motorcycle” means any self-propelled conveyance used for noncommercial travel upon the public ways.
➤ “Motor vehicle” means any self-propelled conveyance designed and used upon the public ways for profit or gain in business or commerce.
➤ “Household goods” or “consumer goods” has the same meaning as the Uniform Commercial
Code found at RSA 382-A:9–102 and shall include an automobile. Automobiles and all noncommercial conveyances shall be exempt from the license and registration required of commercial motor vehicles.

➤ “Operator” or “driver” means one who controls the movement of a conveyance upon the public way for commercial or business purposes. Conversely, a “traveler” is one who controls an automobile other noncommercial conveyance.

The fresh definitions are to thwart “semantic subterfuge which is what the government preaches. They’re running a RICO operation to bring in revenue,” Rep. Marple growls. RICO is the racketeering influenced corrupt organizations act in the federal statute; Tennessee also has one.

In the bill, the department of safety would give, at no charge, a decal with “RSA 382-A:9–109 Exempt.” It would also be required to give a photo ID, just as on a driver license, but it would say, “RSA 382-A:9–109 Exempt.”

The ID card “is not a contract or a license or instrument that would require compelled performance by the holder,” according to the bill, and the card “shall provide every law enforcement agency with notice of the holder’s exemption from the statutes that are required for the commercial use of the public way for profit or gain.”

Of course, noncommercial and private users of the road are immune from taxation for a state privilege and registration of the car as a motor vehicle, or as an instrumentality of commerce. “The owner of the automobile shall be considered to be exercising the common unalienable ‘right to travel’ on the public right-of-way in the ordinary and lawful pursuit of life, liberty, and the pursuit of happiness.”

If it’s not obvious by now, such private users would feel under no obligation to get a driver license, and private cars would no longer be subject to any kind of state inspection rule or traffic stop under pretext of the state transportation law.

**Money first, justice later**

The bill makes what appears a glancing reference to the revenue losses the state receives through DOS.

The loss of cash flow would “impact” the general fund, the highway fund and several revolving funds including the motorcycle rider safety fund and driver training fund. Division of motor vehicles software would have to be modified to allow for the issuance of the new type of identification card required by this bill. A vendor says reprogramming would cost $300,000. Yet more would be needed to design the alternative card.

Mr. Marple was arrested and re-elected to his fifth term on the same day in November 2016 outside a Hooksett, N.H., polling place. An officer recognized him from an outstanding bench warrant filed after he had not appeared for an October hearing. Marple went on his own to the police station and turned himself in. The original charge had been for “driving without a valid license,” a misdemeanor charge from 2014.

His bills and views have scandalized defenders of the administrative state, who accuse him of
being a “sovereign citizen” somehow above the law. But critics such as Southern Poverty Law Center hold the state, and its agents, as sovereign and immune from any defenses against their authority by the people.

**Marple defends travel rights at NoogaRadio 92.7**

https://www.facebook.com/noogaradio/videos/1782384745162047/

You have a right to travel by car, insists New Hampshire’s crankiest legislator, Dick Marple.

https://www.facebook.com/noogaradio/videos/1729199027147286/

The right to travel in Tennessee. Dick Marple tells about reform efforts in New Hampshire, cites power of corporations in running commercial government, deleting constitutionally guaranteed rights of the people.