To: The Department of Motor Vehicles

From:

Referencing: Nonoperation of motor vehicle permit

 October 14, 2021

 On or about September 1, 2021 you indicated that one Could Not Operate a Motor Vehicle upon the highways of the State of California without being a licensed driver, which is completely and absolutely 100% correct. There is only one problem, no one was asking, and/or applying for permission to operate a motor vehicle upon the highways of the State of California, please resist the use of presumptions for the sake of clarity.

 I am exercising a right, I am notifying the Department of Motor Vehicles, that I have **3** vessels that are identified and/or construed as vehicles, I need for you to remove my vehicles/automobiles/cars /trailers/SUV's from your operating permit rolls, please. I Now, supply you the Vin numbers, the license plate numbers (if Applicable), via my affidavit of which you by statute may not ignore, of which I say, you do not have my permission to ignore me, it is not something on I am accustom to, that of allowing a trustee/fiduciary/public servant permission to violate the PUBLIC TRUST AGREEMENT.

 As a member of **The Public Trust**, a **beneficiary of that trust**, having **beneficiary rights** related to **the trust**, it is absolutely necessary that you acknowledge, recognize, and accept the following fact: That my personal property is not the property of the state! That my personal property whether it be My automobile, or my Vessel, or any boat, and or SUV purported to be OWNED by my natural sentient person, are never to be construed henceforth as for-profit, commercial gain, and or mere usury (I have attached the exemption Usery/usage form to this document by reference, which shall serve as prima facie evidence of the aforementioned fact), they are to be construed as household goods, for household purposes, consumer goods, not-for-profit and or gain! (See: as prima facie evidence, the Uniform Commercial Code article 9-102 (household goods, consumer goods definition), and article 9-109 (exempt from excise and/or regulatory control)), which again rebuts any presumption that a party is attempting to operate and/or transport goods over the highways of the State of **California** for commercial purposes. See: Memorandum of Judicial Cites, - **AN AUTOMOBILE IS DEFINED AS PRIVATE PROPERTY, HOUSEHOLD GOODS, CONSUMER GOODS.**

 I do apologize that it appears that you presume that I was asking for permission to exercise a right, and I forgive you. But you are to know, and understand, and document your records, that my private property (plate number **1FDSHFJ63, JPGKJG07, KGJJUG94**, and any other property that I may bring to your attention in the future, that is wholly owned by myself, for my non-profit noncommercial engaging in business purposes), is never to be construed for any other use other than personal use, household use, private use, noncommercial use, noncommercial transport, non-trafficking, non-profit heretofore, henceforth, forthwith.

 No one is attempting to bind you to any statement, and the fact that anyone could presume that that was/is or maybe the case is an absurdity incarnate, you are bound by the law i.e. the Constitution for the great State of California and the supreme law of the land the Bill of Rights for the United States Constitution for America, but this you already knew. Whether use of an automobile is construed as a privilege or right is not the issue, I am simply advising your offices to remove my automobiles from your *operation of motor vehicle rolls*, that's it, so please stop attempting to cause me more stress, or to insist through presumption that I don't have a right to have you comply with the law as applied to your organization, an administrative agency, governed by the APA, as cognizable by positive law TITLE 5 of the U.S.C.

 Everyone knows that Congress has been given the power and/or authority to regulate **commercial traffic, commerce,** however, there has been no authorization in any state, under any law, under any will of the people for the regulating of private affairs so long as they do not interfere with the rights of others and/or the rights of the states, no such thing was ever suggested by any party and/or my person.

 The issue that I am specifically notifying your agency of, my determination to never "operate a motor vehicle for the purpose of trafficking, commercial gain, and or profit upon the highways of the State of California or any other state of the corporate GOVERNMENT, henceforth, heretowith, forthwith"! You are interfering and impeding my right to enjoyment of life, property and the pursuit of happiness and I humbly request that you cease and desist!

 The representatives MUST return all documents that were sent to your offices, which were my private property and you are under an agreement to return my property to me, and I must ask that you provide proof, that documentation that was sent to:

### YOUR NAME

**PMB: 2182 S. LUCY’s Blvd.,**

**Cambrare, Morrea 0875807.**

 You are to know that this will serve as a notice of change of address, please follow the format and do not deviate, this is how to communicate with my person, as I have provided you a valid address for my private mailbox service, you shall comply! Thank you for your cooperation, as you do not have my permission to regulate my private property, you are not The Legislature, of whom I have not authorized nor given that body such consent.

 You already checked, there is no application for a license to operate a motor vehicle upon the highways of the State of **California**, I do not want such a privilege, am not required to exercise such a privilege, as this body is fully aware that "the right to travel and the right to operate a motor vehicle upon the public highways is not synonymous"-see: **memorandum of judicial court cite attached hereto.**

 There was no further need for a back and forth, you have received notice of "**NON-OPERATING OF A MOTOR VEHICLE INTENT",** you will need to follow the procedure regarding the specific topic of Contention/Conversation, your failure to follow procedures is a violation of my rights and your duties under the **Administrative Procedure Act**, this is a warning. This communication shall be construed as my notice of administrative appeal, please schedule a hearing without delay! And this shall serve as notice of appeal and appeal brief.

 Notification of verification and validation

 The aforementioned is wholly accurate, attested, ascribed, and sworn on this the 14th day of October 2021, by my person with the true God as my witness, under penalty if found to be otherwise, so help me God!

 **Your Name** (underwriter)

(Please take special notice that any typographical and/or grammatical errors are to be construed contextually, and that the communications with this agency and/or any affiliate agency does not constitute a submitting to the jurisdiction thereof, this is a peremptory challenge!)

**MEMORANDUM OF CITED UNIVERSAL COURT OPINION**:

# **Traveling Upon The Highways And Operating A Motor Vehicle Is Not Synonymous**

####  [**State v. Williamson**](https://casetext.com/case/state-v-williamson-41319?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa28)

826 S.E.2d 578 (N.C. Ct. App. 2019)

prohibits driving upon the highways of the State with a revoked license. Defendant argued to the trial court that this impeded his right to travel. However, this Court rejected a similar argument in Sullivan, involving a constitutional challenge to N.C. Gen. Stat. § 20-111(1), which makes it unlawful to drive an unregistered vehicle on the highway. Sullivan, 201 N.C. App. at 544-46, 687 S.E.2d at 508-09. This Court noted that "the right to travel is not synonymous with the right to operate a motor vehicle on the highways of this State." Id. at 545, 687 S.E.2d at 508. This Court further stated:

####  [**State v. Sullivan**](https://casetext.com/case/state-v-sullivan-82320?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa21)

687 S.E.2d 504 (N.C. Ct. App. 2009)   Cited 1 times

State v. Dobbins, 277 N.C. 484, 497, 178 S.E.2d 449, 456 (1971). However, the right to travel is not synonymous with the right to operate a motor vehicle on the highways of this State. " The operation of a motor vehicle on such highways is not a natural right. It is a conditional privilege, which may be suspended or revoked under the police power. The license or permit to so operate is not a contract or property right in a constitutional sense." Honeycutt v. Scheidt, 254 N.C. 607, 609-10, 119 S.E.2d 777, 780 (1961)(internal quotations and citations omitted).

####  [**State v. Sullivan**](https://casetext.com/case/state-v-sullivan-144?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa54)

201 N.C. App. 540 (N.C. Ct. App. 2009)   Cited 1 times

State v. Dobbins, 277 N.C. 484, 497, 178 S.E.2d 449, 456 (1971). However, the right to travel is not synonymous with the right to operate a motor vehicle on the highways of this State. "The operation of a motor vehicle on such highways is not a natural right. It is a conditional privilege, which may be suspended or revoked under the police power. The license or permit to so operate is not a contract or property right in a constitutional sense." Honeycutt v. Scheldt, 254 N.C. 607, 609-10, 119 S.E.2d 777, 780 (1961) (internal quotations and citations omitted).

####  [**Commonwealth v. Greenberg**](https://casetext.com/case/commonwealth-v-greenberg-5?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa23)

229 A.3d 386 (Pa. Super. Ct. 2020)

his belief that he was entitled to a jury trial and that his constitutional right to travel was violated. After review, we conclude that Appellant's claims are meritless. Stated simply, Appellant was not exposed to incarceration; therefore, he was not entitled to a jury trial. Commonwealth v. Smith , 868 A.2d 1253, 1257 (Pa. Super. 2005). Moreover, driving and traveling are not synonymous. Generally, citizens of the United States possess a constitutional right to travel. Saenz v. Roe , 526 U.S. 489 (1999). In Saenz , the Supreme Court of the United States explained that the right to travel:

####  [**State v. McGlone**](https://casetext.com/case/state-v-mcglone?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa23)

59 Ohio St. 3d 122 (Ohio 1991)   Cited 45 times

of intoxication while operating the vehicle, not when or how such individual came to be in an intoxicated condition. Thus, in this case we are concerned with whether McGlone operated a motor vehicle while intoxicated in violation of R.C. 4511.19(A)(1) and (3). This court has held previously that driving and operating a motor vehicle are not synonymous. We observed in Cleary, supra, at 199, 22 OBR at 352, 490 N.E.2d at 575, that: "Operation of a motor vehicle within contemplation of the statute is a broader term than mere driving and a person in the driver's position in the front seat with the

####  [**Draeger v. Reed**](https://casetext.com/case/draeger-v-reed?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa24)

69 Cal.App.4th 1511 (Cal. Ct. App. 1999)   Cited 44 times

underlying the conviction to determine if the offenses are equivalent. Thus, if the out-of-state statute is broader than the California statute, it is not equivalent even if the out-of-state driver was convicted of the same conduct prohibited in California. [¶] Driving a vehicle and being in actual control of a vehicle are not synonymous. Mercer v. Department of Motor Vehicles (1991) 53 Cal.3d 753 [280 Ca,Rptr. 745, 809 P.2d 404]. Therefore, since [Draeger] could not have been convicted of that offense in California, his Florida conviction cannot be used as a prior offense in California." The

####  [**No. 94-3**](https://casetext.com/case/no-557?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa27)

No. 94-3 (Ops.Colo.Atty.Gen. Apr. 25, 1994)

Section 42-4-1603, C.R.S. (1993) does not give the Colorado State Patrol, or any other law enforcement agency, the authority to remove vehicles, cargo or debris. Vehicle and motor vehicle are not synonymous. Motor vehicle is defined as "any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons, and property over the public highways. . . ." Section 42-1-102(46), C.R.S. (1993). Vehicle is

####  [**Weber v. Orr**](https://casetext.com/case/weber-v-orr?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa12)

274 Cal.App.2d 288 (Cal. Ct. App. 1969)   Cited 16 times

under the influence of intoxicating liquor." [1] It will be seen that in respect of the use of a highway there are two demands made by the statute in order to make effective the requirement for yielding to one of the tests. The first is contained in the initial sentence. A person must actually drive a motor vehicle upon a highway. It is this driving upon a highway which implies the giving of consent, as further described in the section. The second demand contained in the statute is that a peace officer have reasonable cause to believe that the affected person was driving a motor vehicle upon a

####  [**Jackson v. Pierce**](https://casetext.com/case/jackson-v-pierce?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa29)

224 Cal.App.3d 964 (Cal. Ct. App. 1990)   Cited 6 times

court pointed out that under section 13353, subdivision (a), the implied consent law applied to "[a]ny person who drives a motor vehicle on a highway. . . ." ( Id. at p. 290.) The Weber court then reasoned: "It will be seen that in respect of the use of a highway there are two demands made by the statute in order to make effective the requirement for yielding to one of the tests. The first is contained in the initial sentence. A person must actually drive a motor vehicle upon a highway. It is this driving upon a highway which implies the giving of consent, as further described in the section

####  [**Wheat v. State**](https://casetext.com/case/wheat-v-state-7?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=)

No. 14-10-00029-CR (Tex. App. Apr. 5, 2011)   Cited 2 times

that would enable the vehicle's use." Denton v. State , 911 S.W.2d 388, 390 (Tex. Crim. App. 1995). Under this standard, "operating" a motor vehicle is interpreted very broadly. Strong v. State , 87 S.W.3d 206, 215 (Tex. App.-Dallas 2002, pet. ref'd). Therefore, operation of a motor vehicle does not necessarily involve driving the motor vehicle. Denton , 911 S.W.2d at 389 . "Because `operating a motor vehicle' is defined so broadly, any action that is more than mere preparation toward operating the vehicle would necessarily be an action to affect the functioning of [a] vehicle in a manner

####  [**Melchert v. Melchert**](https://casetext.com/case/melchert-v-melchert?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa26)

519 N.W.2d 223 (Minn. Ct. App. 1994)   Cited 4 times

Alfred's injuries arose out of the maintenance or use of a motor vehicle. Maintenance or use is the test applied under the No-Fault Act. See Minn.Stat. § 65B.43, subd. 3 (1988). The Safety Responsibility Act, however, requires operation, not maintenance or use. Operating a motor vehicle is not the same as using a motor vehicle. West Bend Mut. Ins. Co. v. Milwaukee Mut. Ins. Co., 384 N.W.2d 877, 879 (Minn. 1986). Because the facts are not in dispute, we can independently determine whether Jacobson's truck was being operated. Operation of a motor vehicle implies physical control over the

####  [**State v. Bunkley**](https://casetext.com/case/state-v-bunkley-1?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa44)

202 Conn. 629 (Conn. 1987)   Cited 103 times

defendant that it is impossible to draw a sound line of distinction between vehicular homicides caused by criminal negligence on the one hand, and recklessness on the other hand, and say that one is specific and certain and the other vague and indefinite. To operate a motor vehicle upon a public highway recklessly is not an intangible act. It has specific relation to possible contact with human beings. Under General Statutes 53a-3 (13), a person acts recklessly when he "is aware of and consciously disregards a substantial and unjustifiable risk." A person acts with criminal negligence "when

####  [**City of Mt. Vernon v. Young**](https://casetext.com/case/city-of-mt-vernon-v-young-1?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa76)

2006 Ohio 3319 (Ohio Ct. App. 2006)

operators. Id. {¶ 64} The state regulation of motor vehicle operation by means of licenses to insure some degree of public safety in no way interferes with any "right to travel" on public roads or otherwise. State v. Carroll (July 27, 1989), 8th Dist. No. 55611. "Driving a motor vehicle on a public roadway is only one form of travel. [the requirement for a valid driver's license] does not prevent Appellant from engaging in interstate or intrastate travel by walking, running, taking a bus, a train, a bicycle or an airplane. Appellant is free to go anywhere he wishes. He is merely restricted to

####  [**Underwood v. Howland, Comr. of Motor Vehicles**](https://casetext.com/case/underwood-v-howland-comr-of-motor-vehicles?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa41)

164 S.E.2d 2 (N.C. 1968)   Cited 44 times

revocation for an additional period mandatory under G.S. 20-28.1. Carson v. Godwin, 269 N.C. 744, 153 S.E.2d 473. Driving a motor vehicle on a public highway without a valid operator's license is a moving violation within the meaning of G.S. 20-28.1. It is an offense which cannot be committed without driving a motor vehicle upon a public highway. "Driving" or "operating" a motor vehicle imports motion. State v. Hatcher, 210 N.C. 55, 185 S.E. 435. That the General Assembly intended such offense to be a moving violation is implied by a reading of G.S. 20-16 (c) where many specific offenses are

####  [**Hake v. Zimmerlee**](https://casetext.com/case/hake-v-zimmerlee?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa28)

504 N.W.2d 411 (Wis. Ct. App. 1993)

vehicle." From the legislature's use of these various phrases, we conclude that it was attempting to describe different, yet not necessarily mutually exclusive, activities that one can perform with regard to a motor vehicle. That is to say, one can be riding in a vehicle without operating it. "One does not have to be driving or operating an automobile to be using it." Blashaski v. Classified Risk Ins. Corp., 48 Wis.2d 169, 174, 179 N.W.2d 924, 926 (1970). In 1979, the legislature repealed and combined secs. 632.32 and 632.34, Stats. (1977), removing all references to "operation," "riding,"

####  [**Blasing v. Zurich Am. Ins. Co.**](https://casetext.com/case/blasing-v-zurich-am-ins-co-1?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa61)

2014 WI 73 (Wis. 2014)

¶ 36 The courts have had several opportunities to interpret the phrase “use of a vehicle” under both insurance policies and the omnibus statute. ¶ 37 Courts have interpreted “use” broadly. Use is not limited to the driving of the vehicle. “One does not have to be driving or operating an automobile to be using it.” Our courts have interpreted “use” of a vehicle to include a wide range of non-driving activities, including: unloading a rifle from the vehicle, Allstate Ins. Co. v. Truck Ins. Exchange, 63 Wis.2d 148, 216 N.W.2d 205 (1974); loading and unloading a vehicle,

 [**Blashaski v. Classified Risk Ins. Corp.**](https://casetext.com/case/blashaski-v-classified-risk-ins-corp?q=Traveling%20upon%20the%20highways%20and%20operating%20a%20motor%20vehicle%20is%20not%20synonymous&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa17)

48 Wis. 2d 169 (Wis. 1970)

automobile in allowing an intoxicated minor to drive his car whether the owner remained in it or not; and if Schulter remained in the car and the driving was of a benefit to him directly or indirectly, he could be using his car within the meaning of the policy. One does not have to be driving or operating an automobile to be using it. Kanios v. Frederick (1960), 10 Wis.2d 358, 103 N.W.2d 114 (giving hand signals to traffic from a stopped vehicle); Wiedenhaupt v. Van Der Loop (1958), 5 Wis.2d 311, 92 N.W.2d 815 (loading a parked truck). While it is true, driving an automobile while intoxicated

## AN AUTOMOBILE IS DEFINED AS PRIVATE PROPERTY, HOUSEHOLD GOODS, CONSUMER GOODS

#### [**Energy Control Services, Inc. v. Arizona Department of Economic Security**](https://casetext.com/case/energy-control-v-ariz-dept-of-econ-sec?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#bq30)

658 P.2d 820 (Ariz. Ct. App. 1983)   Cited 3 times

1. "Consumer goods" means personal property which is normally used for personal, family or household purposes. Consumer goods do not include such things as:

#### [**D & G Flooring, LLC v. Home Depot U.S.A., Inc.**](https://casetext.com/case/d-g-flooring-llc-v-home-depot-usa?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa27)

346 F. Supp. 2d 818 (D. Md. 2004)   Cited 13 times

of any consumer good or service in which the State of Maryland has an interest." "Consumer," is defined as "an actual or prospective purchaser . . . of consumer goods, consumer services, consumer reality, or consumer credit." Id. § 13-101(c)(1). "Consumer goods" are those which "are primarily for personal, household, family, or agricultural purposes." Id. § 13-101(d). The Maryland Court of Appeals has clarified the statutory definitions, holding that the CPA **applies only where the purchaser intends to use the goods for "personal, household, family, or agricultural purposes**." See Morris v

#### [**National Shawmut Bank v. Jones**](https://casetext.com/case/national-shawmut-bank-v-jones?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa14)

108 N.H. 386 (N.H. 1967)   Cited 27 times

Since Wever purchased for personal, family or household purposes, the Dart is classified as consumer goods. RSA 382-A:9-109. The plaintiff's security interest was perfected by filing the financing statement with the town clerk of Hampton where Wever resided (RSA 382-A:9-401 (1) (a), and continues when the collateral is sold without its consent as was

#### [**Theos Sons, Inc. v. Mack Trucks, Inc.**](https://casetext.com/case/theos-sons-inc-v-mack-trucks-inc?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa21)

431 Mass. 736 (Mass. 2000)   Cited 94 times

The sale was a commercial transaction between two corporations and did not involve consumer goods. See G.L.c. 106, § 2-316A (2) (exclusion or modification of implied warranty of merchantability unenforceable for consumer goods); id. §§ 2-103, 9-109 (defining consumer goods); Jacobs v. Yamaha Motor Corp., U.S.A., 420 Mass. 323, 327-328 (1995) (for purposes of § 2-316A, consumer goods are those bought for personal, family, or household uses).

#### [**First National Bank v. Lachenmyer**](https://casetext.com/case/first-national-bank-v-lachenmyer?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa19)

497 N.E.2d 844 (Ill. App. Ct. 1986)   Cited 4 times

Consumer goods are defined as goods "used or bought for use primarily for personal, family or household purposes." Ill. Rev. Stat. 1981, ch. 26, par. 9-109(1). As has been indicated, Lachenmyer seeks to have the plane declared a "consumer good" in order to recover the damages provided in section 9-507(1) of the Code (Ill. Rev. Stat. 1981, ch. 26, par. 9-507(1)), which provides in pertinent part:

#### [**Morris v. Osmose Wood Preserving**](https://casetext.com/case/morris-v-osmose-wood-preserving?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa51)

340 Md. 519 (Md. 1995)   Cited 121 times

The Act prohibits certain unfair and deceptive trade practices "in [t]he sale, lease, rental, loan, or bailment of any consumer goods, consumer realty, or consumer services; [or] [t]he offer for sale, lease, rental, loan, or bailment of consumer goods, consumer realty, or consumer services. . . ." § 13-303. It defines sales to include not only sales, but also offers and attempts to sell. § 13-101(i). It defines consumer goods as goods "which are primarily for personal, household, family, or agricultural purposes." § 13-101(d).

#### [**Pig Improvement Co. v. Middle States Holding Co.**](https://casetext.com/case/pig-imp-co-inc-v-middle-states-holding?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa139)

943 F. Supp. 392 (D. Del. 1996)   Cited 14 times

any person (including corporations) who engages in "unfair or deceptive trade practices" in the provision of any consumer good or service in which the State of Maryland has an interest." The Act defines a consumer as "an actual or prospective purchaser . . . of consumer goods . . ." and further provides "`consumer goods' . . . [are those used] primarily for personal, household, family, or agricultural purposes." Md. Code Ann., Com. Law I § 13-101 (1990). Delmarva argues, in toto, that the court need look no further than the plain meaning of the statute to divine that "the statute's scope

#### [**Polonetsky v. BETTER HOMES**](https://casetext.com/case/polonetsky-v-better-homes-6?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa8)

185 Misc. 2d 282 (N.Y. Sup. Ct. 2000)

statement \* \* \* or other representation of any kind made in connection with the sale, lease, rental or loan or in connection with the offering for sale, lease, rental, or loan of consumer goods or services." (Administrative Code Â§ 20-701 [a].) Consumer goods and services are defined as those "which are primarily for personal, household or family purposes." (Administrative Code Â§ 20-701 [c].) In interpreting the Consumer Protection Law in order to determine whether the transactions alleged in the complaints fall within its scope, the court's function is to ascertain and "attempt to effectuate

#### [**Arcadia Upholstering v. 165 Restaurant**](https://casetext.com/case/arcadia-upholstering-v-165-restaurant?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa22)

163 Ill. App. 3d 129 (Ill. App. Ct. 1987)   Cited 4 times

it had a purchase money security interest in the booths. The only purchase money security interest exempt from the financing statement filing requirement is an interest in consumer goods. (Ill. Rev. Stat. 1985, ch. 26, pars. 9-302(1)(d), 9-307(2).) "Consumer goods," however, are goods used or bought for use primarily for personal, family or household purposes. (Ill. Rev. Stat. 1985, ch. 26, par. 9-109(1).) The restaurant booths were not used or bought for personal, family or household purposes. They were ordered, manufactured, installed and subsequently sold as goods used only in a business

#### [**Western Nat. Bank of Casper v. Harrison**](https://casetext.com/case/western-nat-bank-of-casper-v-harrison?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa44)

577 P.2d 635 (Wyo. 1978)   Cited 30 times

Goods are "consumer goods" if bought for use primarily for personal, family or household purposes. Section 34-9-109(1).

#### [**Barrett v. Adirondack Bottled Gas Corp.**](https://casetext.com/case/barrett-v-adirondack-bottled-gas-corp?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#bq60)

145 Vt. 287 (Vt. 1984)   Cited 3 times

(1) "consumer goods" if they are used or bought for use primarily for personal, family or household purposes.

#### [**Pacesetter Homes, Inc. v. GBL Custom Home Design, Inc.**](https://casetext.com/case/pacesetter-homes-inc-v-gbl-custom-home-design-inc?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa42)

Civil Action GLR-20-2478 (D. Md. Aug. 17, 2021)

Inc. v. Hester, 550 A.2d 389, 399 (Md.Ct.Spec.App. 1988)). The term “consumer” is defined as “an actual or prospective purchaser, lessee, or recipient of consumer goods, consumer services, consumer realty, or consumer credit.” CL § 13-101(c)(1). “Consumer goods” are goods that are “primarily for personal, household, family, or agricultural purposes.” Id. § 13-101(d)(1). Pacesetter does not provide any facts suggesting it meets the definition of a “consumer” for the purposes of the MDTPA. Pacesetter is a corporate entity that designs and constructs homes. (See Compl. ¶¶ 1, 8-15). Pacesetter

#### [**Barrett v. Adirondack Bottled Gas Corp.**](https://casetext.com/case/barrett-v-adirondack-bottled-gas-corp?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa61)

145 Vt. 287 (Vt. 1984)   Cited 3 times

Goods thus are classified according to the use to which they are put by the consumer. The statute clearly implies that goods used by a consumer for commercial purposes are not "consumer goods." Plaintiff contends that the propane tank was not used for commercial purposes but rather for personal and household use, i.e., cooking and heating in residential apartments. The evidence is undisputed, however, that plaintiff did not live in any

#### [**Mayor's Jewelers v. Levinson**](https://casetext.com/case/mayors-jewelers-v-levinson?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#bq33)

349 N.E.2d 475 (Ill. App. Ct. 1976)   Cited 5 times

(1) `Consumer goods' if they are used or bought for use primarily for personal, family or household purposes."

#### [**National R.V., Inc. v. Foreman**](https://casetext.com/case/national-rv-inc-v-foreman?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa48)

34 Cal.App.4th 1072 (Cal. Ct. App. 1995)   Cited 18 times

to the definition of motor vehicle contained in section 1793.22, subdivision (e)(2). Section 1793.2, subdivision (d)(1), the Act's replace-or-refund provision of general application, neither explicitly nor implicitly incorporates the motorhome coach exemption. It simply covers all consumer goods other than new motor vehicles. The result of National's proposed construction would be that motorhome coaches would be exempt from the replace-or-refund provisions of the Act — both the provision of general application and the specific provision for new motor vehicles. In other words, motorhome

#### [**Gray-Taylor, Inc. v. Tennessee**](https://casetext.com/case/gray-taylor-inc-v-tennessee-1?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa43)

573 S.W.2d 859 (Tex. Civ. App. 1978)   Cited 3 times

" Consumer goods" are items bought or used primarily for personal, family or household use. Tex.Bus. Comm. Code Ann. § 9.109. In the appellant's eighth point of error it says the trial court erred in awarding a recovery to the plaintiff for the commercially unreasonable notice of sale because the automobile sold to the plaintiff was never disposed of after repossession by the appellant. We sustain this point.

#### [**Collins Home Improvement, Inc. v. Goodwin**](https://casetext.com/case/collins-home-improvement-inc-v-goodwin?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa21)

Case No. 98-CA-26-2 (Ohio Ct. App. Dec. 21, 1998)

case at bar. In Tamburs, the home improvement company completed home repairs and remodeling, including installing aluminum siding on a home residence. The Tamburs court also found aluminum siding is not a consumer good as defined in R.C. 1345.21(E). That statute defines consumer goods and services as purchased for personal, family, or household purposes. The Lucas County Court of Appeals found a building material which becomes a fixture is not personal, family, or household goods. The court noted aluminum siding, cut to fit the contours of the structure and attached to the structure cannot be

#### [**Harmon v. Bankunited**](https://casetext.com/case/harmon-v-bankunited?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa36)

CIVIL NO.: WDQ-08-3456 (D. Md. Oct. 22, 2009)   Cited 2 times

"Consumer goods" include "credit, debts or obligations . . . which are primarily for personal, [or] household" use. Md. Code Ann., Com. Law § 13-101(d). Under this definition, a loan agreement is a "consumer good."

#### [**Muro v. Hermanos Auto Wholesalers, Inc.**](https://casetext.com/case/muro-v-hermanos-auto-wholesalers?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa88)

514 F. Supp. 2d 1343 (S.D. Fla. 2007)   Cited 6 times

A consumer goods transaction means "a consumer transaction in which: (1) an individual incurs an obligation primarily for personal, family, or household purposes; and (2) a security interest in consumer goods secures the obligation." § 679.614(x) Fla. Stat.

#### [**Pet Food Experts, Inc. v. Alpha Nutrition, Inc.**](https://casetext.com/case/pet-food-experts-inc-v-alpha-nutrition-inc?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa28)

C.A. No. KC-2015-1033 (R.I. Super. May. 10, 2016)

farm products, § 6A-9-102(a)(34); and inventory, § 6A-9-102(a)(48); among others. These terms may not be used to describe collateral that is a consumer good or consumer transaction. Sec. 6A-9-108(e)(2). A consumer-goods transaction is one in which "(i) [a]n individual incurs an obligation primarily for personal, family, or household purposes; and (ii) [a] security interest in consumer goods secures the obligation." Sec. 6A-9-102(a)(24). In the same vein, consumer goods are any "goods that are used or bought for use primarily for personal, family, or household purposes." Sec. 6A-9-102(a)(23)

#### [**Park City Services, Inc. v. Ford Motor Co., Inc.**](https://casetext.com/case/park-city-services-v-ford-motor-co?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa77)

144 Cal.App.4th 295 (Cal. Ct. App. 2006)   Cited 20 times

the Legislature sought to bring about this essentially substantive change simply by amending a single definition; it failed to make other seemingly necessary changes. For example, "buyer" is still defined, in part, as an "individual who buys consumer goods. . . ." (Civ. Code, § 1791, subd. (b).) Consumer goods are still defined as goods purchased or leased "primarily for personal, family, or household purposes. . . ." (Civ. Code, § 1791, subd. (a).) And it is still only a "buyer" (or a lessee of "consumer goods") who has rights and remedies under the Act. (See Civ. Code, §§ 1790.1,

#### [**El Paso Development Co. v. Berryman**](https://casetext.com/case/el-paso-dev-co-v-berryman-1?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa27)

729 S.W.2d 883 (Tex. App. 1987)   Cited 23 times

Harvester Co., 624 S.W.2d at 251; Rotello v. Twin City International, Inc., 616 S.W.2d at 319. Appellee brought his usury claim under the general usury law, Subtitle 1 of Article 5069-1.06(2). Time price differentials are only regulated or limited under Subtitle 2 of Article 5069. This applies only to the sale of manufactured homes, motor vehicles and consumer goods. Rotello, 624 S.W.2d at 251. Conceivably, a time price differential falling under Subtitle 1 is not limited either in amount or by the type of goods sold. It is not necessary for us to decide this question at this time

#### [**Kimura v. Wauford**](https://casetext.com/case/kimura-v-wauford?q=that%20automobiles,%20whether%20new%20or%20used,%20that%20are%20bought%20primarily%20for%20personal,%20family,%20or%20household%20use%20are%20%22consumer%20goods%22&p=1&tab=ps&jxs=&sort=relevance&type=case&find=#pa16)

104 N.M. 3 (N.M. 1986)   Cited 10 times

found that the defendant only made three payments on the equipment and six payments on the leasehold. The total amount paid by the defendant was $4,764, which falls short of the sixty percent required by subsection (1). Furthermore, this subsection refers to consumer goods, the collateral involved here is not consumer goods but equipment and a building used for business purposes. Subsection (2) of Section 55-9-505 states: "In any other case involving consumer goods or any other collateral a secured party in possession may, after default, propose to retain the collateral in satisfaction of the…