4.6 The “Gotcha” of Terminology – The Compound Definition.

Compound definitions can be hard to spot unless you’re following the “AQE Rule” and paying attention. The definition of “motor vehicle” as used in this chapter is a compound definition, meaning that it relies on the definition of the term “vehicle” as part of the requisite criteria for its own definition. If you look at the definitions for “All-terrain vehicle”, “Commercial motor vehicle”, “Light truck”, and “Passenger car” they are also compound definitions, they are in fact multi-layered compound definitions.

TRANSPORTATION CODE
TITLE 7. VEHICLES AND TRAFFIC
SUBTITLE A. CERTIFICATES OF TITLE AND REGISTRATION OF VEHICLES
CHAPTER 502. REGISTRATION OF VEHICLES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 502.001. DEFINITIONS. In this chapter:

(1) "All-terrain vehicle" means a motor vehicle that is:

(A) equipped with a saddle, bench, or bucket seats for the use of:

(i) the rider; and

(ii) a passenger, if the motor vehicle is designed by the manufacturer to transport a passenger;

(B) designed to propel itself with three or more tires in contact with the ground;

(C) designed by the manufacturer for off-highway use; and

(D) not designed by the manufacturer primarily for farming or lawn care.

(2) "Commercial motor vehicle" means a motor vehicle, other than a motorcycle, designed or used primarily to transport property. The term includes a passenger car reconstructed and used primarily for delivery purposes. The term does not include a passenger car used to deliver the United States mail.

... 

(9) "Light truck" means a commercial motor vehicle that has a manufacturer's rated carrying capacity of one ton or less.

...
(11) "Motor bus" includes every vehicle used to transport persons on the public highways for compensation, other than:
   (A) a vehicle operated by muscular power; or
   (B) a municipal bus.

(13) "Motor vehicle" means a vehicle that is self-propelled.

(16) "Owner" means a person who:
   (A) holds the legal title of a vehicle;
   (B) has the legal right of possession of a vehicle; or
   (C) has the legal right of control of a vehicle.

(17) "Passenger car" means a motor vehicle, other than a motorcycle, golf cart, light truck, or bus, designed or used primarily for the transportation of persons.

(21) "Semitrailer" means a vehicle designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

(22) "Trailer" means a vehicle that:
   (A) is designed or used to carry a load wholly on its own structure; and
   (B) is drawn or designed to be drawn by a motor vehicle.

(23) "Truck-tractor" means a motor vehicle:
   (A) designed and used primarily for drawing another vehicle; and
   (B) not constructed to carry a load other than a part of the weight of the vehicle and load to be drawn.

(24) "Vehicle" means a device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracks.


Amended by:
Acts 2005, 79th Leg., Ch. 586, Sec. 2, eff. September 1, 2005.
A multi-layered compound definition is one that contains one or more compound definitions within its own. Look at the definition of “Passenger car”, it contains the compound definition “motor vehicle”, which itself contains the term “vehicle”, and the term “Vehicle” contains the terms “transported” and “drawn”, hence the “layering” of the terminology to make it more difficult to determine just what applies within the definition.

I cannot state enough how important that it is to be ever watchful of this and to read and re-read a definition several times along with the statutory section in which it is being used to gain a full understanding of what it actually is stating. Remember that the statutes are intentionally written to hide the real truth and meaning from the casual or superficial reader of the words it contains. It is this fact that has gotten us into the mess that we are in and why we are here now reading and learning this material.

### 4.7 Terms & Phrases You NEED to Know!

In this next section I am going to provide you with a list of a few of the more common words and phrases along with their respective definitions as found in the various law dictionaries (when they exist). These are the words that you will most likely need to be the most familiar with when you are researching the various state transportation/motor vehicle codes. But always remember, when reading statutes —

**Terminology is Important!**

Never assume you know the meaning of the words or phrases that are used in statutory construction, ALWAYS look for a definition of a word or phrase no matter how familiar it looks to you. If the statute supplies a definition for a word or phrase then you can be certain that it is defining a term that is being used and means something totally different than what you understand as the common usage and meaning.

When the statutes refer to a word or phrase having a “common usage” they almost always mean “common usage in law” not common everyday conversational English language usage. If this were not so then there would not be any need for law dictionaries or for a statute to specifically define the term or phrase, we could all just use Webster's. So, without further ado here are some of these terms listed in alphabetical order:
Carry - Black’s 6th

To bear, bear about, sustain, transport, remove, or convey. To have or bear upon or about one's person, as a watch or weapon; locomotion not being essential. As applied to insurance, means “possess” or “hold”.

Convey - Black's 6th

To transfer or deliver to another. To pass or transmit the title to property from one to another. To transfer property or the title to property by deed, bill of sale, or instrument under seal. Used properly in sense of “assign”, “sale”, or “transfer”. See Conveyance.


A common carrier is “[a]ny carrier required by law to convey . . . freight without refusal if the approved fare or charge is paid . . . .”


a carrier that is “generally required by law to transport . . . passengers or freight, without refusal, if the approved fare or charge is paid.”

Contract Carrier - Black’s Law Dictionary, at 325

A contract carrier is a “transportation company that carries, for pay, the goods of certain customers only as contrasted to a common carrier that carries the goods of the public in general.”

Driver - Bouvier's (1856)

1. One employed in conducting a coach, carriage, wagon, or other vehicle, with horses, mules, or other animals.

2. Frequent accidents occur in consequence of the neglect or want of skill of drivers of public stage coaches, for which the employers are responsible.

3. The law requires that a driver should possess reasonable skill and be of good habits for the journey; if, therefore, he is not acquainted with the road he undertakes to drive; 3 Bingh. Rep. 314, 321; drives with reins so loose that he cannot govern his horses; 2 Esp. R. 533; does not give notice of any serious danger on the road; 1 Camp. R. 67; takes the wrong side of
the road; 4 Esp. R. 273; incautiously comes in collision with another carriage; 1 Stark. R. 423; 1 Campb. R. 167; or does not exercise a sound and reasonable discretion in travelling on the road, to avoid dangers and difficulties, and any accident happens by which any passenger is injured, both the driver and his employers will be responsible. 2 Stark. R. 37; 3 Engl. C. L. Rep. 233; 2 Esp. R. 533; 11. Mass. 57; 6 T. R. 659; 1 East, R. 106; 4 B. & A. 590; 6 Eng. C. L. R. 528; 2 Mc Lean, R. 157. Vide Common carriers Negligence; Quasi Offence.

Driver - Black's 3rd

One employed in conducting or operating 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.


Driver - Black's 4th

One employed in conducting or operating 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. A person actually doing driving, whether employed by owner to drive or driving his own vehicle.

(Wallace v. Woods 340 Mo. 452, 102 S.W.2d 91,97)

Driver - Black's 6th

A person actually doing driving, whether employed by owner to drive or driving his own vehicle.

Passenger - Black's 3rd

A person whom a common carrier has contracted to carry from one place to another, and has, in the course of the performance of that contract, received under his care either upon the means of conveyance, or at the point of departure of that means of conveyance. (Cites omitted.)

Passenger - Black's 6th

In general, a person who gives compensation to another for transportation. Shapiro v. Bookspan, 155 Cal.App.2d 353, 318 P.2d 123, 126. The word passenger has however various meanings, depending upon the circumstances under which and in the context in which the word is used; sometimes it is construed in a restricted legal sense as referring to one who is being carried by another for hire; on other occasions, the word is interpreted as meaning any occupant of a vehicle

The essential elements of "passenger" as opposed to "guest" under guest statute are that the driver must receive some benefit sufficiently real, tangible, and substantial to serve as the inducing cause of the transportation so as to completely overshadow mere hospitality or friendship; it may be easier to find compensation where the trip has commercial or business flavor. Friedhoff v. Engburg, 82 S.D. 522, 149 N.W.2d 759, 761, 762, 763.

A person whom a common carrier has contracted to carry from one place to another, and has, in the course of the performance of that contract, received under his care either upon means of conveyance, or at the point of departure of that means of conveyance.

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Traffic - Bouvier's (1856)

Commerce, trade, sale or exchange of merchandise, bills, money and the like.

Traffic - Black's 3rd

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.


Traffic - Black's 4th

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. Morgan, 74 Fla. 417, 77 So. 533, 538; Bruno v. U. S. 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 along a street, canal, etc. United States v. Golden Gate Bridge and Highway Dist. Of California, D.C.Cal., 37 F. Supp. 505, 512.
Traffic -Black's 6th

Commerce; trade; sale or exchange of merchandise, bills, money, and the like. The passing or exchange of goods or commodities from one person to another for an equivalent in goods and money. The subjects of transportation on a route, as persons or goods; the passing to and fro of persons, animals, vegetables, or vessels, along a route of transportation, as along a street, highway, etc.

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Transport - Black's 6th

To carry or convey from one place to another. Sacramento Nav. Co. v. Salz, 273 U.S. 326, 47 S.Ct. 368, 369, 71 L.Ed. 663; People v. One 1941 Cadillac Club Coup, 63 Cal.2d 418, 147 P.2d. 49, 51.


1. The act or business of moving passengers and goods.
2. The means of conveyance used.
3. Banishment, esp. of convicts to a penal colony.

Transportation - Bouvier's (1856)

Punishment. In the English law, this punishment is inflicted by virtue of sundry statutes; it was unknown to the common law. 2 H. Bl. 223. It is a part of the judgment or sentence of the court, that the party shall be transported or sent into exile. 1 Ch. Cr. Law, 789 to 796: Princ. of Pen. Law, c. 42.

Transportation - Black's 3rd

The removal of goods or persons from one place to another, by a carrier.


Under Interstate Commerce Act, (49 USCA sec. 1 et seq.), "transportation" includes the entire body of services rendered by a carrier in connection with the receipt, handling, and delivery of property transported, and includes the furnishing of cars. Pletcher v. Chicago, R. L. & P. Ry. Co., 103 Kan. 834, 177 P. 1, 2.

In a general sense transportation means merely conveyance from one place to another. People v. Martin, 235 Mich. 206, 209 N.W. 87.
In Criminal Law - A species of punishment consisting in removing the criminal from his own country to another, (usually a penal colony), there to remain in exile for a prescribed period. Fong Yue Ting v. U. S., 149 U.S. 698, 13 Sup.Ct. 1016, 37 L.Ed. 905.

**Transportation - Black’s 4th**

The removal of goods or persons from one place to another, by a carrier.


**Transportation - Black’s 6th**

The movement of goods or persons from one place to another, by a carrier.

**Transportation - 49 U.S.C. Sec. 5102(12)**

"transports" or "transportation" means the movement of property and loading, unloading, or storage incidental to the movement.

**Transportation - Words and Phrases**

See State v. Western Transportation Co. 241 Iowa 896 43 N.W.2d 739  
[The judge, after giving his conclusion, goes on to give examples of "transportation" - all involving the movement of persons or goods for hire.]

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**Traveler - Blacks 3rd**

One who passes from place to place, whether for pleasure, instruction, business or health. Lockett v. State, 47 Ala. 45; 10 C.B.N.S. 429. The term is used to designate those who patronize inns; the distance which they travel is not material. Walling v. Potter, 35 Con. 185.

**Traveler - Blacks 6th**

One who passes from place to place, whether for pleasure, instruction, business or health.