

118 R.I. 448

Supreme Court of Rhode Island.

Trevellan C. BERBERIAN, P.A.

v.

Eugene P. PETIT, Jr.,

Registrar of Motor Vehicles.

No. 76-51-Appeal.

|

June 21, 1977.

**Synopsis**

Thirteen-year-old boy, through his father as next friend, brought action against the Registrar of Motor Vehicles, alleging that the Registrar had violated the boy's right to due process and equal protection by refusing solely on the basis of statutory age limitations to issue him a learner's permit to operate a motor vehicle. The Registrar was initially defaulted in the superior court but no default judgment was entered. More than a year later, the Superior Court, Providence and Bristol Counties, Weisberger, P. J., removed the default and granted the Registrar's motion to dismiss the action. Plaintiff appealed, and the Supreme Court, Joslin, J., held that (1) it was within the trial court's discretion to remove the default and dismiss the action; (2) the class of potential motor vehicle operators under the age of 16 was not a "suspect class" for equal protection purposes; (3) the right to operate a motor vehicle was not a "fundamental right" such as to invoke strict judicial scrutiny under the equal protection clause, and (4) because the legislature did not act unreasonably in selecting 16 years as the minimum age for obtaining an operator's license or a learner's permit, the 13-year-old plaintiff's due process and equal protection rights were not violated by the Registrar's refusal to issue a learner's permit or to allow him to take the written examination and road test prescribed as preconditions to the issuance of a driver's license.

Ordered in accordance with opinion.

West Headnotes (10)

**[1] Judgment**  Discretion of court

Where Registrar of Motor Vehicles had been defaulted by reason of failure to plead or

otherwise defend against action to challenge constitutionality of statutes establishing 16 as minimum age of eligibility for motor vehicle operator's license but no default judgment had been entered, it was not an abuse of discretion for the trial court, more than a year after the default, to remove the default and grant the Registrar's motion to dismiss on the ground that the legislature did not exceed its prerogative in establishing the age limitation. *Rules of Civil Procedure*, rules 12(b)(6), 55(c); *Gen.Laws 1956*, §§ 31-10-3(1), 31-10-6.

5 Cases that cite this headnote

**[2] Constitutional Law**  Class Legislation; Discrimination and Classification in General

Strict judicial scrutiny of a legislative classification is required only if the classification impermissibly interferes with the exercise of a fundamental right or operates to the peculiar disadvantage of a suspect class. *U.S.C.A.Const. Amend. 14*.

1 Cases that cite this headnote

**[3] Constitutional Law**  Motor vehicles

Class of potential motor vehicle operators under the age of 16 was not a "suspect class" for equal protection purposes. *U.S.C.A.Const. Amend. 14*.

**[4] Constitutional Law**  Age

While the treatment of youth may not be wholly free of discrimination, in view of fact that young persons, unlike those who have been discriminated against on the basis of race or national origin, have not experienced a history of purposeful unequal treatment or been subjected to unique disabilities on the basis of stereotyped characteristics not truly indicative of their abilities, young persons do not constitute a "suspect class" for equal protection purposes. *U.S.C.A.Const. Amend. 14*.

1 Cases that cite this headnote

**[5] Constitutional Law**  Drivers' Licenses

The right to operate a motor vehicle is not a “fundamental right” such as to invoke strict judicial scrutiny under the equal protection clause. U.S.C.A.Const. Amend. 14.

4 Cases that cite this headnote

[6] **Constitutional Law** 🔑 Heightened Levels of Scrutiny

The importance of a right to the individual in modern society does not determine whether it is to be regarded as a “fundamental right” for purpose of review under the equal protection clause. U.S.C.A.Const. Amend. 14.

1 Cases that cite this headnote

[7] **Constitutional Law** 🔑 Heightened Levels of Scrutiny

For equal protection purposes, only rights explicitly or implicitly guaranteed by the Federal Constitution are “fundamental rights.” U.S.C.A.Const. Amend. 14.

1 Cases that cite this headnote

[8] **Automobiles** 🔑 Constitutional and statutory provisions

**Constitutional Law** 🔑 Motor vehicles

In view of fact that state has a legitimate interest in preventing operation of motor vehicles by those unable to exercise mature judgment and because individualized testing for maturity in the context of driver's licensing is a practical impossibility, the establishment of a minimum age requirement to operate a motor vehicle rationally furthers a legitimate, articulated state purpose and does not constitute an invidious discrimination in violation of equal protection clause. Gen.Laws 1956, §§ 31–10–3(1), 31–10–6; U.S.C.A.Const. Amend. 14.

2 Cases that cite this headnote

[9] **Constitutional Law** 🔑 Perfect, exact, or complete equality or uniformity

Where rationality is the test, a state does not violate the equal protection clause merely because the classifications made by state laws are imperfect. U.S.C.A.Const. Amend. 14.

2 Cases that cite this headnote

[10] **Automobiles** 🔑 Constitutional and statutory provisions

**Constitutional Law** 🔑 Motor vehicles

**Constitutional Law** 🔑 Drivers' Licenses

It was not irrational or unreasonable for legislature to select age of 16 years as minimum age for obtaining a driver's license or learner's permit to operate a motor vehicle and, therefore, 13-year-old boy was not denied due process and equal protection as guaranteed by the Fourteenth Amendment by decision of Registrar of Motor Vehicles, in reliance on statutory age limitations and without consideration of boy's capabilities, to refuse to issue a learner's permit or to allow boy to take written examination and road test prescribed by statute as precondition of obtaining driver's license. Gen.Laws 1956, §§ 31–10–3(1), 31–10–6, 31–10–21, 31–10–22; U.S.C.A.Const. Amend. 14.

### Attorneys and Law Firms

**\*\*792 \*456** Aram K. Berberian, Cranston, for plaintiff.

Stephen F. Mullen, Chief Legal Counsel, Providence, for defendant.

### OPINION

**\*451** JOSLIN, Justice.

In 1974, Trevellan C. Berberian, then age 13, commenced this civil action in the Superior Court through his father as next friend. He alleges that the defendant Registrar of Motor Vehicles, in reliance on the age limitations fixed by G.L.1956 (1968 Reenactment) ss 31-10-3(1)<sup>1</sup> and 31-10-6<sup>2</sup> and without consideration of his capabilities, will refuse either to issue him a learner's permit, or to allow him to

take the written examination and the road test prescribed \*\*793 by ss 31-10-21<sup>3</sup> and 31-10-22,<sup>4</sup> \*452 respectively as preconditions to the issuance of a license to operate a motor vehicle. He claims that these age limitations violate his right to due process and equal protection as guaranteed by the fourteenth amendment to the Federal Constitution, and he seeks a judgment declaring unconstitutional the statutes establishing 16 as the minimum age of eligibility.

[1] In the Superior Court defendant was defaulted by reason of his failure to plead or otherwise defend, but no default judgment was entered. More than a year later, a trial justice removed the default, granted defendant's Super.R.Civ.P. 12(b) (6) motion to dismiss the action holding that the Legislature did not exceed its prerogatives in establishing an age limitation even though the selected limit might not correspond perfectly with the abilities of particular individuals. The plaintiff appealed.

At the threshold is the procedural question raised by the removal of the default. For the purpose of resolving that issue we assume, but do not decide, that the state or an officer or agency thereof can be defaulted in a declaratory judgment action in which constitutionality of a statute has been drawn into question. Under Super.R.Civ.P. 55(c)<sup>5</sup> the only showing required for removing that default was "good cause" and not the "mistake, inadvertence, surprise, or excusable neglect" showing which would have been demanded under Super.R.Civ.P. 60(b), had the default been followed by the subsequent entry of a final judgment. And "where there are no intervening equities any doubt (about the existence of good cause,) should, as a general proposition, be resolved in favor of the movant to the end of securing a final trial upon the \*453 merits." 6 Moore, Federal Practice P 55.10(1), at 55-235 to -236 (2d ed. 1976). The trial justice in this case resolved whatever doubts he may have had in favor of the movant, and we are not prepared to say that in so doing he abused his discretion.

[2] [3] [4] In assessing plaintiff's equal protection claim, we begin with the principle that a strict judicial scrutiny of a legislative classification is mandated only if that classification "impermissibly interferes with the exercise of a fundamental right or operates to the peculiar disadvantage of a suspect class." *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307, 312, 96 S.Ct. 2562, 2566, 49 L.Ed.2d 520, 524 (1976).<sup>6</sup> We have found nothing in the Supreme Court's decisions lending any support to plaintiff's contention that the class of potential motor vehicle operators under 16 constitutes a suspect \*\*794 class within equal protection contemplations.

Certainly, it has not been "saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process." *San Antonio Independent School Dist. v. Rodriguez*, 411 U.S. 1, 28, 93 S.Ct. 1278, 1294, 36 L.Ed.2d 16, 40 (1973). While the treatment of youth may not be wholly free of discrimination, clearly "such persons, unlike, say, those who have been discriminated against on the basis of race or national origin, have not experienced a 'history of purposeful unequal treatment' or been subjected to unique disabilities on the basis of stereotyped characteristics not truly indicative of their abilities." \*454 *Massachusetts Bd. of Retirement v. Murgia*, supra, 427 U.S. at 313, 96 S.Ct. at 2566-67, 49 L.Ed.2d at 525. Indeed, the statutes complained of do no more than draw a line at a stage of an individual's development, and though they are such as to impose a penalty on those falling within the class, they do "not impose a distinction sufficiently akin to those classifications that we have found suspect to call for strict judicial scrutiny." *Id.* at 314, 96 S.Ct. at 2567, 49 L.Ed.2d at 525.<sup>7</sup>

[5] [6] [7] It is equally clear that the right to operate a motor vehicle is not a fundamental right. The importance of that right to the individual in modern society does not determine whether it is to be regarded as fundamental for the purpose of review under the equal protection clause. *San Antonio Independent School Dist. v. Rodriguez*, supra, 411 U.S. at 30, 93 S.Ct. at 1295, 36 L.Ed.2d at 41. For equal protection purposes, only rights explicitly or implicitly guaranteed by the Federal Constitution are fundamental. *Id.* at 33-34, 93 S.Ct. at 1297, 36 L.Ed.2d at 43. The right to operate a motor vehicle is wholly a creation of state law; it certainly is not explicitly guaranteed by the Constitution, and nothing in that document or in our state constitution has even the slightest appearance of an implicit guarantee of that right. The plaintiff's argument that the right to operate a motor vehicle is fundamental because of its relation to the fundamental right of interstate travel, *Shapiro v. Thompson*, 394 U.S. 618, 629-31, 89 S.Ct. 1322, 1329, 22 L.Ed.2d 600, 612-13 (1969), is \*455 utterly frivolous.<sup>8</sup> The plaintiff is not being prevented from traveling interstate by public transportation, by common carrier, or in a motor vehicle driven by someone with a license to drive it. What is at issue here is not his right to travel interstate, but his right to operate a motor vehicle on the public highways, and we have no hesitation in holding that this is not a fundamental right.<sup>9</sup>

[8] [9] [10] What remains for us to determine, then, is whether the establishment of a minimum age requirement for the operator of a motor vehicle “rationally furthers some legitimate, articulated state purpose and therefore does not constitute an invidious \*\*\*795 discrimination \* \* \* .” *San Antonio Independent School Dist. v. Rodriguez*, supra, 411 U.S. at 17, 93 S.Ct. at 1288, 36 L.Ed.2d at 33. It is our judgment, as it was the trial justice’s, that the state has a legitimate interest in preventing the operation of motor vehicles by those unable to exercise mature judgment, that individualized testing for maturity in this context is a practical impossibility and that in the interest of highway safety a line had to be drawn somewhere. Such a line is necessarily inexact; it may well exclude some qualified individuals. Where rationality is the test, however, “a State does not violate the Equal Protection Clause merely because the classifications made by its laws are imperfect.” *Dandridge v.*

*Williams*, 397 U.S. 471, 485, 90 S.Ct. 1153, 1161, 25 L.Ed.2d 491, 501 (1970). With these principles in mind we conclude that the Legislature did not act irrationally or unreasonably when it selected 16 as the minimum age for obtaining an operator’s license or a learner’s permit.<sup>10</sup>

The plaintiff’s due process challenge was neither briefed nor argued and therefore is deemed to have been waived.

The plaintiff’s appeal is denied and dismissed, the judgment appealed from is affirmed, and the case is remanded to the Superior Court.

**All Citations**

118 R.I. 448, 374 A.2d 791, 86 A.L.R.3d 468

**Footnotes**

1 [General Laws 1956 \(1968 Reenactment\) s 31-10-3\(1\)](#) provides in pertinent part:

“The registry shall not issue any license hereunder:

(1) To any person, as an operator, who is under the age of sixteen (16) years \* \* \* .“

2 [General Laws 1956 \(1968 Reenactment\) s 31-10-6](#) provides:

“Instruction permits School training programs. Any person who is at least sixteen (16) years of age may apply to the registry for an instruction permit. The registry may, after the applicant has successfully passed all parts of the examination other than the driving test issue to the applicant an instruction permit \* \* \* .“

3 [General Laws 1956 \(1968 Reenactment\) s 31-10-21](#) provides:

“Examination as to laws and operation of vehicles. Every applicant for a license to operate a motor vehicle upon the public highways shall be required by the registry to show, by examination or otherwise, ability to read and understand highway signs regulating, warning, and directing traffic, the proper knowledge of the operation and mechanism of motor vehicles, the rules of the road, the motor vehicle law, and such other qualifications as will demonstrate that such applicant is a proper and safe person to operate a motor vehicle upon the public highways. Such examination shall include a test of applicant’s eyesight.”

4 [General Laws 1956 \(1968 Reenactment\) s 31-10-22](#) provides:

“Road testing of applicants. All applicants for a motor vehicle license shall pass a motor vehicle road test as prescribed by the registrar in a motor vehicle supplied by the applicant or in a dual controlled motor vehicle supplied by the state, except in the case of examination for a chauffeur to operate a truck, tractor, trailer, tractor semitrailer, bus or other vehicle for hire or a person who will operate only a vehicle equipped with automatic shift or a person who is handicapped and requires the use of a specially equipped motor vehicle, such persons to be examined in vehicles furnished by them.”

5 [Super.R.Civ.P. 55\(c\)](#) states:

“(c) Setting Aside Default. For good cause shown the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with [Rule 60\(b\)](#).”

- 6 In *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307, 96 S.Ct. 2562, 49 L.Ed.2d 520 (1976), the Supreme Court held that a statute requiring retirement of uniformed state police officers at age 50 does not violate equal protection.
- 7 In *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307, 312 n. 4, 96 S.Ct. 2562, 2566 n. 4, 49 L.Ed.2d 520, 524 n. 4 (1976), the Supreme Court gave as examples the kinds of classifications found to be suspect the following:  
“E. g., *Graham v. Richardson*, 403 U.S. 365, 91 S.Ct. 1848, 29 L.Ed.2d 534 (1971) (alienage); *McLaughlin v. Florida*, 379 U.S. 184, 85 S.Ct. 283, 13 L.Ed.2d 222 (1964) (race); *Oyama v. California*, 332 U.S. 633, 68 S.Ct. 269, 92 L.Ed. 249 (1948) (ancestry).”
- 8 The kinds of rights which have been deemed fundamental are set out in *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307, 312 n. 3, 96 S.Ct. 2562, 2566 n. 3, 49 L.Ed.2d 520, 524 n. 3 (1976), include the following:  
“E. g., *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705, 35 L.Ed.2d 147 (1973) (right of a uniquely private nature); *Bullock v. Carter*, 405 U.S. 134, 92 S.Ct. 849, 31 L.Ed.2d 92 (1972) (right to vote); *Shapiro v. Thompson*, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed.2d 600 (1969) (right of interstate travel); *Williams v. Rhodes*, 393 U.S. 23, 89 S.Ct. 5, 21 L.Ed.2d 24 (1968) (rights guaranteed by the First Amendment); *Skinner v. Oklahoma ex rel. Williamson*, 316 U.S. 535, 62 S.Ct. 1110, 86 L.Ed. 1655 (1942) (right to procreate).”
- 9 “Whatever may be its nature, the right to use the public highways for travel by motor vehicles is one which properly can be regulated by the legislature in the valid exercise of the police power of the state.” *Berberian v. Lussier*, 87 R.I. 226, 231-32, 139 A.2d 869, 872 (1958).
- 10 Examples of age classifications that have withstood equal protection of attacks because the classification was reasonable in light of legitimate state interests include the following: *Massachusetts Bd. of Retirement v. Murgia*, 427 U.S. 307, 314, 96 S.Ct. 2562, 2567, 49 L.Ed.2d 520, 525-26 (1976) (mandatory retirement of police officers at age 50); *United States v. Duncan*, 456 F.2d 1401, 1405 (9th Cir. 1972) (18- to 21-year-olds excluded from jury service); *Universal Film Exchanges, Inc. v. City of Chicago*, 288 F.Supp. 286, 291-92 (N.D.Ill.1968) (censorship ordinance regarding persons under 18); *In re Nancy C.*, 28 Cal.App.3d 747, 756-57, 105 Cal.Rptr. 113, 120 (1972) (loitering ordinance applicable only to minors under 18); *Lopez v. Motor Vehicle Div., Dep't of Revenue, Colo.*, 538 P.2d 446, 449 (1975) (drivers 18 to 21 allowed fewer traffic violations than older drivers before suspension of license); *Doran v. Cullerton*, 51 Ill.2d 553, 559-60, 283 N.E.2d 865, 868 (1972) (homestead exemption for persons over 65); *Wurtzel v. Falcey*, 69 N.J. 401, 403-05, 354 A.2d 617, 618-19 (1976) (minimum age of 21 for candidates for certain elective offices); *State ex rel. Harvey v. Morgan*, 30 Wis.2d 1, 8-10, 139 N.W.2d 585, 587-88 (1966) (tax relief for needy persons 65 or older).



## Citing References (55)

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	<b>1. Federal Hill Capital, LLC v. City of Providence by and through Lombardi</b> ¶ 227 A.3d 980, 986+ , R.I.  EDUCATION — Civil Rights. Zoning ordinance limiting to three the number of college students who could live together in single-family homes did not violate equal protection.	May 27, 2020	Case		<a href="#">4</a> <a href="#">9</a> A.2d
Discussed by	<b>2. Mr. Randy Hughes</b> ¶ 1983 WL 856609 (Iowa A.G.), *2+  MOTOR VEHICLES - MOTORCYCLE LICENSE REQUIREMENTS - Iowa Code § 321.189 (1983), Iowa Constitution, Article I, § 6, United States Constitution, Amendment XIV, § 1. Iowa Code §...	July 20, 1983	Administrative Decision		<a href="#">8</a> A.2d
Cited by	<b>3. State v. Garvin</b> ¶ 945 A.2d 821, 823+ , R.I.  CRIMINAL JUSTICE - Traffic Offenses. Statute criminalizing operating a motor vehicle without a license, as applied to state highway drivers, did not violate due process.	Apr. 29, 2008	Case		<a href="#">8</a> A.2d
Cited by	<b>4. Reyes v. Providence Place Group, L.L.C.</b> ¶ 853 A.2d 1242, 1247+ , R.I.  LITIGATION - Judgment. Good cause standard applied to motion to vacate default after order that "judgment may enter."	June 24, 2004	Case		<a href="#">1</a> A.2d
Cited by	<b>5. Danielle v. Ricci</b> 705 A.2d 994, 995+ , R.I.  The defendant, Ernest P. Ricci (Ricci), appeals pro se from the entry of a judgment in favor of the plaintiff, Pat Danielle, after a hearing justice refused to vacate a default...	Dec. 15, 1997	Case		<a href="#">1</a> A.2d
Cited by	<b>6. Allard v. Department of Transp.</b> 609 A.2d 930, 937 , R.I.  Applicant for renewal of chauffeur's license sought certiorari review of administrative denial of renewal. The Sixth District Court, Indeglia, J., denied relief, and appeal was...	May 13, 1992	Case		<a href="#">5</a> A.2d
Cited by	<b>7. Security Pacific Credit (Hong Kong) Ltd. v. Lau King Jan</b> ¶ 517 A.2d 1035, 1036 , R.I.  Bank and creditor brought action against corporation and officers alleging debt on book account. The Superior Court, Providence County, Needham, J., denied motion to set aside...	Nov. 18, 1986	Case		—
Cited by	<b>8. Conti v. Geffroy</b> 486 A.2d 579, 582 , R.I.  Action was brought alleging that plaintiff was owed for goods sold and delivered and for services rendered to repair leaky roof on building owned by defendant. The District...	Jan. 02, 1985	Case		<a href="#">1</a> A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<b>9. Beaudoin v. Petit</b> 409 A.2d 536, 540+ , R.I.  Petition was filed for writ of certiorari to review a judgment of the district court dismissing petitioner's appeal from an order of the Registry of Motor Vehicles revoking...	Dec. 12, 1979	Case		<a href="#">8</a> A.2d
Cited by	<b>10. State v. Lesieure</b> 404 A.2d 457, 463+ , R.I.  An obscenity case came before the Supreme Court on two questions certified by the Superior Court, Kent County, Needham, J. The Supreme Court, Weisberger, J., held that: (1)...	July 17, 1979	Case		<a href="#">2</a> <a href="#">9</a> A.2d
Cited by	<b>11. State v. McConaghy</b> 386 A.2d 1380, 1382 , R.I.  After suspension of sentence was removed and after defendant was ordered committed on previously imposed sentence, Attorney General announced that no information would be filed on...	May 26, 1978	Case		—
Cited by	<b>12. Doe ex rel. his Parents, Natural Guardians v. East Greenwich School Dept. ¶¶</b> 2004 WL 2821639, *3+ , R.I.Super.  Before the Court are various motions that arise from a five count complaint brought by the Plaintiff, John Doe, a minor, by and through his Parents and Natural Guardians, alleging...	Dec. 03, 2004	Case		<a href="#">1</a> A.2d
Cited by	<b>13. Pitre v. Curhan</b> 2001 WL 770941, *7+ , R.I.Super.  This matter is before the Court on the defendants' Motion for Order declaring R.I. Gen. Laws § 5–37.3–4(b)(8)(ii) unconstitutional. The defendants , all litigants in pending...	July 10, 2001	Case		<a href="#">6</a> <a href="#">7</a> A.2d
Cited by	<b>14. Woonsocket Neighborhood Development Corp. v. Mathews</b> 2000 WL 1879903, *4 , R.I.Super.  The appellant, Woonsocket Neighborhood Development Corporation, timely appeals a decision of the Woonsocket Zoning Board of Review, acting in its capacity as the Board of Appeal...	Dec. 01, 2000	Case		—
Cited by	<b>15. Psilopoulos v. State</b> 1991 WL 789867, *1 , R.I.Super.  Before this court is the defendants' motion to set aside entry of default pursuant to R.C.P. 55 (c), and the defendants' motion for extension of time pursuant to R.C.P. 6 (b)(2) to...	Sep. 16, 1991	Case		—
Cited by	<b>16. Merrill Lynch Pierce Fenner &amp; Smith, Inc. v. Martellino</b> 1984 WL 560342, *1 , R.I.Super.  The defendant has moved to vacate the default that was entered against him in this matter, to which motion an objection was filed. The plaintiff has moved for the entry of judgment...	Sep. 12, 1984	Case		<a href="#">1</a> A.2d

Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	<p> <b>17. Miller v. Reed</b> 176 F.3d 1202, 1206+ , 9th Cir.(Cal.)</p> <p>After state denied driver's license renewal because of applicant's refusal, on religious grounds, to supply his social security number, applicant brought § 1983 action, seeking...</p>	May 24, 1999	Case		<p><a href="#">5</a></p> <p>A.2d</p>
Cited by	<p><b>18. Rogers v. Orange County Transit Authority</b> 2013 WL 12164780, *5 , C.D.Cal.</p> <p>Before the Court is a Motion to Dismiss filed by Defendants Orange County Transportation Authority, erroneously sued as Orange County Transit Authority, Ernestito A. Torres, and R....</p>	May 29, 2013	Case		—
Cited by	<p><b>19. Heck v. Village of Romeo</b> 2016 WL 7664223, *3 , E.D.Mich.</p> <p>Plaintiff Shawn R. Van Heck commenced this pro se civil rights action against Defendants Village of Romeo, Officer Dusovic, and Romeo Police Department on December 21, 2015....</p>	Dec. 13, 2016	Case		<p><a href="#">5</a></p> <p>A.2d</p>
Cited by	<p><b>20. Haselton v. State of Vermont</b> 2006 WL 3304189, *5 , D.Vt.</p> <p>The Magistrate Judge's Report and Recommendation was filed October 26, 2006 (Paper 28). After de novo review and over objection, the Report and Recommendation is AFFIRMED, APPROVED...</p>	Nov. 13, 2006	Case		<p><a href="#">5</a></p> <p>A.2d</p>
Cited by	<p><b>21. Haselton v. Amestoy</b> 2003 WL 23273581, *3+ , D.Vt.</p> <p>Plaintiff Roger Haselton, proceeding pro se, brings this action claiming that the defendants, each of whom are or have been justices of the Vermont Supreme Court, have violated his...</p>	Nov. 04, 2003	Case		—
Cited by	<p> <b>22. Heying v. State</b> 515 N.E.2d 1125, 1129 , Ind.App. 3 Dist.</p> <p>Defendant was convicted in the LaPorte Circuit Court, Don E. Harner, Special Judge, of operating motor vehicle after having been adjudged habitual traffic offender, and he...</p>	Nov. 30, 1987	Case		—
Cited by	<p> <b>23. State v. Hershberger</b> </p> <p>5 P.3d 1004, 1010 , Kan.App.</p> <p>CRIMINAL JUSTICE - Arrest. Dismissal was not appropriate remedy for delay in probable cause hearing.</p>	May 05, 2000	Case		—
Cited by	<p><b>24. Mr. Darrel V. Manning</b> 1984 Idaho Op. Atty. Gen. 48+</p> <p>Per Request for an Attorney General Opinion You have asked whether Idaho Code § 18-1502(c), which requires the department of transportation to suspend the driving privileges of...</p>	Feb. 14, 1984	Administrative Decision		<p><a href="#">8</a></p> <p>A.2d</p>



Treatment	Title	Date	Type	Depth	Headnote(s)
—	<b>25. Validity, construction, and application of age requirements for licensing of motor vehicle operators</b> 86 A.L.R.3d 475  This annotation collects and analyzes the cases determining the validity of, or construing or applying, statutory minimum age requirements for licensing of motor vehicle operators....	1978	ALR	—	<a href="#">3</a> <a href="#">5</a> <a href="#">8</a> <a href="#">10</a>  A.2d
—	<b>26. Blashfield Automobile Law and Practice s 468:9, § 468:9. Restrictions on eligibility for operator licenses</b>  The State may limit the operation of automobiles to persons who are qualified to operate them. Usually, the State prescribes that they must have attained a specific age and may...	2022	Other Secondary Source	—	<a href="#">3</a> <a href="#">10</a>  A.2d
—	<b>27. Children and the Law: Rights and Obligations s 11:24, § 11:24. Employment—Licensing of child—Driver's licenses</b>  As our society has changed from an agrarian to an urban society, more and more restrictions have been placed upon the child's legal ability to engage in hazardous activities....	2022	Other Secondary Source	—	<a href="#">3</a>  A.2d
—	<b>28. § 55:5. Setting aside default or default judgment</b>  Rule 55(c) provides that the court for good cause may set aside an entry of default and, likewise, it may set aside a default judgment under Rule 60(b). The good cause required for...	2022	Other Secondary Source	—	<a href="#">1</a>  A.2d
—	<b>29. West's A.L.R. Digest 228K139, # 139. Discretion of court</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">1</a>  A.2d
—	<b>30. West's A.L.R. Digest 48AK132, # 132. Constitutional and statutory provisions</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">8</a> <a href="#">10</a>  A.2d
—	<b>31. West's A.L.R. Digest 92K2970, # 2970. --In general</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">2</a>  A.2d
—	<b>32. West's A.L.R. Digest 92K3035, # 3035. Perfect, exact, or complete equality or uniformity</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">9</a>  A.2d
—	<b>33. West's A.L.R. Digest 92K3060, # 3060. In general</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">6</a> <a href="#">7</a>  A.2d
—	<b>34. West's A.L.R. Digest 92K3071, # 3071. Age</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">3</a>  A.2d
—	<b>35. West's A.L.R. Digest 92K3102, # 3102. Motor vehicles</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">3</a> <a href="#">8</a> <a href="#">10</a>  A.2d













Treatment	Title	Date	Type	Depth	Headnote(s)
—	<b>36. West's A.L.R. Digest 92K3730, # 3730. --In general</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">5</a> A.2d
—	<b>37. West's A.L.R. Digest 92K4355, # 4355. --In general</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">10</a> A.2d
—	<b>38. West's A.L.R. Digest 48AK136.5, # 136.5. --Constitutional and statutory provisions</b> West's A.L.R. Digest	2022	Other Secondary Source	—	<a href="#">8</a> <a href="#">10</a> A.2d
—	<b>39. Am. Jur. 2d Automobiles and Highway Traffic s 114, § 114. Age requirements</b> Am. Jur. 2d Automobiles and Highway Traffic  Statutes providing for the issuance of drivers' licenses, either directly or by clear implication, may prohibit the issuance of drivers' licenses to persons under the prescribed...	2022	Other Secondary Source	—	<a href="#">9</a> A.2d
—	<b>40. CJS Constitutional Law s 2350, § 2350. General standards applicable to licensing of motor vehicles and operators</b> CJS Constitutional Law  Due process requirements apply to state procedures for the licensing of motor vehicles and the licensing of motor vehicle operators, including licensing for operator-learner's...	2022	Other Secondary Source	—	<a href="#">3</a> A.2d
—	<b>41. CJS Motor Vehicles s 335, § 335. Generally</b> CJS Motor Vehicles  A State may limit the operation of motor vehicles to persons who have attained a specified age. Accordingly, persons under a prescribed age are generally not eligible to be...	2022	Other Secondary Source	—	<a href="#">3</a> A.2d
—	<b>42. RESOLVING THE HAZELWOOD CONUNDRUM: THE FIRST AMENDMENT RIGHTS OF COLLEGE STUDENTS IN KINCAID V. GIBSON AND BEYOND</b> 7 Comm. L. & Pol'y 129 , 156  The extent to which the First Amendment rights of college students differ from those of high school students has been uncertain since 1986, when the United States Supreme Court...	2002	Law Review	—	—
—	<b>43. LIBERTY WITHOUT CAPACITY: WHY STATES SHOULD BAN ADOLESCENT DRIVING</b> 48 Ga. L. Rev. 1019 , 1084+  I. Introduction. 1021 II. Adolescent Driving. 1024 a. public health dimensions. 1026 1. Single- vs. Multiple-Vehicle Crashes. 1028 2. Gender. 1028 3. Sixteen- and...	2014	Law Review	—	<a href="#">5</a> <a href="#">8</a> <a href="#">9</a> A.2d
—	<b>44. ASSESSING THE SCOPE OF MINORS' FUNDAMENTAL RIGHTS: JUVENILE CURFEWS AND THE CONSTITUTION</b> 97 Harv. L. Rev. 1163 , 1181  Although there is no longer any doubt that children are 'persons' under our Constitution' who possess 'fundamental rights which the State must respect,' it is also clear that the...	1984	Law Review	—	—

Treatment	Title	Date	Type	Depth	Headnote(s)
—	<b>45. FREEDOM TO FLY: AN ANALYSIS OF THE CONSTITUTIONAL RIGHT TO AIR TRAVEL</b> 80 J. Air L. & Com. 719 , 748  I. EVOLUTION OF THE RIGHT TO TRAVEL. 721 A. The Right to Travel. 721 B. No Right to the Most Convenient Form of Travel. 723 C. Right to International Travel. 725 D. Right...	2015	Law Review	—	<a href="#">5</a> A.2d
—	<b>46. ALL THE (AIR) RAGE: LEGAL IMPLICATIONS SURROUNDING AIRLINE AND GOVERNMENT BANS ON UNRULY PASSENGERS IN THE SKY</b> 65 J. Air L. & Com. 857 , 890  I. INTRODUCTION. 857 II. THE PROBLEM OF UNRULY PASSENGERS. 859 A. How Bad is the Problem?. 859 B. Reaction by the Airlines and the Federal Government. 861 III. THE CONSTUTIONAL...	2000	Law Review	—	—
—	<b>47. SHOULD CALIFORNIA PROHIBIT JUVENILE DRIVING: THE CONSTITUTIONAL AND PRACTICAL CONSIDERATIONS</b> 26 J. Juv. L. 49 , 63+  On average, fifty teenagers per day become injured in automobile accidents and one teen driver is killed in an automobile accident every other day. Nationwide, nearly forty out of...	2006	Law Review	—	<a href="#">2</a> <a href="#">5</a> A.2d
—	<b>48. JUST SAY NO...DRIVING: RUSHMORE v. REGISTRAR OF MOTOR VEHICLES AND THE MASSACHUSETTS LICENSE SUSPENSION LAW</b> 28 New Eng. L. Rev. 1071 , 1101  With an estimated twenty-four million illegal drug users in the United States many lawmakers have concluded that the threat of traditional criminal sanctions has failed to slow the...	1994	Law Review	—	—
—	<b>49. EQUAL PROTECTION FOR CHILDREN: TOWARD THE CHILDIST LEGAL STUDIES</b> 50 N.M. L. Rev. 235 , 286+  This Article focuses on one doctrinal question, which has not yet been examined by the Supreme Court of the United States: the appropriate review standard for discriminations...	2020	Law Review	—	<a href="#">3</a> A.2d
—	<b>50. THE CONSTITUTIONAL RIGHT TO TRAVEL: ARE SOME FORMS OF TRANSPORTATION MORE EQUAL THAN OTHERS?</b> 1 NW J. L. & Soc. Pol'y 213 , 213+  "A rich man can choose to drive a limousine; a poor man may have to walk." So declared the Ninth Circuit in 1972, when walking was a common phenomenon in the United States. ...	2006	Law Review	—	—
—	<b>51. THE PROCEDURAL DUE PROCESS REQUIREMENTS FOR NO-FLY LISTS</b> 4 Pierce L. Rev. 121 , 154  Imagine arriving at the airport and checking in at the ticketing booth. You tell the ticketing agent your name, your flight number, and show the agent your identification. The...	2005	Law Review	—	—









Treatment	Title	Date	Type	Depth	Headnote(s)
—	<p><b>52. WHY MS. DAISY WAS NOT ALLOWED TO DRIVE HERSELF: AN EXAMINATION OF THE NEED FOR FEDERALLY MANDATED DRIVER'S LICENSE RENEWAL PROCEDURES FOR ELDERLY DRIVERS</b></p> <p>41 Transp. L.J. 45 , 66+</p> <p>I. Introduction. 46 II. Background. 49 A. Evidence Supporting the Federalization of Driving Standards for the Elderly. 49 B. Current Statutory Provisions for Driver's License...</p>	2014	Law Review	—	<p><a href="#">6</a></p> <p>A.2d</p>
—	<p><b>53. SHIFTING AUTOMOTIVE LANDSCAPES: PRIVACY AND THE RIGHT TO TRAVEL IN THE ERA OF AUTONOMOUS MOTOR VEHICLES</b></p> <p>50 Wash. U. J.L. &amp; Pol'y 147 , 169+</p> <p>"Travel, in the younger sort, is a part of education; in the elder, a part of experience." Time has proven these words, penned by noted English attorney and philosopher Francis...</p>	2016	Law Review	—	<p><a href="#">5</a></p> <p>A.2d</p>
—	<p><b>54. WHAT PRICE DOES SOCIETY HAVE TO PAY FOR SECURITY? A LOOK AT THE AVIATION WATCH LISTS</b></p> <p>44 Willamette L. Rev. 573 , 613+</p> <p>Ms. Maya Shaikh is an American citizen and graduate of Stanford University School of Law. She resides in Honolulu, Hawaii with her fourteen-year-old daughter. On January 2, 2005,...</p>	2008	Law Review	—	—
—	<p><b>55. P 15,041 ALTRUI BROTHERS TRUCK SALES, INC. D/B/A ALTRUI BROTHERS FREIGHTLINER TRUCK SALES, INC. PLAINTIFF V. DAIMLERCHRYSLER VANS, LLC, N/K/A CHRYSLER VANS, LLC, DAIMLERCHRYSLER MOTORS CORPORATION, N/K/A CHRYSLER MOTORS</b></p> <p>Altrui Brothers Truck Sales, Inc. d/b/a Altrui Brothers Freightliner Truck Sales, Inc. Plaintiff v. DaimlerChrysler Vans, LLC, n/k/a Chrysler Vans, LLC, DaimlerChrysler Motors...</p>	2013	Other Secondary Source	—	<p><a href="#">1</a></p> <p>A.2d</p>

## Table of Authorities (19)

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Cited	 <b>1. <a href="#">Berberian v. Lussier</a></b> 139 A.2d 869, R.I., 1958 Bill in equity to enjoin registrar of motor vehicles from suspending operator's license of complainant because of his failure to deposit security with the registrar as provided in...	Case		”	794
Cited	 <b>2. <a href="#">Bullock v. Carter</a></b> 92 S.Ct. 849, U.S.Tex., 1972 Actions challenging constitutional validity of Texas primary election filing fee system. A Three-Judge District Court, for the Northern District of Texas, 321 F.Supp. 1358,...	Case			794
Cited	 <b>3. <a href="#">Dandridge v. Williams</a></b> 90 S.Ct. 1153, U.S.Md., 1970 Action to declare invalid and permanently enjoin enforcement of regulation of Maryland Department of Public Welfare placing an absolute limit of \$250 per month on amount of a grant...	Case		”	795
Cited	<b>4. <a href="#">Doran v. Cullerton</a></b> 283 N.E.2d 865, Ill., 1972 Appeal from a judgment of the Cook County Circuit Court, Daniel A. Covelli, J., holding homestead exemption, as applied to assessments made in 1971 and taxes payable in 1972,...	Case			795
Cited	 <b>5. <a href="#">Graham v. Richardson</a></b> 91 S.Ct. 1848, U.S.Ariz., 1971 Two cases involving application of equal protection clause to state welfare laws discriminating against aliens were consolidated on appeal. In one case, alien resident of Arizona...	Case			794
Cited	 <b>6. <a href="#">In re Nancy C.</a></b> 105 Cal.Rptr. 113, Cal.App. 1 Dist., 1972 Appeal from an order of the Superior Court, County of Solano, Richard J. Swan, J., continuing a minor as a ward of the Juvenile Court. The Court of Appeal, Kongsgaard, J., held...	Case			795
Cited	<b>7. <a href="#">Lopez v. Motor Vehicle Division, Dept. of Revenue</a></b> 538 P.2d 446, Colo., 1975 Servicemen, 19 and 20 years of age, suffered suspension of driving licenses, after accumulation of points for traffic violation convictions and they sued to challenge the action. ...	Case			795

Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Discussed	 <b>8. Massachusetts Bd. of Retirement v. Murgia</b> 96 S.Ct. 2562, U.S.Mass., 1976 Plaintiff, who was involuntarily retired from the uniformed branch of the Massachusetts state police pursuant to statute setting mandatory retirement age at 50, brought action to...	Case		”	793+
Cited	 <b>9. McLaughlin v. State of Fla.</b> 85 S.Ct. 283, U.S.Fla., 1964 Defendants were convicted under Florida statute providing for punishment of any Negro man and white woman or any white man and Negro woman who are not married to each other and who...	Case			794
Cited	 <b>10. Oyama v. California</b> 68 S.Ct. 269, U.S.Cal., 1948 Proceeding to escheat land by the State of California against Fred Y. Oyama and Kajiro Oyama, individually and as guardian of Fred Y. Oyama. A judgment in favor of the State of...	Case			794
Cited	 <b>11. Roe v. Wade</b> 93 S.Ct. 705, U.S.Tex., 1973 Action was brought for a declaratory and injunctive relief respecting Texas criminal abortion laws which were claimed to be unconstitutional. A three-judge United States District...	Case			794
Discussed	 <b>12. San Antonio Independent School Dist. v. Rodriguez</b> 93 S.Ct. 1278, U.S.Tex., 1973 Class action was brought on behalf of school children, who were said to be members of poor families residing in school districts having low property tax base, challenging reliance...	Case		”	794+
Cited	 <b>13. Shapiro v. Thompson</b> 89 S.Ct. 1322, U.S.Conn., 1969 Appeals from decisions of three-judge District Courts for District of Connecticut, District of Columbia, and Eastern District of Pennsylvania, 270 F.Supp. 331,277 F.Supp. 65,279...	Case			794+
Cited	 <b>14. Skinner v. State of Okl. ex rel. Williamson</b> 62 S.Ct. 1110, U.S.Okla., 1942 On Writ of Certiorari to the Supreme Court of the State of Oklahoma. Proceeding by the State of Oklahoma, on the relation of Mac Q. Williamson, Attorney General of the State of...	Case			794



Treatment	Referenced Title	Type	Depth	Quoted	Page Number
Cited	<p><b>15. State ex rel. Harvey v. Morgan</b></p> <p>139 N.W.2d 585, Wis., 1966</p> <p>Original action brought by citizen and taxpayer for determination of validity of statute providing for relief of persons 65 or over through system of income tax credits and...</p>	Case			795
Cited	<p> <b>16. U.S. v. Duncan</b></p> <p>456 F.2d 1401, 9th Cir.(Ariz.), 1972</p> <p>The United States District Court for the District of Arizona, William C. Frey, J., entered order holding grand jury witness in contempt of court for her refusal to answer certain...</p>	Case			795
Cited	<p><b>17. Universal Film Exchanges, Inc. v. City of Chicago</b></p> <p>288 F.Supp. 286, N.D.Ill., 1968</p> <p>Proceeding on motion to dismiss declaratory judgment action. The District Court, Napoli, J., held that censorship ordinance which required no more than 12 days during entire...</p>	Case			795
Cited	<p> <b>18. Williams v. Rhodes</b></p> <p>89 S.Ct. 5, U.S.Ohio, 1968</p> <p>Suits challenging validity of Ohio election laws as applied to Ohio American Independent Party and Socialist Labor Party. The three-judge United States District Court for the...</p>	Case			794
Cited	<p> <b>19. Wurtzel v. Falcey</b></p> <p>354 A.2d 617, N.J., 1976</p> <p>Action was brought challenging on equal protection grounds the minimum age requirements for certain elective offices in the New Jersey Constitution, which operated to deny...</p>	Case			795

### **Negative Treatment**

There are no Negative Treatment results for this citation.

### **History**

There are no History results for this citation.

### **Filings**

There are no Filings for this citation.