

Problem on Purposivism

Assume that you represent a person who was ticketed for driving a Segway (a motorized two wheeled vehicle – see below) on a sidewalk in violation of a statute prohibiting “vehicles” from being driven on the sidewalk. You are about to argue that a Segway is not a “vehicle”. Assume that there is no definition of “vehicle” in the statute and that no other statute is relevant. Ignore the rule of lenity.

According to dictionary.com, your jurisdiction’s preferred dictionary for determining ordinary meaning, a vehicle is:

1. A device or structure for transporting persons or things;
2. A self-propelled conveyance that runs on tires.

Thus, the plain meaning of the statute does not aid your client’s case. A Segway is a “device or structure for transporting persons,” is “self-propelled” and “runs on tires.” As a good attorney, however, you do not stop with this conclusion. Instead, you learn that the legislative history includes a committee report that states: “this act is intended to apply to motorcycles, mopeds, and cars, which more properly belong on our roads and create unsafe conditions for pedestrians.” How would you get a court to consider the report? How would the prosecutor respond?

Assume instead that the statute contained a purpose clause that stated: “It is the goal of this act to protect innocent citizens traversing the sidewalk by ensuring that all motorized vehicles capable of being driven on public thoroughways shall remain on the road at all times thereby making our sidewalks safe for those individuals and vehicles – such as pedestrians, strollers, and wheelchairs – that cannot travel on the public thoroughways.” Does the clause aid your case? Can you convincingly argue that the statute is ambiguous? Absurd? Do you need to argue either to have the court consider the purpose clause? Does the answer to that question change depending on the judge’s approach to statutory interpretation?

