

# VANLIFE: AN ARGUMENT TO RECONSIDER THE AUTOMOBILE EXCEPTION AND ENSURE FOURTH AMENDMENT PROTECTIONS FOR ALL CITIZENS

ELIZABETH MERRITT\*

*“Is freedom anything else than the right to live as we wish? Nothing else.”*<sup>1</sup>

## INTRODUCTION

The Fourth Amendment ensures that “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . . .”<sup>2</sup> In 1971, the United States Supreme Court acknowledged the basic Fourth Amendment law “that a search or seizure carried out on a suspect’s premises without a warrant is per se unreasonable, unless the police can show that it falls within one of a carefully defined set of exceptions based on the presence of ‘exigent circumstances.’”<sup>3</sup> Despite the history of strong Fourth Amendment protections against unreasonable searches and seizures within the home, the Court has identified a vehicle exception, limiting the protections offered to vehicles.<sup>4</sup> While many Americans live in traditional, stationary residences, the COVID-19 pandemic has led to “a growing number of Americans converting vans into campers to hit the road permanently,” blurring the lines between one’s vehicle and one’s home.<sup>5</sup>

The COVID-19 pandemic has pushed many Americans to join the vanlife movement.<sup>6</sup> Similar to minimalism, vanlife “is an alternative lifestyle adopted by many nomads looking to live a basic lifestyle, while being able to travel the world with freedom and ease.”<sup>7</sup> Many people adopting this lifestyle “are drawn to #vanlife in part because of coronavirus quarantines, in part because of housing prices, and in part because they want to escape what looks to be a summer of

---

\* J.D. Candidate, 2023, Indiana University Robert H. McKinney School of Law; B.A. 2019, Indiana University – Bloomington, Indiana. I would like to sincerely thank Professor Frances Watson for believing in and guiding this Note. I would like to thank Will Amberger and Anna Krause for their constant encouragement. Finally, I would like to thank my parents for supporting me not only through this writing process but my law school career.

1. EPICETUS, *THE DISCOURSES* 43 (Infomotions, Inc. 2002).

2. U.S. CONST. amend. IV.

3. *Coolidge v. New Hampshire*, 403 U.S. 443, 474-75 (1971).

4. *See, e.g., Carroll v. United States*, 267 U.S. 132, 153 (1925).

5. Nathan Bomey, *#VanLife Takes Off During COVID-19 as Americans Convert Vans for a Life on the Road*, USA TODAY (Feb. 18, 2021, 10:29 AM), <https://www.usatoday.com/story/money/cars/2021/02/17/van-life-coronavirus-pandemic-remote-work-mercedes-sprinter-van-life/4371726001/> [<https://perma.cc/86CE-SYW5>].

6. *See* Nellie Bowles, *The #Vanlife Business Is Booming*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com> [<https://perma.cc/H955-PPPX>].

7. *Van Life Basics | Everything You MUST Know*, PROJECT VAN LIFE, <https://projectvanlife.com/what-is-van-life/> [<https://perma.cc/Q6VW-NYRR>] (last visited Oct. 21, 2021).

protest and unrest.”<sup>8</sup> As the vanlife movement becomes increasingly popular and more people convert vans into homes, the Fourth Amendment’s protections should be reconsidered in this new light.

In *Coolidge v. New Hampshire*, the Court held that warrantless searches of people’s homes are presumed unreasonable.<sup>9</sup> In *Carroll v. United States*, the Court identified a distinction between a permanent structure, such as a traditional home, and a vehicle.<sup>10</sup> The Court reasoned that because a “vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought,” vehicles were not entitled to the strict Fourth Amendment protections granted to the traditional home.<sup>11</sup> Current case law causes “certain ‘vehicles’—including motor homes and perhaps even tiny houses on trailers, particularly those that are classified as RVs” to be at the mercy of the automobile exception.<sup>12</sup> As more Americans join the vanlife movement, the justifications for the vehicle exception to the warrant requirement are outweighed by the privacy expectations in these homes.

This Note analyzes the vehicle exception to the Fourth Amendment and argues this exception should not apply to vans being used as permanent residences to ensure equal Fourth Amendment rights for all citizens. In making this argument, part one provides an overview of vanlife by defining the movement, exploring its participants, and evaluating the factors that motivate participants to embrace this lifestyle. Part two explains why vanlife is entitled to strict Fourth Amendment protections. Part three discusses the current applicable case law. Part four addresses the intentions behind the Fourth Amendment. Part five explains why extending the strictest Fourth Amendment protections to vanlife is justified. Finally, part six explains why this exception should be reconsidered now.

## I. OVERVIEW OF VANLIFE

### A. What Is Vanlife?

Vanlife, by its simplest definition, is “living in a van.”<sup>13</sup> While living in a vehicle may have been associated with homelessness in the past, “van dwellers categorically reject the homeless label.”<sup>14</sup> Vanlifers “simply made a different

---

8. Bowles, *supra* note 6.

9. 403 U.S. 443, 474 (1971).

10. 267 U.S. 132, 153 (1925).

11. *Id.*

12. Marc C. McAllister, *Go Tiny or Go Home: How Living Tiny May Inadvertently Reduce Privacy Rights in the Home*, 69 S.C. L. REV. 265, 285 (2017).

13. *Van Life How To: Your Complete Guide to Living in a Van*, GNOMAD HOME (July 10, 2021), <https://gnomadhome.com/vanlife-how-to/> [https://perma.cc/HU6C-UTQ7].

14. Scott B. Rankin & Angus J. Duff, *Why Some Workers Are Opting to Live in Their Vans*, THE CONVERSATION (Nov. 8, 2020, 8:56 AM), <https://theconversation.com/why-some-workers-are-opting-to-live-in-their-vans-148961> [https://perma.cc/UU38-A9X7].

choice than most when it comes to how they live.”<sup>15</sup> For the people choosing to make converted vans their homes, vanlife is more than just moving their belongings into their van.<sup>16</sup> For the people participating in vanlife, this lifestyle is a “social movement of nomadic individuals who reject the way we are all ‘told’ to live in favor of minimalism, simplicity, adventure, and reassessing what is truly meaningful in life.”<sup>17</sup> Despite the plethora of glamorous photos on Instagram depicting #vanlife, those choosing to embrace this lifestyle see vanlife as “a movement, a way of life, a means of living more in harmony with ourselves, an act of resistance against the status quo.”<sup>18</sup> To put it into more quintessential American terms, for vanlifers, this lifestyle is the pursuit of happiness. This lifestyle gives vanlifers more control over their time and money, allowing them to build their own path.<sup>19</sup>

### *B. Who Lives in a Van?*

People from all different states, generations and financial backgrounds are choosing to live in their vans full-time.

Traveling full time may sound like a luxurious lifestyle reserved for the wealthy, but the cohort of people living out of their vehicles includes some who were displaced by rising rents and young couples priced out of the housing market . . . as well as remote workers with nothing tying them to any one ZIP code.<sup>20</sup>

One survey revealed that 36.36% of vanlifers lived alone and another 44.44% lived with one other person in their van.<sup>21</sup> These data suggests that singles, couples, and small families make up the majority of vanlifers.<sup>22</sup> Only 19.19% of vanlifers share their van with two or more other people.<sup>23</sup> The overwhelming majority of vanlifers are a part of the workforce as “[o]nly 4% of vanlifers surveyed report that they’re retired.”<sup>24</sup>

---

15. *Id.*

16. *See Van Life How To: Your Complete Guide to Living in a Van*, *supra* note 13.

17. *Id.*

18. *Id.*

19. *Id.*

20. Bryan Pietsch, *How Veterans of #Vanlife Feel About All the Newbies*, N.Y. TIMES (Apr. 2, 2021), <https://www.nytimes.com/2021/04/02/us/living-in-a-van-coronavirus-pandemic.html> [<https://perma.cc/42AP-8ZYA>].

21. Mike, *Vanlife Statistics and Trends in 2021*, HOME IS WHERE YOU MAKE IT (May 30, 2020), <https://whereyoumakeit.com/converted-vehicles/stats/> [<https://perma.cc/H5RM-G43V>].

22. *See id.*

23. *Id.*

24. *Id.*

### C. Why Live in a Van?

1. *Freedom*.—“Ask any vanlifer why they decided to trade their roof for wheels and the word ‘freedom’ will inevitably come up.”<sup>25</sup> Some choose this lifestyle because “every day on the road is an adventure.”<sup>26</sup> This uncertainty forces vanlifters to be “more in tune with the present moment, and accepting of change.”<sup>27</sup> Many vanlifters enjoy “not being tied down to a house or an apartment” finding this lifestyle gives them more control over their time and their finances.<sup>28</sup>

2. *Saving Money*.—Regardless of one’s lifestyle choices, many Americans are motivated to save more money. According to the S&P CoreLogic Case-Shiller 20-city home price index, home prices “soared 17% in May from a year earlier on top of a 15% jump in April.”<sup>29</sup> These “[s]urging house prices and the normalisation of remote work may push more wannabe nomads on the road.”<sup>30</sup> Vanlife eliminates “rent/mortgage/utility payments, which probably represent a huge portion of [one’s] monthly expenses.”<sup>31</sup> Vanlife enables people to drastically reduce these monthly expenses, allowing many vanlifters to save more money. Dave Ramsay, one of the founders of Dave and Matt Vans, a custom van build company based in Colorado, just “moved into his first apartment in more than five years.”<sup>32</sup> Ramsay “estimates he’d saved well over \$100,000 in rent by living in his van” during that time.<sup>33</sup> For many Americans, these additional savings could make traditional home ownership more accessible.

3. *Harmony with Other Social Movements*.—The 2014 release of “Marie Kondo’s book, *The Life Changing Magic of Tidying Up: The Japanese Art of Decluttering and Organizing*, brought minimalism to the mainstream.”<sup>34</sup>

---

25. *The Pandemic Pushed More Americans to Try Out Van Life*, THE ECONOMIST (June 5, 2021), <https://www.economist.com/united-states/2021/06/05/the-pandemic-pushed-more-americans-to-try-out-van-life> [<https://perma.cc/6HMR-P7XN>].

26. *Van Life How To: Your Complete Guide to Living in a Van*, *supra* note 13.

27. *Id.*

28. *Id.*

29. Paul Wiseman, *US Home Prices Surge 17% in May, Fastest in 17 Years*, ABC NEWS (July 27, 2021, 9:49 AM), <https://abcnews.go.com/US/wireStory/us-home-prices-surge-17-fastest-17-years-79087343> [<https://perma.cc/F5M5-CLSR>]; see also *S&P CoreLogic Case-Shiller Home Price Indices, S&P DOW JONES INDICES*, <https://www.spglobal.com/spdji/en/index-family/indicators/sp-corelogic-case-shiller/sp-corelogic-case-shiller-composite/#overview> [<https://perma.cc/8UHT-2W9N>] (last visited Nov. 17, 2021).

30. *The Pandemic Pushed More Americans to Try Out Van Life*, *supra* note 25.

31. *Van Life How To: Your Complete Guide to Living in a Van*, *supra* note 13.

32. Jason Blevins, *Vanlife Is Booming in Colorado as Housing Costs Climb and Work-anywhere Appeal Grows*, THE COLORADO SUN (May 17, 2021, 4:20 AM), <https://coloradosun.com/2021/05/17/colorado-vanlife-campervan-conversion-industry-booming-pandemic/> [<https://perma.cc/F7FQ-MMRX>].

33. *Id.*

34. Deborah Weinswig, *Millennials Go Minimal: The Decluttering Lifestyle Trend That Is Taking Over*, FORBES (Sept. 7, 2016, 8:00 AM), <https://www.forbes.com/sites/deborahweinswig/>

Minimalistic values begin with decluttering, but apply to all areas of life, including housing.<sup>35</sup> While minimalism is accessible to all generations, “[m]illennials in particular are seeking out this . . . lifestyle.”<sup>36</sup> This lifestyle is attractive to millennials who “grew up during the recession, entered a struggling job market and must now pay off record amounts of student debt.”<sup>37</sup> Vanlife effortlessly complements the minimalism movement.<sup>38</sup> Embracing minimalism through vanlife allows participants to live out their values without sacrificing their communities as the definition of community for many has shifted “from physical neighbourhood to online social networks.”<sup>39</sup>

## II. VANLIFE CHARACTERISTICS THAT ENTITLE IT TO FOURTH AMENDMENT PROTECTION

### *A. Vanlife’s Increasing Popularity*

Despite being a relatively new social movement, available data suggests vanlife is becoming more popular in the United States. “About 140,000 vans, RVs or boats were counted as housing units in 2019 according to the Census Bureau, up from about 102,000 in 2016.”<sup>40</sup> Looking specifically at van conversions, companies specializing in these customizations have seen drastic increases in the demand for their services.<sup>41</sup> Increasing demand is demonstrated by “Vanlife Customs in Denver . . . [which] has seen revenues grow by at least 50% every year since [the] company’s founding in 2016.”<sup>42</sup> Similarly, Dave & Matt Vans in Colorado went from five employees in early 2020 to nearly thirty today.<sup>43</sup> Rossmönster, another business offering custom van renovations, “can take no new customers until September 2022.”<sup>44</sup>

Not only is demand for professional customization increasing but so is demand for new vans.<sup>45</sup> The Mercedes-Benz Sprinter van is one of the most popular choices for many people seeking to convert a van into a home.<sup>46</sup> Despite the company’s overall sales falling 8.9% in 2020, “Mercedes-Benz U.S. van sales

---

2016/09/07/millennials-go-minimal-the-decluttering-lifestyle-trend-that-is-taking-over/?sh=685ace483755 [https://perma.cc/WW2Z-5VG5].

35. *Id.*

36. *Id.*

37. *Id.*

38. *Van Life How To: Your Complete Guide to Living in a Van*, *supra* note 13.

39. Rankin & Duff, *supra* note 14.

40. *The Pandemic Pushed More Americans to Try Out Van Life*, *supra* note 25.

41. *See id.*

42. *Id.*

43. *Id.*

44. *Id.*

45. *See* Bomey, *supra* note 5.

46. *Id.*

soared 22.5%” that year.<sup>47</sup> As more Americans have left their traditional homes for vanlife, demand for custom builds and appropriate vans has increased significantly.

Whether on a waitlist for a custom van or not, Americans in general are becoming more interested in, and aware of, vanlife. As of January 24, 2023, #vanlife on Instagram yields 14,397,758 posts, suggesting interest and participation in vanlife will only increase.<sup>48</sup> Not only are Instagram posts up, but vanlife is featured in TurboTax’s 2022 commercial.<sup>49</sup> Whether advertising their services to the growing number of participants in the vanlife movement, or simply using this nomadic lifestyle to capture viewers’ attention, this reference highlights the growing visibility of the vanlife movement in America.

Some dismiss vanlife as a trend that will fizzle out; however, this trend is based on values not aesthetics.<sup>50</sup> Cladwell CEO and Co-Founder, Blake Smith, in discussing minimalism stated, “[a]esthetic trends come and go, but value-based trends, they have staying power.”<sup>51</sup> If the continued popularity of minimalism is any indication, then the vanlife movement is unlikely to disappear.

1. *The COVID-19 Pandemic.*—While vanlife has been steadily increasing in popularity over the last few years, the COVID-19 Pandemic has supercharged participation in this lifestyle.<sup>52</sup> According to one survey “the COVID-19 pandemic has pushed more people than ever towards the frugal freedom that comes with living in a van instead of a more traditional home.”<sup>53</sup> COVID-19 has made the vanlife movement more accessible for many Americans because “[t]he biggest impact of Covid-19 may be remote work.”<sup>54</sup> Before the pandemic, about “five percent of full-time employees with office jobs worked primarily from home.”<sup>55</sup> In the new normal, that percentage “is likely to settle at 20-30 percent.”<sup>56</sup> Not only are there more remote jobs, but more employers are willing to hire remote workers, located outside office commuting zones.<sup>57</sup> The Conference Board 2020 survey revealed “before the pandemic, only 12 percent

---

47. *Id.*

48. INSTAGRAM, <https://www.instagram.com/explore/tags/vanlife/?hl=en> [<https://perma.cc/Y3QU-CFL6>] (last visited Jan. 24, 2023).

49. Super Bowl Commercials, *TurboTax—Give us Everything You’ve Got*, YOUTUBE (Feb. 1, 2022), <https://www.youtube.com/watch?v=UKNRdIOX8wc> [<https://perma.cc/6CSE-YBBN>].

50. *See generally* Weinswig, *supra* note 34.

51. *Id.*

52. *See* Joe Roberts, *What Do Americans Think About Van Life During COVID?*, MOVE.ORG (Oct. 6, 2020), <https://www.move.org/what-do-americans-think-about-van-life-during-covid/> [<https://perma.cc/F34U-Z8AB>].

53. *Id.*

54. Gad Levanon, *Remote Work: The Biggest Legacy of Covid-19*, FORBES (Nov. 23, 2020, 5:04 PM), <https://www.forbes.com/sites/gadlevanon/2020/11/23/remote-work-the-biggest-legacy-of-covid-19/?sh=1bc7f7517f59> [<https://perma.cc/9FM4-4CJ6>].

55. *Id.*

56. *Id.*

57. *Id.*

of surveyed U.S. organizations were willing to hire 100 percent virtual workers . . . . [but], by September 2020, 36 percent were willing” to hire 100 percent virtual workers.<sup>58</sup> The increase in remote jobs is likely permanent as employers realize it would be difficult to abandon remote work after relying on it for almost two years.<sup>59</sup> As more positions become remote, more Americans will be able to join the vanlife movement.

### *B. Vanlifers v. RV Travelers*

Just as vanlife is increasing in popularity, RV ownership is also on the rise from “7.9 million households in 2005 to over 9 million today” owning RVs.<sup>60</sup> While RV ownership is on the rise, only “one in four campers opt to use a RV for their primary lodging.”<sup>61</sup> Furthermore, those living in their RV full-time only make up about 1.5% of the total number of RVers.<sup>62</sup> Unlike those choosing to convert vans into their permanent homes, average “RVers spend between 3-4 weeks in their recreational vehicle a year.”<sup>63</sup> For most vanlifers, “vanlife is *not* a vacation, it is an alternative lifestyle.”<sup>64</sup> Unlike RV owners, those choosing to convert vans have more control over the amenities included in their vans. “Some vehicles are stripped-down minivans with a mattress; others have ceilings so high the owners can stand inside and include sinks, mattress platforms, storage and occasionally a small bathroom.”<sup>65</sup> Those intending to use a van as their permanent residence may favor van conversions over RVs because “[c]onverting a van gives you the ability to create a custom space and allows you to build exactly what you want.”<sup>66</sup>

### *C. Features Indicating Permanent Housing*

Just as traditional housing can be found at a range of price points, vanlife can

---

58. *Id.*

59. *Id.*

60. *Latest RV Industry Statistics, Trends & Data (2021)*, THEADVENTURETRAVELERS.COM <https://www.theadventuretravelers.com/latest-rv-industry-statistics-trends-data-2021/> [https://perma.cc/Y9HN-Q655] (last visited Jan. 27, 2022).

61. *Id.*

62. *Full Timers*, RV INDUS. ASS’N <https://www.rvia.org/go-rving-rv-owner-demographic-profile/full-timers> [https://perma.cc/4R4E-NJX9] (last visited Jan. 27, 2022).

63. *Latest RV Industry Statistics, Trends & Data (2021)*, *supra* note 60.

64. *Van Life How To: Your Complete Guide to Living in a Van*, *supra* note 13.

65. Heather Balogh Rochfort, *Pre-covid, the ‘Van Life’ Was a Free, Easy and Trendy Lifestyle. Now, Its Practitioners Are Pariahs*, WASH. POST. (Apr. 9, 2020), [https://www.washingtonpost.com/lifestyle/travel/van-life-coronavirus/2020/04/09/755e2f48-782d-11ea-a130-df573469f094\\_story.html](https://www.washingtonpost.com/lifestyle/travel/van-life-coronavirus/2020/04/09/755e2f48-782d-11ea-a130-df573469f094_story.html) [https://perma.cc/VCJ4-VPCP].

66. Dan Collins, *Van Life VS RV—Which Is Better?*, CAMPER VAN TRAVELER, <https://www.campervantraveler.com/van-life-vs-rv-which-is-better/> [https://perma.cc/62BS-PLNM] (last visited Oct. 21, 2021).

cost as little or as much as one is willing to spend. For custom vans, some sellers charge “\$100,000 to \$300,000, not including the cost of the van.”<sup>67</sup> Others looking to be more budget friendly are purchasing used vans, relying on YouTube videos, and adding closer to “\$10,000 in upgrades.”<sup>68</sup> While all vans typically have sleeping quarters, bathrooms and showers are not always installed.<sup>69</sup> The YouTube channel Ian and Ana has a video comparing a \$7,000 to a \$50,000 conversion.<sup>70</sup> Each converted van is home to a young couple who converted their vans themselves.<sup>71</sup> The \$7,000 conversion features a full size bed, sufficient storage, an outdoor shower, and supplies for an outdoor kitchen.<sup>72</sup> The \$50,000 conversion shares the same features as a traditional home, just far fewer square feet.<sup>73</sup> This conversion features a queen bed, ample storage, a fridge and freezer, counter space for cooking, a bathroom, and a shower.<sup>74</sup> Further minimizing the differences between this van and a traditional home, the walls feature electrical outlets, making it easy to charge electronics.<sup>75</sup> While this more expensive conversion is preferable, those working with smaller budgets have to find creative alternatives to certain luxuries.<sup>76</sup> Many vanlifers, who forgo bathrooms, showers or both, “have a membership at Planet Fitness so they can periodically use showers or toilets.”<sup>77</sup> These vastly different renovations suggest these vans are serving as people’s homes but in different ways.

Lastly, not only are these vans equipped with the features of a home, but vanlifers are bringing their pets on the road with them.<sup>78</sup> Overall, remote work has enabled many to choose to live in vans and travel fulltime.<sup>79</sup> Customizing living space and bringing pets for the journey highlight the permanency of these residences.

---

67. Bowles, *supra* note 6.

68. Bomey, *supra* note 5.

69. *Id.*

70. Ian & Ana, *Budget vs Luxury Van Life – Choose the PERFECT Van for YOU*, YOUTUBE (Mar. 10, 2021), [https://www.youtube.com/watch?v=dA29PmC7\\_Fg](https://www.youtube.com/watch?v=dA29PmC7_Fg) [<https://perma.cc/92Z4-K28W>].

71. *Id.*

72. *Id.*

73. *Id.*

74. *Id.*

75. *Id.*

76. *See id.*

77. Bomey, *supra* note 5.

78. *See generally* John Serbell & Jayme Serbell, *Vanlife with Dogs: Tips, Challenges, and Fun on the Road*, GNOMAD HOME (Apr. 16, 2021), <https://gnomadhome.com/vanlife-with-dogs/> [<https://perma.cc/9Y8E-3CDA>].

79. Bomey, *supra* note 5.



III. OVERVIEW OF THE FOURTH AMENDMENT PROTECTIONS AND COURT  
PRECEDENT*A. The Fourth Amendment and the Home**1. The Fourth Amendment.*—The Fourth Amendment states:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.<sup>80</sup>

While warrants are mentioned in the text of the Fourth Amendment, the Court has recognized “[t]he touchstone of the Fourth Amendment is reasonableness.”<sup>81</sup> All Fourth Amendment cases require a determination of when governmental intrusions require a warrant under this reasonableness standard.

*2. The Sanctity of the Home.*—“‘At the very core’ of the Fourth Amendment ‘stands the right of a man to retreat into his own home and there be free from unreasonable government intrusion.’”<sup>82</sup> The sanctity of the home was recognized as far back as 1765 in *Entick v. Carrington*.<sup>83</sup> While the Fourth Amendment offers protection against unreasonable searches and seizures generally, “[f]reedom from intrusion into the home or dwelling is the archetype of the privacy protection secured by the Fourth Amendment.”<sup>84</sup> The Supreme Court acknowledged “physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed”<sup>85</sup> and that in the face of this evil, “the warrant procedure minimizes the danger of needless intrusions of that sort.”<sup>86</sup> While reasonableness may be the chief consideration, “the Fourth Amendment has drawn a firm line at the entrance to the house. Absent exigent circumstances, that threshold may not reasonably be crossed without a warrant.”<sup>87</sup> Using the reasonableness touchstone, “[i]t is a ‘basic principle of Fourth Amendment law’ that searches and seizures inside a home without a warrant are presumptively unreasonable.”<sup>88</sup>

---

80. US CONST. amend. IV.

81. *Florida v. Jimeno*, 500 U.S. 248, 250 (1991).

82. *Kyllo v. United States*, 533 U.S. 27, 31 (2001) (quoting *Silverman v. United States*, 365 U.S. 505, 511 (1961)).

83. *Id.* at 32 (citing *Entick v. Carrington*, (1765) 95 Eng. Rep. 807 (K.B.)).

84. *Dorman v. United States*, 435 F.2d 385, 389 (D.C. Cir. 1970).

85. *United States v. U.S. Dist. Ct. (Keith)*, 407 U.S. 297, 313 (1972).

86. *Payton v. New York*, 445 U.S. 573, 586 (1980).

87. *Id.* at 590.

88. *Id.* at 586.

*B. The Vehicle Exception*

1. *Carroll v. United States*.—In 1925, the Supreme Court first recognized an automobile exception to the warrant requirement in *Carroll v. United States*.<sup>89</sup> In this case, officers stopped and searched a car.<sup>90</sup> Their search yielded sixty-eight bottles of liquor, which was illegal under the Eighteenth Amendment.<sup>91</sup> The Court explained that:

the guaranty of freedom from unreasonable searches and seizures by the Fourth Amendment has been construed, practically since the beginning of the government, as recognizing a necessary difference between search of a store, dwelling house or other structure in respect of which a proper official warrant readily may be obtained and a search of a ship, motor boat, wagon or automobile for contraband goods, where it is not practicable to secure a warrant, because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought.<sup>92</sup>

The Court believed the ability to quickly move a vehicle from the jurisdiction capable of granting a search warrant justified an exception to the warrant requirement.<sup>93</sup>

2. *South Dakota v. Opperman*.—In 1976, the Supreme Court considered whether the search of a lawfully impounded vehicle by police without a warrant was a violation of the Fourth Amendment in *South Dakota v. Opperman*.<sup>94</sup> In holding this search was not a violation of the Fourth Amendment, the Court recognized a second reason for the vehicle exception to the warrant requirement: in addition to the ready mobility, “less rigorous warrant requirements govern because the expectation of privacy with respect to one's automobile is significantly less than that relating to one's home or office.”<sup>95</sup> Furthermore, “[a]utomobiles, unlike homes, are subjected to pervasive and continuing governmental regulation and controls, including periodic inspection and licensing requirements.”<sup>96</sup> Police routinely “stop and examine vehicles when license plates or inspection stickers have expired, or if other violations, such as exhaust fumes or excessive noise, are noted, or if headlights or other safety equipment are not in proper working order.”<sup>97</sup>

3. *Collins v. Virginia*.—More recently, in 2018, the Supreme Court has considered how the automobile exception should apply when it intersects with

---

89. 267 U.S. 132 (1925).

90. *Id.* at 172.

91. *Id.* at 143.

92. *Id.* at 153.

93. *See id.*

94. 428 U.S. 364, 365 (1976).

95. *Id.* at 367.

96. *Id.* at 368.

97. *Id.*

privacy interests in traditional homes.<sup>98</sup> In *Collins v. Virginia*, officers suspected a motorcycle in Collins' garage was a stolen motorcycle which had been used to evade police during two prior attempted traffic stops.<sup>99</sup> Officers searched the motorcycle, which was located in Collins' driveway, without a warrant, presumptively assuming the automobile exception applied.<sup>100</sup> Despite the vehicle exception to the warrant requirement, the Court held "[t]he automobile exception does not afford the necessary lawful right of access to search a vehicle parked within a home or its curtilage because it does not justify an intrusion on a person's separate and substantial Fourth Amendment interest in his home and curtilage."<sup>101</sup> Explaining further, the Court stated that "the scope of the automobile exception extends no further than the automobile itself" and does not "give[ ] an officer the right to enter a home or its curtilage to access a vehicle without a warrant."<sup>102</sup>

Therefore, "an officer must have a lawful right of access to a vehicle in order to search it pursuant to the automobile exception."<sup>103</sup>

### C. *The Fourth Amendment and RVs*

1. *California v. Carney*.—In 1985, the Supreme Court interpreted the automobile exception as applied to a RV.<sup>104</sup> In *California v. Carney*, a federal agent observed Carney "approach a youth in downtown San Diego."<sup>105</sup> The agent watched as Carney and the youth went into a small motor home and closed the blinds.<sup>106</sup> The agent had "uncorroborated information that the same motor home was used by another person who was exchanging marihuana for sex."<sup>107</sup> More agents arrived, and after leaving the motor home, "[t]he youth told the agents that he had received marihuana in return for allowing Carney sexual contacts."<sup>108</sup> Based on this information, the agents entered and searched the mobile home without a warrant or Carney's consent.<sup>109</sup> Carney argued his RV should be excluded from the automobile exception and distinguished from other vehicles "because it was *capable of functioning as a home*."<sup>110</sup> The Court found that the vehicle exception applied to this RV and declined "to distinguish between

---

98. *Collins v. Virginia*, 138 S. Ct. 1663, 1668 (2018).

99. *Id.*

100. *Id.* at 1668.

101. *Id.* at 1672.

102. *Id.* at 1671.

103. *Id.* at 1672.

104. *California v. Carney*, 471 U.S. 386 (1985).

105. *Id.* at 387-88.

106. *Id.* at 388.

107. *Id.*

108. *Id.*

109. *Id.*

110. *Id.* at 393.

‘worthy’ and ‘unworthy’ vehicles which are either on the public roads and highways, or situated such that it is reasonable to conclude that the vehicle is not being used as a residence.”<sup>111</sup>

2. *United States v. Briscoe*.—In 2017, the Kansas District Court decided *United States v. Briscoe*, further complicating the Fourth Amendment protections offered to RVs.<sup>112</sup> In 2016, officers “obtained a search warrant to search the ‘residence, outbuildings and vehicles’” at a home in Kansas.<sup>113</sup> After searching the home, “officers entered a recreational vehicle (the ‘RV’) parked behind [the home] that was not listed on the search warrant or described in its supporting affidavit.”<sup>114</sup> Upon entering the RV, officers found Briscoe and Hulseley sleeping along with firearms and drug paraphernalia.<sup>115</sup> The RV was “operable.”<sup>116</sup> In response to the defendants’ motion to suppress, the government argued that the search was proper because “the warrant allows the search of all vehicles on the subject premises, and the RV is a ‘vehicle.’”<sup>117</sup> The government relied on precedent involving “a regular automobile” to justify the search.<sup>118</sup> In rejecting this argument, the court emphasized that “[u]nlike the RV in this case, [the vehicle] was not being used by the defendant as a place to sleep.”<sup>119</sup> After considering the facts of this case, “the Court conclude[d] that the officers’ search of the RV violated the Fourth Amendment” for three reasons.<sup>120</sup> “First, the RV is not a typical ‘vehicle’” because it has sleeping quarters.<sup>121</sup> Second, the defendants were asleep in the RV and not “behind the wheel when they searched the RV.”<sup>122</sup> Finally, “the officers knew before they executed the search warrant that Defendants were occupying the RV.”<sup>123</sup> This federal trial court decision relies on the facts of the case, rather than blindly applying the automobile exception. While not binding on all courts, this decision exemplifies a way to draw the line differently regarding RVs and the applicability of the automobile exception to the warrant requirement.

#### IV. INTIMATE ACTIVITIES—THE INTENTION BEHIND THE FOURTH AMENDMENT

To determine the automobile exception’s effectiveness, the purpose of the

---

111. *Id.* at 394.

112. *United States v. Briscoe*, No. 16-10155-EFM, 2017 U.S. Dist. LEXIS 71582 (D. Kan. May 10, 2017).

113. *Id.* at \*2.

114. *Id.* at \*1.

115. *Id.* at \*3-4.

116. *Id.* at \*3.

117. *Id.* at \*5.

118. *Id.* at \*7.

119. *Id.*

120. *Id.* at \*17.

121. *Id.*

122. *Id.*

123. *Id.*

Fourth Amendment must be considered. At its core, “the Fourth Amendment ‘stands the right of a man to retreat into his own home and there be free from unreasonable government intrusion.’”<sup>124</sup> The Fourth Amendment reserves its strictest protection for the home. “In the home, our cases show, *all* details are intimate details, because the entire area is held safe from prying government eyes.”<sup>125</sup> Intimate activities are things that generally occur within the home, whether private or not.<sup>126</sup>

Applying this concept to vanlife, a tour of Josie Wanner’s van shows her van is equipped with a stove, medicine cabinet, fridge, portable toilet, and decorated bedroom.<sup>127</sup> In addition to practical necessities, Wanner’s van also contains her clothing, books, inspirational posters, and sentimental items.<sup>128</sup> These features show that the same intimate activities which are afforded the strongest protections in traditional homes are also occurring in these converted vans. Considering the same intimate activities occurring in traditional homes are taking place in these converted vans, equal Fourth Amendment protections should be granted to those living in converted vans.

#### V. JUSTIFICATIONS FOR EXTENDING THE STRICTEST FOURTH AMENDMENT PROTECTIONS TO CONVERTED VANS

##### *A. Available Methods for Extending the Protection*

1. *California v. Carney*.—Despite holding that no warrant was required to search the RV in *California v. Carney*, the Court recognized that a warrant may be required under other circumstances.<sup>129</sup> In footnote three, the Court limited its holding, stating, “[w]e need not pass on the application of the vehicle exception to a motor home that is situated in a way or place that objectively indicates that it is being used as a residence.”<sup>130</sup> Factors to consider when analyzing “whether a warrant would be required in such a circumstance is its location, whether the vehicle is readily mobile or instead, for instance, elevated on blocks, whether the vehicle is licensed, whether it is connected to utilities, and whether it has convenient access to a public road.”<sup>131</sup>

2. *Katz v. United States*.—In *Katz v. United States*, the Court considered whether Katz’s conviction of “transmitting wagering information by telephone”

---

124. *Kyllo v. United States*, 533 U.S. 27, 31 (2001).

125. *Id.* at 37.

126. *See id.*

127. Tiny Home Tours, *Solo Female Finds Her Resiliency Through Van Life – Her Tiny House on Wheels* YOUTUBE (Aug. 19, 2021), <https://www.youtube.com/watch?v=r1HzQaV1hn8> [<https://perma.cc/7L5Q-REXC>].

128. *Id.*

129. 471 U.S. 386, 394 n.3 (1985).

130. *Id.*

131. *Id.*

was supported by legally obtained evidence.<sup>132</sup> To secure this conviction, the government relied on Katz's telephone conversation which was "overheard by FBI agents who had attached an electronic listening and recording device to the outside of the public telephone booth from which he had placed his calls."<sup>133</sup> From these facts, Justice Harlan, in concurrence, noted "that there is a twofold requirement, first that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as 'reasonable.'"<sup>134</sup> If both of these prongs are met, then a search has occurred.<sup>135</sup>

The two-part test established in *Katz* is easy to apply to converted vans serving as a home.<sup>136</sup> People living in converted vans take many actions to satisfy the first prong of the test, that "[they] have exhibited an actual (subjective) expectation of privacy."<sup>137</sup> For example, Josie Wanner's self-converted van is equipped with removable black-out curtains, protecting her living space from prying eyes.<sup>138</sup> Despite being low-cost and home-made, these curtains demonstrate Josie's subjective expectation of privacy regarding the interior of her van.<sup>139</sup> More expensive converted vans, like those sold by Bespoke Camper Van, come equipped with a "fixed privacy window for cargo door windows."<sup>140</sup> Whether living in traditional housing or a converted van, Americans depend on locked doors and closed blinds to guarantee their privacy.<sup>141</sup>

The second factor demands that the expectation of privacy be one that society is prepared to recognize as "reasonable."<sup>142</sup> Society's interest in the vanlife movement and its acceptance of this non-traditional form of housing is evident in the increasing visibility of vanlife. During the 2022 tax season, TurboTax ran a commercial titled "Give Us Everything You've Got" advertising their tax preparation services.<sup>143</sup> In this commercial, TurboTax claimed to be capable of preparing tax returns for people with varying lifestyles.<sup>144</sup> TurboTax advertises they can prepare returns for people with start-ups, small businesses, dependents, inheritances, injuries, and "your semi-nomadic life in a van."<sup>145</sup> By making this

---

132. 389 U.S. 347, 348 (1967).

133. *Id.*

134. *Id.* at 361 (Harlan, J., concurring).

135. *See id.*

136. *See id.*

137. *Id.*

138. Tiny Home Tours, *supra* note 127.

139. *Id.*

140. *Bespoke Camper Van*, <https://bespokecampervan.com/trekker/> [<https://perma.cc/Q4BE-CDR3>] (last visited Jan. 28, 2022).

141. Maddie Taylor, *My Vanlife Evening Routine (Solo Female Vanlife)*, YOUTUBE (Sept. 26, 2021), <https://www.youtube.com/watch?v=CBh4UvL8Kmw> [<https://perma.cc/QSX7-L7EC>].

142. *Katz*, 389 U.S. at 361 (Harlan, J., concurring).

143. Super Bowl Commercials, *supra* note 49.

144. *Id.*

145. *Id.*

reference, TurboTax recognizes there are potential clients in the vanlife movement and those not participating in vanlife are familiar enough with the movement that they will understand the reference.<sup>146</sup> This commercial highlights vanlife's increasing visibility and suggests more Americans, beyond those actively participating in vanlife, are recognizing converted vans as a legitimate housing option.

3. *Declining to Extend/Overruling California v. Carney.*—

a. *Drawing the line established in California v. Carney differently.*— Extending Fourth Amendment protections to those living in converted vans does not necessarily require precedent to be overturned. *United States v. Briscoe*, decided in 2017, provides an example of a federal trial court drawing the line differently when considering the applicability of the automobile exception to the warrant requirement to an RV.<sup>147</sup> Even though the RV was operable, the court focused on the specific facts of the case in reaching their decision that the automobile exception to the warrant requirement did not apply.<sup>148</sup> The court emphasized that the RV was not a typical vehicle because it had sleeping quarters, the defendants were not at the wheel during the search, and the officers knew the defendants were living in the RV.<sup>149</sup> This court's decision shows that RVs can be granted Fourth Amendment protections without overruling precedent. Relying on the facts surrounding each vehicle would allow courts to identify vehicles “worthy” of Fourth Amendment protection simply by drawing the line differently.<sup>150</sup> The alternative to drawing the line differently is overturning precedent, which is discussed below.

b. *Overturning precedent.*—In *Camara v. Municipal Court*, “the court overturned a precedent set only eight years previous to hold that searches incident to administrative inspections are subject to the warrant requirement.”<sup>151</sup> This exception to the warrant requirement was only in place for eight years before being overturned, while the vehicle exception has been in place for almost a hundred years.<sup>152</sup> Societal changes are more drastic over the course of a century than a decade, so surely the vehicle exception can be overturned as well.

### B. *Does the Doctrine of Stare Decisis Control?*

While “[t]he doctrine of *stare decisis* is of course ‘essential to the respect

---

146. *Id.*

147. *United States v. Briscoe*, No. 16-10155-EFM, 2017 U.S. Dist. LEXIS 71582 (D. Kan. May 10, 2017).

148. *Id.* at \*17.

149. *Id.*

150. While the author of this Note thinks Fourth Amendment protections can be established for vanlifers without overturning *California v. Carney*, this case can be overturned, if necessary.

151. *Dorman v. United States*, 435 F.2d 385, 390 (citing *Camara v. Municipal Court*, 435 F.2d 385 (D.C. Cir. 1970)).

152. *See Dorman*, 435 F.2d 385; *See Carroll v. United States*, 267 U.S. 132 (1925).

accorded to the judgments of the Court [and] to the stability of the law,’ . . . it does not compel [the Court] to follow a past decision when its rationale no longer withstands ‘careful analysis.’”<sup>153</sup> Therefore, the vehicle exception should be carefully analyzed by the Court using the four factors explained in *Planned Parenthood v. Casey*.<sup>154</sup>

In *Casey*, decided in 1992, the Court established four factors that should be considered before a prior case may be overruled.<sup>155</sup> The first factor is “whether the rule has proven to be intolerable simply in defying practical workability.”<sup>156</sup> The second factor is “whether the rule is subject to a kind of reliance that would lend a special hardship to the consequences of overruling and add inequity to the cost of repudiation.”<sup>157</sup> The third factor is “whether related principles of law have so far developed as to have left the old rule no more than a remnant of abandoned doctrine.”<sup>158</sup> The fourth factor is “whether facts have so changed, or come to be seen so differently, as to have robbed the old rule of significant application or justification.”<sup>159</sup> If weighing these factors indicates that the precedent should be overturned, the Court may do so.<sup>160</sup> In considering the automobile exception to the warrant requirement, the second, third, and fourth factors weigh in favor of abolishing the exception.

*1. Second Factor: Reliance.*—The second factor, “whether the rule is subject to a kind of reliance that would lend a special hardship to the consequences of overruling and add inequity to the cost of repudiation” supports abandoning the vehicle exception.<sup>161</sup> There is no reliance on this rule by the public. As currently applied, the vehicle exception divides the public into two groups—those who use vehicles used solely for transportation and those who have converted vehicles into their full-time home—and affects them to different degrees, but neither group relies on the continuance of this exception. Members of the public in the first group experience broad Fourth Amendment protections despite the vehicle

---

153. *Arizona v. Gant*, 556 U.S. 332, 348 (2009) (quoting *Lawrence v. Texas*, 539 U.S. 558, 577 (2003)).

154. *Planned Parenthood v. Casey*, 505 U.S. 833, 854-55 (1992), *overruled by* *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022). While *Dobbs* has overruled *Casey*’s ruling regarding one’s right to privacy under the Fourteenth Amendment’s Due Process Clause, the factors enumerated in *Casey* were generally preserved. *Dobbs* states that “[t]he nature of the Court’s error,” “[t]he quality of the reasoning,” “[w]orkability,” “[e]ffect on other areas of law,” and “[r]eliance interests” are the five factors to be weighed in order to determine whether precedent should be overturned, *Dobbs*, 142 S. Ct. at 2265-78. These factors closely track those identified in *Casey*. Due to the more in-depth analysis provided by *Casey*, this author has opted to continue to cite to *Casey* with the understanding that *Dobbs* has overruled the central holding of *Casey*.

155. *Casey*, 505 U.S. at 854-55.

156. *Id.* at 854.

157. *Id.*

158. *Id.* at 855.

159. *Id.*

160. *Id.*

161. *Id.* at 854.



exception because they live in traditional homes.<sup>162</sup> Members of the second group experience significantly reduced Fourth Amendment protections because their homes fall under the vehicle exception.<sup>163</sup> Neither of the two groups rely on the continuance of the vehicle exception because this exception takes away constitutional protections, rather than granting protection to those affected by it.

While some may argue that the police rely on the vehicle exception as a legitimate law enforcement technique, the police no longer rely on this exception, as they would have in 1925, when it was established in *Carroll v. United States*.<sup>164</sup> Today, nearly one-hundred years after *Carroll* was decided, it is much easier and faster to get a warrant than it was at the time of that decision.<sup>165</sup> The ease and speed at which warrants are obtained today is discussed further under the fourth factor.

2. *Third Factor: Is the Rule a “Remnant of Abandoned Doctrine?”*—Considering the third factor, “whether related principles of law have so far developed as to have left the old rule no more than a remnant of abandoned doctrine,”<sup>166</sup> subsequent decisions have reduced the effectiveness of the exception. Specifically, the holding in *Collins v. Virginia* leads to different outcomes for different people.<sup>167</sup>

a. *Justice Alito’s dissent in Collins v. Virginia*.—After *Collins v. Virginia* was decided in 2018, the justification for the automobile exception was substantially weakened.<sup>168</sup> As Justice Alito explained in his dissenting opinion, “[t]he principal rationale for this so-called automobile or motor-vehicle exception to the warrant requirement is the risk that the vehicle will be moved during the time that it takes to obtain a warrant.”<sup>169</sup> The majority “does not dispute that the motorcycle, when parked in the driveway, was just as mobile as it would have been had it been parked at the curb.”<sup>170</sup> Alito dissents because “[i]t is settled that the mobility of a motor vehicle categorically obviates any need to engage in such a case-specific inquiry.”<sup>171</sup> While the categorical exception is settled in the case precedent, the Court decided that “[b]ecause the scope of the automobile exception extends no further than the automobile itself, it did not justify Officer Rhodes’ invasion of the curtilage.”<sup>172</sup> As highlighted by Alito’s dissent, *Collins* creates drastically

---

162. See *Kyllo v. United States*, 533 U.S. 27, 40 (2001).

163. See *California v. Carney*, 471 U.S. 386, 393-94 (1985).

164. *Carroll v. United States*, 267 U.S. 132, 153 (1925).

165. See *Missouri v. McNeely*, 569 U.S. 141, 154 (2013) (recognizing technological advances have “allow[ed] for the more expeditious processing of warrant applications, particularly in contexts . . . where the evidence offered to establish probable cause is simple”).

166. *Casey*, 505 U.S. at 855.

167. See *Collins v. Virginia*, 138 S. Ct. 1663, 1683 (2018) (Alito, J., dissenting).

168. See *id.* at 1680-83.

169. *Id.* at 1681.

170. *Id.*

171. *Id.* at 1683.

172. *Id.* at 1667 (majority opinion).

different outcomes regarding an officer's ability to search vehicles based on where they are parked, a result that will be explored in depth below.

*b. United States v. Briscoe.*—While *Collins v. Virginia* suggests officers could have searched vehicles on the property with a warrant for the property, the answer is far from clear.<sup>173</sup> In deciding *United States v. Briscoe*, the Kansas District Court focused on the use of the vehicle and the officer's knowledge of that use in determining whether an RV not mentioned in the warrant could be searched as a vehicle on the property.<sup>174</sup> The court held that the officers would need an additional warrant to search the RV because the defendants had a reasonable expectation of privacy in the RV.<sup>175</sup> This case demonstrates that current Fourth Amendment protections for RVs are unclear for both citizen occupants and law enforcement.

*c. Disparate outcomes under current case law.*—Under the current interpretation of the vehicle exception, someone who parked their motorcycle in their driveway, would be afforded the strictest protection the Fourth Amendment has to offer.<sup>176</sup> Conversely, someone's converted van, parked a few feet away in the street would be subject to the vehicle exception to the warrant requirement despite its use as a permanent residence.<sup>177</sup> Unlike the motorcycle, which cannot be used as living quarters and offers minimal storage space, the van contains personal belongings, a bedroom and in many cases a bathroom, the very intimate details the Fourth Amendment was intended to protect.<sup>178</sup> Both vehicles are inherently mobile, but to search the motorcycle, the police must obtain a warrant.

*3. Fourth Factor: Is It Still Justified?*—Finally, applying the fourth factor, “whether facts have so changed, or come to be seen so differently, as to have robbed the old rule of significant application or justification,”<sup>179</sup> to the vehicle exception to the warrant requirement weighs in favor of overturning the exception. In *Carroll v. United States*, the Court cited the ready mobility of a vehicle as justification for an exception to the warrant requirement.<sup>180</sup> Today, this justification is significantly weakened as technological advances have made it much faster and easier to get a warrant than in 1925.<sup>181</sup>

*a. E-warrants.*—As mentioned above, it is much faster and easier to get a warrant today than it was in 1925.<sup>182</sup> An e-warrant application requires “[p]olice officers [to] write a description of their credentials and why they need access to

---

173. See *Collins*, 138 S. Ct. 1663.

174. *United States v. Briscoe*, No. 16-10155-EFM, 2017 U.S. Dist. LEXIS 71582, at \*17 (D. Kan. May 10, 2017).

175. *Id.* at \*18.

176. *Collins*, 138 S. Ct. at 1672-73.

177. See *California v. Carney*, 471 U.S. 386 (1985).

178. See *Kyllo v. United States*, 533 U.S. 27, 32-40 (2001).

179. *Planned Parenthood v. Casey*, 505 U.S. 833, 855 (1992), *overruled by Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022).

180. 267 U.S. 132, 153 (1925).

181. See *Missouri v. McNeely*, 569 U.S. 141, 142 (2013).

182. See *id.*

whatever they want to search.”<sup>183</sup> This is submitted digitally, and “[a]n on-call judge receives a text or email alert . . . at any hour of the day.”<sup>184</sup> Should the judge find probable cause, “the judge hits a button, granting permission for the officer to seek the evidence.”<sup>185</sup> For an example, in Utah, of the 8,400 electronic warrants served from April 2016 to April 2017, “more than half [of the electronic warrants] were approved in 10 minutes or less.”<sup>186</sup>

*b. Why speed matters.*—In 1925, the vehicle exception to the warrant requirement was established in *Carroll v. United States*.<sup>187</sup> Considering cellphones and PC computers did not become available until the 1980’s, the technology utilized in 1925 would have made the warrant application process a much more time-consuming process than it is today.<sup>188</sup> Oren Bar-Grill and Barry Friedman describe the “caricature of the warrant process [as] a detective pounding out a warrant request in triplicate on a battered Smith Corona [typewriter], assuredly a time-consuming task almost impossible to meet in the fast-paced arena of police work.”<sup>189</sup> There have been vast technological advancements since the Smith Corona, which allow work to be “carried out at home or on the move.”<sup>190</sup> In 1996, Donald Beci, argued that technological advancement “facilitates the use of computer warrants.”<sup>191</sup> Today, twenty-five years later, technology has continued to advance. With these advancements “[t]he Court no longer must choose between the warrant requirement, which protects liberty interests, and warrantless searches, which permit the government to move swiftly in exigent circumstances.”<sup>192</sup> Today’s technology allows officers to obtain a warrant “quickly without leaving the area of investigation.”<sup>193</sup> Officers utilizing the e-warrant program in Utah “touted the new technology as a timesaver that allowed them to approve warrants in just minutes—as compared to hours officers

---

183. Jessica Miller & Aubrey Wieber, *Warrants Approved in Just Minutes: Are Utah Judges Really Reading Them Before Signing Off?*, THE SALT LAKE TRIBUNE (Jan. 16, 2018, 10:13 AM), <https://www.sltrib.com/news/2018/01/14/warrants-approved-in-just-minutes-are-utah-judges-really-reading-them-before-signing-off/> [https://perma.cc/4A9N-AMGT].

184. *Id.*

185. *Id.*

186. *Id.*

187. 267 U.S. 132, 153 (1925).

188. Nick Heath, *The Evolution of Office Technology: From the Typewriter to the Tablet*, ZDNET (Oct. 23, 2013, 5:25 AM), <https://www.zdnet.com/pictures/the-evolution-of-office-technology-from-the-typewriter-to-the-tablet/> [https://perma.cc/H7HK-E6AY].

189. Oren Bar-Gill & Barry Friedman, *Taking Warrants Seriously*, 106 NW. U. L. REV. 1609, 1615 (2012).

190. Heath, *supra* note 188.

191. Donald L. Beci, *Fidelity to the Warrant Clause: Using Magistrates, Incentives, and Telecommunications Technology to Reinvent Fourth Amendment Jurisprudence*, 73 DENV. U. L. REV. 293, 299 (1996).

192. *Id.*

193. *Id.*

used to spend traveling to see a judge in person to get a signature.”<sup>194</sup>

*c. Avoiding hindering police work.*—The presumed inability to quickly obtain a search warrant lies at the heart of the automobile exception to the warrant requirement.<sup>195</sup> In *Carroll*, the Court justified the exception by differentiating between fixed structures, like a traditional home, and inherently mobile objects, such as vehicles.<sup>196</sup> According to the Court, “it is not practicable to secure a warrant[ ] because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought.”<sup>197</sup> This justification, while sound in 1925, is not supported in today’s technologically advanced society.

In 2015, the Court considered the appropriate length of time a routine traffic stop may take in *Rodriguez v. United States*.<sup>198</sup> In this case, an officer pulled a vehicle over for “veer[ing] slowly onto the shoulder of [the highway].”<sup>199</sup> After completing the stop and issuing a citation, the officer detained the vehicle for an additional “seven or eight minutes,” until another officer arrived, and they conducted a drug sweep with a narcotics dog.<sup>200</sup> The Court held that “a police stop exceeding the time needed to handle the matter for which the stop was made violates the Constitution’s shield against unreasonable seizures.”<sup>201</sup> As discussed above, in Utah, over half of the e-warrant applications submitted between April 2016 and April 2017 were approved in less than ten minutes.<sup>202</sup> Considering *Rodriguez* held that a stop becomes unconstitutional when it exceeds “the time needed to handle the matter for which the stop was made,” an appropriate length of time could include the time necessary to file an e-warrant application.<sup>203</sup> Consequently, detaining a vehicle and filing an e-warrant application would protect citizen’s constitutional rights while enabling effective police work. Technological advancements and increased participation in the vanlife movement suggest the justifications for the vehicle exception should be reconsidered.

## VI. WHY RECONSIDER THE VEHICLE EXCEPTION TO THE WARRANT REQUIREMENT NOW?

### *A. The Government Is Beginning to Recognize Citizen’s Rights Relating to Vehicles*

#### *1. The IRS Defines “Home” Broadly.*—The government has recognized and

---

194. Miller & Wieber, *supra* note 183.

195. See *Carroll v. United States*, 267 U.S. 132, 153 (1925).

196. *Id.*

197. *Id.*

198. 575 U.S. 348 (2015).

199. *Id.* at 351.

200. *Id.* at 352.

201. *Id.* at 350.

202. Miller & Wieber, *supra* note 183.

203. *Rodriguez*, 575 U.S. at 350.

accepted non-traditional homes in the tax code.<sup>204</sup> The Internal Revenue Service (IRS) states “[y]our home may be a house, condominium, cooperative apartment, mobile home, houseboat, or house trailer that contains sleeping space and toilet and cooking facilities.”<sup>205</sup> While this particular piece of IRS guidance does not mention RVs specifically, TurboTax advises that the IRS “defines a home broadly, allowing the term to encompass: houses, condominiums, cooperatives, mobile homes, RVs, house trailers, [and] boats.”<sup>206</sup> The IRS limits this broad definition by requiring the home to have “all three: sleeping, cooking and toilet facilities.”<sup>207</sup> Despite the vast differences between vans due to the level of customization available when converting a van, most converted vans will pass this test.<sup>208</sup> For example, Josie Wanner converted her van herself on a small budget.<sup>209</sup> Her van contains all three features required by the IRS to qualify as a home.<sup>210</sup> Furthermore, one’s home “can be a boat or RV even if the boat or vehicle doesn’t have a permanent location.”<sup>211</sup> “As long as it contains the required facilities . . . ,” this non-traditional housing can qualify as your home for tax purposes.<sup>212</sup> The recognition allows those living in non-traditional housing to “deduct the interest that [they] pay on it if [they] itemize [their] deductions.”<sup>213</sup> These tax provisions show the government has recognized the validity of vanlife and made accommodations for this lifestyle in the tax code.

2. *States Are Expanding Their Castle Doctrines to Include Vehicles.*—The Supreme Court first recognized the Castle Doctrine in 1895 in *Beard v. United States*.<sup>214</sup> In *Beard*, the defendant was arguing with his brothers over the ownership of a cow.<sup>215</sup> After asking his brothers to leave, one of his brothers “moved towards [him] in an angry manner and in a brisk walk, having his left hand . . . in [his] left pocket.”<sup>216</sup> Beard told him to stop, but the brother continued, threatened the defendant made “a movement with his left hand as if to draw a

---

204. See *Publication 530 (2021), Tax Information for Homeowners*, IRS, <https://www.irs.gov/publications/p530> [<https://perma.cc/PJ62-YFND>] (last visited Jan. 30, 2022).

205. *Id.*

206. *Can You Claim a Boat or RV As a Primary Residence?*, INTUIT TURBOTAX (Jan. 21, 2022, 5:04 PM), <https://turbotax.intuit.com/tax-tips/home-ownership/can-you-claim-a-boat-or-rv-as-a-primary-residence/L0kjn8r1C> [<https://perma.cc/4BP9-NNYV>].

207. *Id.*

208. See generally Ian & Ana, *supra* note 70.

209. Tiny Home Tours, *supra* note 127.

210. *Id.*

211. *Can You Claim a Boat or RV As a Primary Residence?*, *supra* note 206.

212. *Id.*

213. Steve Lander, *Is a Mobile Home Considered a Home by the IRS?* SFGATE (Dec. 20, 2018), <https://homeguides.sfgate.com/mobile-home-considered-home-irs-83160.html> [<https://perma.cc/2W8T-5XHZ>].

214. 158 U.S. 550 (1895).

215. *Id.* at 551.

216. *Id.* at 552.

pistol.”<sup>217</sup> The defendant struck his brother on the head with his gun and argued he did so for self-defense.<sup>218</sup> The court held that Beard, “while on his premises, outside of his dwelling house, was [not] under a legal duty to get out of the way . . . of his assailant, who . . . had threatened to kill [him].”<sup>219</sup> While the Castle Doctrine is tied to the home, several states have adopted a similar doctrine relating to vehicles.

First, Kansas has amended section 21-5223 to include vehicles.<sup>220</sup> Now, a person may use force “against another when and to the extent that it appears to such person and such person reasonably believes that such use of force is necessary to prevent or to terminate such other’s unlawful entry into or attack upon such person’s dwelling, place of work or occupied vehicle.”<sup>221</sup> Someone in their dwelling, place of work, or in their vehicle does not have a duty to retreat.<sup>222</sup>

Similarly, Missouri has extended the Castle Doctrine to vehicles in section 563.031.<sup>223</sup> The section now states that:

A person shall not use deadly force upon another person under the circumstances specified in subsection 1 of this section unless: . . . (2) Such force is used against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person . . . .<sup>224</sup>

Again, in a situation meeting this criteria, a person has no duty to retreat.<sup>225</sup>

In this context, the extension of the Castle Doctrine to occupied vehicles grants a valid defense to someone who has seriously injured another person who was angrily approaching their vehicle.<sup>226</sup> By comparison, providing privacy to personal belongings, portable toilets, and bedrooms in converted vans, by granting Fourth Amendment protections to people embracing vanlife seems not only logical—but obvious.

3. *The Census Bureau Is Counting Nontraditional Housing.*—In the past, counting people who live in transient and nontraditional housing, such as RVs and vans, has been challenging for the Census Bureau.<sup>227</sup> According the Census Bureau website, “[t]he Census Bureau is determined to include them in the 2020

---

217. *Id.* at 552-53.

218. *Id.* at 553.

219. *Id.* at 563-64.

220. KAN. STAT. ANN. § 21-5223 (West 2022).

221. *Id.* § 21-5223(a).

222. *Id.* § 21-5223(c).

223. MO. ANN. STAT. § 563.031 (2022).

224. *Id.* § 563.031(2).

225. *Id.* § 563.031(3).

226. *See* KAN. STAT. ANN. § 21-5223; MO. ANN. STAT. § 563.031.

227. *People in Transitory Living Situations Will Be Counted in the 2020 Census*, U.S. CENSUS BUREAU (Mar. 2, 2020), <https://www.census.gov/library/stories/2020/03/people-in-transitory-living-situations-will-be-counted-in-the-2020-census.html> [<https://perma.cc/B53G-L5JC>].

Census.”<sup>228</sup> Before the 2020 Census efforts were put on hold due to the pandemic, the Census Bureau planned to deploy “about 14,000 census takers to campgrounds, RV parks, marinas, hotels, motels, racetracks, carnivals, circuses and other locations across the country to enumerate people who don’t have permanent addresses.”<sup>229</sup> By implementing new strategies to account for citizens opting to live in nontraditional housing, the federal government is recognizing this lifestyle as a legitimate choice of its citizens and its increasing prevalence.

### *B. Public Policy*

1. *Preventing the Spread of COVID-19.*—Now is the ideal time to reconsider the vehicle exception to the warrant requirement because vanlife should be encouraged during the pandemic. This lifestyle “is particularly well suited for this crisis because it’s socially distanced, can be done on a budget and fosters outdoor activities, which are safer during the outbreak than indoor environments where air doesn’t circulate well.”<sup>230</sup> While COVID-19 may have increased participation in this movement, falling COVID-19 case numbers does not invalidate this argument.

2. *Choice—The Real American Dream.*—As remote work becomes the norm, vanlife remains a legitimate housing solution for those unable to afford “surging house prices.”<sup>231</sup> This lifestyle allows participants to significantly lower rent and utility expenses.<sup>232</sup> Refusing to grant equivalent Fourth Amendment protections to vanlifters disincentives this lifestyle from a constitutional perspective, because choosing this nontraditional form of housing strips the participant of their strongest privacy rights under the Fourth Amendment and exposes them to the “chief evil” the Fourth Amendment is intended to protect against.<sup>233</sup>

### CONCLUSION

The Fourth Amendment has always provided strong protections for “people to be secure in their . . . houses . . . .”<sup>234</sup> These protections are so strong that searches in the home “without a warrant [are] per se unreasonable.”<sup>235</sup> Despite these strict Fourth Amendment protections, not all Americans’ homes qualify for these protections. The Court has recognized a vehicle exception to the warrant requirement.<sup>236</sup> As the vehicle exception to the warrant requirement currently applies to RVs, Americans choosing to live in converted vans are not granted the

---

228. *Id.*

229. *Id.*

230. Bomey, *supra* note 5.

231. *The Pandemic Pushed More Americans to Try Out Van Life*, *supra* note 25.

232. *Van Life How To: Your Complete Guide to Living in a Van*, *supra* note 13.

233. *United States v. U.S. Dist. Ct. (Keith)*, 407 U.S. 297, 313 (1972).

234. U.S. Const. amend. IV.

235. *Coolidge v. New Hampshire*, 403 U.S. 443, 474 (1971).

236. *Carroll v. United States*, 267 U.S. 132, 153 (1925).

same Fourth Amendment protections as Americans opting for traditional housing.<sup>237</sup> As the vanlife trend becomes more popular, now is the ideal time to reconsider the vehicle exception to the warrant requirement.

The COVID-19 pandemic has led to an increase in the number of Americans joining the vanlife trend and using converted vans as their permanent residences.<sup>238</sup> The vehicle exception to the warrant requirement should be reconsidered because the justifications for the exception no longer outweigh the Fourth Amendment concerns it raises. The same privacy expectations in homes exist for those living in converted vans. Current case law allows those with physical property to avoid warrantless searches of their vehicles simply by parking on their property.<sup>239</sup> Furthermore, the justifications for the vehicle exception have eroded over time. While obtaining a warrant a hundred years ago may have been a lengthy process, with today's technology, warrants can be obtained quickly and easily.<sup>240</sup>

For the reasons discussed, the vehicle exception to the warrant requirement should be reevaluated to ensure all American's homes, traditional or not, are granted equal Fourth Amendment protections.

---

237. *California v. Carney*, 471 U.S. 386, 407-08 (Stevens, J., dissenting).

238. *Bomey*, *supra* note 5.

239. *See generally* *Collins v. Virginia*, 138 S. Ct. 1663 (2018).

240. *See* *Missouri v. McNeely*, 569 U.S. 141, 142 (2013).