Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States* v. *Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

AMERICAN TRUCKING ASSOCIATIONS, INC., ET AL. v. MICHIGAN PUBLIC SERVICE COMMISSION ET AL.

CERTIORARI TO THE COURT OF APPEALS OF MICHIGAN

No. 03-1230. Argued April 26, 2005—Decided June 20, 2005

Petitioners, a trucking company engaged in both interstate and intrastate hauling and a trucking association, asked Michigan courts to invalidate the State's flat \$100 annual fee imposed on trucks engaged in intrastate commercial hauling, see Mich. Comp. Laws Ann. §478.2(1), claiming that it discriminates against interstate carriers and imposes an unconstitutional burden on interstate trade because trucks carrying both interstate and intrastate loads engage in less intrastate business than trucks carrying only intrastate loads. The State Court of Claims rejected the claim, holding that, because the fee is regulatory and intended for the Michigan Motor Carrier Act's administration, it is not amenable to apportionment; that it is an appropriate exercise of the State's police power; and that it does not implicate the Commerce Clause because it falls only on intrastate commerce. The State Court of Appeals affirmed, and the State Supreme Court declined review.

Held: Michigan's fee does not violate the dormant Commerce Clause. That Clause prevents a State from "jeopardizing the welfare of the Nation as a whole" by "plac[ing] burdens on the flow of commerce across its borders that commerce wholly within those borders would not bear." Oklahoma Tax Comm'n v. Jefferson Lines, Inc., 514 U. S. 175, 180. Applying this Court's dormant Commerce Clause principles and precedents here, nothing in §478.2(1) offends the Commerce Clause. The flat fee is imposed only on intrastate transactions. It does not facially discriminate against interstate or out-of-state activities or enterprises. It applies evenhandedly to all carriers making domestic journeys and does not reflect an effort to tax activity taking place outside of the State. Nothing in this Court's case law suggests that such a neutral, locally focused fee or tax is inconsistent with the

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dormant Commerce Clause. That is not surprising, since States impose numerous flat fees on local business and service providers, e.g., insurers and auctioneers. The Constitution neither displaces States' authority to shelter their people from health and safety menaces nor unduly curtails their power to lay taxes to support state government. The record, moreover, shows no special circumstances suggesting that Michigan's fee operates as anything other than an unobjectionable exercise of the State's police power. Neither does it show that the flat assessment unfairly discriminates against interstate truckers. Because the costs the fee seeks to defray, e.g., those of regulating vehicular size and weight, would seem more likely to vary per truck or per carrier than per-mile traveled, a per-truck, rather than a permile, assessment is likely fair. And petitioners provide no details of their preferred alternative miles-traveled system or point to evidence of its practicality. Nor is there any reason to infer that the State's lump-sum levy on purely local activity erects an impermissible discriminatory roadblock. American Trucking Assns., Inc. v. Scheiner, 483 U.S. 266, distinguished. As for petitioners' "internal consistency" argument-that if every State did the same as Michigan, an interstate trucker doing local business in multiple States would have to pay a fee of several hundred or thousand dollars—any interstate firm with local outlets normally expects to pay local fees uniformly assessed on all those engaging in local business. Pp. 3–9.

255 Mich. App. 589, 662 N. W. 2d 784, affirmed.

Breyer, J., delivered the opinion of the Court, in which Rehnquist, C. J., and Stevens, O'Connor, Kennedy, Souter, and Ginsburg, JJ., joined. Scalia, J., and Thomas, J., filed opinions concurring in the judgment.