

A state law requires every motor carrier hauling goods on the state's highways to register with and obtain a permit from the state's transportation commission. The purpose of this requirement is to facilitate application of the state's valid police, welfare, and safety regulations to carriers using the state's highways. The fee for registration is nominal, and the commission has no discretion to deny a permit to a carrier that properly registers and pays the registration fee.

Are the state's requirements constitutional when applied to a wholly interstate carrier?

- A. No, because neither a carrier's registration nor its payment of a nominal fee is necessary to facilitate the application of state laws to motor carriers. (7%)
- B. No, because the requirements impose an undue burden on interstate commerce. (26%)
- C. Yes, because the requirements apply equally to interstate and intrastate carriers and are the only prerequisites to the issuance of the permit. (57%)
- D. Yes, because the requirements are the least restrictive means of serving the state's compelling interest in highway safety. (8%)

Correct

57% Answered correctly

31 secs Time Spent

2023 Version

Explanation:

The commerce clause gives Congress broad power to regulate interstate commerce. The negative implication of this clause (ie, the **dormant commerce clause**) is that **states cannot** discriminate against or otherwise **unduly burden interstate commerce**. A state law is *not* discriminatory when it treats in-state and out-of-state economic activities equally. Under the **Pike balancing test**, a nondiscriminatory law will be upheld unless the challenger shows that the law's **burden** on interstate commerce **clearly exceeds** its **local benefits**.

Here, the state law is nondiscriminatory because its requirements apply equally to interstate and intrastate carriers and the state's transportation commission has no discretion in the permit process. The only prerequisites to the issuance of a permit are that carriers register and pay a nominal fee. These *slight* burdens on interstate commerce do not clearly exceed the law's benefits of applying the state's police, welfare, and safety regulations to carriers **(Choice B)**. Therefore, the state's requirements are constitutional when applied to a wholly interstate carrier.

(Choice A) A state law that *discriminates* against interstate commerce is unconstitutional unless (1) it is necessary to further a legitimate, noneconomic interest and (2) no reasonable, nondiscriminatory alternative exists. Here, the requirements to register and pay a fee may not be necessary to facilitate the application of state laws to motor carriers if reasonable alternatives exist. But since the state law is *nondiscriminatory*, this test does not apply.

(Choice D) Strict scrutiny requires a state to demonstrate that its actions were the least restrictive means to serve a compelling state interest (eg, highway safety). But this heightened level of scrutiny only applies when those actions substantially impact a **fundamental right** or suspect class—neither of which is affected here.

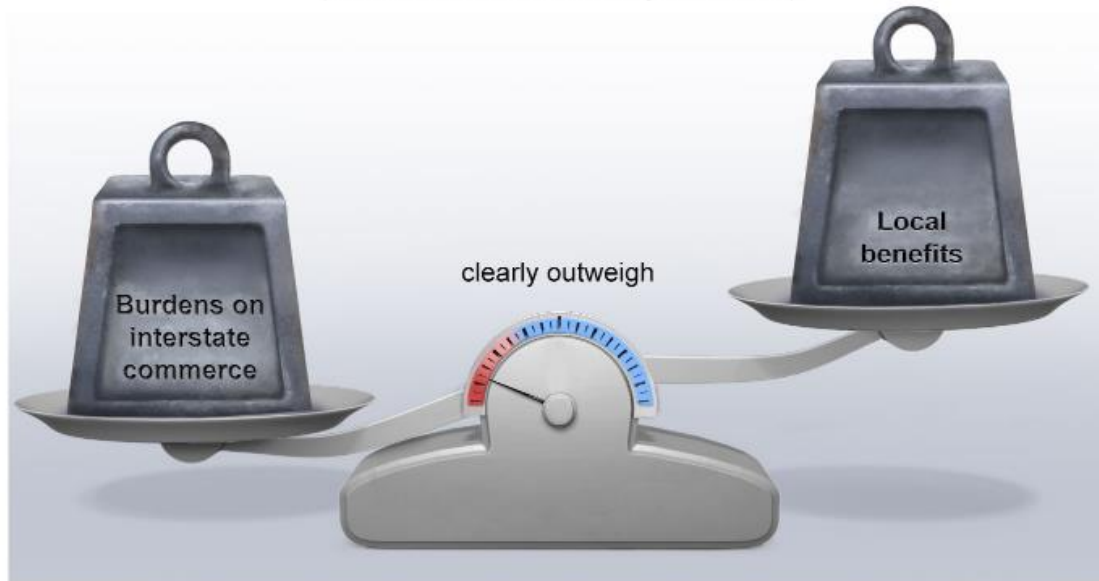
Educational objective:

The dormant commerce clause bars states from enacting nondiscriminatory regulations that unduly burden interstate commerce when the regulation's burden on interstate commerce clearly exceeds its local benefits.

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Undue burden balancing test
(invalid nondiscriminatory state law)



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