

A state legislature conducted an investigation into a series of fatal accidents in the state involving commercial trucks with exteriors made of polished aluminum. The investigation revealed that the sun's glare reflecting off these trucks blinded the drivers of other vehicles. In response, the state's legislature enacted a law prohibiting commercial trucks with polished aluminum exteriors from traveling on the state's highways.

Litigation over the state law resulted in a final decision by the United States Supreme Court that the law impermissibly burdened interstate commerce and therefore was unconstitutional. Congress later enacted a statute permitting any state to enact a law regulating the degree of light reflectiveness of the exteriors of commercial trucks using the state's highways.

Is this federal statute constitutional?

- A. No, because Article III vests the judicial power in the federal courts, the essence of judicial power is the ability to render a final judgment, and this statute overrules a final judgment of the U.S. Supreme Court.
- B. No, because the U.S. Supreme Court has already determined that state laws of this type impermissibly burden interstate commerce.
- C. Yes, because Article I, Section 8 grants Congress authority to enact statutes authorizing states to impose burdens on interstate commerce that would otherwise be prohibited.
- D. Yes, because Article I, Section 8 grants Congress authority to enact statutes for the general welfare, and Congress could reasonably believe that state laws regulating the light reflectiveness of the exteriors of commercial trucks promote the general welfare.

Explanation:

Commerce clause

(U.S. Const. art. I, § 8)

Commerce clause

Congress *can* regulate:

- channels of interstate commerce
- instrumentalities of interstate commerce
- persons or things moving in interstate commerce
- activities that substantially affect interstate commerce

Dormant commerce clause

States *cannot*:

- discriminate against interstate commerce
- unduly burden interstate commerce

The state legislature enacted a law banning commercial trucks with aluminum exteriors from the state's highways. The U.S. Supreme Court then held that the law impermissibly burdened interstate commerce in violation of the *dormant* commerce clause.

But the **commerce clause** (in Article I, Section 8) gives Congress substantial authority to **regulate interstate commerce**. This includes the ability to **share commerce power with the states** by authorizing them to impose burdens on interstate commerce that would otherwise be prohibited by the dormant commerce clause. And since Congress used that power to later enact a statute permitting states to regulate the reflectiveness of commercial trucks on state highways, that statute is constitutional.

(Choices A & B) Article III grants federal courts judicial power, including the ability to render a final judgment. And here, the U.S. Supreme Court exercised that power by determining that the state law impermissibly burdened interstate commerce. But this did not preclude Congress from later exercising its commerce powers by authorizing states to impose such burdens.

(Choice D) The taxing and spending clause (in Article I, Section 8) only grants Congress the power to enact statutes to *tax and spend* for the general welfare—not to enact any type of statute.

Educational objective:

The commerce clause grants Congress extensive power to regulate interstate commerce, including the power to authorize state legislation that would otherwise violate the dormant commerce clause.

References

- S.-Cent. Timber Dev. v. Wunnicke, 467 U.S. 82, 87–88 (1984) (explaining that Congress can authorize states to regulate interstate commerce in a manner that would otherwise not be permissible).

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