

**03-1234 MID-CON FREIGHT SYSTEMS V. MICHIGAN PUBLIC SERVICE
COMM'N**

DECISION BELOW: 662 NW2d 784

LOWER COURT CASE NUMBER: 226052, 226122, 226053, 226137

QUESTION PRESENTED:

May States avoid the \$10 per-vehicle fee cap of the expressly preemptive Single State Registration System (and its predecessor "bingo card" program) by charging \$100 per vehicle to certain interstate motor carriers and calling the charge a "regulatory fee?"

ORDER OF 1/21/2005: LIMITED TO THE FOLLOWING QUESTIONS: 1)

“Whether the \$100 fee upon vehicles conducting intrastate operations violates the Commerce Clause of the United States Constitution.” 2) “Whether the \$100 fee upon vehicles operating solely in interstate commerce is preempted by 49 U.S.C. §14504.” CONCOLIDATED WITH 03-1230 FOR ONE HOUR ORAL ARGUMENT.

CERT. GRANTED 1/14/2005