01-270 YELLOW TRANSPORTATION, INC. v. MICHIGAN

Ruling below: Michigan Supreme Court, 627 N.W.2d 236.

QUESTION PRESENTED

Congress in 1991 directed the Interstate Commerce Commission ("ICC") to prescribe new and more simplified standards under which states are permitted to charge fees for registration of interstate motor carrier operations. 49 U.S.C. § 11506(c)(1) It specified that these new standards "shall establish a fee system" that "will result in a fee for each participating State that is equal to the fee *** that such State collected or charged as of November 15, 1991". 49 U.S.C. §11506(c)(2)(B)(iv)(I11) In issuing these standards, the ICC specifically ruled that states must apply reduced fee levels based on so-called reciprocity arrangements between states in determining the November 15, 1991 fee level. The D.C. Circuit held on appeal that "the [ICC] was correct in concluding that the plain language of the statute precludes" allowing states to charge fees higher than those in place under reciprocity arrangements. Under reciprocity arrangements in place on November 15, 1991, Michigan had reduced its registration fee for vehicles plated in Illinois from $10 per vehicle to zero. Expressly disregarding the ICC, a divided Michigan Supreme Court deemed Michigan's reciprocity arrangement with Illinois to be "irrelevant" to the determination of the fee collected or charged on November 15, 1991, and accordingly rejected petitioner's challenge to assessment of a $10 per vehicle fee for Illinois-plated vehicles.

~~The question presented is whether the Michigan Supreme Court erred in disregarding the ICC's determination and ruling that, notwithstanding 49 U.S.C. §11506(c)(2)-(B)(iv)(I11), States may charge registration fees in excess of those charged and collected under reciprocity arrangements in force as of November 15, 1991.~~

CERT. GRANTED: 1/22/02
Limited to the following question:
Whether the Michigan Supreme Court erred in holding that, under 49 U.S.C. 11506(c)(2)(B)(iv)(III) (1994) and 14504(c)(2)(B)(iv)(III) (Supp. V 1999), only state's "generic" fee is relevant to determining fee that was "collected or charged as of November 15, 1991"?