



Michigan Trailer Plate Update

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Foster Swift Transpost

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A team of Foster Swift lawyers headed by **Bob McFarland** and **Paul Millenbach** prevailed in a five-year effort against the State of Michigan when the Michigan Supreme Court denied the State of Michigan's Application for Leave to Appeal the decision of the Michigan Court of Appeals that the State had violated the terms of the International Registration Plan ("IRP"), an interstate compact governing commercial motor vehicle registration to which 48 states and 10 Canadian provinces belong. The Michigan State Police Motor Carrier Division and the Secretary of State embarked on an enforcement policy in 2004 to cite commercial operators for using trailers registered in states other than Michigan if the trailers were pulled by trucks base-plated in Michigan. The State of Michigan started this enforcement program even though such equipment had operated for years on Michigan highways without interference and the IRP provided that such trailers were to be granted "full and free reciprocity" as long as they were lawfully registered in any member jurisdiction. Foster Swift attorneys defended 171 separate misdemeanor or civil infraction actions brought across the state against truck-trailer operators in 2004.

The firm also commenced a declaratory judgment, injunctive and mandamus action on behalf of 21 commercial vehicle operators against the Attorney General, Secretary of State, Michigan State Police and Michigan Highway Reciprocity Board, asking that the enforcement action cease and the IRP be enforced as written. In affirming the circuit court action, the Court of Appeals ruled that the circuit court possessed subject matter jurisdiction over such an action (even if the Court of Claims also had jurisdiction), and that "the plain and ordinary language" of the IRP required Michigan to grant full and free reciprocity to the trailers. The firm was also successful in 169 of the 171 misdemeanor/ civil infraction cases (one of the two losses was later reversed on appeal).

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