

DISTRICT OF COLUMBIA COURT OF APPEALS

American Bus Association, Inc. v. District of Columbia

2 A.3d 203 (D.C. 2010) · No. 08-CV-808 · Decided August 19, 2010

SUMMARY

The District of Columbia Court of Appeals reviewed a challenge to District requirements that charter buses obtain District registration, apportioned registration under the International Registration Plan, or a six-day trip permit. The court held that the Associations had not shown that the statutory scheme violated the dormant Commerce Clause or conflicted with the International Registration Plan, and affirmed summary judgment for the District. The court proceeded to the merits without definitively resolving whether the challenged charges were taxes subject to the District's Anti-Injunction Act.

CASE DETAILS

COURT	District of Columbia Court of Appeals
WRITING FOR THE COURT	Thompson, Associate Judge; Reid, Associate Judge; Blackburne-Rigsby, Associate Judge
JURISDICTION	District of Columbia
DECIDED	August 19, 2010
DOCKET	08-CV-808
DISPOSITION	affirmed
PROCEDURAL POSTURE	The associations appealed from the Superior Court's grant of summary judgment to the District of Columbia in an action challenging charter-bus registration and trip-permit requirements under the dormant Commerce Clause and the International Registration Plan.
STANDARD OF REVIEW	Summary judgment is reviewed de novo, with an independent evaluation of the record; the court views the record in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	American Bus Association, Inc., National Tour Association, Inc., United Motorcoach Association, Inc. v. District of Columbia

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QUESTIONS PRESENTED

1. Whether the District's charter-bus registration and trip-permit scheme discriminated against or unduly burdened interstate commerce in violation of the dormant Commerce Clause.
2. Whether the District's requirement that charter buses choose among District registration, apportioned registration, or a trip permit conflicted with the International Registration Plan, which permits charter buses to elect apportioned registration.
3. Whether the Superior Court lacked jurisdiction under the District's tax-assessment procedures or whether the action was barred by the District of Columbia Anti-Injunction Act.

HOLDINGS

1. The scheme did not violate the dormant Commerce Clause because it applied evenhandedly to in-state and out-of-state charter-bus operators, did not discriminate against interstate commerce, and the record did not show that its incidental burdens were clearly excessive in relation to the District's legitimate interests in regulating roadway and infrastructure impacts.
2. The scheme did not conflict with the International Registration Plan because the IRP did not prohibit the District from requiring charter buses to choose between apportioned registration and other forms of registration or fee payment.
3. The court did not definitively resolve whether the challenged charges were taxes or fees because the merits clearly disposed of the appeal; rejection of the substantive claims also defeated the statutory exception requiring that the government could under no circumstances prevail.

KEY QUOTATIONS

"Accordingly, our analysis must focus "not [on] the formal language of the . . . statute but rather [on] its practical effect." (2 A.3d at 214)

"where a fee statute provides the same options to out-of-state domiciliaries as to in-state domiciliaries and allows each to choose the option most economically practical for its own needs—thus regulating "evenhandedly"—there is no basis for holding that it accords differential treatment to in-state and out-of-state operators and thus discriminates against interstate commerce in violation of the dormant Commerce Clause." (2 A.3d at 217)

"On the record presented, we have no basis for concluding that section 50-1501.02(j), on its face or because of its intent or its practical effect on interstate charter bus operators, discriminates against or burdens interstate commerce." (2 A.3d at 221)

FACTUAL BACKGROUND

The District of Columbia required charter buses with seating capacity greater than fifteen passengers entering the District to obtain District registration, apportioned registration through the International Registration Plan, or

a six-day trip permit costing \$50. The requirement followed reports identifying tour-bus-related pollution, congestion, parking, safety, roadway wear, and infrastructure costs. The appellant associations represented non-District-based charter bus operators subject to the requirements and challenged the scheme as discriminatory or unduly burdensome to interstate commerce and inconsistent with the IRP.

PROCEDURAL HISTORY

The associations initially filed a petition in the Tax Division of the Superior Court and voluntarily dismissed it after the District questioned that division's jurisdiction. They then filed a complaint in the Civil Division seeking declaratory and injunctive relief, refunds, and related relief. The Superior Court granted the District's motion for summary judgment in a May 16, 2008 bench ruling, and the Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Hessey v. Burden, 584 A.2d 1 (D.C. 1990)
- Lindner v. District of Columbia, 32 A.2d 540 (D.C. 1943)
- Neild v. District of Columbia, 110 F.2d 246 (D.C. Cir. 1940)
- District of Columbia v. Craig, 930 A.2d 946 (D.C. 2007)
- Enochs v. Williams Packing & Navigation Co., 370 U.S. 1 (1962)
- District of Columbia v. Eastern Trans-Waste of Maryland, 758 A.2d 1 (D.C. 2000)
- Am. Trucking Ass'ns v. Mich. Pub. Serv. Comm'n, 545 U.S. 429 (2005)
- Am. Trucking Ass'ns v. Scheiner, 483 U.S. 266 (1987)
- Beretta, 872 A.2d 633 (D.C. 2005)
- Pike v. Bruce Church, 397 U.S. 137 (1970)
- Complete Auto Transit, Inc. v. Brady, 430 U.S. 274 (1977)
- Or. Waste Sys., Inc. v. Dep't of Env'tl. Quality, 511 U.S. 93 (1994)
- Lebanon Farms Disposal, Inc. v. County of Lebanon, 538 F.3d 241 (3d Cir. 2008)
- Doran v. Mass. Tpk. Auth., 348 F.3d 315 (1st Cir. 2003)
- Family Winemakers of Cal. v. Jenkins, 592 F.3d 1 (1st Cir. 2010)
- Cont'l Trailways, Inc. v. Dir., Div. of Motor Vehicles, 102 N.J. 526, 509 A.2d 769 (1986)
- Milton S. Kronheim & Co. v. District of Columbia, 91 F.3d 193 (D.C. Cir. 1996)
- Cuyler v. Adams, 449 U.S. 433 (1981)