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Due Process

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“substantial prejudice” and “prejudice” as both inquire into whether the defendant was caught off guard in preparing his defense.

Intrastate Trucking Corporation v. White¹⁵²
(decided July 14, 1992)

The plaintiff, Intrastate Trucking Corporation, claimed that Vehicle and Traffic Law (VTL) section 385(15),¹⁵³ violated the due process clause and the equal protection clause of both the state¹⁵⁴ and federal¹⁵⁵ constitutions. Additionally, Intrastate asserted that the aforementioned regulation placed an undue burden on interstate commerce.¹⁵⁶ In a unanimous decision, the court held that VTL section 385(15) conformed with both the due process and equal protection clauses of the state and federal constitutions, as well as complying with interstate commerce.¹⁵⁷

Vehicle and Traffic Law section 385(15) governs the issuance of vehicle permits for divisible overweight loads.¹⁵⁸ The regulation of the weight of vehicles was designed to ensure highway safety, in addition to protecting highways and bridges.¹⁵⁹ Equally important, section 385(15) provides that permits are issued to vehicles which are registered before January 1, 1986, and to eli-

152. 185 A.D.2d 697, 586 N.Y.S.2d 65 (4th Dep't 1992).

153. N.Y. VEH. & TRAF. LAW § 385(15) (McKinney Supp. 1992) (permits can be issued to operate or move vehicles which exceed limitations regarding size and weight of such vehicles).

154. N.Y. CONST. art. I, § 6 (“No person shall be deprived of life, liberty or property without due process of law.”) *Id.* N.Y. CONST. art. I, § 11. (“No person shall be denied the equal protection of the laws of this state or any subdivision thereof.”) *Id.*

155. U.S. CONST. amend. XIV, § 1. Section 1 provides in pertinent part: “Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” *Id.*

156. *Intrastate Trucking Corp.*, 185 A.D.2d at 697, 586 N.Y.S.2d at 66.

157. *Id.*

158. *Id.* (divisible overweight loads occur when the size and weight of vehicles exceed limitations).

159. *Id.*

gible vehicles which have been replaced by ones of the same type and purpose.¹⁶⁰ Intrastate claimed the regulations violated its constitutional due process rights and was an improper exercise of state power.¹⁶¹ Likewise, Intrastate alleged that the “grandfather” provision established an invalid classification, which, in turn, violated its equal protection rights.¹⁶²

The court stated that Intrastate had failed to meet its burden of proving that the regulations were not reasonably related to highway safety or that the regulations were discriminatory in relation to interstate commerce.¹⁶³ The Supreme Court has previously held that a state is permitted to impose restrictions on vehicles which move in interstate commerce to ensure safety measures, as well as “a means of securing the economical use of its highways.”¹⁶⁴ Thus a state can regulate the weight of vehicles in appropriate circumstances without violating the Fourteenth Amendment nor imposing an impermissible burden on interstate commerce.¹⁶⁵

In reaching its decision on Intrastate’s equal protection claim, the court determined that the grandfather provision for the issuance of permits to vehicles registered prior to 1986 did “not constitute an invalid classification where . . . the legislation and regulatory scheme are rationally related to the achievement of the governmental purpose of reducing the overall weight of vehicles traveling on [s]tate highways.”¹⁶⁶ Therefore, the equal protection claim was without merit.

160. N.Y. VEH. & TRAF. LAW § 385(15)(f) (McKinney Supp. 1992).

161. *Intrastate Trucking Corp.*, 185 A.D.2d at 697, 586 N.Y.S.2d at 66.

162. *Id.* at 697-98, 586 N.Y.S.2d at 66.

163. *Id.* at 697, 586 N.Y.S.2d at 66.

164. *South Carolina State Highway Dep’t v. Barnwell Bros.*, 303 U.S. 177, 190 (1938); see *Lattavo Bros., Inc. v. Hudock*, 119 F. Supp. 587 (W.D. Pa. 1953), *aff’d*, 347 U.S. 910 (1954).

165. *Bakery Salvage Corp. v. City of Lackawanna*, 30 A.D.2d 207, 210, 291 N.Y.S.2d 104, 107 (4th Dep’t), *aff’d*, 24 N.Y.2d 643, 249 N.E.2d 438, 301 N.Y.S.2d 581 (1968).

166. *Intrastate Trucking Corp.*, 185 A.D.2d at 698, 586 N.Y.S.2d at 66; see *Tri-State Transfer Co. v. Morrison*, 257 N.W. 646 (S.D. 1934); cf. *City of New Orleans v. Dukes*, 427 U.S. 297 (1976) (“grandfather clause” which applied to food vendors did not violate the Equal Protection Clause);

Similarly, in *Bonded Concrete, Inc. v. White*,¹⁶⁷ petitioners alleged that provisions of the Vehicle and Traffic Law had violated their rights to due process and equal protection under the federal and state constitutions.¹⁶⁸ In rejecting the challenge, the court reasoned that “[a] strong presumption exists in favor of the constitutionality of a legislative enactment.”¹⁶⁹ Absent the petitioners attempt to rebut the presumption beyond a reasonable doubt, it was determined that the legislation was reasonably related to the preservation of the highways and bridges.¹⁷⁰

Moreover, in *Gutridge v. Virginia*,¹⁷¹ a state system of weight regulations for trucks precluded plaintiffs from obtaining permits in order to operate their vehicles.¹⁷² Plaintiffs contended that the system violated the equal protection clause, in addition to placing a burden on interstate commerce.¹⁷³ The regulations at issue allowed for a permit to be obtained pending compliance with a particular weight exception.¹⁷⁴

In analyzing the validity of the claim, the court stated that the restrictions did not create a suspect class, nor did the truck drivers fall within such a class.¹⁷⁵ As a result, the court applied a rational-basis standard of review, and held that the restrictions did

Stracquadiano v. Department of Health, 285 N.Y. 93, 32 N.E.2d 806 (1941) (granting of permits to sell milk only to applicants who had been milk distributors prior to a specific date did not violate the equal protection clause).

167. 131 Misc. 2d 567, 500 N.Y.S.2d 927 (Sup. Ct. Albany County 1986).

168. *Id.* at 568, 500 N.Y.S.2d at 928 (legislation provided weight limits for trucks, the issuance of permits for such trucks, and penalties for violations of the regulations).

169. *Id.*

170. *Id.* at 569, 500 N.Y.S.2d at 928.

171. 532 F. Supp. 533 (E.D. Va. 1982).

172. *Id.* at 536.

173. *Id.*

174. *Id.* (exceptions were based upon the type of cargo to be hauled, which allowed the weight restrictions to be relaxed).

175. *Id.* at 537. A suspect class is one “saddled with such disabilities, or subjected to such a history of purposeful unequal treatment, or relegated to such a position of political powerlessness as to command extraordinary protection from the majoritarian political process.” *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 28 (1973).

not violate the equal protection clause.¹⁷⁶ The court concluded that the restrictions were reasonably related to Virginia's purpose of transportation safety, efficiency and growth.¹⁷⁷ Likewise, based on analogous reasoning, Virginia had the ability to regulate truck weight without placing an undue burden on interstate commerce.¹⁷⁸

Hence, regulations set forth by VTL section 385(15) comport with both the due process and equal protection clauses of the state and federal constitutions, in addition to fostering interstate commerce.

*Treichler v. Niagara-Wheatfield Central School District*¹⁷⁹
(Decided Nov. 18, 1992)

Plaintiffs claimed that article 19 of the Real Property Tax Law (RPTL),¹⁸⁰ which allowed the Niagara-Wheatfield Central School District to establish district-wide homestead and non-homestead tax rates, violated their state and federal constitutional rights to due process¹⁸¹ and equal protection.¹⁸² The court upheld article 19 since there was a "rational basis for the Legislature's use of the one-third fraction or 'number of parcels,'

176. *Gutridge*, 532 F. Supp. at 537.

177. *Id.*

178. *Id.* at 538.

179. 184 A.D.2d 1, 590 N.Y.S.2d 954 (4th Dep't 1992).

180. N.Y. REAL PROP. TAX LAW §§ 1901-1905 (McKinney 1989). Plaintiffs specifically challenged sections 1903(5)(b), 1901(x), and 1903-a.

181. N.Y. CONST. art. I, § 6 ("No person shall be deprived of life, liberty or property without due process of law."). *See also* U.S. CONST. amend. XIV, § 1 ("No state shall . . . deprive any person of life, liberty, or property, without due process of law . . .").

182. *Treichler*, 184 A.D.2d at 4, 590 N.Y.S.2d at 955. N.Y. CONST. art. I, § 11 ("No person shall be denied the equal protection of the laws of this state or any subdivision thereof."). *See also* U.S. CONST. amend. XIV, § 1 ("No state shall . . . deny to any person within its jurisdiction the equal protection of the laws.").