**A motor carrier dispatches an empty CMV from State A into adjoining State B in order to transport cargo or passengers between two points in State B, and then to return empty to State A. Does the transportation of cargo or passengers within State B constitute interstate commerce?**

*Guidance:* Yes. The courts and the Interstate Commerce Commission (ICC) developed a test that clarifies the legal status of intrastate portions of interstate trips. The character of the intrastate leg depends on the shipper’s fixed and persistent intent when the transportation began. The fixed and persistent intent in this case was to move property—the vehicle itself—across State lines and between two points in State B where it was used to haul cargo or passengers. The transportation within State B, therefore, constitutes interstate commerce. In some cases the motor carrier may be the shipper.