GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 MAY 11 AM10:42

EXECUTIVE ORDER

No. 2020-78

Temporary extension of the validity of driver licenses, state identification cards, and certain vehicle registrations

Rescission of Executive Order 2020-47

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4. This order declared a state of emergency across the state of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, MCL 30.401 et seq., and the Emergency Powers of the Governor Act of 1945, 1945 PA 302, as amended, MCL 10.31 et seq.

Since then, the virus spread across Michigan, bringing deaths in the thousands, confirmed cases in the tens of thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. On April 1, 2020, in response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the State of Michigan under section 1 of article 5 of the Michigan Constitution of 1963, the Emergency Management Act, and the Emergency Powers of the Governor Act of 1945. And on April 30, 2020, finding that COVID-19 had created emergency and disaster conditions across the State of Michigan, I issued Executive Order 2020-67 to continue the emergency declaration under the Emergency Powers of the Governor Act, as well as Executive Order 2020-68 to issue new emergency and disaster declarations under the Emergency Management Act.

The Emergency Management Act vests the governor with broad powers and duties to "cop[e] with dangers to this state or the people of this state presented by a disaster or emergency," which the governor may implement through "executive orders, proclamations,

and directives having the force and effect of law." MCL 30.403(1)–(2). Similarly, the Emergency Powers of the Governor Act of 1945 provides that, after declaring a state of emergency, "the governor may promulgate reasonable orders, rules, and regulations as he or she considers necessary to protect life and property or to bring the emergency situation within the affected area under control." MCL 10.31(1).

On March 13, 2020, Michigan's secretary of state announced that Department of State branch offices would be open on weekdays only for "critical services," which do not include license and registration renewals. This action was necessary and well designed to mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Michiganders, but it has resulted in some individuals being unable to timely renew their license or registration. In order to facilitate the mobility necessary for survival during this crisis, and to ensure commercial drivers carrying essential supplies could continue to do so despite these temporary limitations on state operations, it was reasonable and necessary to temporarily extend the validity of certain operator's and chauffeur's licenses, state identifications, and vehicle registrations in this state.

Executive Order 2020-47 provided such relief. This order extends its duration and expands its scope to cover a broader range of commercial vehicles and to ensure continuity of auto insurance coverage, as it remains reasonable and necessary to facilitate the mobility required for survival during this crisis, while maintaining appropriate social distancing.

With this order, Executive Order 2020-47 is rescinded.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Individuals must, to the best of their ability, complete a vehicle registration or license renewal online at www.michigan.gov/sos/ during the declared states of emergency and disaster.

2. Strict compliance with section 2 of 1972 PA 222 (state personal identification card), as amended, MCL 28.292, is temporarily suspended to the extent necessary to extend until July 31, 2020 the validity of a state personal identification card that expired or is set to expire between February 1, 2020 and June 30, 2020.

3. Strict compliance with sections 309 and 314 of the Michigan Vehicle Code, 1949 PA 300, as amended, MCL 257.309 and 257.314, and Mich Admin R 257.853(10), is temporarily suspended to the extent necessary to extend until July 31, 2020 the validity of an operator's license or chauffeur's license that expired or is set to expire between February 1, 2020 and June 30, 2020.

4. Strict compliance with the requirements under sections 303 and 312f of the Michigan Vehicle Code, MCL 257.303 and 257.312f, is temporarily suspended to the extent necessary to suspend any applicable medical certification requirement necessary for operator's or chauffer's license holders with any commercial driver license (CDL) group designation or endorsement until July 31, 2020. Persons who would otherwise have to carry a valid medical certificate must carry a paper copy of an otherwise-valid medical certificate that expired on or after March 1, 2020.

5. Strict compliance with rules and procedures under section 216 of the Michigan Vehicle Code, MCL 257.216, is temporarily suspended to the extent necessary to allow an operator's or chauffeur's license holder with appropriate CDL group designations and endorsements to operate a commercial vehicle as though it had a valid vehicle registration until July 31, 2020, so long as that commercial vehicle has an otherwise-valid vehicle registration that expired on or after March 1, 2020.

6. Until July 31, 2020, driving with a vehicle registration, operator's license, or chauffeur's license that expired on or after February 1, 2020 does not constitute a violation of the Michigan Vehicle Code. Law enforcement officials must not arrest any person nor impound any vehicle for the sole reason that a vehicle registration, operator's license, chauffer's license, or some combination thereof had expired on or after February 1, 2020. The Department of State must not assess a late fee for the renewal of a license or registration that expired between February 1, 2020 and June 30, 2020, so long as renewal occurs by July 31, 2020. Nothing in this order prevents the Secretary of State from suspending or revoking an operator's or chauffeur's license, commercial learner's permit, vehicle designations, or endorsements on an operator's or chauffeur's license pursuant to the Michigan Vehicle Code.

7. Consistent with sections 3 through 6, automobile insurers must not take any adverse or negative actions against an individual because the individual's license or registration expired between February 1, 2020 and June 30, 2020. A license that remains valid because of an extension under section 3 is valid for all purposes. Adverse or negative actions prohibited by this section include but are not limited to:

   (a) Canceling, voiding, rescinding, or refusing to issue or renew a policy of automobile insurance, or denying a claim.

   (b) Increasing an automobile insurance premium amount charged for a new policy or the renewal of an existing policy.

8. The relief afforded by sections 3 to 7 of this order does not apply to:

   (a) A person who had their driving privileges suspended or revoked for traffic offenses.

   (b) A person who, since their last medical certificate was issued, has been diagnosed with a medical condition that would disqualify them from operating a commercial vehicle.

   (c) A person who, since their last medical certificate was issued, has developed a condition that requires an exemption or Skill Performance Evaluation from the Federal Motor Carrier Safety Administration.

9. This order is effective immediately and Executive order 2020-47 is rescinded.

10. Consistent with MCL 10.33 and MCL 30.405(3), a willful violation of this order is a misdemeanor.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 8, 2020

Time: 6:12 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE