Executive Order 2020-40 (COVID-19)

EXECUTIVE ORDER

No. 2020-40

Temporary relief from certain credentialing requirements for motor carriers transporting essential supplies, equipment, and persons

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 Michigan 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.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. 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.

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).

The COVID-19 pandemic has created a steep and immediate demand for certain essential supplies, equipment, and personnel. It has also disrupted the ability of state agencies and departments to conduct business as usual. To ensure this disruption in state operations does not impede the timely delivery of urgently needed resources and personnel during this crisis, it is reasonable and necessary to provide limited and temporary relief from certain credentialing requirements for motor carriers that are providing such critical assistance to this state and its residents.

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

1. The requirements administered by the Department of Treasury ("Department") concerning licensure of motor carriers under section 5 of the Motor Carrier Fuel Tax Act ("MCFTA"), 1980 PA 119, as amended, MCL 207.215, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for violations of those requirements, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.

2. The requirements administered by the Department concerning decals for qualified commercial vehicles under section 5 of the MCFTA, MCL 207.215, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for violations of those requirements, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.

3. The requirements administered by the Department concerning trip permits for motor carriers under section 7 of the MCFTA, MCL 207.217, are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the MCFTA for a motor carrier failing to obtain a trip permit, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.

4. Any other requirements administered by the Department concerning the credentialing of motor carriers under the International Fuel Tax Agreement ("IFTA") are temporarily suspended and must not be enforced, along with any and all fines, penalties, or criminal sanctions under the IFTA and/or the MCFTA for a motor carrier failing to obtain such credentials, for motor carriers providing critical assistance related to the COVID-19 pandemic during the declared states of emergency and disaster.

5. For purposes of this order, "critical assistance related to the COVID-19 pandemic" means transportation and other relief services that meet immediate needs for any of the following:

a. Medical supplies or equipment related to the testing, diagnosis, or treatment of COVID-19.

b. Supplies or equipment necessary for community safety, sanitation, or the prevention of community transmission of COVID-19, such as masks, gloves, hand sanitizer, soap, and disinfectants.

c. Food for the emergency restocking of stores.

d. Equipment, supplies, or persons necessary to establish or manage temporary housing, quarantine, or isolation facilities related to the COVID-19 pandemic.

e. Persons designated by federal, state, or local authorities for medical, isolation, or quarantine purposes.

f. Persons necessary to provide other medical or emergency services, the supply of which may be affected by the COVID-19 pandemic.

"Critical assistance related to the COVID-19 pandemic" does not include: routine commercial deliveries of supplies, equipment, or persons that are not being transported in support of emergency relief efforts related to the COVID-19 pandemic; or transportation of mixed loads that include essential supplies, equipment, or persons (as described in subsections (a)-(f) of this section) together with supplies, equipment, or persons that are not being transported in support of emergency relief efforts related to the COVID-19 pandemic.

6. Except as specifically stated in this order, this order does not suspend, restrict, or waive any other state laws or regulations applicable to motor carriers, including any requirements related to the reporting, payment, or remittance of, or recordkeeping for, taxes imposed or arising under the MCFTA and/or the IFTA.

7. This order is effective immediately and continues through May 5, 2020 at 11:59 pm.

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

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