

EMERGENCY EXTENSION OF DRIVER LICENSES AND STATE IDENTIFICATION CARDS

Phone: (517) 373-8080
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House Bills 5729, 5731, and 5735 as introduced

Sponsor: Rep. Brandt Iden

Committee: Government Operations

Complete to 4-29-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bills 5729, 5731, and 5735 would respectively amend the State Personal Identification Card Act (1972 PA 222), the Michigan Vehicle Code, and the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to extend, until June 30, 2020, the expiration dates of licenses and ID cards issued under those acts that would otherwise expire between February 1, 2020, and May 31, 2020. The bills would codify into law many of the provisions of Executive Order 2020-47.¹

On March 10, 2020, Michigan's first patient tested positive for COVID-19, at which time Governor Whitmer declared a statewide state of emergency.² On March 23, the governor signed a "Stay Home, Stay Safe" executive order directing all state businesses and operations to temporarily suspend in-person operations not necessary to sustain or protect life.³

Executive Order 2020-47,⁴ issued April 13, extends until June 30 the validity of driver licenses and state personal identification cards that expired or will expire between February 1 and May 31. The order provides that, until June 30, driving with a vehicle registration or operator's or chauffeur's license that expired on or after February 1 is not a violation of the Michigan Vehicle Code, and it prohibits law enforcement officials from making an arrest or impounding a vehicle as a result of such an expired registration or license. Until June 30, the Department of State cannot charge a late fee for renewal of a registration or license that expired between February 1 and May 31.

Until June 30, a commercial vehicle with an otherwise valid vehicle registration that expired on or after March 1 can be operated as though the vehicle registration were still valid. The executive order also suspends, until June 30, any applicable medical certification requirement under the Vehicle Code for operator's or chauffeur's license holders with a

¹ Of note, the bills would not codify the provisions of the executive order extending commercial vehicle registrations or concerning medical certification requirements for certain license holders.

² Executive Order 2020-04, issued March 10, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-04.pdf>); rescinded and replaced on April 1 with Executive Order 2020-33 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-33.pdf>).

³ Executive Order 2020-21, issued March 23, 2020 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-21.pdf>); extended through April 30, 2020 on April 9, 2020 by Executive Order 2020-42 (<https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-42.pdf>).

⁴ Executive Order 2020-47: <https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-47.pdf>

Group A, Group B, or Group C designation.⁵ (However, a person who would otherwise have to carry a valid medical certificate must carry a paper copy of an otherwise valid certificate that expired on or after March 1.)

The extension of license, certificate, or registration validity, as described above, does not apply to any of the following:

- A person whose driving privileges were revoked or suspended for traffic offenses.
- A person who, since his or her last medical certificate, has been diagnosed with a medical condition that would disqualify him or her from operating a commercial vehicle.
- A person who, since his or her last medical certificate, has developed a condition that requires an exemption or skill performance evaluation from the Federal Motor Carrier Safety Administration.

The order stipulates that it does not prevent the Secretary of State from suspending or revoking an operator's or chauffeur's license, commercial learner's permit, or vehicle designations or endorsements on an operator's or chauffeur's license under the Vehicle Code.

Finally, the order requires individuals to renew their licenses or vehicle registrations online, to the extent possible, during the declared states of emergency and disaster.

House Bill 5729 would amend the Official State Personal Identification Card Act (1972 PA 222) to provide that, during the state of emergency declared under EO 2020-33 or any extension of that state of emergency, state ID cards that expire between February 1, 2020, and May 31, 2020, are valid until June 30, 2020.

MCL 28.292 and proposed MCL 28,292a

House Bill 5731 would amend the Michigan Vehicle Code to provide that, during the state of emergency declared under EO 2020-33 or any extension of that state of emergency, operator's licenses, chauffeur's licenses, commercial driver licenses, and commercial learner's permits that expire between February 1, 2020, and May 31, 2020, are valid until June 30, 2020.

The bill would specify that nothing in the Vehicle Code prevents the Secretary of State from suspending or revoking an operator's or chauffeur's license, commercial driver license, commercial learner's permit, vehicle designations or endorsements on an operator's or chauffeur's license under the act.

The bill would prohibit, until June 30, 2020, a law enforcement officer from arresting an individual who operates a motor vehicle with an operator's license, chauffeur's license, commercial driver license, or commercial learner's permit that expired between February 1 and May 31, 2020.

⁵ See https://www.michigan.gov/sos/0,4670,7-127-1627_8669_53324-213070--,00.html

The bill would not apply to any of the following:

- A person whose driving privileges were revoked or suspended for traffic offenses.
- A person who, since his or her last medical certificate, has been diagnosed with a medical condition that would disqualify him or her from operating a commercial vehicle.
- A person who, since his or her last medical certificate, has developed a condition that requires an exemption or skill performance evaluation from the Federal Motor Carrier Safety Administration.

MCL 257.314 and proposed 257.314c

House Bill 5735 would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to provide that, during the state of emergency declared under EO 2020-33 or any extension of that state of emergency, enhanced driver licenses and enhanced state ID cards that expire between February 1, 2020, and May 31, 2020, are valid until June 30, 2020.

The bill would prohibit, until June 30, 2020, a law enforcement officer from arresting an individual who operates a motor vehicle with an enhanced driver license that expired between February 1 and May 31, 2020.

The bill would not apply to an individual whose enhanced driver license was revoked or suspended for driving offenses.

MCL 28.305 and proposed MCL 28,305a

FISCAL IMPACT:

The bills would have no direct fiscal impact on the Department of State or the state's general fund. The collection of renewal fees for all state driver licenses and personal ID cards during the period between February 1 and May 31 will be deferred and expected to be collected on or after June 1, resulting in no change in revenue.

Legislative Analyst: Rick Yuille
Fiscal Analyst: Michael Cnossen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.