

Legislative Analysis



EXTEND TO SEPTEMBER 30 CERTAIN EXPIRED VEHICLE REGISTRATIONS, DRIVER LICENSES, AND STATE ID CARDS

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Senate Bill 876 (H-2) as passed by the House
Senate Bill 877 (H-2) as passed by the House
Senate Bill 878 (H-1) as passed by the House
Sponsor: Sen. Wayne Schmidt
1st House Committee: Transportation
2nd House Committee: Ways and Means
Senate Committee: Transportation and Infrastructure
Complete to 6-30-20

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

(Enacted as Public Acts 127, 128, and 129 of 2020)

SUMMARY:

Senate Bills 876, 877, and 878 would provide that state ID cards, vehicle registrations, and driver licenses, permits, endorsements, and certifications that expire on or after March 1, 2020, are valid until September 30, 2020.

Senate Bill 876 would amend the Michigan Vehicle Code to provide that an operator's or chauffeur's license that expires on or after March 1, 2020, is valid until September 30, 2020.

Other licenses, certificates, and permits

The following licenses, certificates, and permits that expire on or after March 1, 2020, would also be valid until September 30, 2020:

- A temporary driver education certificate.
- A temporary instruction permit issued to someone 18 years old or older.
- A graduated driver license issued to someone under 18 years old.
- A motorcycle temporary instruction permit.
- A commercial learner's permit.

Commercial licenses, certifications, and endorsements

Additionally, the following commercial licenses, certifications, and endorsements that expire on or after March 1, 2020, would be valid until September 30, 2020:

- A commercial learner's permit.
- A commercial driver license.
- Medical certification for license holders with a group designation required under 49 CFR 391.45. (However, the extension would not apply to a certification that was not valid before March 1, 2020, or to 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 or has developed a condition requiring an exemption or skill performance evaluation from the Federal Motor Carrier Safety Administration.)

Hazardous material endorsements that expire on or after March 1, 2020, would be valid for an additional 180 days beyond the original expiration date. A security threat assessment that is valid on or after March 1, 2020, would be valid until the end of the extension. However, an individual with a 180-day endorsement extension under this provision would have to initiate a

security threat assessment with the National Highway Traffic Safety Administration at least 60 days before the end of that extension.

The above provisions would not affect the authority of the Secretary of State (SOS) to revoke or suspend a license or group designation or endorsement under the act.

Additionally, pursuant to a federal waiver,¹ the bill would waive, from July 1, 2020, to September 30, 2020, certain medical certification requirements applicable to vehicle group designations or endorsements under section 312f of the act.

Registrations

A registration issued to a motor vehicle, recreational vehicle, trailer, semitrailer, or pole trailer that expires on or after March 1, 2020, would be valid until September 30, 2020. This would include registrations for those vehicles that are used for commercial purposes and commercial registrations issued under the International Registration Plan. A registration for a motorcycle that expires on or after March 1, 2020, would also be valid until September 30, 2020.

A person operating a vehicle with a registration expiring on or after March 1, 2020, would not be in violation of provisions requiring vehicles to be registered when operated on a street or highway if the registration were renewed on or before September 30, 2020.

Late fees could not be assessed on vehicles whose registrations expire on or after March 1, 2020, but are renewed before September 30, 2020.

MCL 257.216 et seq.

Senate Bill 877 would amend 1972 PA 222, the official state personal identification card act, to provide that official state personal ID cards that expire on or after March 1, 2020, are considered valid until September 30, 2020. The SOS would have to process an application to renew such a card as a renewal of an existing card if the application was received before September 30, 2020.

MCL 28.292

Senate Bill 878 would amend the Enhanced Driver License and Enhanced Official State Personal Identification Card Act to provide that enhanced driver licenses and enhanced state ID cards that expire on or after March 1, 2020, are considered valid until September 30, 2020. The SOS would have to process an application to renew such a card as the renewal of an existing card if the application was received before September 30, 2020, and could not charge a late renewal fee if the card was renewed before September 30, 2020.

MCL 28.304 and 28.306

[Note: Because some of the bills' provisions require a renewal before September 30, while others require a renewal "on or before" that date, it seems unclear whether something that is valid "until" September 30 is actually valid on September 30 itself.]

¹ https://www.fmcsa.dot.gov/sites/fmcsa.dot.gov/files/2020-06/FMCSA%20CDL%20Waiver-Reissued_V_6%20Final.pdf

BACKGROUND:

The bills would afford relief to vehicle owners and operators whose ability to renew their expiring licenses, registrations, and other certifications was limited by the closure of SOS branch offices or by other measures taken in response to the COVID-19 pandemic.

Michigan's first patient tested positive for COVID-19 on March 10, 2020, at which time Governor Whitmer declared a statewide state of emergency. 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. Later orders have since replaced and superseded these, and several other executive orders have been issued to address and regulate different areas of pandemic response.

Of note, Executive Order 2020-78,² issued May 8, 2020, extends until July 31 the validity of driver licenses and state personal ID cards expiring between February 1 and June 30. The order provides that, until July 31, driving with a vehicle registration or driver 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 July 31, the Department of State cannot charge a late fee for renewal of a registration or license that expired between February 1 and June 30.

Until July 31, 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 July 31, any applicable medical certification requirement under the Vehicle Code for commercial driver license group designations.³ (However, a person who has to carry a valid medical certificate must still carry a copy of the expired certificate.)

The extensions under the executive order do 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, was diagnosed with a medical condition that would disqualify him or her from operating a commercial vehicle or developed a condition requiring an exemption or skill performance evaluation from the Federal Motor Carrier Safety Administration.

The order does not prevent the SOS from suspending or revoking a driver license, a commercial learner's permit, or a vehicle designation or endorsement.

Finally, the order prohibits an automobile insurer from taking an adverse action against an individual because his or her license or registration expired between February 1 and June 30, 2020. Adverse actions include increasing a premium, denying a claim, or canceling, voiding, rescinding, or refusing to issue or renew a policy.

A willful violation of EO 2020-78 is a misdemeanor.

² <https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-78.pdf>. The order rescinded and replaced EO 2020-47, which was issued April 13, 2020: <https://www.legislature.mi.gov/documents/2019-2020/executiveorder/pdf/2020-EO-47.pdf>

³ See https://www.michigan.gov/sos/0,4670,7-127-1627_8669_53324-213070--,00.html

FISCAL IMPACT:

The bills would result in a marginal decrease in fee revenue for the Department of State and to the state’s general fund.

The bills would allow the SOS to postpone the collection of fee revenue from vehicle registrations, renewals of certain driver licenses, official state personal identification cards, and enhanced driver license and enhanced official state personal identification cards. The collection of renewal fees for operator’s and chauffer’s licenses during the period between March 1 and September 30 would be deferred and expected to begin being collected again on or after September 30, resulting in no significant change in revenues.

However, the bills would likely result in a marginal decrease in fee revenue to the extent that they waive the collection of additional late fee revenue that would have otherwise been collected under previous law and not related to the closures of SOS branch offices.

Revenue collected from late fees on vehicle registrations are deposited into the state’s general fund. Renewal and late fee revenue associated with driver license and state personal identification cards is allocated to the state’s general fund, counties and municipalities, the Traffic Law Enforcement and Safety Fund, the Transportation Economic Development Fund, and the Enhanced Driver License and Enhanced Official State Personal Identification Card Fund.

POSITIONS:

The Department of State indicated a neutral position on the bills. (6-16-20)

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■ 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.