



FARMWORKER LEGAL SERVICES

SERVICIOS LEGALES PARA TRABAJADORES DEL CAMPO

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Michigan Driving Regulations

In order to legally operate a vehicle in Michigan, you must carry three documents: (1) a valid driver's license, (2) a current registration for the vehicle, and (3) a certificate of valid liability insurance, which may require a Michigan "no-fault" insurance rider (see below for details).

Driver's License

Michigan law requires that every operator of a vehicle have a valid driver's license. In order to obtain a Michigan driver's license, the applicant must be a resident of Michigan. A "resident" of Michigan is defined as a person who makes their home in and intends to remain in the state indefinitely. To claim residency for Michigan driver's license purposes, the applicant must also be "legally present in the United States." This can include some persons with valid temporary visas or employment authorization. To prove "residency" to obtain a Michigan driver's license, you must also provide to the Secretary of State's office at least two documents with your name and address printed on them, such as a utility bill, lease agreement, mortgage, or a pay stub.

"Non-residents" may drive in Michigan with a valid and unexpired out-of-state driver's license. Foreign licenses from certain countries (including Canada, Mexico, Guatemala, and others) are also accepted in Michigan so long as they are unexpired and valid. Michigan does not recognize a so-called "international driver's license."

Vehicle Registration

Your vehicle must be legally registered in Michigan or another state or country of residence. However, anyone who operates a vehicle in Michigan for more than 90 consecutive days must register that vehicle in Michigan.

Proof of Insurance

Michigan's vehicle insurance policies are unique and very strict. If you are considered to be a "resident" of Michigan, you are required to have "no-fault" insurance, regardless of the number of days the vehicle is operated in Michigan. If you are a "non-resident" of Michigan and operate a vehicle in Michigan for more than 30 days in one calendar year, you need to contact an insurance agent to ensure that you are covered by a required "no-fault" insurance policy or "rider."

A recent case decided by the Michigan Court of Appeals creates a confusing situation for some migrant farmworkers in deciding whether to buy Michigan "no-fault" insurance. In *Tienda v. Integon Nat'l Ins. Co.*, (C.A. Mich. April 23, 2013), the court of appeals decided that a migrant farmworker who traveled following crops from Florida to North Carolina and then Michigan was a "resident" of Michigan because of specific facts in his case, including: he possessed a Michigan driver's license; he rented non-migrant housing (an apartment in Grand Rapids); he had no other state of residence; and he carried all of his worldly possessions with him. The court of appeals ruled that these facts made him a "resident" of Michigan thereby requiring him to have Michigan "no-fault" insurance. The court decision rendered useless the insurance policy he had purchased in his previous state of residence, even though he had been in Michigan less than 30 days at the time of the accident. Michigan Supreme Court Justice McCormack issued an opinion commenting that the court of appeals case applies only to the unique factors exhibited by the migrant farmworker in the *Tienda* case. If you have questions regarding whether you are a "resident" of Michigan for insurance purposes, you should contact an attorney or your insurance agent.



A division of Legal Services of South Central Michigan

Ann Arbor • Battle Creek • Jackson • Lansing • Monroe

Family Law Project • Farmworker Legal Services

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Regulaciones Para Manejar en Michigan

Para operar un vehículo legalmente en Michigan, se deben poseer tres documentos: (1) licencia de conducir válida, (2) registraci3n v3lida del veh3culo, y (3) certificado de seguro de auto v3lido, que puede requerir cobertura adicional como seguro de no-culpabilidad ("No-Fault" Insurance en ingl3s). Vea los detalles a continuaci3n.

Las Licencias de Conducir

La ley de Michigan requiere que los operadores de veh3culos tengan una licencia de conducir v3lida. Para obtener una licencia de conducir de Michigan, el solicitante debe ser residente de Michigan. Un "residente" de Michigan se define como una persona quien vive en Michigan y tiene la intenci3n de quedarse en 3l estado indefinidamente. Tambi3n para afirmar que reside en el estado para el prop3sito de la licencia de conducir de Michigan, el solicitante debe estar "legalmente en los Estados Unidos." Incluyendo las personas con visas temporales v3lidas o autorizaci3n de empleo. Para comprobar la "residencia" tambi3n se deben presentar dos documentos a la oficina de Secretario de Estado, que contengan su nombre y direcci3n tales como facturas de electricidad, gas, estado de cuenta bancaria, contrato de renta, hipoteca o tal3n de cheque.

Quienes no son residentes de Michigan pueden manejar en Michigan con una licencia v3lida de otro estado. Las licencias extranjeras de ciertos pa3ses (incluyendo: Canad3, M3xico, Guatemala, y otros) tambi3n son aceptadas en Michigan, pero necesita ser v3lidas oficialmente. Michigan no reconoce ni acepta las llamadas "licencias internacionales."

Registraci3n del Veh3culo

Su veh3culo debe estar registrado legalmente en Michigan o en su estado o pa3s de residencia. Sin embargo, alguien quien opereta un veh3culo en Michigan por m3s de 90 d3as consecutivos necesita registrar el veh3culo en Michigan.

Prueba de seguro de autom3vil

Los reglamentos de seguro para veh3culos en Michigan son 3nicos y muy estrictos. Si usted es considerado ser un "residente" de Michigan, es obligatorio que tenga no-fault insurance sin tener en cuenta el n3mero de d3as que el veh3culo es operado en Michigan. Si usted no es residente de Michigan y opera un veh3culo en Michigan por m3s de 30 d3as durante el a3o calendario, necesitar3 contactar a su agente de seguros para confirmar que su p3liza incluye cobertura de no-fault insurance o cobertura adicional.

Un caso recientemente decidido por la Corte de Apelaciones de Michigan crea una situaci3n confusa para los trabajadores migrantes en la decisi3n de si se debe comprar no-fault insurance. En el caso de *Tienda v. Integon Nat'l Ins. Co.*, (C.A. Mich. April 23, 2013), la corte de apelaciones decidi3 que un trabajador migrante quien viaj3 siguiendo las cosechas de Florida a Norte Carolina y despu3s a Michigan es un "residente" de Michigan por razones especificas en dicho caso, incluyendo que: el individuo ten3a una licencia de conducir de Michigan; alquilaba una vivienda no designada para migrantes (un apartamento en Grand Rapids); no ten3a residencia en otro estado, y transportaba todas sus pertenencias de valor con el mismo. La corte de apelaciones determin3 que estos hechos lo hac3a un "residente" de Michigan requiri3ndole que deb3a tener no-fault insurance. La decisi3n de la corte interpret3 inservible la p3liza de seguro que hab3a comprado en su estado de residencia anterior, a pesar de que 3l hab3a estado en Michigan menos de 30 d3as en el momento del accidente. El Juez McCormack de la Corte Suprema de Michigan emiti3 una opini3n comentando que el caso de la corte de apelaciones s3lo se aplica a los factores 3nicos exhibidos por el trabajador agr3cola migrante en el caso de Tienda.

Si tiene alguna pregunta sobre si usted es un "residente" de Michigan para prop3sitos del seguro de auto, debe comunicarse con un abogado o con su agente de seguros.