



Traffic Services Section Michigan State Police Field Update #34

Providing Traffic Related Information and Services to Michigan Law Enforcement

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Residency

There appears to be some confusion in the field regarding residency and the Michigan Vehicle Code (MVC). Farm Bureau recently contacted the Traffic Services Section with concerns about nonresident migrant workers who may be receiving traffic citations for failing to obtain a Michigan Operator's License.

One common misconception is the belief that a person must obtain a Michigan Operator's License once he or she has been in Michigan for 30 days. No such "30-day" rule exists. Under the MVC, *nonresidents* may operate a motor vehicle in Michigan so long as they have a valid license from another state or from a country that is listed at http://michigan.gov/documents/Reciprocity_Agreements_and_Underlying_Authority_170819_7.pdf. The MVC does not provide a time frame for when a "nonresident" becomes a "resident."

[MCL 257.34](#) defines a "nonresident" as "every person who is not a resident of this state." "Resident" is defined at [MCL 257.51a](#) as "every person who resides in this state and establishes that he or she is legally present in the United States." [MCL 257.51a](#) no longer contains a presumption that employment indicates residency.

Case law does not currently address the MVC definition of "resident," "residence," or "reside." However, case law in other areas, such as divorce and no-fault insurance, does provide some guidance. Whether or not someone is a resident is determined by a number of factors. Perhaps the most important factor is the person's intent to remain at a residence permanently or for an indefinite/unlimited length of time. The length of time that the person has been in Michigan may also be a major factor. Other factors include the nature of the relationship between the person and other people in the home (that is, are they related, friends, strangers, etc), whether or not the person has another home elsewhere, etc. But remember, an illegal alien can never be a resident of Michigan for MVC purposes.

The Traffic Services Section and Farm Bureau have met with representatives from the Secretary of State (SOS) about this matter. SOS recommended that officers use discretion before issuing citations for failure to obtain a Michigan Operator's License (which would actually fall under [MCL 257.301](#), "no operator's license").

In fact, the representatives from SOS made it very clear that their primary concern is preventing nonresidents from fraudulently obtaining a Michigan Driver's License. They are far less concerned about possible residents who fail to obtain a Michigan Driver's License.

Residency and Vehicles

Vehicles are a separate matter. "Residents" must register their vehicles in Michigan as soon as they become residents. And "nonresidents" who operate a "pleasure vehicle" (i.e. a passenger vehicle) in Michigan for more than 90 days must register that vehicle in Michigan. [MCL 257.243\(4\)](#).

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