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DRIVING IN MICHIGAN WITH A VALID FOREIGN LICENSE

Some Michiganders may be erroneously cited and/or arrested for operating a motor vehicle without a valid license despite having a valid, non-Michigan license. This document, prepared by the Michigan Immigrant Rights Center, may be helpful in explaining to law enforcement and/or a court, the law about Michiganders driving with certain non-Michigan licenses.

The Michigan Vehicle Code prohibits driving without a license. A first offense is considered a misdemeanor, punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both. MCL 258.904(a). A separate provision of the Vehicle Code requires a licensed individual to have the license in their immediate possession while driving. MCL 257.311

Under Michigan law, a nonresident, as that term is defined under the Vehicle Code, does not violate the prohibition on operating a motor vehicle without a license when they possess a valid, unexpired license from a certain countries (“treaty country” as described below).

Nonresidents of Michigan are lawfully permitted to drive in Michigan if they possess a valid license issued by certain foreign countries. Specifically, a nonresident of Michigan who holds a license issued by a country that is a signatory to certain international treaties need not obtain a Michigan license, per MCL 257.302a:

Except as otherwise provided by this act, and as provided in this section, a nonresident operator of a motor vehicle who is the holder of a license to operate a motor vehicle issued by a country other than the United States is not required to obtain a license to operate a passenger vehicle in this state if he or she does not receive compensation for such operation. The nonresident operator may operate a motor vehicle in compliance with otherwise applicable state and federal law using the license to operate a motor vehicle issued by a country other than the United States if the country that issued the nonresident operator's license is a party to an international treaty, convention, or agreement regulating traffic, driving, or the operation of motor vehicles to which the United States or this state is also a party, according to the terms of that treaty, convention, or agreement.

Thus, an individual who (1) is a nonresident; (2) holds a license issued by a country that has entered into international treaties regarding driving (“treaty country”); and (3) does not operate a vehicle for compensation need not obtain a Michigan license and may lawfully operate a vehicle using the treaty country license. Paralleling the requirement that licensees keep their licenses in their immediate possession while driving, MCL 257.311, the law requires that the licensee have both the treaty country license and either an English translation or international driver’s license in his immediate possession. MCL 257.302a.

This provision expressly authorizes the nonresident to use the treaty country license, in the same manner that the resident uses a Michigan license, to “operate a motor vehicle.” *Id.* A nonresident using a treaty country license consistent with the statute’s requirements *does not violate the prohibition on driving without a license.* MCL 257.904; MCL 257.301. (emphasis added)

- (1) The Vehicle Code specifically defines a “nonresident” and “resident” for purposes of the statute. MCL 257.34; MCL 257.51a. A resident must reside in the state and establish that they are legally present in the United States. *Id.* By the statute’s express terms, a person who cannot establish the required legal presence *cannot* be considered a Michigan resident for driver’s license purposes. Any person who is not a “resident” under the applicable definition is considered a “nonresident.” MCL 257.34. Thus, an individual who cannot establish legal presence in the United States meets the definition of “nonresident”—and may therefore avail him- or herself of the treaty country license provision—regardless of his or her actual domicile.
- (2) The treaty license provision requires that the license be issued by a treaty country. As such, the Secretary of State recognizes licenses issued by these nations and their political subdivisions as valid to operate a vehicle under MCL 257.302a. *See also* OAG, 2005-2006, No. 7186, 56, Op. Atty. Gen. 7181. A full list of treaty countries is available on the left-side of the second page from this guidance issued by the Secretary of State for law enforcement: https://www.michigan.gov/-/media/Project/Websites/sos/10lawensn/Foreign_DL_Law_Enforcement.pdf (and attached here)
- (3) The operation of the vehicle must not be for compensation.

In brief, to be successful against a charge of operating without a valid license, all of the following requirements must be met:

- (1) The driver does not meet the definition of Michigan resident, as that is defined in the Motor Vehicle Code (because they are not legally present in the United States),
- (2) The license was issued by a treaty country *and* there was an English translation, and
- (3) The driver was not receiving any sort of compensation for the driving.

Note that Michiganders driving with a valid foreign licenses from non-treaty countries, described on the right-side of the second page, must be legally present and have an English translation of their license.

More information is available at <https://michiganlegalhelp.org/resources/farmworkers/driving-michigan-non-citizen>.

What you need to know about foreign driver's licenses

During a routine traffic stop, have you ever come across a foreign driver's license? What should you look for? What does the law say about who may legally drive on a foreign driver's license?

The following instructional tips have been prepared by the Michigan Secretary of State's Office to assist you at traffic stops and reduce the chances for misunderstandings.



Michigan's foreign driver's license law was amended in 2016



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Before March 2016, only drivers **from recognized treaty countries** could legally drive in Michigan on a foreign driver's license. The licenses had to be printed in English, or accompanied with a written English translation.

In 2016, the law was changed to **allow drivers from non-treaty countries to drive legally in Michigan if they meet the following conditions:**

- The driver's license is in English, or a written English translation is provided with it, and
- The driver provides proof of legal presence in the U.S.

It is important to remember that the 2016 law change doesn't affect **drivers from treaty countries**. They may continue to drive legally in Michigan without needing to provide proof of legal presence.

Is it a treaty or non-treaty country?

The treaty and non-treaty countries are listed on the back of this tip sheet for your information. A reference card of these countries is also available for you to keep in your squad car.

Answers to your questions

What documents are needed to show legal presence?

- A valid, unexpired foreign passport with U.S. visa, along with evidence of entry (I-94 stamp or printout)
- A valid, employment authorization document (I-766)
- Other immigration documents that demonstrate legal presence or ability to work in the U.S., including a Form I-94, State Department bio-data form and supervision documents (other documents may be acceptable)

What is a foreign International Driving Permit?

The International Driving Permit (sometimes called an International Driver's License) is the written English translation of a foreign driver's license. It can't be used as a driver's license.

Have more questions?

Call the Secretary of State's Information Center at **888-767-6424** or email **SOSWebMaster@Michigan.gov** for help.

Who issues foreign International Driving Permits?

The United States doesn't issue International Driving Permits to foreign visitors. To get an IDP, the driver should contact the motor vehicle department of the country that issued the license.

How long can someone use a foreign driver's license in Michigan?

Foreign drivers who are visiting don't need a Michigan driver's license. Only those who intend to become a Michigan resident and live in the state permanently should apply for one.

TREATY COUNTRIES

(Doesn't need to show proof of legal presence)

- Albania
- Algeria
- Argentina
- Australia
- Austria
- Bahamas
- Bangladesh
- Barbados
- Belgium
- Belize
- Benin
- Botswana
- Brazil
- Bulgaria
- Burkina Faso
- Cambodia
- Canada
- Central African Rep.
- Chile
- China (Taiwan)
- Columbia
- Congo
- Congo Democratic Rep.
- Costa Rica
- Cote d'Ivoire
- Cuba
- Cyprus
- Czech Rep.
- Denmark
- Dominican Republic
- Ecuador
- Egypt
- El Salvador
- Fiji
- Finland
- France
- Gambia
- Georgia
- Germany
- Ghana
- Greece
- Grenada
- Guatemala
- Guyana
- Haiti
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Ireland
- Israel
- Italy
- Jamaica
- Japan
- Jordan
- Korea
- Kyrgyz Rep.
- Laos
- Lebanon
- Lesotho
- Lithuania
- Luxembourg
- Macao
- Madagascar
- Malawi
- Malaysia
- Mali
- Malta
- Maruitius
- Mexico
- Monaco
- Montenegro
- Morocco
- Namibia
- Nicaragua
- Netherlands
- New Zealand
- Niger
- Nigeria
- Norway
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Poland
- Portugal
- Romania
- Russian Federation
- Rwanda
- St. Lucia
- St. Vincent & the Grenadines
- San Marino
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Slovak Rep.
- Slovenia
- South Africa
- Spain
- Sri Lanka
- Suriname
- Swaziland
- Sweden
- Syrian Arab Rep
- Tanzania
- Thailand
- Togo
- Trinidad & Tobago
- Tunisia
- Turkey
- Uganda
- United Arab Emirates
- United Kingdom
- Uruguay
- Vatican City
- Venezuela
- Vietnam Rep.
- Western Samoa
- Zambia
- Zimbabwe

NON-TREATY COUNTRIES

(Must show proof of legal presence)

- Afghanistan
- Andorra
- Angola
- Antigua and Barbuda
- Armenia
- Aruba
- Azerbaijan
- Bahrain
- Belarus
- Bhutan
- Bolivia
- Bosnia and Herzegovina
- Brunei
- Burma
- Burundi
- Cameroon
- Cape Verde
- Chad
- China
- Comoros
- Croatia
- Curacao
- Democratic Republic of Timor-Leste
- Djibouti
- Dominica
- Equatorial Guinea
- Eritrea
- Estonia
- Ethiopia
- Gabon
- Guinea
- Guinea-Bissau
- Holy See
- Indonesia
- Iran
- Iraq
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Latvia
- Liberia
- Libya
- Liechtenstein
- Macedonia
- Maldives
- Marshall Islands
- Mauritania
- Micronesia Moldova
- Mongolia
- Mozambique
- Nauru
- Nepal
- Oman Pakistan
- Palau
- Palestinian Territories
- Qatar
- Saint Kitts and Nevis
- Samoa
- Sao Tome Principe
- Saudi Arabia
- Sint Maarten
- Solomon Islands
- Somalia
- South Sudan
- Sudan
- Switzerland
- Tajikistan
- Tonga
- Turkmenistan
- Tuvalu
- Ukraine
- Uzbekistan
- Vanuatu
- Yemen

