

# Dealer Advisory

October 5, 2020



Trouble viewing this message? [View as Webpage](#)

## Michigan Supreme Court's Ruling on Gov. Whitmer's Emergency Powers

Back in March, Governor Gretchen Whitmer declared a state of emergency due to the coronavirus pandemic, and in April she extended the timeline. The Michigan Legislature passed a resolution to extend the state of emergency, *but only until April 30*. In further extending her emergency powers after this date, Governor Whitmer cited the Emergency Management Act of 1976 and the Emergency Powers of the Governor Act from 1945. On Friday, in a 4-3 majority opinion, the Michigan Supreme court said she did not have that authority.

Many dealers have been asking what happens now that the Michigan Supreme Court ruled Governor Whitmer lacks the authority to extend or declare states of emergency in relation to the COVID-19 pandemic.

The governor has stated that **the Supreme Court's ruling does not take effect for at least 21 days**. Until then, the governor's executive orders remain in place and dealerships should continue to enforce the current rules outlined in the emergency orders.

Attorney General Dana Nessel has stated she will no longer enforce the Governor's executive orders through criminal prosecution. However, her decision is not binding on other law enforcement agencies or state departments with independent enforcement authority.

DADA and MADA are working with our legislative contacts to get additional insight on the court's ruling and the 21 days timeline. We will follow up when we have more information to share.

---

### Check for new announcements from your local health department!

Numerous county health departments, including Ingham and Oakland counties, are already beginning to issue their own emergency orders requiring facemasks and other mandates. **It will be very important for dealers to visit the webpage for their local health department and determine if any new local emergency orders have been announced.**

## SOS to Offer Some Priority Appointments

*Helpful information for staff and customers...*

Secretary of State Jocelyn Benson has announced that branch offices will offer priority driver's license and state ID appointments from Monday, Oct. 5, through Monday, Nov. 2.

The priority appointments, which will be available from 3 to 5 p.m. Monday through Friday, are for Michigan residents who need to get a first-time license or ID, replace (because of loss) a license or ID, or correct (because of a name change or other change) a license or ID.

To make an appointment, visit [Michigan.gov/SOS](https://Michigan.gov/SOS) or call 888-SOS-MICH (767-6424).

---

Please feel free to contact DADA at (248) 643-0250 or MADA at (800) 292-1923 if you have any questions.

*This advisory has been prepared in conjunction with  
Colombo & Colombo, P.C., and Abbott Nicholson, P.C.*

---

**Michigan Automobile Dealers Association**

1500 Kendale Boulevard, P.O. Box 2525

East Lansing, MI 48826-2525

[www.michiganada.org](http://www.michiganada.org)

Phone (517) 351-7800

Fax (517) 351-3120

**Detroit Auto Dealers Association**

1900 West Big Beaver

Troy, MI 48084-3537

[www.dada.org](http://www.dada.org)

Phone (248) 643-0250

Fax (248) 643-8788