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COMPUTERIZED DRIVERS FILES

House Bill 4496 with committee
amendments
First Analysis (3-28-95)

Sponsor: Rep. Candace Curtis
Committee: Transportation

THE APPARENT PROBLEM:

The Michigan Vehicle Code currently requires the secretary of state to maintain a central file of the names of persons who possess drivers licenses, and of all nonresident drivers against whom a civil infraction determination was entered and who failed to comply with an order or judgment imposed under the act. The central file must provide an individual, historical driving record for each person with respect to accidents, moving violations, and revocations and suspensions of persons' driving privileges, and the file contains numerous other records pertaining to vehicle ownership. Courts and law enforcement agencies regularly request information from this file to aid them in their work, but the current process followed by courts to obtain this information for use in legal proceedings is cumbersome. At present, most courts are able to review a record on file by accessing it via a computer terminal; the court, however, must ask the secretary of state to formally "certify" a record before the information can be admitted as evidence into court proceedings. Once a court requests a record to be certified, the secretary of state makes the same computer inquiry, certifies the record, and mails it to the requesting court or agency. The entire process of requesting and receiving certified records reportedly can take up to six weeks. To save courts time waiting for records to be certified, and to save the state time and money in manually processing these requests, it has been suggested that the department be authorized to establish a system whereby certified records could simply be retrieved via computer.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to require the secretary of state to establish a computerized central file from which a court could receive a certified record, which would be admissible as evidence. Under the bill, certified computer-generated copies of an order, record, or

paper maintained in the file would be admissible as evidence into a court of law and prima facie proof of the contents of and the facts stated in the original. An order, record, or paper generated by the computerized file could be certified electronically by the generating computer, and certification, if performed, would have to be of the order, record, or paper as it appeared on a specific date.

A court or the office of the clerk of a state court that was electronically connected by a terminal device to the computerized central file could receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. The bill would permit a duly authorized employee of a court to order a record maintained by the secretary of state from a computer terminal device in, and controlled by, the court and to certify in writing that the document was produced from the terminal and had not been altered in any way.

MCL 257.204a and 257.207

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the Department of State currently processes manually approximately 55,000 requests yearly for certified records made by government agencies and the courts; this number would be reduced under the bill, though by how much could not be determined. However, as the department processes over 4 million such requests each year, the amount of money the state would save under the bill would be minimal. (3-27-95)

House Bills 4496 (3-28-95)

ARGUMENTS:

For:

The bill would simplify the process that courts, law enforcement agencies, and other government agencies currently follow to obtain certified records from the secretary of state's central file of vehicle records. At present, when a court, for instance, is reviewing a case involving a person's driving record, it can retrieve the person's driving record using a computer terminal (most courts have access to such terminals) and review the information on the record. However, in order to use the information as evidence in court proceedings, the court must request the secretary of state to formally certify the record, which involves a manual process of retrieving a copy of it via computer, stamping it with a marker to identify its certification, and mailing the certified document to the requesting court. By allowing courts, instead, to obtain a certified copy of a record simply by accessing the central file via a computer terminal, the bill would expedite court activity and prevent court dismissals that occasionally occur due to late-arriving certified records. Also, the state would save money as the secretary of state no longer would have to manually certify copies of each record requested, as this would be done electronically. Changes proposed in the bill, however, would not affect safeguards currently in place that prevent illegal or improper access to these records.

POSITIONS:

The Department of State supports the bill. (3-23-95)