

TRAFFIC VIOLATION RECORD RETENTION

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House Bill 4628 (H-1) as referred to second committee

Sponsor: Rep. Nate Shannon

1st Committee: Transportation

2nd Committee: Ways and Means

Complete to 9-20-19

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4628 would amend the Michigan Vehicle Code to allow the secretary of state to destroy records regarding any of the following offenses after those records have been maintained for three years:

- The following offenses for which the law currently provides for ***no points*** to be entered on the driver's record:
 - Driving 1 to 5 miles an hour over the speed limit on a limited access freeway.
 - Texting while driving.
 - Using a phone while driving on a level 1 or level 2 graduated license (14- to 16-year-olds).
 - Failure to wear a seatbelt.
 - Failure to wear a helmet as required.
 - Failure to properly use a child safety seat for a child under four years old.
 - Driving without a license or graduated license card.
 - Failure to produce proof of insurance.
 - Riding with too many people on a bicycle, motorcycle, personal assistive mobility device, or electric skateboard.
 - Driving a commercial vehicle with an alcohol content of at least 0.04 grams but less than 0.08 grams per 100 milliliters of blood.
 - Improperly driving a vehicle that is too wide, too tall, or too long.
 - Improperly towing a mobile home or park model trailer.
 - Failure to have certain information attached to a road service vehicle or towing or platform bed wrecker.
 - Bond forfeitures.
 - Overweight loads or defective equipment.
 - Conviction for a violation in another state resulting solely from the driver's failure to appear to contest the violation.
- The following offenses for which the law currently provides for ***fewer than three points*** to be entered on the driver's record:
 - Driving 1 to 10 miles an hour over the speed limit.
 - Driving 6 to 15 miles an hour over the speed limit on a limited access freeway.
 - Failure to slow down or move over a lane when passing a stationary emergency vehicle.
 - Driving with open alcohol.
 - Transporting or possessing alcohol when under 21 years of age.
 - Refusing to submit to a breathalyzer when under 21 years of age.

- Driving on a level 1 graduated license (14- and 15-year-olds) without a parent or other adult in the vehicle.
 - Improperly driving at night or with two or more people under 21 years of age on a level 2 graduated license (16-year-olds).
 - Any offenses for which points would be assigned but specific point values have not been designated.
- The following offenses for which the law currently provides for *three points* to be entered on the driver's record:
 - Driving 11 to 15 miles an hour over the speed limit.
 - Driving 16 to 25 miles an hour over the speed limit on a limited access highway.
 - Disobeying a traffic signal or stop sign.
 - Improperly passing.

Section 208 of the Michigan Vehicle Code, which the bill would amend, generally provides that Department of State records, including those pertaining to driving history, be kept for seven years. However, the section also contains several exemptions that provide for shorter or longer required retention periods for specific kinds of records. The exemption proposed by the bill would be effective beginning July 16, 2021.

MCL 257.208

FISCAL IMPACT:

The bill would not have a substantial fiscal impact on state government and would have no fiscal impact on local units of government. The bill permits, rather than requires, the Department of State to destroy records after being on file for three years. Any additional costs related to additional destruction of records would likely be covered under the ongoing base appropriations for the Department of State in FY 2020-21, when the bill would take effect.

POSITIONS:

The Office of the Secretary of State indicated support for the bill. (9 -10-19)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.