

DESTRUCTION OF TRAFFIC OFFENSE RECORDS

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House Bill 4628 (H-3) as reported from committee

Sponsor: Rep. Nate Shannon

1st Committee: Transportation

2nd Committee: Ways and Means

Complete to 10-8-19

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

SUMMARY:

House Bill 4628 would amend section 208 of the Michigan Vehicle Code to require the secretary of state, beginning July 16, 2021, to destroy Department of State records regarding any of the following offenses after those records had been maintained for four years (except as otherwise provided in that section*):

- 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 when riding certain vehicles.
 - 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.
 - Improperly riding a motorcycle or moped.
 - Riding an electric skateboard in the street when younger than 12.
 - 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.
 - 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 or move over when passing a stationary emergency vehicle.

* Records of conviction for driving a commercial motor vehicle with an alcohol content of 0.04 to 0.08 grams per 100 milliliters of blood must be maintained until the license holder dies or moves to another state.

- 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 offense 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 generally allows the secretary of state to destroy Department of State records, including those pertaining to driving history, after they have been kept for at least seven years. However, the section contains several exemptions that provide for shorter or longer retention periods for specific kinds of records. The section also generally allows the secretary of state to destroy any Department of State records that the secretary determines are obsolete and of no further use in carrying out the department's powers and duties.

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. 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.

* It is unclear what effect, if any, the destruction of records regarding this offense would have on the requirement under section 319(7) of the Vehicle Code that the secretary of state suspend a person's license if he or she is convicted of transporting or possessing alcohol when underage or driving with open alcohol and has one or more prior convictions for either of those offenses.