

HOUSE BILL NO. 4537

March 18, 2021, Introduced by Reps. Shannon, Sowerby, Tyrone Carter, Liberati, Haadsma, Breen, Anthony, Garza, Steenland, Mueller, Brann, Wozniak, Hood, Clemente, Puri, Sneller and Whitsett and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 208 (MCL 257.208), as amended by 2006 PA 565.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 208. (1) Except as otherwise specified in this section,
2 the secretary of state may destroy any department records
3 maintained on file for 7 years, including the information contained
4 in the central file maintained under section 204a.

5 (2) Except as otherwise provided in this section, records of

1 convictions of any offense for which points are provided under
2 section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be
3 destroyed after being maintained on file for 10 years. However, if
4 a person is convicted of violating section 625, the record of that
5 conviction ~~shall~~**must** be maintained for the life of the person.

6 (3) If a person who is a commercial license holder or a
7 noncommercial license holder who operates a commercial motor
8 vehicle is convicted under a law of this state, a local ordinance
9 substantially corresponding to a law of this state, or a law of
10 another state substantially corresponding to a law of this state of
11 any of the following violations, the record of that conviction
12 ~~shall~~**must** be maintained for the life of the person or until the
13 person moves to another jurisdiction:

14 (a) Operating a vehicle in violation of section 625.

15 (b) Operating a commercial motor vehicle in violation of
16 section 625m.

17 (c) Leaving the scene of an accident.

18 (d) Using a vehicle to commit a felony.

19 (e) Refusing to take an alcohol or controlled substance test
20 required under this act.

21 (f) Operating a commercial motor vehicle when the person's
22 operator's or chauffeur's license or vehicle group designation is
23 suspended, revoked, or canceled as a result of prior violations
24 committed while operating a commercial motor vehicle.

25 (g) Operating a commercial motor vehicle when the person is
26 disqualified from operating a commercial motor vehicle.

27 (h) Causing any fatality through the negligent operation of a
28 commercial motor vehicle.

29 (4) Records of stolen vehicles reported in section 253 may be

1 destroyed after being maintained on file for the year of entry plus
2 4 years.

3 (5) Except as otherwise specified in this act, records the
4 secretary of state considers obsolete and of no further service in
5 carrying out the department's powers and duties may be destroyed
6 upon that determination.

7 (6) If a record of suspension under section 321a does not
8 contain a conviction for a violation of section 904 or a local
9 ordinance substantially corresponding to section 904 during the
10 period of suspension, the secretary of state may destroy the record
11 180 days after the suspension terminates or as provided in
12 subsections (1) to (5).

13 (7) The secretary of state may destroy a record of receipt of
14 the notice provided for in section 321a(7) after the court involved
15 informs the secretary of state that all outstanding matters
16 regarding section 321a(7) have been resolved.

17 (8) The secretary of state may destroy a record maintained
18 pursuant to section 204a 180 days after the nonresident driver
19 against whom a civil infraction determination is entered complies
20 with an order or judgment issued pursuant to section 907.

21 **(9) Except as otherwise provided in this section, beginning**
22 **July 16, 2021, the secretary of state may destroy records regarding**
23 **any of the following offenses after the records are maintained on**
24 **file for 4 years:**

25 (a) An offense for which no points are provided under section
26 320a, 328, 629c, or 710e.

27 (b) An offense for which fewer than 3 points are provided
28 under section 320a or 629c.

29 (c) An offense for which 3 points are provided under section

1 320a(1) (n) or (r), or section 629c.