

HOUSE BILL NO. 5150

October 17, 2023, Introduced by Rep. Shannon and referred to the Committee on Transportation, Mobility and Infrastructure.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 208 (MCL 257.208), as amended by 2020 PA 376.

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 an individual is convicted of violating section 625, the record of
5 that conviction must be maintained for the life of the individual.

6 (3) If an individual 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 that substantially corresponds to a law of this state, or a law of
10 another state that substantially corresponds to a law of this state
11 of any of the following violations, the record of that conviction
12 must be maintained for the life of the individual or until the
13 individual 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 individual'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 individual
26 is 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 on
6 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 that substantially corresponds 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 maintained
14 under section 204a 180 days after the nonresident driver against
15 whom a civil infraction determination is entered complies with an
16 order or judgment issued under section 907.

17 **(8) Except as otherwise provided in this section, beginning**
18 **July 16, 2024, the secretary of state may destroy records regarding**
19 **any of the following offenses after the records are maintained on**
20 **file for 5 years:**

21 (a) An offense for which no points are provided under section
22 320a, 328, 629c, or 710e.

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

25 (c) An offense for which 3 points are provided under section
26 320a(1)(n) or (r) or 629c.