

## DESTRUCTION OF TRAFFIC OFFENSE RECORDS

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**House Bill 5150 (H-1) as reported from committee**

**Sponsor: Rep. Nate Shannon**

**Committee: Transportation, Mobility and Infrastructure**

**Complete to 3-7-24**

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

### SUMMARY:

House Bill 5150 would amend section 208 of the Michigan Vehicle Code to allow the secretary of state to destroy records regarding certain offenses after those records have been maintained for five years.

Section 208 generally allows the secretary of state to destroy Department of State records, including those pertaining to individuals' driving records, after they have been kept for at least seven years. The section also includes several exceptions that provide for longer or shorter retention periods for specific kinds of records. For example, records of conviction for impaired driving must be kept for that individual's lifetime. The section also generally allows the secretary of state to destroy any records that the secretary determines are obsolete and of no further use in carrying out the Department of State's powers and duties.

Under the bill, beginning July 16, 2024, and except as otherwise provided in section 208, the secretary of state could destroy Department of State records regarding any of the following offenses after those records had been maintained for five years:

- The following offenses for which **no points** are entered on the driver's record:
  - Driving 1 to 5 miles an hour over the speed limit on a limited access freeway (except in a work zone, in which case points are assessed and the records of the offense would not fall under these provisions of the bill).
  - Driving a commercial vehicle with a blood alcohol content of 0.04% to 0.08%.
  - Failure to produce proof of insurance.
  - Driving without license or graduated license card in immediate possession.
  - Failure to wear a seatbelt as required.
  - Failure to use a child safety seat or child restraint system as required.
  - Failure to wear a crash helmet as required.
  - Riding with too many people on a bicycle, motorcycle, personal assistive mobility device, or electric skateboard.
  - Improperly riding a bicycle or operating a motorcycle or moped.
  - Riding an electric skateboard in the street when under 12.
  - On a level 1 or level 2 graduated license, using a cell phone while driving.
  - Driving a vehicle that is too wide, too tall, or too long as specified in the code.
  - Improperly towing a mobile home or park model trailer.
  - Failure to have required information attached to a road service vehicle or towing or platform bed wrecker.
  - Bond forfeitures.
  - Overweight loads.
  - Defective equipment.
  - A conviction in another state for a violation that would be a civil infraction in Michigan resulting solely from the driver's failure to appear to contest it.

- The following offenses that have **one or two points**:
  - 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 (except in a work zone, in which case more points are assessed and the records of the offense would not fall under these provisions of the bill).
  - Improperly holding or using a mobile device while driving (except for a first violation).
  - Driving with open alcohol.
  - Transporting or possessing alcohol when under 21.
  - Refusing to submit to a breathalyzer when under 21.
  - On a level 1 graduated license, driving without a parent or other adult in the vehicle.
  - On a level 2 graduated license, improperly driving at night or with two or more passengers who are under 21.
  - Failure to slow and, if possible, move over a lane when passing a stationary emergency vehicle.
  - Any offense for which points would be assigned but specific point values have not been designated.
- The following offenses that have **three points**:
  - Driving 11 to 15 miles an hour over the speed limit.
  - Disobeying a traffic signal or stop sign.
  - Improperly passing.

MCL 257.208

## **BACKGROUND:**

As introduced, the bill is similar to House Bill 4628 of the 2019-20 legislative session, as that bill was passed by the House. However, the previous bill *required* the secretary of state to destroy the listed records after a required retention period of *four* years, while House Bill 5150 *allows* their destruction after *five* years.

## **FISCAL IMPACT:**

House Bill 5150 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 destruction of records would be marginal and likely covered under the ongoing base appropriations.

## **POSITIONS:**

A representative of the Department of State testified in support of the bill. (2-27-24)

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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.