

# Legislative Analysis



## DESTRUCTION OF TRAFFIC OFFENSE RECORDS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**House Bill 5150 as introduced**  
**Sponsor: Rep. Nate Shannon**  
**Committee: Transportation, Mobility and Infrastructure**  
**Complete to 2-26-24**

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:

- An offense with no points under section 320a, 328, 629c, or 710e.<sup>1</sup>
- An offense with fewer than three points under section 320a or 629c.
- An offense with three points under section 320a(1)(n) or (r) or 629c.

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

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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.

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<sup>1</sup> Section 320a: <http://legislature.mi.gov/doc.aspx?mcl-257-320a>  
Section 328: <http://legislature.mi.gov/doc.aspx?mcl-257-328>  
Section 629c: <http://legislature.mi.gov/doc.aspx?mcl-257-629c>  
Section 710e: <http://legislature.mi.gov/doc.aspx?mcl-257-710e>