

# HOUSE BILL No. 5539

February 19, 1992, Introduced by Reps. Byrum, Bartnik, Gire, Saunders, Joe Young, Jr., Weeks, Harder, DeMars and Stallworth and referred to the Committee on Transportation.

A bill to amend sections 207, 208, and 232 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 207 as amended by Act No. 398 of the Public Acts of 1980 and section 208 as amended by Act No. 310 of the Public Acts of 1982, being sections 257.207, 257.208, and 257.232 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 207, 208, and 232 of Act No. 300 of the  
2 Public Acts of 1949, section 207 as amended by Act No. 398 of the  
3 Public Acts of 1980 and section 208 as amended by Act No. 310 of  
4 the Public Acts of 1982, being sections 257.207, 257.208, and  
5 257.232 of the Michigan Compiled Laws, are amended to read as  
6 follows:

1       Sec. 207. (1) An officer or employee designated by the  
2 secretary of state for the purpose of administering the motor  
3 vehicle laws shall administer oaths and acknowledge signatures  
4 without fee.

5       (2) ~~The~~ EXCEPT AS PROVIDED IN THIS ACT, THE secretary of  
6 state and the officers designated by the secretary of state may  
7 prepare under the seal of the secretary of state and deliver,  
8 upon request, a certified copy of a record maintained under this  
9 act and charge a fee as set forth in this act. A certified copy  
10 of a record ~~shall be~~ IS admissible in a proceeding in a court  
11 in the same manner as the original record and ~~shall be~~ IS prima  
12 facie evidence of the facts stated on the record.

13       Sec. 208. (1) Records of the department, other than those  
14 declared by law to be confidential, ~~for the use of the~~  
15 ~~department,~~ shall be open to public inspection under rules as  
16 the secretary of state may promulgate, pursuant to section 3 of  
17 the freedom of information act, Act No. 442 of the Public Acts  
18 of 1976, being section 15.233 of the Michigan Compiled Laws.

19       (2) The secretary of state may destroy any records of the  
20 department which have been maintained on file for 7 years,  
21 including the information contained in the central file main-  
22 tained under section 204a, except the following:

23       (a) Records of convictions of any offense for which points  
24 are provided under section 320a(1)(a), (b), (f), or (9) which may  
25 be destroyed after being maintained on file for 10 years.

1 (b) Records of stolen vehicles reported in section 253,  
2 which may be destroyed after being maintained on file for the  
3 year of entry plus 4 years.

4 (c) Except as otherwise specified in this act, records which  
5 the secretary of state may consider obsolete and of no further  
6 service in carrying out the powers and duties of the department.

7 (3) The secretary of state may destroy a record of suspen-  
8 sion under section 321a, 180 days after termination of the sus-  
9 pension, if the record of suspension does not contain a convic-  
10 tion for a violation of section 904 or a local ordinance substan-  
11 tially corresponding to section 904 during the period of suspen-  
12 sion, or as provided in subsection (2).

13 (4) The secretary of state may destroy a record of receipt  
14 of the notice provided for in section 321a(3) after the court  
15 involved informs the secretary of state that all outstanding mat-  
16 ters regarding section 321a(3) have been resolved.

17 (5) 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 Sec. 232. (1) The secretary of state shall furnish to  
22 chiefs of police in cities of an estimated population of 10,000  
23 or more and to sheriffs of counties ~~—~~ a list of the motor vehi-  
24 cle registrations and ~~such~~ NECESSARY RELATED information.  
25 ~~relating thereto as may be necessary.~~ The secretary of state  
26 ~~is hereby authorized to~~ MAY sell any surplus lists he OR SHE  
27 may publish, and fix a reasonable price therefor. ~~—, the~~ THE

1 proceeds of ~~such~~ THESE sales ~~to be added~~ SHALL BE CREDITED to  
2 the ~~state highway~~ MICHIGAN TRANSPORTATION fund. ~~provided for~~  
3 ~~herein.~~

4 (2) The secretary of state ~~is hereby authorized to~~ MAY  
5 sell, or contract for the sale of, any motor vehicle registration  
6 lists in addition to those distributed at no cost under ~~this~~  
7 ~~section~~ SUBSECTION (1) and ~~to~~ MAY sell or furnish any other  
8 information from the records of the department pertaining to the  
9 sale, ownership, and operation of motor vehicles. The secretary  
10 of state shall fix a reasonable price ~~or charge~~ for the sale of  
11 ~~such~~ THESE lists or other information. ~~and the~~ THE proceeds  
12 ~~therefrom~~ FROM THESE SALES shall be ~~added~~ CREDITED to the  
13 ~~state highway~~ MICHIGAN TRANSPORTATION fund. ~~provided for~~  
14 ~~herein.~~

15 (3) HOWEVER, THE SECRETARY OF STATE SHALL NOT INCLUDE THE  
16 NAME OF A PERSON ON A SURPLUS MOTOR VEHICLE REGISTRATION LIST  
17 SOLD UNDER SUBSECTION (1) OR ON A LIST OR AS PART OF INFORMATION  
18 SOLD UNDER SUBSECTION (2), EITHER OF WHICH ARE SOLD FOR PURPOSES  
19 OF COMMERCIAL SOLICITATION OR ANY COMMERCIAL PURPOSE, UNLESS THE  
20 SECRETARY OF STATE OBTAINS THE WRITTEN CONSENT OF THE PERSON.