

SENATE BILL No. 1241

May 2, 2006, Introduced by Senators ALLEN, GARCIA, GOSCHKA and GEORGE and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 208 (MCL 257.208), as amended by 2004 PA 362.

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
6 convictions of any offense for which points are provided under
7 section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be
8 destroyed after being maintained on file for 10 years. **HOWEVER, IF**
9 **A PERSON IS CONVICTED OF VIOLATING SECTION 625(1) OR (8), THE**
10 **RECORD OF THAT CONVICTION SHALL BE MAINTAINED FOR THE LIFE OF THE**
11 **PERSON.**

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

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

10 (b) Operating a commercial motor vehicle in violation of
11 section 625m.

12 (c) Leaving the scene of an accident.

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

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

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

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

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

24 (4) Records of stolen vehicles reported in section 253 may be
25 destroyed after being maintained on file for the year of entry plus
26 4 years.

27 (5) Except as otherwise specified in this act, records the

1 secretary of state considers obsolete and of no further service in
2 carrying out the department's powers and duties may be destroyed
3 upon that determination.

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

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

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

18 Enacting section 1. This amendatory act does not take effect
19 unless House Bill No. 6009
20 of the 93rd Legislature is enacted into law.