

Act No. 471
Public Acts of 1996
Approved by the Governor
December 22, 1996
Filed with the Secretary of State
December 26, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Senators Bennett and Bouchard

ENROLLED SENATE BILL No. 376

AN ACT to amend sections 208 and 320a of Act No. 300 of the Public Acts of 1949, entitled as amended "An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," section 208 as amended by Act No. 449 of the Public Acts of 1994 and section 320a as amended by Act No. 387 of the Public Acts of 1996, being sections 257.208 and 257.320a of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Sections 208 and 320a of Act No. 300 of the Public Acts of 1949, section 208 as amended by Act No. 449 of the Public Acts of 1994 and section 320a as amended by Act No. 387 of the Public Acts of 1996, being sections 257.208 and 257.320a of the Michigan Compiled Laws, are amended to read as follows:

Sec. 208. (1) Records of the department, other than those declared by law to be confidential for the department's use, shall be open to public inspection under rules the secretary of state promulgates, pursuant to section 3 of the freedom of information act, Act No. 442 of the Public Acts of 1976, being section 15.233 of the Michigan Compiled Laws.

(2) Except as otherwise specified in this section, the secretary of state may destroy any department records maintained on file for 7 years, including the information contained in the central file maintained under section 204a.

(3) Records of convictions of any offense for which points are provided under section 320a(1)(a), (b), (c), or (g) or section 320a(8) may be destroyed after being maintained on file for 10 years.

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

(5) Except as otherwise specified in this act, records the secretary of state considers obsolete and of no further service in carrying out the department's powers and duties may be destroyed upon that determination.

(6) If a record of suspension under section 321a does not contain a conviction for a violation of section 904 or a local ordinance substantially corresponding to section 904 during the period of suspension, the secretary of state may destroy the record 180 days after the suspension terminates or as provided in subsections (2) to (5).

(7) The secretary of state may destroy a record of receipt of the notice provided for in section 321a(6) after the court involved informs the secretary of state that all outstanding matters regarding section 321a(6) have been resolved.

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

Sec. 320a. (1) The secretary of state, within 10 days after the receipt of a properly prepared abstract from this or another state, shall record the date of conviction, civil infraction determination, or probate court disposition, and the number of points for each, based on the following formula, except as otherwise provided in this section and section 629c:

- (a) Manslaughter, negligent homicide, or a felony resulting from the operation of a motor vehicle..... 6 points
- (b) A violation of section 625(1) or a law or ordinance substantially corresponding to section 625(1) 6 points
- (c) A violation or attempted violation of section 625(4) or (5) 6 points
- (d) Failing to stop and disclose identity at the scene of an accident when required by law..... 6 points
- (e) Operating a motor vehicle in a reckless manner 6 points
- (f) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 15 miles per hour..... 4 points
- (g) Violation of section 625(3) or (6) or a law or ordinance substantially corresponding to section 625(3) or (6) 4 points
- (h) Fleeing or eluding an officer 6 points
- (i) Violation of section 626a or a law or ordinance substantially corresponding to section 626a..... 4 points
- (j) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by more than 10 but not more than 15 miles per hour or careless driving in violation of section 626b or a law or ordinance substantially corresponding to section 626b 3 points
- (k) Violation of any law or ordinance pertaining to speed by exceeding the lawful maximum by 10 miles per hour or less..... 2 points
- (l) Disobeying a traffic signal or stop sign, or improper passing 3 points
- (m) Violation of section 624a or a law or ordinance substantially corresponding to section 624a..... 2 points
- (n) Until April 1, 2002, violation of section 310e(4) or (6) or a law or ordinance substantially corresponding to section 310e(4) or (6) 2 points
- (o) All other moving violations pertaining to the operation of motor vehicles reported under this section 2 points
- (p) A refusal by a person less than 21 years of age to submit to a preliminary breath test required by a peace officer under section 625a 2 points

(2) Points shall not be entered for a violation of section 310e(15), 311, 625m, 658, 717, 719, 719a, or 723.

(3) Points shall not be entered for bond forfeitures.

(4) Points shall not be entered for overweight loads or for defective equipment.

(5) If more than 1 conviction, civil infraction determination, or probate court disposition results from the same incident, points shall be entered only for the violation that receives the highest number of points under this section.

(6) If a person has accumulated 9 points as provided in this section, the secretary of state may call the person in for an interview as to the person's driving ability and record after due notice as to time and place of the interview. If the person fails to appear as provided in this subsection, the secretary of state shall add 3 points to the person's record.

(7) If a person violates a speed restriction established by an executive order issued during a state of energy emergency as provided by Act No. 191 of the Public Acts of 1982, being sections 10.81 to 10.89 of the Michigan Compiled Laws, the secretary of state shall enter points for the violation pursuant to subsection (1).

(8) The secretary of state shall enter 6 points upon the record of a person whose license is suspended or denied pursuant to section 625f. However, if a conviction, civil infraction determination, or probate court disposition results from the same incident, additional points for that offense shall not be entered.

(9) If a Michigan driver commits a violation in another state that would be a civil infraction if committed in Michigan, and a conviction results solely because of the failure of the Michigan driver to appear in that state to contest the violation, upon receipt of the abstract of conviction by the secretary of state, the violation shall be noted on the driver's record, but no points shall be assessed against his or her driver's license.

Section 2. This amendatory act shall take effect April 1, 1997.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved _____

Governor.