



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 1241 (Substitute S-1 as reported)
Sponsor: Senator Jason E. Allen
Committee: Judiciary

CONTENT

The bill would amend the Michigan Vehicle Code to require the Secretary of State to maintain certain drunk driving records for the life of the driver.

Under the Code, the Secretary of State may destroy certain records after a specified number of years. Records of convictions for certain violations, for which points are provided on a driver's record, may be destroyed after 10 years. These include various drunk driving and other offenses. Under the bill, however, if a person were convicted of violating Section 625 of the Vehicle Code, the record of conviction would have to be maintained for the life of the person.

(Section 625 prohibits the operation of a vehicle by a person who is under the influence of alcohol and/or a controlled substance (OUIL); who has an alcohol content of .08 gram or more per 100 milliliters of blood, 210 liters of breath, or 67 milliliters of urine; whose ability to operate a vehicle is visibly impaired due to the consumption of alcohol and/or a controlled substance (OWI); or who has in his or her body any amount of a Schedule 1 controlled substance or cocaine. That section also prohibits OUIL or OWI causing the death, or serious impairment of a body function, of another person; authorizing or knowingly permitting a vehicle to be operated by a person who is under the influence or visibly impaired, or who has an alcohol content of .08 or higher; operation of a vehicle by a person under 21 who has any bodily alcohol content (a "zero-tolerance" violation); and a violation of any of the above, except a zero-tolerance violation or authorizing another to operate a vehicle, committed with a passenger who is under 16).

The bill take effect on October 31, 2010, and is tie-barred to House Bill 6009, which would amend the Code to apply felony penalties for a third or subsequent drunk driving offense, regardless of when the prior offenses occurred.

MCL 257.208

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill could have a minimal fiscal impact associated with any additional costs that the Secretary of State could incur from having to keep certain drunk driving records on file for the life of the driver. Currently, records may be deleted after 10 years.

The bill would have no fiscal impact on local government.

Date Completed: 9-26-06

Fiscal Analyst: Joe Carrasco