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BILL ANALYSIS



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House Bill 4496 (as passed by the House)
Sponsor: Representative Candace Curtis
House Committee: Transportation
Senate Committee: Transportation and Tourism

Date Completed: 1-29-96

CONTENT

The bill would amend the Michigan Vehicle Code to require the Secretary of State to establish a computerized central file of driving records. A court or clerk of a court that was electronically connected by computer terminal to the central file could receive into and use as evidence the computer-generated certified information obtained by computer from the central file. A computer-generated or paper copy of a driving record would be admissible in evidence in a court proceeding in the same manner as the original record.

Currently, the Secretary of State is required to create and maintain a central file that provides an individual, historical driving record for a person, including a nonresident, with respect to the following: a license that has been issued under the Code's provisions concerning operator's and chauffeur's licenses; a conviction or civil infraction determination entered against the person for violating the Code or a local ordinance corresponding to the Code; failure of the person to comply with an order or judgment issued pursuant to the Code's provisions on civil infractions (MCL 257.907); a cancellation, denial, revocation, suspension, or restriction of the person's operating privilege under the Code; an accident in which the person was involved; the person's conviction for certain controlled substance violations (MCL 257.319e); and, any other information received by the Secretary of State that must be maintained as part of the person's driving record. The bill would require the Secretary of State to create and maintain a computerized file of this information.

Under the Code, a certified copy of an order, record, or paper maintained in the file is admissible in evidence in the same manner as the original and is prima facie proof of the facts stated in the original (that is sufficient to establish the facts unless rebutted). Under the bill, a computer-generated or paper copy maintained in the computerized central file would be admissible in the same manner as the original and would be prima facie proof of the facts stated in the original.

Under the bill, an order, record, or paper generated by the computerized central file of the Secretary of State could be certified electronically by the generating computer. The certification would have to be a certification of the order, record, or paper as it appeared on a specific date.

A court or the office of the clerk of a court of the State that was electronically connected by a terminal device to the computerized central file of the Secretary of State could receive into and use as evidence in any case the computer-generated certified information obtained by the terminal device from the file. A duly authorized employee of a court of record of this State could order a record for an individual from a Secretary of State computer terminal device located in, and under

the control of, the court, and certify in writing that the document was produced from the terminal and had not been altered in any way.

MCL 257.204a & 257.207

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill could result in administrative savings and reduced postage costs (approximately \$14,000 based on the level of acceptance of electronic certification) to the Department of State. The Department of State receives approximately 55,000 requests annually for certified copies of driver records.

Fiscal Analyst: B. Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.