

3 Your Michigan Driving Record

Michigan maintains a driving record for every driver. The driving record contains information the Department of State is required to maintain, such as moving violations, traffic crashes, and alcohol-related convictions. Drivers with unsatisfactory records may be required to attend a driver re-examination, face possible loss of their license, and pay reinstatement fees. Safe drivers benefit by having a reduced risk of traffic crashes and serious injury, as well as lower insurance rates. Driving safely in Michigan matters.

Your Driving Record

Driving is a privilege. Once you obtain a driver's license, you must continually show that you have the skill and knowledge to drive safely, or your driver's license may be restricted, suspended, or revoked. The Department of State has access to accident information reported by law enforcement as well as for moving violations and certain drug crimes from the courts. Your driving record will include information about civil or criminal moving violations and at-fault crashes. The Department of State is also notified of any traffic crashes, convictions, and findings of responsibility in other states. Convictions from other states will appear on your Michigan driving record along with any points assessed according to Michigan's point system. You may purchase a copy of your own driving record for \$8 at any Secretary of State office.

Most convictions stay on your driving record for at least seven years. Certain convictions and licensing actions stay on your driving record for at least 10 years. A conviction for a fatality remains on your driving record permanently. As of Oct. 31, 2010, a drunken or drugged driving conviction remains on your driving record permanently.

Under Michigan's Driver Privacy Protection acts, personal information on your driving record is private and is not released

to the general public unless there is a permissible use as prescribed by law. Personal information includes your name, address, driver's license number, and similar information. Some examples of permissible uses include insurance rating, automobile recalls, and driver verification for car rental companies.

Traffic Tickets

When a uniformed law enforcement officer driving an official police vehicle signals you to stop, you must pull out of traffic and stop safely as soon as possible. The officer may stop you for a variety of reasons. For example, your vehicle may have defective equipment or match the description of a stolen vehicle, or the officer may have an emergency message for you or may believe you committed a traffic violation. You must be able to show your driver's license, vehicle registration, and proof of insurance to the officer.

Michigan's Point System

Under Michigan law, some traffic violations are civil infractions, while others are misdemeanors or felonies. Depending on the violation and how it is resolved, you may be fined, referred to a special program or, in the most serious situations, sent to jail. In most cases, if you do not take care of a traffic ticket, your driver's license will be suspended. Any traffic tickets for moving violations received while your license is suspended will result in additional suspensions on your driving record and payment of a reinstatement fee.

Each time you are convicted of a traffic violation, you will have to pay certain court fines and costs. In addition, points may be posted to your driving record.

Under Michigan's point system, each traffic violation has a point value, which is set by law in the *Michigan Vehicle Code*. Points are placed on your driving record only after you have been convicted or found guilty of, or responsible for, a moving violation. Points placed on your driving record remain there for two years from the date of conviction. The system used to post points to your driving record is separate from the points assigned by an insurance company to determine your rate. If you believe there are extenuating circumstances for the ticket you received, these must be submitted when you appear in court.

The Department of State cannot set aside a court conviction. The following shows the points for some traffic violations.

Points for Some Traffic Convictions*

Six Points:

- Manslaughter, negligent homicide, or other felony involving use of a motor vehicle.
- Operating while intoxicated or operating with any presence of a Schedule 1 drug or cocaine.
- Failing to stop and give identification at the scene of a crash.
- Reckless driving.
- Refusal to take a chemical test.
- Fleeing or eluding a police officer.
- Failure to yield causing death or injury of emergency responder, construction worker, or person operating implements of animal husbandry.
- Moving violation causing injury or death.

Four Points:

- Drag racing.
- Impaired driving.
- Under age 21 with any bodily alcohol content.
- 16 mph or more over the legal speed limit.
- Failure to yield/show due caution for emergency vehicles.
- Moving violation resulting in an at-fault collision.

Three Points:

- Careless driving.
- Disobeying a traffic signal or stop sign or improper passing.
- 11 through 15 mph over the legal speed limit.

- Failure to stop at railroad crossing.
- Failure to stop for a school bus or for disobeying a school crossing guard.

Two Points:

- 10 mph or less over the legal speed limit.
- Open alcohol container in vehicle.
- All other moving violations of traffic laws.
- Refusal of Preliminary Breath Test (PBT) by anyone under age 21.

*Please note that snowmobile and off-road vehicle (ORV) alcohol-conviction points are placed on a driving record and may result in licensing action against your driving privileges even though the violation happened while operating a snowmobile or ORV. More information is provided in Chapter 11, on pages 122-127.

Basic Driver Improvement Course

Effective Dec. 31, 2010, if you are convicted of certain traffic violations, you may be eligible to attend a Basic Driver Improvement Course (BDIC). The BDIC is optional and may only be used once to keep points off your driving record.

Instruction may take place in a classroom, online, or both. Course providers set the fee for their classes. All course providers are approved through the Department of State.

The Department of State will determine BDIC eligibility and notify you by mail. A listing of BDIC providers is available on the department website. You must successfully complete the BDIC within a specified timeframe, otherwise, points will be placed on your driving record and the violation made available to insurance companies.

Michigan's Driver Responsibility Law

In an effort to promote greater traffic safety, Michigan enacted the Driver Responsibility Law to deter potentially dangerous driving behavior, thereby saving lives. The Driver Responsibility Program calls for monetary sanctions for drivers who:

- Accumulate seven or more points on their driving record (Category 1 offenses)
- Are convicted of specific qualifying offenses (Category 2 offenses)

Only driving offenses with arrest or incident dates on or after Oct. 1, 2003, are counted. Category 1 offenses are for moving violations and include speeding, improper turns, and following too closely.

The Driver Responsibility fee is based on the number of points on the driving record, with a minimum of seven points required before a fee is assessed. The fees begin at \$100 and increase by \$50 for each additional point above seven points.

7 Points \$100	8 Points \$150	9 Points \$200
10 Points \$250	11 Points \$300	12 Points \$350
13 Points \$400	14 Points \$450	15 Points \$500

Drivers assessed a fee under Category 1 are assessed only once per year. Drivers will be assessed each year in which seven or more points show on the record.

Category 2 offenses carry their own Driver Responsibility fee independent from the number of points on the driving record. Drivers convicted of these offenses are assessed a Driver Responsibility fee of \$150, \$200, \$500 or \$1,000 for two consecutive years. The amount is determined by the type of offense.

For example:

- Drunken driving or operating while intoxicated (OWI) - \$1,000
- Reckless driving - \$500
- No proof of insurance - \$200 (May be waived if proof can be provided before the court date that insurance was valid at the time of the traffic stop.)
- Drove while license expired - \$150

Points from Category 2 offenses and convictions are not counted toward the point total for Category 1. Multiple Driver Responsibility fees are assessed if a driver is convicted of multiple offenses under Category 2.

The second year's fees will be assessed on the anniversary date of the first year's fees. Failure to pay results in an indefinite suspension of the driver's license. Fee assessments apply to both licensed and unlicensed drivers. As with other suspensions, a \$125 reinstatement fee is required before the license is restored.

Obtaining a Copy of Your Driving Record

You may obtain a copy of your own driving record through the mail by submitting the form, *Requesting Your Own Record*, BDVR-153, to the Michigan Department of State Record Lookup Unit. Forms are available at branch offices, from the Department of State website, and the Record Lookup Unit.

A certified copy of your own driving record may be purchased at any PLUS Office or SUPER!Center for \$8. You will be required to show your driver's license when requesting your driving record - no form is necessary.

If you do not have a Record Lookup account with the Department of State and you want to obtain a record other than your own, you must submit your request on the *Michigan Department of State – Record Lookup Request* form, BDVR-154. Information is released according to the Driver Privacy Protection acts. You must have a permissible use as defined by law to obtain personal information in a record. If you do not have a permissible use for obtaining personal information, you will receive an edited record revealing only public record information. Each record is \$7 and must be paid for in advance with a check, money order, or Visa, MasterCard, or Discover credit card. A certified copy is available for an additional \$1.

Please mail or fax record request forms to the:

**Michigan Department of State
Record Lookup Unit
7064 Crouner Drive
Lansing, MI 48918-1540
Telephone: (517) 322-1624
Fax: (517) 322-1181**