

Chapter 2: Your Driving Record



Did you know that . . . ?

- In 1901, the Michigan Secretary of State was given the responsibility of maintaining records of motor vehicles and drivers operating in the state.
- By 1913, Michigan had 60,438 registered motor vehicles, more than 20 times the number eight years earlier. Traffic crashes were on the rise too, although there was no requirement to report them.

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 Secretary of State has access to information from law enforcement and the courts, including moving violations, crashes and certain drug crimes. Your driving record will include information about civil or criminal moving violations and crashes.

The Secretary 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 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 or for impaired driving remains on your driving record permanently.

Under Michigan's Driver Privacy Protection Act, 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.

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.

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 of a moving violation. Points placed on your driving record remain there for two years from the date of conviction.

If you have six or more one-point violations, or 12 or more points on your driving record within a two-year

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period, you will be required to undergo a driver assessment reexamination.

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

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 alcohol 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.
- Younger than 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.

Three Points:

- Careless driving.
- Disobeying a traffic signal or stop sign or improper passing.
- 11 to 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:

- Six to 10 mph over the legal speed limit.
- Open alcohol container in vehicle.
- All other moving violations of traffic laws.
- Refusal of Preliminary Breath Test by anyone younger than 21.

Alcohol and drugs

When you drink alcohol or use other drugs and drive, you endanger your life as well as the lives of your passengers and other motorists. Each year, thousands of people are killed or permanently disabled because someone drove under the influence of alcohol or other chemical substances. Michigan takes a strong stand against drivers who abuse substances and drive.



The effects of alcohol are the same whether you drink beer, wine or whiskey. A 12-ounce can of beer, a 5-ounce glass of wine and a 1.5-ounce shot of whiskey all contain the same amount of alcohol. Drink a standard serving of any of these and the effects will be the same to your body. Your judgment and self-control will be affected.

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Consuming even one drink can impair your ability to drive, slow your reaction time, dull your concentration and cause visual problems. Many people mistakenly believe that coffee, a cold shower, exercise or fresh air can sober them up. The only thing that sobers you up is time.

It is best to never drink and drive. Select a designated driver ahead of time who is not going to drink. You also can ask someone else to give you a ride, call a taxi, use public transportation or seek other assistance.



If someone you know has been drinking or using drugs, do not let them drive. Find a designated

driver, call a taxi or insist that the person use public transportation. Never ride with anyone who has been drinking or using drugs. If necessary, take away a person's car keys and offer them a place to sleep. Be sure drivers are completely sober before they get behind the wheel.

Michigan law requires driver's license suspensions for drug convictions, even if you were not driving at the time of the offense. Even the possession, manufacture or distribution of drugs may result in a driver's license suspension. If there are no prior drug violations, your driver's license is suspended for six months.



A restricted license will not be issued during the first 30 days of the suspension. One or more prior drug convictions in seven years means your driver's license will be suspended for one year, and a restricted license will not be issued during the first 60 days of the suspension. The driver's license reinstatement fee is \$125. This fee is separate from the reinstatement fee required for any other driving activity.

Marijuana is gaining acceptance as having legitimate medicinal applications and as a recreational drug, as evidenced by trends in state laws permitting its use. Although marijuana may

be legal for medicinal or recreational use in some states, it is still not legal, safe or wise to operate a motor vehicle while impaired by marijuana since it tends to distort your perception of time, space and speed.

The Michigan Office of Highway Safety Planning reports that in Michigan it is legal to:

- Transport 2.5 ounces or less of marijuana if you are age 21 or older. Not more than 15 grams of marijuana may be in the form of a marijuana concentrate.

But it is illegal to:

- Operate, navigate, or be in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat while under the influence of marijuana.
- Consume marijuana while operating, navigating, or being in physical control of any motor vehicle, aircraft, snowmobile, off-road recreational vehicle, or motorboat. Drivers and their passengers are prohibited from smoking marijuana within the passenger area of a vehicle upon a public way.
- Transport marijuana into Canada.

Law enforcement look for impairment based on driving, personal observations of the driver, and how a driver performs on standardized and nonstandardized field sobriety tests. A police officer may request a chemical test if circumstances indicate one is warranted. Refusing to submit to a chemical test will result in a license suspension pursuant to Michigan's implied consent law. Under this law, all drivers are considered to have given consent to the test when they apply for and renew their driver's license.

The penalties for operating under the influence of marijuana are the same as operating under the influence of alcohol. These penalties can include up to 93 days in jail, up to a \$500 fine, license suspension, six points on a person's driving record, and more. There are heightened penalties if a driver has minors in the vehicle.

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Driver reexaminations



The Secretary of State may conduct a reexamination if there is reason to believe you are unable to operate a motor vehicle safely because of health reasons, or for violating the restrictions on a driver's license, crash involvement or an unsatisfactory driving record.

If you are a probationary driver or in the Graduated Driver Licensing program, you may be required to attend a driver reexamination after only one or two violations.

The purpose of the driver reexamination is to discuss driving performance, determine the appropriate licensing controls to reduce driving risk associated with this performance and encourage improvement. Licensing controls may include restrictions, suspensions, revocations or a combination of these actions.

Michigan law allows for a driver reexamination based on one or more of the following criteria:

- The Secretary of State has reason to believe that you are unfit to drive a motor vehicle or have a physical, visual or mental condition that makes it unsafe for you to operate a motor vehicle.
- Any crash resulting in a fatality where the crash report indicates that you were negligent or had been drinking.
- You have been in three or more traffic crashes resulting in personal injury or property damage over the past two years.
- You have accumulated 12 or more points within a two-year period.
- You have been convicted of violating the restrictions, terms or conditions of your license.

If you are required to attend a reexamination, a driver analyst will review your driving record and discuss your driving behavior with you. If your license is restricted, suspended or revoked as a result of the reexamination, you will be apprised of your appeal rights and license reinstatement information.

A reexamination held due to medical issues may require you to pass several tests, such as vision, written and on-road exams. You may also be required to present your current medical, vision or psychological information.