

CHAPTER 207. RETENTION OF RECORDS

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207.2.	Traffic safety records.
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Authority

The provisions of this Chapter 207 issued under the Vehicle Code, 75 Pa.C.S. § 6104(d), unless otherwise noted.

Source

The provisions of this Chapter 207 adopted December 8, 1978, effective December 9, 1978, 8 Pa.B. 3507, unless otherwise noted.

§ 207.1. Purpose.

This chapter establishes the minimum periods of time that must elapse before the Department may destroy records acquired, established or maintained under 75 Pa.C.S. §§ 101—9701 (relating to the vehicle code), as authorized by 75 Pa.C.S. § 6104(d) (relating to administrative duties of department).

§ 207.2. Traffic safety records.

(a) *Major offenses.* Records pertaining to major offenses shall be retained as follows:

(1) Records pertaining to offenses enumerated under 75 Pa.C.S. § 6503 (relating to subsequent convictions of certain offenses) shall be retained indefinitely.

(2) Records pertaining to offenses enumerated under 75 Pa.C.S. § 1532 (relating to revocation of habitual offender's license) shall be retained for 7 years after the date of the offense, and at least 1 year following reduction of the number of points on the driver's record to zero points.

(b) *Point system.* Records pertaining to offenses enumerated under 75 Pa.C.S. § 1535(a) (relating schedule of convictions and points), shall be retained for 1 year after the driver's record has been reduced to zero points.

(c) *Habitual offenders.* Records pertaining to 75 Pa.C.S. § 1542 (relating to revocation of habitual offender's license) shall be retained for 2 years after the restoration of operating privileges, and at least 1 year following reduction of the number of points on the driver's record to zero points.

(d) *Failure to respond to citation.* Records pertaining to 75 Pa.C.S. § 1533 (relating to suspension of operating privilege for failure to respond to citation) shall be retained for 1 year after the restoration of operating privileges.

(e) *Chemical test.* Records pertaining to 75 Pa.C.S. § 1547 (relating to chemical testing to determine amount of alcohol or controlled substance) shall be retained for 1 year after restoration of operating privileges, or 1 year following

reduction of the number of points on the driver's record to zero points, whichever period expires at a later date.

(f) *Cancellation of driver's license.* Records pertaining to 75 Pa.C.S. § 1572 (relating to cancellation of driver's license) shall be retained until the reason for cancellation has been rectified.

(g) *Withdrawal of consent.* Records pertaining to 75 Pa.C.S. § 1507(d) (relating to withdrawal of consent) shall be retained for 1 year after the licensee attains 18 years of age.

(h) *Renewal examination.* Records pertaining to 75 Pa.C.S. § 1514(b) (relating to examination of applicants for renewal) shall be retained for 1 year after the renewal of operating privileges.

(i) *Other records.* Other records shall be retained as follows:

(1) The following records will be retained for 1 year after restoration:

(i) Records pertaining to section 104(d) of the Pennsylvania No-Fault Motor Vehicle Insurance.

(ii) Records pertaining to suspensions imposed under:

(A) 75 Pa.C.S. § 1118(f) (relating to suspension and cancellation of certificate of title).

(B) 75 Pa.C.S. § 1373 (relating to suspension of registration).

(C) 75 Pa.C.S. § 1375 (relating to suspension of registration of unapproved carriers).

(D) 75 Pa.C.S. § 1503(a)(1) (relating to persons ineligible for licensing)—suspension or revocation of operating privilege in this Commonwealth or any other state.

(E) 75 Pa.C.S. § 1503(a)(2)—suspension or revocation of operating privilege in any other state upon grounds which would authorize the suspension or revocation of the operating privilege under the Vehicle Code.

(F) 75 Pa.C.S. § 1503(a)(6)—a person who is required to take an examination and has successfully passed the examination.

(G) 75 Pa.C.S. § 1503(a)(8)—a person who has repeatedly violated 75 Pa.C.S. §§ 1501—1575 (relating to licensing of drivers).

(H) 75 Pa.C.S. § 1742 (relating to scope of plan)—suspension for nonpayment of judgments. Note: records shall be retained following an agreement until judgment is satisfied.

(I) 75 Pa.C.S. § 1745(c) (Repealed)—suspension for default in payment. Note: records shall be retained following reinstatement of agreement until the judgment is satisfied.

(J) Court ordered suspension or revocation.

(K) 75 Pa.C.S. § 6146 (relating to enforcement agreements)—suspension for failure to respond to citation in Nonresident Violator Compact jurisdiction.

(2) Records pertaining to the following sections shall be retained for 3 years after the restoration of operating privileges:

- (i) 75 Pa.C.S. § 1519(c) (relating to determination of incompetency)—recall of operating privilege.
- (ii) 75 Pa.C.S. § 1503(a)(3) (relating to persons ineligible for licensing).
- (iii) 75 Pa.C.S. § 1503(a)(4).

Authority

The provisions of this § 207.2 issued under the Vehicle Code, 75 Pa.C.S. § 6103(a).

Source

The provisions of this § 207.2 adopted December 8, 1978, effective December 9, 1978, 8 Pa.B. 3507; amended September 18, 1981, effective September 19, 1981, 11 Pa.B. 3226; amended May 21, 1982, effective May 22, 1982, 12 Pa.B. 1644; amended November 4, 1983, effective November 5, 1983, 13 Pa.B. 3400. Immediately preceding text appears at serial pages (71268) to (71270).

Notes of Decisions

Court Order to Expunge

Although the Department of Transportation is authorized by regulation to retain records for specified time periods, those rules are irrelevant where an order of court commands the Department to expunge a specific record at the end of the minimum required period of retention. *Commonwealth v. M.M.M.*, 779 A.2d 1158 (Pa. Super. 2001); appeal denied 793 A.2d 906 (Pa. 2002).

§ 207.3. Driver license, learner permit and identification card records.

- (a) *Driver's license.* Driver's license records shall be retained as follows:
 - (1) *General rule.* Except as otherwise provided in this section, a driver's license record will be retained for a period of 5 years from the date of its expiration.
 - (2) *Driver's record with accident or traffic safety records.* A driver's license or learner's permit record will be retained as long as it contains a traffic safety or accident record.
 - (3) *School bus driver's records.* That portion of the record of a driver which relates to his authorization to drive a school bus (class 4) will be retained:
 - (i) In the case of a person licensed to drive only a school bus, for a period of 3 years after the expiration of the school bus driver's license.
 - (ii) In any other case, for a period of 13 months after the expiration of the last school bus driver's license.
- (b) *Learner's permit.* Learner's permit records shall be retained as follows:
 - (1) *General rule.* Any learner's permit record will be retained for a period of three years after the physical examination date or for a period of 1 year after the expiration of the learner's permit, whichever period ends later.
 - (2) *Learner's permit for additional class driver's license.* Except as otherwise provided in this section, a learner's permit record established for a

licensed driver to obtain an additional class of driver's license will be retained for a period of three years after the expiration of the learner's permit.

(c) *Deceased driver.* Any driver's license or learner's permit record containing an indication that the driver is deceased will be retained for a period of three years after the expiration date of the last driver's license or learner's permit issued to the deceased.

(d) *Identification card.* An identification card record shall be retained for a period of 1 year after the expiration date.

Authority

The provisions of this § 207.3 issued under the Vehicle Code, 75 Pa.C.S. § 6103(a).

Source

The provisions of this § 207.3 adopted September 18, 1981, effective September 19, 1981, 11 Pa.B. 3226.

Notes of Decisions

Court Order to Expunge

Although the Department of Transportation is authorized by regulation to retain records for specified time periods, those rules are irrelevant where an order of court commands the Department to expunge a specific record at the end of the minimum required period of retention. *Commonwealth v. M.M.M.*, 779 A.2d 1158 (Pa. Super. 2001); appeal denied 793 A.2d 906 (Pa. 2002).

§ 207.4. Purge of records.

The Department may purge any of the records described in this chapter after the period of retention has expired.

Authority

The provisions of this § 207.4 issued under the Vehicle Code, 75 Pa.C.S. § 6103(a).

Source

The provisions of this § 207.4 adopted May 14, 1982, effective May 15, 1982, 12 Pa.B. 1583.

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