

State Budget Office  
**Office of Regulatory Reinvention**  
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## REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov).

### 1. Agency Information

Agency name:	Department of Treasury
Division/Bureau/Office:	Bureau of Tax Policy
Agency contact person name, e-mail, and phone:	Margaret L. Patterson, <a href="mailto:Treas_Tax_Policy@michigan.gov">Treas_Tax_Policy@michigan.gov</a> (517) 373-9600

### 2. Rule Set Information

Title of proposed rule set:	Motor Fuel Tax Rules
Rule number(s) or range of numbers:	R 207.1 through R 207.14
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes, to be rescinded.

### 3. Estimated timetable for completion, or statutory deadline, if applicable:

As the Motor Fuel Tax Rules are now obsolete or have been superseded by statute, the rules will be rescinded pursuant to the shortened process under section 44(1) of the Administrative Procedures Act of 1969 (APA), MCL 24.244(1).

### 5. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

Treasury is requesting that the Motor Fuel Tax Rules be rescinded. The Motor Fuel Tax Act (MFTA), MCL 207.1001 through MCL 207.1170, became effective on April 1, 2001. Prior to enactment of the MFTA, Treasury administered motor fuel taxes under 1927 PA 150 (PA 150), MCL 207.101 through MCL 207.202. In accordance with the Administrative Procedures Act of 1969, Treasury issued rules implementing PA 150 identified as the Motor Fuel Tax Rules, R 207.1 through R 207.16.

However, PA 150 was expressly repealed and replaced by the MFTA pursuant to section 169 of the MFTA, MCL 207.1169. These rules relate to matters that are now controlled by the MFTA and are obsolete or have been superseded by the MFTA.

### 5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

Section 44(1) of the APA, MCL 24.244(1) directs that an agency may rescind a rule that is obsolete or superseded and may do without following the full promulgation process.

### 6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

Treasury is requesting that the Motor Fuel Tax Rules be rescinded as the enabling statute pursuant to which the rules were promulgated (PA 150) has been repealed and replaced by the MFTA. These rules relate to matters that are now controlled by the MFTA and are obsolete or have been superseded by the MFTA.

**7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?**

No.

**8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

The rescission of the Motor Fuel Tax Rules will be accomplished pursuant to section 44(1) of the APA.

**9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

An Advisory Rules Committee has not been involved in the rescission of the Motor Fuel Tax Rules.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

There is no applicable decision record.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Margaret L. Patterson

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 ↓ To be completed by the ORR ↓

Date RFR received: 1-25-2019

**Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	2019-019 TY
Date of approval:	1/25/19

**Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	