

**Department of State
2020-2021 Annual Regulatory Plan**

Bureau of Elections

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

Petition Signature Standards: 2005 PA 71 amended the Michigan Election Law (MEL), 1954 PA 116, to require the Secretary of State to “promulgate rules establishing uniform standards for state and local nominating, recall and ballot question petition signatures.” MCL 168.31(2). Amendment was effective January 1, 2007.

2. Please include rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Bureau has not identified any rules to be rescinded.

3. Has the agency failed to exercise any mandatory/statutory rulemaking authority? Please explain.

Experimental Use of New Voting Devices: The MEL requires the Secretary of State to adopt rules governing the experimental use of a new voting device on the local level. MCL 168.770a. No action has been taken as experimental use of such a voting device has never been requested. Further, the provision is now obsolete as a “uniform voting system” has been implemented throughout the state.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

- (a) Whether there is a continued need for the rules.

Yes, there is a continued need for the existing rules. The Bureau has not received “any complaints or comments” regarding rules administered by the Bureau of Elections.

- (b) A summary of any complaints or comments received from the public concerning the rules.

There have been no complaints.

(c) The complexity of complying with the rules.

None.

(d) Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable.

(e) The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Not applicable.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

<https://dtmb.state.mi.us/DTMBORR/AdminCode.aspx?AdminCode=Department&Dpt=ST&>

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

Outstanding:

Petition Signature Standards.

Rules administered by BOE were not the subject of any Advisory Rules Committee recommendations.

**Customer Services Division
Direct Services Section– Uniform Commercial Code**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

Change “last name” to “individual’s surname” in the following rules:
440.202, 440.302, 440.407, 440.408, 440.502

Change “correction statement” to “information statement” in the following rules: 440.102, 440.311, 440.406, 440.412

Change “corporation administrators” to “commercial administrators” in the following rules: 440.103

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

R440.105 can be rescinded as filing forms and fees are prescribed in law.

R440.202 can be rescinded as the information is covered in MCL 440.9516(2) and MCL 440.9520(5).

R440.509 is unnecessary. It is based on a previous UCC information management system which allowed customers to view records in person, by appointment. A web-based search application is now available, making personal visits to the filing office no longer necessary.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

No. Filing office rules are statutorily required by MCL 440.9526. Michigan Rules were created to comply with the 2001 revision of UCC Article 9, on November 20, 2002.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

The rules that refer to a previous UCC information management system are problematic for industry as they no longer accurately describe UCC operations.

A. Whether there is a continued need for the rules.

Yes. The UCC governs all commercial transactions and the administrative rules clarify, not complicate or burden, the process of filing and searching documents.

B. A summary of any complaints or comments received from the public concerning the rules.

None.

C. The complexity of complying with the rules.

None.

D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

The rules do not conflict or duplicate the rules or regulations of other governmental entities. Rules for other state jurisdictions are also statutorily required by the Uniform Commercial Code (UCC) Article 9, Section 9-526.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The last evaluation was in 2019. The current rules became effective November 20, 2002. Since that time, technology no longer necessitates that customers visit the office to receive search information quickly. Additionally, there have been statutory changes and the UCC filing application was replaced and upgraded in 2016.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ARS_Public/AdminCode/DeptBureauAdminCode?Department=State&Bureau=All

https://dtmb.state.mi.us/ARS_Public/AdminCode/DeptBureauAdminCode?Department=State&Bureau=Office%20of%20Customer%20Services

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

[R 440.101 – 440.510]: The Department of State is authorized to promulgate rules that govern the administration of its duties as a filing official. The Department intends to make the rules consistent with 2012 PA 88, which updates definitions, providing greater guidance in the administration of Article 9 and which became effective July 1, 2013.

Traffic Safety Division

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

None

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, July 1, 2020 and June 30, 2021. Also, please identify the rules or rule

sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Division has not identified any rules to be rescinded.

3. Has the agency failed to exercise any mandatory/statutory rulemaking authority? Please explain.

The Division has exercised all of its mandatory/statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

- (a) Whether there is a continued need for the rules.

The Division has determined that all of the Rules should be continued.

- (b) A summary of any complaints or comments received from the public concerning the rules.

- (c) The complexity of complying with the rules.

- (d) Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None.

- (e) The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Visual Standards for Motor Vehicle Drivers' Licenses were last amended in 1979.
The Physical and Mental Standards for Drivers were last amended in 1988.
Although we have experienced advancements in the medical field, they have not affected the rules or our actions.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

http://w3.lara.state.mi.us/orr/AdminCode.aspx?AdminCode=Department&Dpt=ST&Level_1=Driver+Licensing

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

none.

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

None.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

The Section has not identified any rules to be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Section has exercised all its mandatory/statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

- A. Whether there is a continued need for the rules.

The Section has determined that all program area Rules should be continued.

- B. A summary of any complaints or comments received from the public concerning the rules.

- C. The complexity of complying with the rules.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The Motorcycle Safety Education Rules were last updated in 1989. They are identified as the Department of Education rules, but that does not impact the Department of States oversight.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ORRDocs/AdminCode/125_10120_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2020 ARP that have been completed and those that remain outstanding.

None.

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

Department of State, Bureau of Branch Office Services, Motorcycle Operator Tests, R 257.971 through R 257.975 (1984 AACs).

Update to: Department of State, Customer Services Administration, Motorcycle Operator Tests

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

The Division has not identified any rules to be rescinded.

3. Has the agency failed to exercise any mandatory/statutory rulemaking authority? Please explain.

The Division has exercised all of its mandatory/statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None

- (a) Whether there is a continued need for the rules.

Yes, there is a continued need for the existing rules.

- (b) A summary of any complaints or comments received from the public concerning the rules.

None

- (c) The complexity of complying with the rules.

Update all spelling references for "indorsement" with "endorsement".

R 257.971 (e): definition of motorcycle has been updated. Please reference MCL 257.31 in lieu of defining a motorcycle here in R 257.971 (e) that way if the MCL definition is updated we do not need to update the definition in R 257.971 (e).

Update all spelling of “indorsement” and replace with “endorsement”.

R 257.972 update “Examination for indorsement” to “Written examination for endorsement”.

R 257.973 Update “...a motorcycle operator driving test given by the department which is designed to measure the competency of the applicant to operate a motorcycle on the highways of this state with safety to himself or herself and other persons or property.”

To say: “...a motorcycle operator rider skills test given by an examiner approved by the department which is designed to measure the competency of the applicant to operate a motorcycle on the highways of this state with safety to himself or herself and other persons or property.”

Explanation:

Driving skills test services are provided entirely by a privatized third-party testing program, not by the department. This program utilizes a statewide network of approved public and private organizations that employ examiners authorized by the Department to conduct rider skills tests.

R 257.973 (2)(a)(v), strike from rules. There is no curve in the current rider skills test that is being administered by third-party examiner.

R 257.973 (4)(b)(ix), strike from rules. Motorcycle handlebars height restriction was increased from 15” to 30”. See MCL 257.661(a)

R 257.973 (4)(c), strike from rules. There is no requirement to take a motorcycle safety course and obtain a certificate of completion prior to taking the rider skills test.

R 257.975 Rule 5, update “...consult with the motorcycle safety foundation or other recognized experts” to “...consult with the Motorcycle Safety Foundation or other recognized experts”

(d) Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

None

(e) The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

None

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ORRDocs/AdminCode/116_10111_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

None

**Legal Services Administration
Office of Hearings and Administrative Oversight**

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

The Office has not established any Rules to be processed

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency or are otherwise strong candidates for rescission.

The Office has not identified any obsolete or superseded rules that can be rescinded.

3. Has the agency failed to promulgate any statutorily required rules **or** failed to utilize any statutorily required rules? Please explain.

The Office has exercised all its statutory rulemaking authority.

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

None.

- A. Whether there is a continued need for the rules.

Yes there is a continued need for the existing rules.

- B. A summary of any complaints or comments received from the public concerning the rules.

No complaints have been received.

- C. The complexity of complying with the rules.

None.

- D. Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable.

- E. The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

Not applicable.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

https://dtmb.state.mi.us/ORRDocs/AdminCode/118_10113_AdminCode.pdf
https://dtmb.state.mi.us/ORRDocs/AdminCode/112_10107_AdminCode.pdf
https://dtmb.state.mi.us/ORRDocs/AdminCode/106_10101_AdminCode.pdf
https://dtmb.state.mi.us/ORRDocs/AdminCode/2_10002_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding.

None.

Executive Office

1. Rule(s) to be **processed** between July 1, 2020 and June 30, 2021.

Since Executive Order 2014-5 transferred responsibility of the Child's Protection Registry Program to the Department of State, the references to the Department of Labor and Economic Growth in title of rules **R 484.501 through R 484.512 and R 484.501(d)** need to be changed to the Department of State.

2. Please include rules that are obsolete or superseded and can be **rescinded** between July 1, 2020 and June 30, 2021. Also, please identify the rules or rule sets that are least important to the mission and function of the agency, or are otherwise strong candidates for rescission.

Not applicable.

3. Has the agency failed to exercise any mandatory/statutory rulemaking authority? Please explain.

None

4. Please indicate the rules that are most problematic to industry and could be reviewed to determine the most business-friendly method of regulation.

Not applicable.

(a) Whether there is a continued need for the rules.

Yes, there is a continued need for the rules related to the Children's Protection Registry.

(b) A summary of any complaints or comments received from the public concerning the rules.

(c) The complexity of complying with the rules.

None.

(d) Whether the rules conflict with or duplicate similar rules or regulations adopted by the federal government or local units of government.

Not applicable.

(e) The date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed regulatory activity covered by the rules.

The rules were last evaluated in 2018.

5. Please provide the URL link the department or bureau is currently using to display their administrative rules.

[http://w3.lara.state.mi.us/orr/AdminCode.aspx?admincode=Department
&Dpt=ST](http://w3.lara.state.mi.us/orr/AdminCode.aspx?admincode=Department&Dpt=ST)

6. Please provide a list of the items identified for action in the 2019 ARP that have been completed and those that remain outstanding. Please indicate if an item is the subject of an Advisory Rules Committee recommendation.

Not applicable.