

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

611 W. Ottawa Street
Lansing, MI 48909
Phone: 517-335-8658 Fax: 517-335-9512

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Construction Codes

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Carnival and Amusement Safety

5. Rule numbers or rule set range of numbers:

R 408.801 - R 408.898

6. Estimated time frame:

12 months

Name of person filling out RFR:

Amanda Johnson

E-mail of person filling out RFR:

JohnsonA39@michigan.gov

Phone number of person filling out RFR:

517-582-5519

Address of person filling out RFR:

Ottawa Building, Lansing, MI 48893

7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The proposed rules will update the Amusement rules with amendments, deletions, and additions deemed necessary for use in Michigan and to bring our code up to date.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

Department Director.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

The authority to promulgate the proposed rules is found in section 6 of the Carnival-Amusement Safety Act of 1966 (1966 PA 225), MCL 408.656, which provides that the department shall promulgate and formulate definitions, codes, and rules for the safe installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the department finds necessary for the protection of the general public who use carnival and amusement rides.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

The authority to promulgate the proposed rules is found in section 6 of the Carnival-Amusement Safety Act of 1966 (1966 PA 225), MCL 408.656, which provides that the department shall promulgate and formulate definitions, codes, and rules for the safe installation, repair, maintenance, use, operation and inspection of all carnival-amusement rides as the department finds necessary for the protection of the general public who use carnival and amusement rides.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state, regional, or federal government.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

There is no subject matter in these rules that is currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

The rules are listed on the department's annual regulatory plan as rules to be processed for the current year.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

There are no similar rules or regulations adopted by the state, regional, or federal government.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

These rules will incorporate the recommendations received from the public regarding any complaints or comments regarding these rules. The comments or complaints from the public come from either the Public Informal Advisory Meeting or from the Proposed Rule/Code Change Request Form.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The last update for this code was in 2014 and was done to ensure compliance with requirements in the Act.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

No

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

No