

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

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Fire Services

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Fire Inspector Certification

5. Rule numbers or rule set range of numbers:

R 29.501 - R 29.508

6. Estimated time frame:

6 months

Name of person filling out RFR:

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

Rules describe the method(s) by which Fire Inspectors are certified or revoked (including appeals process), delegation of authority occurs, maintenance of certification via continued education and the process by which continued education programs are approved. This rule set is antiquated and needs to be updated to remove items that are no longer supported and better clarify other items .

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

Bureau of Fire Services

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

By authority conferred on the bureau of fire services by sections 1c, 2a, 2b, 3c, and 3e of 1941 PA 207, MCL 29.1c, 29.2a, 29.2b, 29.3c, and 29.3e, and Executive Reorganization Order Nos. 1997-2, 2003-1, and 2011-4, MCL 29.451, 445.2011, and 445.2030.

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

MCL 29.2b(2) of the Fire Prevention Code (Act 207 of 1941) states that the Bureau of Fire Services shall promulgate rules establishing qualifications for certification of an individual or individuals, who is described in Section 2b(1) of the Code, MCL 29.2b(1), as 1 or more individuals employed as full-time fire inspectors by the organized fire department and certified under MCL 29.2b(2) with the authority to enforce 1 or more of the fire safety rules promulgated under this act.

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.

None identified.

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

Yes. Portions of the rules appear on applications (forms with instructions).

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

No.

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 exists no other similar items.

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

Yes, an open forum discussion occurs prior to accepting the rules and there exists an appeal process within the rules.

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.

Last evaluation: 2009. Considerable changes have occurred in the testing and certification process as well as the continuing education and program approval processes.

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

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.