

Annual Regulatory Plan 2024-2025

Department of State
Bureau of Elections

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

New Ruleset: Compliance With Audit Request—rules requiring compliance with Secretary of State audit procedures.

R 168.841 et seq. (amend)—rules governing the Board of State Canvassers (update contact information, incorporating technological advances, etc.).

R 168.101 et seq.—provides rules for electronic return of absent voter ballots by eligible voters. RFR filed and approved.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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 following is a candidate for rescission:
R 169.61 et seq. Officeholder's expense fund**

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

No.

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

N/A

- A. Describe whether there is a continued need for the rules.

N/A

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

N/A

- C. Describe the complexity of complying with the rules.

N/A

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

N/A

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- E. 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 regulatory activity covered by the rules.

N/A

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

[ARS Public - MI Admin Code for State - Elections & Campaign Finance](#)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Completed:

R 4.411 et seq.—lobbyist registration and reporting. Depending on the legislation surrounding the implementation of Proposal 2022-1 and its implications for the Lobbyist Registration Act, the Administrative Rules may also need to be amended to reflect those changes. It was determined that it is not necessary to amend these rules.

Outstanding:

R 168.901 et seq. (amend)—recount procedures. All steps completed up to the JCAR package, currently getting that together and ready for approval by the Board of State Canvassers at the July 19, 2024, meeting.

R 168.771 et seq. (amend)—electronic voting systems. All steps completed up to public hearing, which is scheduled for August 16, 2024.

R 168.101 et seq.—provides rules for electronic return of absent voter ballots by eligible voters. RFR filed and approved.

**Office of Business and Internal Services
Uniform Commercial Code**

1. Rule(s) to be **processed** between July 1, 2024, and June 30, 2025. [Give a brief description.]

R440.101 – R440.510 will require updating due to a new UCC information management system being implemented in late 2024.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024, and June 30, 2025. 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.

None.

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

Yes. Filing office rules are statutorily required by MCL 440.9526. While Michigan Rules were updated in 2023, the revisions were minor and did not bring the Rules fully up to date with the functionality of the current UCC information management system. MCL 440.9526(2)(b) requires Michigan's rules to be in alignment with model administrative rules promulgated by the International Association of Commercial Administrators (IACA) or any successor organization. The model rules promulgated by IACA were updated in 2018 and 2024 and Michigan's rules are no longer in alignment with either version.

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 full UCC rule set will be problematic to industry after the implementation of a new information management system because the Rules will no longer align with the functionality of the system.

- A. Describe 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. Provide a summary of any complaints or comments received from the public concerning the rules.

No complaints received.

- C. Describe the complexity of complying with the rules.

None.

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- D. Describe 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 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. 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 regulatory activity covered by the rules.

The last evaluation was in 2023 and changes/recissions outlined in #6 below were completed.

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

[ARS Public - MI Admin Code for State - Office of Customer Services](#)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

The following rule changes were completed:

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

The following rule recissions were completed: R440.105, R440.202, and R440.509.

No items from the 2024 ARP remain outstanding.

Office of Hearings and Administrative Oversight

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

Except for the proposed rule amendment for Driver Assessment, the Office has not established any rules to be processed.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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. Describe whether there is a continued need for the rules.

Yes there is a continued need for the existing rules.

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

No complaints have been received.

- C. Describe the complexity of complying with the rules.

None.

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

Not applicable.

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- E. 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 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/2_10002_AdminCode.pdf

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

None.

OHAO – Driver Assessment Section

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give a brief description.]

R257.1 – R257.5 (Rule Set 2023-55 ST) currently moving through the rule making process to update the Visual Standards for Motor Vehicle Drivers' Licenses to include standards for telescopic and bioptic lens use for the purpose of determining eligibility for driving privileges.

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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.

None

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

No

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

Neither sets of rules are problematic.

- A. Describe whether there is a continued need for the rules.

Both the Physical and Mental Standards for Drivers (R257.851 – R257.857) and Visual Standards for Motor Vehicle Driver's Licenses (R257.1 – R257.5) establish necessary medical-based standards for eligibility of driver licensing privileges.

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

None

C. Describe the complexity of complying with the rules.

Licensed medical practitioners are requested to complete medical-based forms required to assess individuals for the purpose of determining ability to safely operate a motor vehicle.

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

None

E. 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 regulatory activity covered by the rules.

**R257.851 – 257.857 (1988)
R257.1 – 257.5 (2023) - Rule Set 2023-55 ST currently moving through the rule making process to update the Visual Standards for Motor Vehicle Drivers' Licenses to include standards for telescopic and bioptic lens use for the purpose of determining eligibility for driving privileges.**

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

[ARS Public - MI Admin Code for State - All](#)

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.

Rule Set 2023-55 ST remains outstanding and is estimated to be completed by 2025.

**Office of Investigative Services
Enforcement Division**

1. Rule(s) to be **processed** between July 1, 2024 and June 30, 2025. [Give brief description.]

R257.1701 through R257.1727 Motorcycle Safety Education

2. Rules that are obsolete or superseded and can be **rescinded** between July 1, 2024 and June 30, 2025. 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.

257.1715 Certification. Motorcycle certificates are no longer issued (CARS process).

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

No

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

257.1702

(b) update definition for classroom instruction to include broader language to include on-line training.

(f) review definition of motorcycle to ensure it is consistent with 257.31 or refer to 257.31 for consistency.

257.1706 Hours of classroom instruction. Clarify classroom may include on-line learning as this was established by MSF.

257.1717 update the MSF standards referenced and make current or open for any updates MSF may make to the standards in the future.

257.1708

(a) Add: without restrictions

257.1717. Many MSF standards are “grey” or subjective. Establish state standards to address the areas where MSF does not provide guidance (e.g., no Criminal History Record) to include a definition of what a criminal history record is; if a conviction is necessary; felony/misdemeanor, etc. and who is responsible for conducting the background check

Motor Vehicle Code. 257.811a is also related to motorcycle safety education. This statute should be reviewed during any Admin Rule updates including, subsection 3 and 6.

Subsection (3) – states SOS is responsible for teacher qualifications, reimbursement procedures, the establishment of courses. MSF establishes qualifications and courses which MDOS adopts per the Admin Rules.

Subsection (6) – states SOS designated person must successfully complete rider coach course to perform annual inspections of MC course sites – **that seems to imply that it should be done in person. Consider updating this section to remove requirement for completing a rider coach course in order to perform annual inspections.**

- A. Describe whether there is a continued need for the rules.

Yes

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

None

- C. Describe the complexity of complying with the rules.

The Motorcycle Safety Foundation curriculum requirements are subject to change, which requires changes in the administration of the MI Rider Education Program (MIREP).

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

No

E. 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 regulatory activity covered by the rules.

1989-Administration of the program was transferred from Dept. of Education to MI Dept. of State

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

6. Please provide a list of the items identified for action in the 2024 ARP that have been completed and those that remain outstanding.