

State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building,
Lansing, MI 48933
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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.

1. Agency Information

Agency name:	Department of Insurance and Financial Services
Division/Bureau/Office:	Office of General Counsel
Name, title, phone number, and e-mail of person completing this form:	Sarah Wohlford, Deputy General Counsel, 517-284-8743, wohlfords@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Regulatory Loan Licensees
Rule number(s) or range of numbers:	R 493.1 through R 493.95
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes.

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

As soon as possible.

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

These rules establish requirements for licensees under the Regulatory Loan Act, MCL 493.1 <i>et seq.</i> , related to recordkeeping and retention, insurance, business hours, and advertising. These amendments will reflect changes necessitated by PA 171 of 2017, as well as current practices within DIFS related to these licensees.

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.

These rules are promulgated under MCL 493.21.

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.

Regulatory loan licensees are regulated primarily by the states, but are subject to several federal statutes, including the Truth in Lending Act (TILA). These rules do not conflict with, duplicate or exceed regulations issued under TILA or any other federal statute or regulations.

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

Yes. With regard to R 493.5, an application with instructions for a license under the Regulatory Loan Act is found here: https://www.michigan.gov/documents/cis_ofis_fis_1026_23430_7.pdf .
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8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the full rulemaking process.

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

No.

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.

No.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Sarah Wohlford

↓ To be completed by the ORR ↓

Date RFR received:3-7-2019

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:	2019-029 IF
Date of approval:	3/12/19

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

Date of disapproval:	
Explanation:	