

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

MOAHR-Rules@michigan.gov

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

State Police

**2. Bureau:**

Director's Office

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Requests for Declaratory Rulings

**5. Rule numbers or rule set range of numbers:**

R 28.101 - R 28.101

**6. Estimated time frame:**

12 months

**Name of person filling out RFR:**

Keith Wuotinen

**E-mail 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.**

Upon request by an interested person, the department may issue a declaratory ruling to an actual state of facts of a statute administered by the department or of a rule or order of the department. The purpose of these rules is to prescribe the form for such a request and procedure for its submission, consideration, and disposition.

**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 63 of 1969 PA 306, MCL 24.263, which provides that the department "shall prescribe by rule the form for such a request and procedure for its submission, consideration and disposition."

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

Yes. The authority to promulgate the proposed rules is found in Section 63 of 1969 PA 306, MCL 24.263, which provides that the department "shall prescribe by rule the form for such a request and procedure for its submission, consideration and disposition."

**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.**

The proposed rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

**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 operations memoranda.

**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.**

The proposed rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

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

Yes. The department received a request to "prescribe by rule the form for such a request and procedure for its submission, consideration and disposition" as described in MCL 24.263. The proposed rules will be responsive to this request.

**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 proposed rules are not amending an existing rule set.

**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.**