

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

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

State

2. Bureau:

Vehicles & Watercraft

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Michigan Personalized Plates Rules

5. Rule numbers or rule set range of numbers:

R 257.11 - R 257.20

6. Estimated time frame:

6 months

Name of person filling out RFR:

Erin Lillie

E-mail of person filling out RFR:

LillieE@michigan.gov

Phone number of person filling out RFR:

517-648-8707

Address of person filling out RFR:

Richard H. Austin Building, 4th Floor
430 W. Allegan
Lansing, MI 48909

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

To establish rules for the issuance of personalized license plates under MCL 257.803b and MCL 257.803m.

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

"The secretary of state may promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, necessary to administer this act." MCL 257.204(2).

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

MCL 257.204(2), MCL 257.803b, and MCL 257.803m.

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

No.

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 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?

Yes. The MDOS website, located at <https://www.michigan.gov/sos/all-services/personalize>, provides:

"Under sections 257.803b and 257.803m of the Michigan Vehicle Code, the Secretary of State may issue a personalized license plate instead of a standard plate. This voluntary program allows individuals to request a particular configuration for their license plate. The Michigan Vehicle Code requires that the Secretary of State prescribe the letters and numbers for all plates, however, not all requests will be granted.

The Secretary of State will not issue a configuration of either letters, numbers, or letters and numbers that carries a connotation that is profane-or obscene; is a swear word of depiction of a swear word; is sexually explicit or graphic; is excretory-related; is used to describe intimate body parts or genitals; is used to describe alcohol, alcohol use, drugs, drug culture or drug use; is used to describe illegal activities or illegal substances; substantially interferes with plate identification for law enforcement purposes; is used to disparage or promote or condone hate or violence directed at any type of business, group or persons, a foreign word falling into these categories, or that conflicts with the regular license plate numbering system.

Please note: The Michigan personalized plate program is a voluntary program and may be suspended or canceled at any time. Under the Michigan Vehicle Code, the license plate is state property. Once issued, if at a later date the plate choice is determined to conflict with the standards listed, the Department of State may recall the license plate."

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 rules would 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.

No. This proposed rule has not been submitted to the public for comment.

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.

This proposed rule does not amend a current rule.

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?

This proposed rule does not amend a current rule.

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.