

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

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

State

2. Bureau:

Driver Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Visual Standards For Motor Vehicle Driver's Licenses

5. Rule numbers or rule set range of numbers:

R 257.1 - R 257.5

6. Estimated time frame:

12 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.

The Visual Standards for Motor Vehicle Drivers' Licenses establish the minimum visual acuity and peripheral requirements for the purpose of eligibility for driving privileges, full or restricted.

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

By authority conferred upon the secretary of state by section 309 of Act No. 300 of Public Acts of 1949, as amended, being Section 257.309 of the Michigan Compiled Laws.

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

MCL 257.309

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

Mandated by MCL 257.309 (3), as amended.

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?

This rule is referenced in the Driver Assessment Section's procedure manual.

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

The rule currently exists and is referenced in the annual regulatory plan, this is a request to open the rule and update.

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 rule establishes the visual standards for eligibility of driving privileges, full or restricted. Similar regulation, requirements, or standards do not exist.

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

No

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 rule was last amended in 1974. Availability and use of telescopic or biopic lens has increased. The requested change details the standard when use of telescopic or biopic lens are necessary.

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.