



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

May 22, 2023

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rules #22-033-SP)
Legislative Service Bureau (Secretary of State Filing #23-05-10)
Department of State Police

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2022-033-SP (Secretary of State Filing #23-05-10) on this date at 12:58 PM. for the Department of State Police entitled, "Drunk Driving Equipment and Training Fund."

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

Sincerely,

Jocelyn Benson
Secretary of State

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

ORLENE HAWKS
DIRECTOR

May 22, 2023

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2022-33 SP

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated February 6, 2023 for the Department of State Police “**Drunk Driving Equipment and Training Fund**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

Michigan Office of Administrative Hearings and Rules



STATE OF MICHIGAN
DEPARTMENT OF STATE POLICE
LANSING

GRETCHEN WHITMER
GOVERNOR

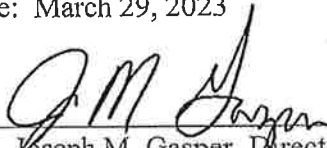
COL. JOSEPH M. GASPER
DIRECTOR

CERTIFICATE OF ADOPTION

I, Col. Joseph M. Gasper, Director of the Department of State Police, do formally adopt the attached administrative rules, by amending R 257.991, R 257.992, R 257.993, R 257.994, and R 257.996 of the Michigan Administrative Code.

These rules are adopted pursuant to authority conferred on the Department of State Police by section 625h of the Michigan Vehicle Code, 1949 PA 300, MCL 257.625h.

Date: March 29, 2023


Col. Joseph M. Gasper, Director



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated February 6, 2023, in which the Department of State Police proposes to modify a portion of the Michigan Administrative Code entitled “**Drunk Driving Prevention Equipment and Training Fund**” by:

- ◆ Amending R 257.991, R 257.992, R 257.993, R 257.994, and R 257.996.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: March 27, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
Attorney



Since 1941

Legal Division

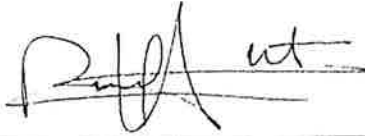
Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of State Police dated February 6, 2023, amending R 257.991, R 257.992, R 257.993, R 257.994, and R 257.996 of the Department's rules entitled "Drunk Driving Prevention Equipment and Training Fund." I approve the rules as to form, classification, and arrangement.

Dated: March 27, 2023

LEGISLATIVE SERVICE BUREAU

By 

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF STATE POLICE

SPECIAL OPERATIONS DIVISION

DRUNK DRIVING PREVENTION EQUIPMENT AND TRAINING FUND

Filed with the secretary of state on May 22, 2023

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of state police by section 625h of the Michigan vehicle code, 1949 PA 300, MCL 257.625h)

R 257.991, R 257.992, R 257.993, R 257.994, and R 257.996 of the Michigan Administrative Code are amended, as follows:

R 257.991 Definitions.

Rule 1. As used in these rules:

- (a) "Act" means the Michigan vehicle code, 1949 PA 300, of MCL 257.1 to 257.923.
- (b) "Breath alcohol test instrument" means an evidential breath-testing device that indicates a specific breath alcohol concentration expressed as grams of alcohol per 210 liters of breath.
- (c) "Department" means the department of state police.
- (d) "Fund" means the drunk driving prevention equipment and training fund described in section 625h of the act, MCL 257.625h.
- (e) "Preliminary breath alcohol test instrument" means a breath alcohol screening device that indicates the presence or absence of alcohol in the individual's breath.

R 257.992 Fund.

Rule 2. (1) The department shall allocate sufficient money from the fund to cover the following:

- (a) The salaries and other necessary expenses to administer the fund.
- (b) The acquisition and maintenance of breath alcohol test instruments, supplies, and accessories.
- (c) The training required for law enforcement personnel on the use of breath alcohol testing instruments.

(2) The department may allocate fund money for the acquisition of preliminary breath alcohol test instruments, supplies, and accessories.

R 257.993 Purchase of breath alcohol test instruments.

Rule 3. The department shall purchase, maintain, and retain ownership of breath alcohol test instruments. At least 1 breath alcohol test instrument must be placed in each county at a location determined by the department. Additional instruments must be

placed, maintained, or moved by the department according to considerations including, but not limited to, population density, proximity of additional instruments, historical usage, instrument accessibility, and the department's ability to adequately maintain the instruments.

R 257.994 Maintenance of equipment.

Rule 4. The department shall manage the maintenance of instruments that are purchased from the fund.

R 257.996 Purchase of preliminary breath alcohol test instruments.

Rule 6. (1) The department shall evaluate and designate preliminary breath alcohol test instruments that can be purchased by all law enforcement agencies in this state.

(2) The department may expend fund money as grants to law enforcement agencies for preliminary breath alcohol test instruments, including the maintenance of the instruments. The following agencies may apply for preliminary breath alcohol test instruments:

- (a) The department.
- (b) County sheriff departments.
- (c) Local law enforcement agencies.

(3) An agency shall submit an application for grant funding to the department on the form and in the manner prescribed by the department. The completed application must contain all of the information required by the department.

(4) The department may distribute preliminary breath alcohol test instruments as follows:

- (a) A certified law enforcement agency that does not have any instruments must receive at least 1 instrument.
- (b) The ratio of distribution of fund money among the department, sheriff departments, and local agencies must be based on the ratio of marked patrol vehicles at the department, sheriff departments, and local agencies.
- (c) The department shall allocate money from the fund each fiscal year for other breath alcohol test instruments.

FILED WITH SECRETARY OF STATE

ON 5/22/2023 AT 12:58PM