

**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:**

Forensic Science Division

**3. Promulgation type:**

Full Process

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

Drunk Driving Equipment and Training Fund

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

R 257.991 - R 257.996

**6. Estimated time frame:**

6 months

**Name of person filling out RFR:**

John Gemellaro

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

The purpose of the rules is to implement the framework for administrating the drunk driving prevention equipment and training fund pursuant to MCL 257.625h. That section requires that monies in the fund be used to administer the fund, purchase and maintain breath alcohol testing equipment, and provide training to law enforcement personnel in the use of the testing equipment.

The rules are intended to clarify the department's authority to place, move, or remove its breath alcohol testing equipment based on available resources, practical, operational, and historical needs.

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

The department has the authority and responsibility to promulgate rules for approving an instrument for chemical tests and the administration of chemical tests under MCL 257.625a(6)(g). With that, the department is required under MCL 257.625h(4) to administer funds for purchasing and maintaining the instruments and to train personnel in the use of the instruments.

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

MCL 257.625a

MCL 257.625h

MCL 324.80181

MCL 324.82137

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

MCL 257.625h(4) requires the department to promulgate these rules. MCL 257.625a(6)(g), which requires the department to promulgate rules pertaining to the administration of chemical tests.

**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?**

The subject matter of the rules are not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational 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 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.**

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 rules were last evaluated in June 2021. The current test instrument is outdated and due to technology advancements the department is purchasing, installing, and supporting new devices. These new devices require this rule set to be amended accordingly.

**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