

**495—33.1(17A,97B,ExecOrd11) Applicability.** This chapter outlines a uniform process for the granting of waivers from rules adopted by the agency.

**33.1(1) Agency authority.** A waiver from rules adopted by the agency may be granted in accordance with this rule if:

*a.* The agency has exclusive rule-making authority to promulgate the rule from which a waiver is requested or has final decision-making authority over a contested case in which a waiver is requested; and

*b.* No statute or rule otherwise controls the grant of a waiver from the rule for which a waiver is requested.

**33.1(2) Interpretive rules.** This chapter shall not apply to rules that merely define the meaning of a statute or other provisions of law or precedent if the agency does not possess delegated authority to bind the courts to any extent with its definition.

**33.1(3) Compliance with statute.** No waiver may be granted from a requirement that is imposed by statute. Any waiver must be consistent with statute.