



Replacement Check List

For rules filed within the
3rd Quarter
July 1- September 30, 2016

THE ARIZONA ADMINISTRATIVE CODE

Within the stated calendar quarter, this Chapter contains all rules made, amended, repealed, renumbered, and recodified; or rules that have expired or were terminated due to an agency being eliminated under sunset law. These rules were either certified by the Governor's Regulatory Review Council or the Attorney General's Office; or exempt from the rulemaking process, and filed with the Office of the Secretary of State. Refer to the historical notes for more information. Please note that some rules you are about to remove may still be in effect after the publication date of this Supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.

Title 13. Public Safety

Chapter 3. Department of Public Safety - Tow Trucks

Supplement Release Quarter: 16-3

Sections, Parts, Exhibits, Tables or Appendices modified

A.R.S. citations updated in R13-3-701(B)(1) and R13-3-1201(B)(1)

REMOVE Supp. 10-2
Pages: 1 - 11

REPLACE with Supp. 16-3
Pages: 1 - 12

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Disclaimer: Please be advised the person listed is the contact of record as submitted in the correction letter for this supplement. The contact and other information may have changed and is provided as a public courtesy.

PUBLISHER
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Office of the Secretary of State, Public Services Division

PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
PUBLIC SERVICES DIVISION
September 30, 2016

RULES

A.R.S. § 41-1001(17) states: “‘Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE

The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions. Virtually everything in your life is affected in some way by rules published in the Arizona Administrative Code, from the quality of air you breathe to the licensing of your dentist. This chapter is one of more than 230 in the Code compiled in 21 Titles.

ADMINISTRATIVE CODE SUPPLEMENTS

Rules filed by an agency to be published in the Administrative Code are updated quarterly. Supplement release dates are printed on the footers of each chapter:

First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31

For example, the first supplement for the first quarter of 2016 is cited as Supp. 16-1.

HOW TO USE THE CODE

Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARTICLES AND SECTIONS

Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering system separated into subsections.

HISTORICAL NOTES AND EFFECTIVE DATES

Historical notes inform the user when the last time a Section was updated in the Administrative Code. Be aware, since the Office publishes each quarter by entire chapters, not all Sections are updated by an agency in a supplement release. Many times just one Section or a few Sections may be updated in the entire chapter.

ARIZONA REVISED STATUTE REFERENCES

The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules are often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES

Arizona Session Law references in the introduction of a chapter can be found at the Secretary of State’s website, www.azsos.gov/services/legislative-filings.

EXEMPTIONS FROM THE APA

It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Arizona Administrative Register online at www.azsos.gov/rules, click on the Administrative Register link.

In the Administrative Code the Office includes editor’s notes at the beginning of a chapter indicating that certain rulemaking Sections were made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR

If you are researching rules and come across rescinded chapters on a different paper color, this is because the agency filed a Notice of Exempt Rulemaking. At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE

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Public Services managing rules editor, Rhonda Paschal, assisted with the editing of this chapter.

TITLE 13. PUBLIC SAFETY

CHAPTER 3. DEPARTMENT OF PUBLIC SAFETY - TOW TRUCKS

(Authority: A.R.S. § 28-1007 et seq.)

ARTICLE 1. REPEALED AND EXPIRED

Article 1, consisting of Section R13-3-101, automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

Section
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ARTICLE 2. REPEALED AND EXPIRED

Article 2, consisting of Sections R13-3-201 through R13-3-204, automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

Section
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R13-3-202. Repealed and Expired 3
R13-3-203. Repealed and Expired 3
R13-3-204. Repealed and Expired 3

ARTICLE 3. REPEALED AND EXPIRED

Article 3, consisting of Sections R13-3-301 through R13-3-308, automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

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ARTICLE 4. REPEALED AND EXPIRED

Article 4, consisting of Sections R13-3-401 and R13-3-402, automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

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ARTICLE 5. REPEALED AND EXPIRED

Article 5, consisting of Section R13-3-501, automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

Section
R13-3-501. Repealed and Expired 4

ARTICLE 6. REPEALED AND EXPIRED

Article 6, consisting of Sections R13-3-601 through R13-3-604, automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

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Article 7, consisting of Sections R13-3-701 through R13-3-703, made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

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Section
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ARTICLE 9. TOW TRUCK REGISTRATION AND COMPLIANCE INSPECTION

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ARTICLE 1. REPEALED AND EXPIRED**R13-3-101. Repealed and Expired****Historical Note**

Former rules 2.0 - 2.08; Former Section R13-3-01 repealed, former Section R13-3-02 renumbered and amended as Section R13-3-101 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

ARTICLE 2. REPEALED AND EXPIRED**R13-3-201. Repealed and Expired****Historical Note**

Former rule 3.0; Former Section R13-3-11 renumbered and amended as Section R13-3-201 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-202. Repealed and Expired**Historical Note**

Former rules 3.01 - 3.01.03; Former Section R13-3-12 renumbered and amended as Section R13-3-202 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-203. Repealed and Expired**Historical Note**

Former rules 3.02 - 3.02.05; Former Section R13-3-13 renumbered and amended as Section R13-3-203 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 713, effective April 5, 2008 (Supp. 08-1). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-204. Repealed and Expired**Historical Note**

Former rules 3.02.06 - 3.02.10; Former Section R13-3-14 renumbered and amended as Section R13-3-204 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

ARTICLE 3. REPEALED AND EXPIRED**R13-3-301. Repealed and Expired****Historical Note**

Former rules 4.0 - 4.02; Former Section R13-3-21 renumbered and amended as Section R13-3-301 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175,

both effective June 1, 2010 (Supp. 10-2).

R13-3-302. Repealed and Expired**Historical Note**

Former rule 5.0; Former Section R13-3-22 renumbered without change as Section R13-3-302 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-303. Repealed and Expired**Historical Note**

Former rules 6.0 - 6.02; Former Section R13-3-23 renumbered and amended as Section R13-3-303 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-304. Repealed and Expired**Historical Note**

Former rules 7.0 - 7.03; Former Section R13-3-24 renumbered and amended as Section R13-3-304 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-305. Repealed and Expired**Historical Note**

Former rules 8.0 - 8.04; Correction, subsection C. Paragraph 4. not included in original publication (Supp. 77-1). Former Section R13-3-25 renumbered and amended as Section R13-3-305 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-306. Repealed and Expired**Historical Note**

Former rules 9.0 - 9.05.03; Correction, subsection (C)(3) and (4) not included in original publication (Supp. 77-1). Former Section R13-3-26 renumbered and amended as Section R13-3-306 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-307. Repealed and Expired**Historical Note**

Former rules 10.0 - 10.04; Former Section R13-3-27 renumbered and amended as Section R13-3-307 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175,

both effective June 1, 2010 (Supp. 10-2).

R13-3-308. Repealed and Expired

Historical Note

Former rules 11.0 - 11.06; Former Section R13-3-28 renumbered as Section R13-3-308 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

ARTICLE 4. REPEALED AND EXPIRED

R13-3-401. Repealed and Expired

Historical Note

Former rules 12.0 - 12.17.02.02; Former Section R13-3-35 renumbered and amended as Section R13-3-401 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-402. Repealed and Expired

Historical Note

Former rule 12.18; Former Section R13-3-36 renumbered and amended as Section R13-3-402 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

ARTICLE 5. REPEALED AND EXPIRED

R13-3-501. Repealed and Expired

Historical Note

Former rules 13.0 - 13.05; Former Section R13-3-40 renumbered and amended as Section R13-3-501 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

ARTICLE 6. REPEALED AND EXPIRED

R13-3-601. Repealed and Expired

Historical Note

Former rules 14.0 - 14.02; Former Section R13-3-45 renumbered and amended as Section R13-3-601 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-602. Repealed and Expired

Historical Note

Former rules 15.0 - 15.01; Former Section R13-3-46 renumbered and amended as Section R13-3-602 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175,

both effective June 1, 2010 (Supp. 10-2).

R13-3-603. Repealed and Expired

Historical Note

Former rules 16.0 - 16.01.05; Former Section R13-3-47 renumbered and amended as Section R13-3-603 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

R13-3-604. Repealed and Expired

Historical Note

Former rules 17.0 - 17.08; Former Section R13-3-48 renumbered and amended as Section R13-3-604 effective September 26, 1985 (Supp. 85-5). Amended by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Section automatically repealed; expired by G.R.R.C. under A.R.S. § 41-1056(E) at 16 A.A.R. 1175, both effective June 1, 2010 (Supp. 10-2).

ARTICLE 7. DEFINITIONS, SCOPE, AND ENFORCEMENT DATES

R13-3-701. Definitions

- A.** The definitions in A.R.S. §§ 28-101 and 41-1701 apply to this Chapter.
- B.** In this Chapter:
1. "Alter" means adding, modifying, or removing any equipment or component after a tow truck has received a permit decal from the Department, in a manner that may affect the operation of the tow truck, compliance with A.R.S. § 41-1830.51 and this Chapter, or the health, safety, or welfare of any individual.
 2. "Bed assembly" means the part of a tow truck that is located behind the cab, is attached to the frame, and is used to mount a boom assembly, hoist, winch, or equipment for transporting vehicles.
 3. "Boom assembly" means a device, consisting of sheaves, one or more winches, and wire rope, that is attached to a tow truck and used to lift or tow another vehicle.
 4. "Collision" means an incident involving one or more moving vehicles resulting in damage to a vehicle or its load that requires the completion of a written report of accident under A.R.S. § 28-667(A).
 5. "Collision recovery" means initial towing or removing a vehicle involved in a collision from the collision scene.
 6. "Denial" means refusal to satisfy a request.
 7. "Department" means the Arizona Department of Public Safety.
 8. "Director" means the Director of the Arizona Department of Public Safety or the Director's designee.
 9. "Emergency brake" means the electrical, mechanical, hydraulic, or air brake components used to slow or stop a vehicle after a failure of the service brake system.
 10. "Flatbed" means an open platform that is located behind the cab and attached to the frame of a truck.
 11. "G.V.W.R." means Gross Vehicle Weight Rating, the value specified by the manufacturer as the fully assembled weight of a single motor vehicle.
 12. "Hook" means a steel hook attached to an end of a wire rope or chain.
 13. "Parking brake system" means the electrical, mechanical, hydraulic, or air brake components used to hold the tow truck or combination under any condition of loading to prevent movement when parked.

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14. "Permit decal" means the non-transferable decal that a tow truck company is required to obtain from the Department before operating a tow truck for the purpose of towing a vehicle.
15. "Person" means the same as in A.R.S. § 1-215.
16. "Power-assisted service brake system" means a service-brake system that is equipped with a booster to supply additional power to the service-brake system by means of air, vacuum, electric, or hydraulic pressure.
17. "Power-operated winch" means a winch that is operated by electrical, mechanical, or hydraulic power.
18. "Service-brake system" means the electrical, mechanical, hydraulic, or air brake components used to slow or stop a vehicle in motion.
19. "Snatch block" means a metal case that encloses one or more pulleys and can be opened to receive a wire rope and redirect energy from a winch.
20. "State" means the state of Arizona.
21. "Steering wheel clamp" means a device used to secure in a fixed position the steering wheel of a vehicle being towed.
22. "Suspension" is the temporary withdrawal of the tow truck permit decal because the Department determines the tow truck or tow truck agent is not in compliance with one or more requirements of this Chapter.
23. "Tow bar" means a device attached to the rear of a tow truck to secure a towed vehicle to the tow truck by chains, straps, or hooks.
24. "Tow plate" means a solid metal support attached to the rear of a tow truck to secure a towed vehicle to the tow truck by chains, straps, or hooks.
25. "Tow sling" means two or more flexible straps attached to the wire rope or boom assembly of a tow truck to hoist a towed vehicle by chains, straps, or hooks.
26. "Tow truck" means a motor vehicle designed, manufactured, or altered to tow or transport one or more vehicles. The following are tow trucks:
 - a. A truck with a flatbed equipped with a winch;
 - b. A truck drawing a semi-trailer or trailer equipped with a winch;
 - c. A motor vehicle that has a boom assembly or hoist permanently attached to its bed or frame;
 - d. A motor vehicle that has a tow sling, tow plate, tow bar, under-lift, or wheel-lift attached to the rear of the vehicle; and
 - e. A truck-tractor drawing a semi-trailer equipped with a winch.
27. "Tow truck agent" means an individual who operates a tow truck on behalf of a tow truck company, and includes owners, individuals employed by the tow truck company, and independent contractors.
28. "Tow truck company" means a person that owns, leases, or operates a tow truck that travels on a street or highway to transport a vehicle, including, but not limited to a vehicle that is damaged, disabled, unattended, repossessed, or abandoned.
29. "Truck-tractor protection valve" means a device that supplies air to the service brake system of a trailer to release the service brakes while the trailer is being towed by a truck- tractor, or to activate the service brakes if the supply of air from the truck-tractor to the trailer is disconnected or depleted.
30. "Under-lift" means an electrical, mechanical, or hydraulic device attached to the rear of a tow truck used to lift the front or rear of a vehicle by its axles or frame.
31. "Vehicle" means the same as in A.R.S. § 28-101.
32. "Wheel lift" means an electrical, hydraulic, or mechanical device attached to the rear of a tow truck used to lift the front or rear of a vehicle by its tires or wheels.
33. "Winch" means a device used for winding or unwinding wire rope.
34. "Wire rope" means flexible steel or synthetic strands that are twisted or braided together and may surround a hemp or wire core.
35. "Work lamp" means a lighting system that is mounted on a tow truck capable of illuminating an area to the rear of the tow truck.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). At the Department's request, the A.R.S. citation was corrected in subsection (B)(1) as Laws 2015, Ch. 265 transferred duties relating to towing services; Office file number M16-202 (Supp. 16-3).

R13-3-702. Scope of Chapter

This Chapter applies only to a tow truck company in the business of towing and a tow truck agent.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-703. Enforcement Dates

As of the effective date of Articles 7 through 13, a tow truck agent shall ensure that a tow truck:

1. Introduced into the state on or after the effective date of Articles 7 through 13 meets the requirements of Articles 7 through 13;
2. Registered and operating as a tow truck in the state before the effective date of Articles 7 through 13, either meets the requirements of Articles 7 through 13 or Articles 1 through 6 until June 1, 2010, at which time the tow truck shall meet the requirements of Articles 7 through 13;
3. Sold to a new owner meets the requirements of Articles 7 through 13 before operating as a tow truck within this state; or
4. Not included in the definition of "tow truck" in R13-3-701 before the effective date of Articles 7 through 13, meets the requirements of Articles 7 through 13 within six months of the effective date of Articles 7 through 13 when operating as a tow truck in this state.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

ARTICLE 8. TOW TRUCK COMPANY REGISTRATION**R13-3-801. Tow Truck Company Registration**

- A.** A person shall not operate a tow truck to tow a vehicle unless a tow truck agent registers the tow truck company with the Department. The tow truck agent shall:
1. Obtain a tow truck company application from the Department and complete the application form by including the following information:
 - a. The name, address, and telephone number of the tow truck company;
 - b. The tow truck owner's name, address, telephone number and date of birth. If the owner is a corporation, the corporation's name, address, and telephone number;
 2. Obtain and keep in effect at all times the minimum limits of financial responsibility required by A.R.S. §§ 28-4009, 28-4032, 28-4033, 28-4131, and 28-4135, as applicable,

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- for each tow truck owned, leased, or operated by the company; and
3. Sign the application in the presence of a Notary Public or Department Officer certifying under penalty of suspension of the permit decal that the tow truck company and the tow truck agent shall:
 - a. Comply with this Chapter; and
 - b. Have the necessary experience and qualifications to operate a tow truck in the manner required by this Chapter;
 4. Include with a completed application, proof of financial responsibility that indicates:
 - a. Name of the insured;
 - b. Name, address, and telephone number of the insurance carrier;
 - c. Policy number;
 - d. Date on which the policy expires; and
 - e. Amount of coverage; and
 5. Submit the completed application form and proof of financial responsibility in person to the Department.
- B.** If information provided on the original application form changes, the tow truck agent shall submit a new application form to the Department within 10 calendar days of the change. The Department may suspend a tow truck permit decal for failure to notify the Department of a change.
- C.** If it is discovered that a tow truck permit decal was issued on information supplied by the applicant that the applicant knew or should have reasonably known was false or inaccurate, the Department may suspend the tow truck permit decal.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

ARTICLE 9. TOW TRUCK REGISTRATION AND COMPLIANCE INSPECTION**R13-3-901. Tow Truck Registration**

- A.** A tow truck company shall register each tow truck by obtaining an identification number and permit decal before operating the tow truck to tow a vehicle.
- B.** A tow truck company shall apply for an identification number and permit decal by completing the Department's tow truck inspection application. The company may obtain the application from the Department. The signature on the application of the owner or a tow truck agent shall be notarized or signed in the presence of a Department officer.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-902. Inspection by the Department

- A.** The Department shall inspect a tow truck for compliance with this Chapter as soon as possible after the tow truck inspection application form is filed and no later than seven days after the application form is filed.
- B.** The Department may conduct unannounced, in-service inspections of a tow truck at the roadside, at the company's place of business, or any reasonable time and place to determine the condition of the tow truck.
- C.** The Department shall issue tow truck permit decals and identification number decals individually for each approved tow truck.
- D.** When a tow truck inspection is conducted under subsection (A) or (B), the following apply:
 1. Department inspectors shall examine the tow truck for compliance with the safety requirements and specifications for the tow truck class under this Chapter.

2. If the Department finds that the tow truck complies with this Chapter, the Department shall issue an inspection report and if applicable, a permit decal.
 3. If the Department finds that the tow truck does not comply with this Chapter, but has no deficiency listed in R13-3-1201(C)(7), the Department shall issue an inspection report that:
 - a. Specifies the deficiencies found,
 - b. Requires corrective measures, and
 - c. Allows five calendar days for the tow truck agent to correct the deficiencies.
 4. If the Department finds that the tow truck does not comply with this Chapter because of deficiencies listed in R13-3-1201(C)(7), the Department shall not issue a permit decal but shall issue an inspection report that:
 - a. Specifies the deficiencies found, and
 - b. Requires corrective measures.
- E.** A tow truck agent shall ensure that a legible copy of the most recent tow truck inspection report is kept in the driver's compartment area of the tow truck and is produced upon demand to any peace officer. The Department may suspend a tow truck permit decal for failure to comply with this subsection.
1. A tow truck agent shall ensure that:
 - a. A permit decal is affixed to the lower outside right corner of the tow truck's windshield, and
 - b. An identification number decal is permanently affixed to the driver's compartment area.
 2. The Department may suspend a permit decal for failure to maintain the permit decal or identification number decal in compliance with subsection (E)(1).
 3. If a tow truck inspection report, permit decal, or identification number decal is lost, damaged, destroyed, or stolen, the tow truck company shall immediately notify the Department.
 - a. The tow truck company shall provide notification in writing to Arizona Department of Public Safety, P.O. Box 6638, Phoenix, AZ 85005-6638, and include the name of the tow truck agent who registered the tow truck and the number of the lost, damaged, destroyed, or stolen inspection report, permit decal, or identification number decal.
 - b. Upon receipt of the notification, the Department shall issue the replacement inspection report, permit decal, or identification number decal.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 713, effective April 5, 2008 (Supp. 08-1).

R13-3-903. Changes in Ownership

If a tow truck is sold, leased, or otherwise disposed of, the permit decal issued to the tow truck immediately becomes void.

1. Before sale, lease, or other disposal of a tow truck, a tow truck agent shall remove and destroy the permit decal.
2. Within 10 calendar days following the sale, lease, or other disposal of the tow truck, a tow truck agent shall notify the Department in writing of the action. The notice shall include:
 - a. Date on which ownership changed or the tow truck was disposed of;
 - b. Whether the tow truck was sold, leased, or the method and reason for other disposal;
 - c. Name of person who sold, leased, or disposed of the tow truck;

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- d. If applicable, name and address of the person that purchased or leased the tow truck; and
 - e. Vehicle identification number of tow truck that was sold, leased, or disposed of.
3. A person to whom a tow truck is sold, leased, or otherwise disposed of shall complete the registration and inspection process before operating the tow truck to tow a vehicle within this state.
 5. A tow plate or tow bar that meets requirements of R13-3-1201(C)(16), if so equipped;
 6. Chains or straps and hooks that meet the requirements of R13-3-1104;
 7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
 8. Brakes that meet the requirements of R13-3-1103.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

ARTICLE 10. TOW TRUCK SPECIFICATIONS BY CLASS**R13-3-1001. Light-duty Tow Truck**

A light-duty tow truck has a minimum of:

1. A G.V.W.R. of 10,000 pounds;
2. A boom assembly with a rated capacity of 8,000 pounds, if so equipped;
3. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds, if so equipped;
4. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 2,500 pounds when fully extended;
5. Chains or straps and hooks that meet the requirements of R13-3-1104;
6. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
7. Brakes that meet the requirements of R13-3-1103.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1002. Light-duty Tow Truck with Collision Recovery Capabilities

A light-duty tow truck with collision recovery capabilities has a minimum of:

1. A G.V.W.R. of 14,001 pounds;
2. A boom assembly with a rated capacity of 8,000 pounds;
3. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds;
4. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 3,000 pounds when fully extended;
5. Chains or straps and hooks that meet the requirements of R13-3-1104;
6. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
7. Brakes that meet the requirements of R13-3-1103.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1003. Light-duty Flatbed Tow Truck

A light-duty flatbed tow truck has a minimum of:

1. A G.V.W.R. of 10,000 pounds;
2. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds;
3. A bed assembly with a distributed load capacity of 7,500 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 2,000 pounds when fully extended, if so equipped;

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 713, effective April 5, 2008 (Supp. 08-1).

R13-3-1004. Light-duty Flatbed Tow Truck with Collision Recovery Capabilities

A light-duty flatbed tow truck with collision recovery capabilities has a minimum of:

1. A G.V.W.R. of 14,001 pounds;
2. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds;
3. A bed assembly with a distributed load capacity of 7,500 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 2,500 pounds when fully extended, if so equipped;
5. A tow plate or tow bar that meets requirements of R13-3-1201(C)(16), if so equipped;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
8. Brakes that meet the requirements of R13-3-1103.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). Amended by final rulemaking at 14 A.A.R. 713, effective April 5, 2008 (Supp. 08-1).

R13-3-1005. Light-duty Tow Truck-tractor and Semi-trailer Combination

A light-duty tow truck-tractor and semi-trailer combination has a minimum of:

1. A G.V.W.R. of 8,600 pounds for a truck-tractor;
2. A G.V.W.R. of 7,500 pounds for a semi-trailer;
3. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds;
4. Chains or straps and hooks that meet the requirements of R13-3-1104;
5. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
6. Brakes that meet the requirements of R13-3-1103 and A.R.S. § 28-952(A).

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1006. Medium-duty Tow Truck with Collision Recovery Capabilities

A medium-duty tow truck has a minimum of:

1. A G.V.W.R. of 23,500 pounds;
2. A boom assembly with a rated capacity of 24,000 pounds;
3. A power-operated winch with a line-pull capacity of 20,000 pounds and a 1/2-inch diameter wire rope with a breaking strength of 21,400 pounds, or two power-oper-

- ated winches each with a line-pull capacity of 10,000 pounds and a 7/16-inch diameter wire rope with breaking strength of 16,540 pounds;
4. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 5,000 pounds when fully extended;
 5. Chains or straps and hooks that meet the requirements of R13-3-1104;
 6. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
 7. Brakes that meet the requirements of R13-3-1103.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1007. Medium-duty Flatbed Tow Truck with Collision Recovery Capabilities

A medium-duty flatbed tow truck has a minimum of:

1. A G.V.W.R. of 23,500 pounds;
2. A power-operated winch with a line pull capacity of 10,000 pounds and a 7/16-inch diameter wire rope with a breaking strength of 16,540 pounds;
3. A bed assembly with a distributed load capacity of 15,000 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 3,000 pounds when fully extended, if so equipped;
5. A tow plate or tow bar that meets the requirements of R13-3-1201(C)(16), if so equipped;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
8. Brakes that meet the requirements of R13-3-1103.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1008. Medium-duty Tow Truck-tractor and Semi-trailer Combination

A medium-duty tow truck-tractor and semi-trailer combination has a minimum of:

1. A G.V.W.R. of 23,500 pounds for a truck-tractor;
2. A G.V.W.R. of 17,000 pounds for a semi-trailer;
3. A power-operated winch with a line pull capacity of 10,000 pounds and a 7/16-inch diameter wire rope with a breaking strength of 16,540 pounds;
4. Chains or straps and hooks that meet the requirements of R13-3-1104;
5. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
6. Brakes that meet the requirements of R13-3-1103 and A.R.S. § 28-952(A)(3).

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1009. Heavy-duty Tow Truck

A heavy-duty tow truck has a minimum of:

1. A G.V.W.R. of 35,000 pounds;
2. Tandem rear axles;
3. A boom assembly with a rated capacity of 50,000 pounds, if so equipped;
4. Two power-operated winches with a line pull capacity of 25,000 pounds each and a 9/16-inch diameter wire rope

with a breaking strength of 27,000 pounds, if so equipped;

5. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 12,000 pounds when fully extended;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102;
8. Air brakes that meet the requirements of R13-3-1103; and
9. Seventy-five feet of air line configured so the ends can be connected between the tow truck and the towed unit, allowing the air supply of the tow truck's brake system to be transmitted to the towed unit's service brake system.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1010. Heavy-duty Tow Truck with Collision Recovery Capabilities

A heavy-duty tow truck has a minimum of:

1. A G.V.W.R. of 35,000 pounds;
2. Tandem rear axles;
3. A boom assembly with a rated capacity of 50,000 pounds;
4. Two power-operated winches with a line pull capacity of 25,000 pounds each and a 9/16-inch diameter wire rope with a breaking strength of 27,000 pounds;
5. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 12,000 pounds when fully extended;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102;
8. Air brakes that meet the requirements of R13-3-1103; and
9. Seventy-five feet of air line configured so the ends can be connected between the tow truck and the towed unit, allowing the air supply of the tow truck's brake system to be transmitted to the towed unit's service brake system.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1011. Heavy-duty Flatbed Tow Truck with Collision Recovery Capabilities

A heavy-duty flatbed tow truck has a minimum of:

1. A G.V.W.R. of 33,000 pounds;
2. A power-operated winch with a line pull capacity of 20,000 pounds and a 1/2-inch diameter wire rope with a breaking strength of 21,400 pounds;
3. A bed assembly with a distributed load capacity of 20,000 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 4,000 pounds when fully extended, if so equipped;
5. A tow plate or tow bar that meets the requirements of R13-3-1201(C)(16), if so equipped;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels and tires that meet the requirements of R13-3-1102; and
8. Air brakes that meet the requirements of R13-3-1103.

Historical Note

New Section made by final rulemaking at 12 A.A.R.

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1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1012. Heavy-duty Tow Truck-tractor and Semi-trailer Combination

A heavy-duty tow truck-tractor and semi-trailer combination has a minimum of:

1. A truck tractor with a G.V.W.R. of 35,000 pounds;
2. Tandem rear axles for both a truck-tractor and semi-trailer;
3. A G.V.W.R. of 30,000 pounds on the semi-trailer;
4. A power-operated winch with a single line pull capacity of 20,000 pounds and a 1/2-inch diameter wire rope with a breaking strength of 21,400 pounds;
5. Chains or straps and hooks that meet the requirements of R13-3-1104;
6. Axles, tires, and wheels that meet the requirements of R13-3-1102; and
7. Air brakes that meet the requirements of R13-3-1103 for both a truck-tractor and semi-trailer.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

ARTICLE 11. TOW TRUCK EQUIPMENT REQUIREMENTS**R13-3-1101. Compliance with Chapter and Identification Requirements**

- A. At all times a tow truck agent shall display on both sides of each tow truck the company name, full name of the town or city in which the company is located, and ten digit telephone number. Letters shall contrast sharply in color with the background on which the letters are placed, be readily legible during daylight hours from a distance of 50 feet while the tow truck is stationary, and be maintained in a manner that retains the legibility.
- B. A tow truck agent shall ensure that all tow trucks meet the requirements of this Chapter. The Department may suspend a permit decal for failure to meet the requirements of this Chapter.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1102. Axle, Wheel, and Tire Requirements

- A. A tow truck agent shall ensure that a tow truck has:
 1. Axles, wheels, and tires with a manufacturer's capacity rating equal to or greater than the tow truck's G.V.W.R.; and
 2. At all points on major tread grooves, a tread-groove pattern depth of at least 4/32 of an inch on all tires on the steering axle, and 2/32 of an inch on all other tires.
- B. A tow truck agent shall ensure that a tow truck does not have:
 1. Fabric or cord exposed through the tire tread or sidewall;
 2. A tire contacting another tire, suspension, or any other part of the vehicle; or
 3. A tire visibly under-inflated or flat.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1103. Brake Requirements

- A. A tow truck shall have a power-assisted service brake system, separate from the parking brake system, capable of stopping and holding the tow truck and its load under all conditions and on any grade on which the tow truck is operated. If a tow truck's service brake system is actuated by air, the tow truck shall be equipped with:
 1. A truck-tractor protection valve; and
 2. An audible or visible low air warning device that actuates at a minimum of 55 psi.

1. A truck-tractor protection valve; and
 2. An audible or visible low air warning device that actuates at a minimum of 55 psi.
- B. A tow truck shall have a parking brake system, separate from the service brake system, which is capable of holding the tow truck and its load. If the tow truck's parking brake system is actuated by air, the tow truck shall be equipped with:
 1. A truck-tractor protection valve; and
 2. An audible or visible low air warning device that actuates at a minimum of 55 psi.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1104. Required Equipment

- A. A light-duty tow truck shall be equipped with a minimum of 20 feet of recovery straps or 5/16-inch diameter chains with a hook on each end of each section. The straps or chains shall have an identifiable mark indicating a minimum working load limit strength of 3,900 pounds.
- B. A medium-duty tow truck shall be equipped with a minimum of 20 feet of recovery straps or 3/8-inch diameter chains with a hook on each end of each section. The straps or chains shall have an identifiable mark indicating a minimum working load limit strength of 7,100 pounds.
- C. A heavy-duty tow truck shall be equipped with a minimum of 20 feet of recovery straps or 1/2-inch diameter chains with a hook on each end of each section. The straps or chains shall have an identifiable mark indicating a minimum working load limit strength of 12,000 pounds.
- D. A semi-trailer or flatbed shall be equipped with "T" slots, eye bolts, "D" rings, or other means for attaching chains or straps, and four tie-down chains or straps with appropriate attachment hooks.
- E. All tow trucks shall be equipped with:
 1. Appropriate load securement devices if equipped with a wheel-lift, under-lift, tow bar, tow plate, or tow sling.
 2. A warning light assembly with a minimum of two light emitting sources. The lights shall:
 - a. Be mounted on the tow truck as high as practical and be visible from the front and rear of the tow truck for a distance of 100 feet under normal atmospheric conditions;
 - b. Show amber to the front and amber or red to the rear; and
 - c. Be wired independently of all other electrical circuits.
 3. A minimum of two work lamps. The lamps shall:
 - a. Have clear lenses;
 - b. Be capable of illuminating the area directly behind the tow truck for a distance of 50 feet; and
 - c. Be wired independently of all other electrical circuits.
 4. Two portable lamps consisting of tail lights, brake lights, turn signals, and emergency flashers, if a tow truck is equipped with a wheel-lift, under-lift, tow bar, tow plate or tow sling. Each portable lamp shall be visible from 100 feet under normal atmospheric conditions and comply with A.R.S. §§ 28-925(A), 28-927, and 28-939.
 5. One rear-vision mirror on each side of the tow truck. Each mirror shall have a minimum surface area of 24 square inches.
 6. An operational battery-powered electric lantern or a two-cell flashlight.
 7. A fire extinguisher having an Underwriter's Laboratories rating of 10 B:C or higher. The fire extinguisher shall be

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filled, readily accessible for use, and mounted securely to the tow truck.

8. A steering wheel securement device of sufficient strength to lock the steering mechanism in a straight, forward position, if a tow truck is equipped with a wheel-lift, under-lift, tow bar, tow plate or tow sling.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1105. Collision Recovery Equipment Requirements

A tow truck with collision recovery capabilities shall be equipped with at least:

1. One #2 or larger square-point shovel;
2. One 14-inch wide or larger push broom;
3. Five gallons or 20 pounds of fluid absorbent material stored in a weatherproof container; and
4. One snatch block for each installed winch on the tow truck. Each snatch block shall be of a size and rating compatible with the size and rating of the installed wire rope.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1106. Wire Rope Restrictions

A tow truck agent shall ensure that a wire rope is not used in a tow truck if it:

1. Has kinks, bird caging, or knots;
2. Is crushed more than 33% of original diameter;
3. Has core protrusion along the length of the rope;
4. Has more than 11 broken wires in six diameters of length;
5. Has more than three broken wires in any one strand; or
6. Has more than two broken wires at the end connection or fitting.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1107. Wire Rope End Specifications and Installation

A tow truck agent shall ensure that:

1. All wire rope eye loops used on a tow truck are protected by a thimble;
2. Cable clamps are not used on a wire rope; and
3. Thimbles are not cracked, deformed, worn, loose, or have a strand of wire that slips.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

ARTICLE 12. REQUIREMENTS FOR TOW TRUCK AGENTS AND COMPANIES**R13-3-1201. Tow Truck Agent and Company Requirements**

A. A tow truck company shall ensure that each tow truck agent:

1. While operating a tow truck possesses and carries a valid driver's license for the class of tow truck operated;
2. While operating a tow truck possesses and carries a current medical examination certificate in accordance with 49 CFR 391.45 (October 1, 2003) as incorporated by reference in A.A.C. R17-5-202;
3. Does not operate a tow truck if the agent has more than two moving violation convictions within the previous 12 months;
4. Possesses the skill and knowledge to rig, move, pick up, and transport a vehicle without causing avoidable damage to the vehicle or other property;

5. Has not consumed any alcoholic beverage within four hours of operating the tow truck;
6. Is not using or under the influence of alcohol or any of the following substances as defined in A.R.S. § 13-3401 while operating a tow truck:
 - a. Peyote;
 - b. Vapor-releasing substance containing a toxic substance;
 - c. Marijuana;
 - d. Dangerous drugs;
 - e. Narcotic drugs; or
 - f. Prescription-only drug unless the tow truck agent obtains the prescription-only drug pursuant to a valid prescription.
7. Has not been convicted of committing a crime involving fraud, embezzlement, or theft in the five years before operating a tow truck and has never been convicted of committing a felony homicide, felony kidnapping, felony assault, felony sexual offense, or felony robbery;
8. Has not been convicted under A.R.S. § 28-1381 (driving while under the influence of narcotics, dangerous drugs, or intoxicating beverages) or A.R.S. § 28-693 (reckless driving) while engaged in the operation of a tow truck; and
9. Does not operate a tow truck while the agent's license to drive is suspended under A.R.S. § 28-1321 (Implied Consent Law), A.R.S. § 28-3473 (license suspension or revocation), or A.R.S. § 28-4141 (suspended license, no insurance).

B. A tow truck agent shall:

1. Comply with A.R.S. § 41-1830.51;
2. Permit a peace officer or other duly authorized agent of a law enforcement agency to inspect a tow truck to determine compliance with the requirements of this Chapter. The inspection may be conducted without notice at any reasonable time and place; and
3. Have a certification from a licensed testing facility certifying the tested line-pull of the winch or the tested lifting capacity of the boom assembly, if the tow truck is equipped with a homemade boom assembly or home-made winch.

C. A tow truck agent shall not:

1. Operate a tow truck without an identification number and a legible copy of a tow truck inspection report, as required by this Chapter;
2. Transfer a permit decal or tow truck inspection report from one tow truck to another;
3. Tow or move a vehicle from a highway, street, or public property without prior authorization from the owner or operator of the vehicle, the owner's agent, a person responsible for maintaining the public property, or a law enforcement officer. The tow truck agent may move, but shall not tow, a vehicle to extract an individual from wreckage or to remove a hazard to life or property at a collision scene;
4. Use a hand-operated or electric winch for collision recovery work;
5. Operate a tow truck for collision recovery work unless certified for collision recovery;
6. Use a flatbed tow truck with a G.V.W.R. of less than 14,001 pounds to transport more than one vehicle unless the additional vehicle is a golf cart, a motor-driven cycle, or a trailer that weighs less than 1,500 pounds;
7. Operate a tow truck that has one or more of the following defects;

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- a. Both warning light assembly lights missing or inoperative;
 - b. All load securement devices missing or defective;
 - c. A portable lamp not in compliance with A.R.S. §§ 28-925(A), 28-927 or 28-939, if a portable lamp is required;
 - d. Any steering axle tire with less than 4/32-inch tread depth in one major groove;
 - e. For an axle other than a steering axle, a tire with less than 2/32-inch tread depth and for a dual wheel axle, both tires on the same side with less than 2/32-inch tread depth;
 - f. Any flat tire or tire with cord exposed by cut or wear;
 - g. Any tow plate, tow bar, tow sling, wheel-lift, or under-lift exhibiting wear in excess of manufacturer standards at any pivot point or any crack in a structural component;
 - h. Wire rope in violation of R13-3-1106;
 - i. Any component not maintained within manufacturer standards; or
 - j. A deficiency noted on an inspection report after the time-frame available to the tow truck agent to correct deficiencies has elapsed;
8. Equip a tow truck with homemade boom assembly or homemade winch, unless the tow truck company has a certification from a licensed testing facility certifying the tested line pull of the winch or the tested lifting capacity of the boom assembly;
 9. Tow a vehicle using a tow sling, tow plate, or tow bar unless appropriate load securement devices are attached;
 10. Transport a vehicle by flatbed or truck, truck-tractor, or semi-trailer unless the vehicle is secured with a minimum of a four-point tie-down, not including the winch;
 11. Tow a vehicle with a wheel-lift, under-lift, tow plate, tow bar, or tow sling unless two safety chains are attached by crossing the chains with one end of each chain attached to a major structural member of the tow truck and the other end attached to a major structural member of the towed vehicle, with no attachments to the bumpers;
 12. Tow a vehicle using a tow plate, tow bar, tow sling, wheel-lift, or under-lift unless a portable lamp is affixed to the rear of the rear-most towed vehicle, in plain view, and when activated, visible to traffic traveling in the same direction;
 13. Activate warning light assembly except at the scene of service, or when transporting a vehicle that presents a hazard from a collision scene;
 14. Use any vehicle towed or article stored in the towed vehicle, unless it is the property of the tow truck company or tow truck agent;
 15. Operate a tow truck that exceeds the manufacturer's G.V.W.R. without a load or the manufacturer's rated capacity for the boom or bed assembly;
 16. Operate a tow truck that is equipped with a tow plate, tow bar, or tow sling unless the tow plate, tow bar, or tow sling has a manufacturer weight rating that exceeds any load carried on it; or
 17. Refuse to make prompt restitution for any damage for which the tow truck company is legally liable.
- D.** The Department may suspend a permit decal for failure to comply with these standards.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2). At the Department's request, the A.R.S. citation was corrected in sub-

section (B)(1) as Laws 2015, Ch. 265 transferred duties relating to towing services; Office file number M16-202 (Supp. 16-3).

ARTICLE 13. ENFORCEMENT**R13-3-1301. Waiver**

If the Director determines there is a compelling public necessity, the Director may waive the enforcement of this Chapter.

1. A person shall make a waiver request in writing.
2. The Director shall separately consider and decide each request for a waiver and each waiver shall only apply to the person requesting the waiver.
3. The Director shall provide the decision in writing.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1302. Suspension or Denial of Tow Truck Permit Decal

- A.** The Director may deny or suspend a permit decal for up to one year if a person violates this Chapter.
- B.** The Department shall provide a written notice of a permit decal suspension to a tow truck company that includes the information specified in A.R.S. § 41-1092.03(A) and lists:
 1. The effective date of the suspension;
 2. The tow truck affected by the suspension;
 3. The specific violation; and
 4. The actions necessary for compliance and for the Department to end the suspension.
- C.** Beginning on the effective date of the suspension, the tow truck company shall not operate the identified tow truck to tow.
- D.** The tow truck company shall submit a corrective action plan to the Department that lists the steps the tow truck company will take to reach compliance.
 1. A tow truck agent shall sign the plan and submit the plan to the Department for approval and signature.
 2. Failure to submit a plan within 90 days of written notice of suspension by the Department constitutes withdrawal from the permit process and requires the tow truck company to reapply under Article 9 of this Chapter.
- E.** If the tow truck company complies with the corrective action plan, the Department shall reinstate the tow truck permit decal.
- F.** The Department shall not suspend a permit decal for a violation of R13-3-1201(A)(3) unless the tow truck company owner knew or should have known of the tow truck agent's convictions.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).

R13-3-1303. Appeals

- A.** A person that has had issuance of a tow truck permit decal denied or suspended has a right to a hearing.
 1. The Director or designee may combine requests for hearings into one hearing where there are common parties or issues.
 2. The hearing shall be conducted by the Office of Administrative Hearings pursuant to A.R.S. § 41-1092, et seq.
- B.** A person shall make a request for a hearing in writing to the Department within 30 calendar days from receipt of the notice of denial or suspension. If the request for a hearing is not received within the 30-day period, the person's right to a hearing is waived, unless the person shows that failure to timely request a hearing was beyond the person's control.

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- C. If a hearing is requested, the Department shall notify the person in writing at least 30 calendar days before the date set for hearing and include the following in the notice:
1. A statement of the time, place, and nature of the hearing;
 2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
 3. A reference to the particular sections of the statutes and rules involved; and
 4. A short and plain statement of the matters asserted.
- D. A final administrative decision shall be issued pursuant to A.R.S. § 41-1092.08.
1. A copy of the decision shall be mailed to each party.
 2. Within 35 calendar days after the date of service of the final decision rendered in the hearing, an appeal may be taken to the Superior Court of the county in which any of the conditions in A.R.S. § 12-905 apply. Appeals to the Superior Court are governed by the provisions of A.R.S. § 12-901 et seq.

Historical Note

New Section made by final rulemaking at 12 A.A.R. 1735, effective July 1, 2006 (Supp. 06-2).