

**NOTICES OF SUMMARY RULEMAKING**

The Administrative Procedure Act allows an agency to use the summary rulemaking procedure instead of the regular rulemaking procedure for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority or the adoption, amendment, or repeal of rules that repeat verbatim existing statutory authority granted to the agency. An agency initiating summary rulemaking shall file the proposed summary rulemaking with the Governor's Regulatory Review Council and the Secretary of State's Office for publication in the next available issue of the *Register*. The proposed summary rule takes interim effect on the date of publication in the *Register*.

**NOTICE OF SUMMARY RULEMAKING**

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE DIVISION**

**PREAMBLE**

1. **Sections Affected:**  
R17-4-210  
Appendix A
- Rulemaking Action:**  
Repeal  
Repeal
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statute: A.R.S. § 28-366  
Implementing statute: Repealed
3. **The interim effective date of the summary rules:**  
August 20, 1999
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**  
Name: George R. Pavia  
Address: 3737 North Seventh Street  
Phoenix, Arizona 85014  
Telephone: (602) 712-8446  
Fax: (602) 241-1624
5. **An explanation of the rule, including the agency's reasons for initiating the rule:**  
R17-4-210 was adopted effective July 30, 1992, in order to implement A.R.S. § 28-1256.01 by setting forth the format for the Declaration of Sale form and establishing a specific fee for each Declaration of Sale form in the amount of \$0.25.  
  
Laws 1993, 5<sup>th</sup> S.S. Ch. 1 § 21 eff. May 1, 1994, repealed A.R.S. § 28-1256.01 in its entirety, including the implementation authority for R17-4-210.  
  
The Motor Vehicle Division has not utilized the Declaration of Sale Form since repeal of A.R.S. § 28-1256.01 was repealed.  
  
Since repeal of A.R.S. § 28-1256.01, licensed motor vehicle dealers and financial institutions have not been required to submit a completed Declaration of Sale form at the time of title application for a sold vehicle, and the Declaration of Sale form has not been made available to licensed motor vehicle dealers and financial institutions by the Motor Vehicle Division.  
  
Inclusion of R17-4-210 in the Arizona Administrative Code is not only unnecessary, it is also misleading or potentially misleading by articulating a regulatory burden for which there is no statutory authority and which is no longer enforced by the Motor Vehicle Division.
6. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**  
Not applicable.

*Arizona Administrative Register*  
**Notices of Summary Rulemaking**

---

7. **The preliminary summary of the economic, small business, and consumer impact:**  
Not applicable under A.R.S. § 41-1055(D)(2).
8. **The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**  
Not applicable.
9. **The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule:**  
No oral proceeding is scheduled for this rulemaking. An oral proceeding may be requested by writing to: George R. Pavia, Hearing Officer II; 3737 North Seventh Street, Suite 160, Phoenix, Arizona 85014; or by calling (602) 712-8446; or faxing (602) 241-1624. Written comments about this rulemaking may be submitted to the same address.
10. **An explanation of why summary proceedings are justified:**  
Summary proceedings are justified because the authority of the Department of Transportation to promulgate rules prescribing the format for the Declaration of Sale form, and establishing a specific fee for the form have been repealed.  
  
The Motor Vehicle Division believes without statutory implementation authority the rule must be repealed.
11. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
Not applicable.
12. **Incorporations by reference and their location in the rules:**  
Not applicable.
13. **The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION, MOTOR VEHICLE DIVISION**

**ARTICLE 2. TITLES AND REGISTRATION**

Section

**R17-4-210. Declaration of Sale Form; Fee for Form**  
~~Appendix A. Declaration of Sale Form~~

**ARTICLE 2. TITLES AND REGISTRATION**

**R17-4-210. Declaration of Sale Form; Fee for Form**

**A. Definitions:**

1. "Declaration of Sale Form" means the Motor Vehicle Division form required by A.R.S. § 28-1256.01.
2. "Users" means those motor vehicle dealers and financial institutions licensed to transact business in Arizona who apply for title and registration on behalf of a buyer.

**B.** The attached Declaration of Sale Form (Appendix A) is adopted as the form required by A.R.S. § 28-1256.01.

**C.** Fee. Users shall pay a fee of 25¢ per Declaration of Sale Form to the Motor Vehicle Division.

**D.** The Declaration of Sale Form is available at all Motor Vehicle Division offices statewide.

**~~APPENDIX A. DECLARATION OF SALE FORM~~**

~~APPENDIX A~~  
~~DECLARATION OF SALE FORM~~

**ARIZONA DECLARATION OF SALE**

DEALER/INSTITUTION NAME- ADDRESS

PURCHASER ADDRESS



PURCHASER (Last, First, Middle)

ADOT CODE                      POLICY PREFERENCE

                    

DATE OF PURCHASE                      VEHICLE MAKE

                    

MODEL YEAR                      VIN

                    

---

**ARIZONA DECLARATION  
OF SALE**

**INFORMATION IN SHADED AREA MUST BE TYPEWRITTEN  
OR COMPUTER PRINTED USING 10 PITCH.**

**"PURCHASER" SHOULD BE FIRST OWNER LISTED ON  
REGISTRATION APPLICATION.**

The original of this form must be submitted with applications for title and registration for all vehicles sold by authorized dealers or paperwork processed by a financial institution.

Failure to submit this form will result in denial of registration.

---

40-0210 12/94