

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE. 7 EDUCATION

#### CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA

#### PREAMBLE

1. **Sections Affected** **Rulemaking Action**  
R7-1-706 Amend
2. **The specific authority for the rulemaking, including both the authorizing statute and the statutes the rules are implementing:**  
Authorizing and Implementing Statutes: A.R.S. §§ 15-1425.1 and 6.
3. **The effective date of the rules:**  
July 15, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Proposed Rulemaking: 4 A.A.R. 1962, July 24, 1998.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Thomas J. Saad  
Address: 3225 N. Central Ave., Suite 1220  
Phoenix, AZ 85012  
Telephone: (602) 255-4037  
Fax: (602) 279-3464
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**  
This rule establishes criteria whereby faculty from institutions other than Arizona's community colleges may teach courses within the Arizona system, without the requirement to be certified by the State Board of Directors for Community Colleges of Arizona. It effectively accepts the verification of the individuals teaching credentials as performed by the institution where they are employed. Current rules require that all faculty who teach at Arizona's community colleges be certified by the State Board. This requirement is unduly restrictive in the realm of distance learning, wherein Arizona community college students may receive, via internet or other electronic means, courses/programs taught by faculty of other institutions, or who reside in another state, who are not certified by the State Board.
7. **A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and when the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**  
Not applicable.
8. **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:**  
The rule change will not diminish any grant of authority. Students are better served where they can avail themselves of quality courses/programs, irrespective of institutional or state boundaries.
9. **The summary of economic, small business, and consumer impact:**  
The amendment will not have any adverse economic impact on small business or consumers. By removing the requirement for state certification, the individuals in question will not have to pay the certification fee.

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**10. A description of the changes between the proposed rules, including supplemental notices, and final rules:**

None.

**11. A summary of principal comments and the agency response to them:**

No comments were received.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None.

**13. Incorporations by reference and their location in the rules:**

Not applicable.

**14. Was this rule previously adopted as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 7. EDUCATION**

**CHAPTER 1. STATE BOARD OF DIRECTORS FOR COMMUNITY COLLEGES OF ARIZONA**

**ARTICLE 7. INSTRUCTION, FACULTY AND STAFF**

Section

R7-1-706. Certification Standards

**ARTICLE 7. INSTRUCTION, FACULTY AND STAFF**

**R7-1-706. Certification Standards**

**A.** Five types of community college teaching certificates may be issued.

1. The 3 categories of regular certificates and the minimum requirements for each are as follows:
  - a. Regular certificate ((A)(1)(a)):
    - i. A Master's degree or higher degree, earned pursuant to subsection (C) with a minimum of 24 semester hours of upper division and/or graduate credit in the discipline to be taught;
    - ii. The Arizona Community College Course requirement in subsection (D).
  - b. Regular certificate ((A)(1)(b)) (Occupational teaching fields only):
    - i. A Bachelor's degree, earned pursuant to subsection (C) with a minimum of 3 years of directly related occupational experience in the field to be taught;
    - ii. The Arizona Community College Course requirement in subsection (D).
  - c. Regular certificate ((A)(1)(c)) (Occupational teaching fields only):
    - i. An Associate's degree, earned pursuant to subsection (C) or a minimum of 64 semester hours and, in addition, a minimum of 5 years of directly related occupational experience in the field to be taught;
    - ii. The Arizona Community College Course requirement in subsection (D).
2. A Special certificate ((A)(2)) may be issued to an individual employed to teach fewer than 12 credits per semester with the following qualifications:
  - a. Has a Bachelor's degree or higher degree, earned pursuant to subsection (C) or a minimum of 5 years of directly related experience in the occupational field to be taught; or
  - b. Has a regular Arizona license or a certificate in the field to be taught; and
  - c. Has completed or is enrolled in the Arizona Community College Course required by subsection (D).
  - d. An individual who holds a Special certificate may be granted permission to teach 12 or more credits per semester, if such permission is requested by the Chief Executive Officer or Chief Academic Officer of the college or college district and justification is provided that demonstrates it is not feasible for the college to secure the services of a person qualified for a Regular Certificate.
3. An Internship certificate ((A)(3)) may be issued to an applicant with the following qualifications:
  - a. Has, or is a candidate for, a master's degree in an academic field, or holds, or is a candidate for, a Bachelor's degree in an occupational field, from an institution accredited by 1 of the Regional Accrediting Associations.
  - b. Applicant has been recommended for, and admitted to, an intern program conducted by an institution accredited by 1 of the Regional Accrediting Associations.
  - c. Has completed or is enrolled in the Arizona Community College Course required by subsection (D).
4. A Provisional certificate ((A)(4)) may be issued if the individual meets the requirements of the Regular certificates (A)(1)(a), (A)(1)(b), or (A)(1)(c) but does not meet the Arizona Community College Course requirement in subsection (D).

5. Pursuant to A.R.S. § 15-1425(3), a District Specific certificate ((A)(5)) may be issued as follows:
  - a. A community college district may request in writing certification for a person who cannot meet certification requirements in the desired teaching discipline but who has acquired the knowledge and skills to instruct in a specific field through experience or alternative educational experiences and justification is provided that demonstrates it is not feasible for the college to secure the services of a person qualified for a Regular Certificate.
  - b. An individual who holds a District Specific certificate shall:
    - i. Teach fewer than 12 credits per semester only in the district originating the request for certification.
    - ii. Teach 12 or more credits per semester if requested by the Chief Executive Officer or Chief Academic Officer of the college or college district.
    - iii. Meet the Community College Course requirement in subsection (D).
- B.** Community college teaching certificates may be renewed as follows:
  1. Regular certificates ((A)(1)(a), (A)(1)(b), and (A)(1)(c)) are permanent unless revoked.
  2. Special certificates ((A)(2)) may be renewed at the end of 2 years for a 6-year period and may be renewed every 6 years thereafter.
  3. Internship certificates ((A)(3)) are valid for a period of 1 semester or 6 months and may not be renewed.
  4. Provisional certificates ((A)(4)) are valid for 2 years and are nonrenewable.
  5. District Specific certificates (A)(5) may be renewed at the end of 2 years for a 6-year period and may be renewed every 6 years thereafter.
- C.** Degrees or credits shall be earned and received from an institution accredited by 1 of the Regional Accrediting Associations. However, degrees and credits earned from a foreign institution shall be evaluated for equivalency to credits earned in an accredited institution on the basis of an analysis provided by a Foreign Transcript Evaluation Agency.
- D.** Community College Course requirement
  1. The Community College Course required for the Regular certificate is a community college course, offered by an Arizona university or community college district. This course shall address the following competencies and shall be of such length and rigor as to warrant the awarding of 3 semester credit hours:
    - a. History of the Community College;
    - b. Philosophy/Mission/Purpose of the Community College;
    - c. Governance and Organizational Structure of the Arizona Community Colleges;
    - d. Current Community College Issues;
    - e. Student Characteristics and Student Services;
    - f. Financing Arizona Community Colleges;
    - g. Teaching, Learning, and Assessment;
    - h. Curriculum;
    - i. Community College Faculty Roles.
  2. A person who has successfully completed a community-college course at an out-of-state college or university or who has taught 1 year, full-time, at a regionally accredited community college outside of Arizona shall be exempt from taking the Arizona course provided the Chief Executive Officer of the college district and the Certification Office of the State Board recommend exemption, and the State Board determines that the course and experience have provided the person with an orientation to community college teaching substantially equivalent to that provided by the required course.
  3. The Community College Course requirement for the Special certificate ((A)(2)) and the District Specific certificate ((A)(5)) may be satisfied by completion of an orientation about the Arizona Community College system. The method employed shall be determined by the Chief Executive Officer of each community college district.
  4. The State Board shall systematically collect evaluative input from course completers and report the results to the course providers so that course providers and the State Board may continuously improve the quality and effectiveness of the course.
- E.** A community college district may establish qualifications in addition to those required by the State Board as long as they do not discriminate on the basis of sex, race, religion, creed or national origin, and as long as they apply equally to all faculty members in a particular discipline, vocation or program.
- F.** Certification fees (including evaluation and renewal) shall be established by the State Board and the fee schedule made available to any interested person.
- G.** Each community college district shall annually, prior to September 1, provide the State Board a report detailing its use of District Specific certificates during the previous academic year.
  1. The report shall include the following elements:
    - a. A listing of individuals teaching with District Specific certificates;
    - b. The discipline in which the District Specific certificate for the individual has been issued;
    - c. The course taught by the individual.
  2. The State Board shall review the results of these reports to determine if the use of District Specific certificates might affect confidence in transfer or accreditation standards.

**H.** An individual may teach a class or classes offered by a community college under the jurisdiction of the State Board without further certification by the State Board where the community college documents that each of the following conditions is simultaneously satisfied:

1. The individual is a member in good standing of the faculty of a college or university beyond the authority of the State Board.
2. The college or university is accredited by a Regional Accrediting Association.
3. The individual is acting within the scope of employment with the college or university.

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### TITLE 17. TRANSPORTATION

#### CHAPTER 4. ARIZONA DEPARTMENT OF TRANSPORTATION MOTOR VEHICLE DIVISION

##### PREAMBLE

1. **Sections Affected**

R17-4-710	<b><u>Rulemaking Action</u></b>
Table A	New Section
	New Table
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. §§ 28-366 and 41-1073

Implementing statutes: A.R.S. §§ 41-1072 to 41-1076
3. **The effective date of the rules:**

August 5, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 4 A.A.R. 2217, August 14, 1998.

Notice of Proposed Rulemaking: 5 A.A.R. 850, March 26, 1999.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Lynn S. Golder

Address: Arizona Department of Transportation  
Motor Vehicle Division  
3737 North 7th Street, Suite 160, Mail Drop 507M  
Phoenix, Arizona 85014

Telephone: (602) 712-7941

Fax: (602) 241-1624
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**

A.R.S. §§ 41-1072 to 41-1076 mandate that state agencies make rules establishing the time-frames for the license application review process for each type of license issued more than 7 days after receipt of the initial application. Final rule R17-4-710 establishes the time-frames in which the Arizona Department of Transportation, Motor Vehicle Division ("Division") shall process license applications.

A.R.S. §§ 41-1074, 41-1075, and 41-1076 provide for an administrative completeness review time-frame, a substantive review time-frame, and an overall time-frame. Section 41-1072 provides the following definitions:

  1. "Administrative completeness review time[-]frame" means the number of days from agency receipt of an application for a license until an agency determines that the application contains all components required by statute or rule, including all information required to be submitted by other government agencies. . . .
  2. "Overall time[-]frame" means the number of days after receipt of an application for a license during which an agency determines whether to grant or deny a license. The overall time[-]frame consists of both the administrative completeness review time[-]frame and the substantive review time[-]frame.
  3. "Substantive review time[-]frame" means the number of days after completion of the administrative completeness review time[-]frame during which an agency determines whether an application or applicant for a license meets all substantive criteria required by statute or rule. . . .

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The Division's final rule R17-4-710 incorporates the 3 statutory categories of time-frames. Table A establishes an administrative completeness review time-frame, a substantive review time-frame, and an overall time-frame for each type of license. The Division computed each overall time-frame in Table A as the sum of the corresponding administrative completeness review time-frame and substantive review time-frame.

7. **A reference to any studies that the agency relied on in its evaluation of or justification for the rule, and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

None.

8. **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.

9. **The summary of economic, small business, and consumer impact:**

The Division determined that the rule-related costs for final rule R17-4-710 to the Division, the Governor's Regulatory Review Council, and the Arizona Secretary of State are minimal to moderate. The notices to license applicants, set forth in the final rule, are mandated by the Administrative Procedure Act and represent a moderate cost to the Division.

Political subdivisions and government agencies, other than the Division, the Governor's Regulatory Review Council, and the Arizona Secretary of State, will incur no costs from final rule R17-4-710. The private sector, including small businesses and consumers, will also incur no costs from the final rule. Applicants for Division licenses issued more than 7 days after receipt of initial application and the Division will benefit from definite time periods for the license application review process. Applicants will avoid unexpected or undue delays, and the Division will have established decision-making goals.

10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

The Division made several changes to the proposed rule. Language deleted from the proposed rule is indicated by ~~strikeouts~~. Language added to the proposed rule is indicated by underlining.

To make the final rule consistent with A.R.S. §§ 41-1074 and 41-1075, the Division:

- a. Deleted proposed R17-4-710(C):

~~Administrative Completeness Review — Notice of Inadequate Response. If an applicant does not respond in full to a notice of deficiency issued during the administrative completeness review, the Division shall issue a notice of inadequate response to the applicant within 10 days after receipt of the applicant's response:~~

- ~~1. The notice of inadequate response shall identify each item to which the applicant failed to respond.~~
- ~~2. The Division's failure to issue a notice of inadequate response under this subsection shall not preclude the Division from issuing additional notices of deficiency during an administrative review.~~
- ~~3. The suspension of the overall time frame is not terminated by a notice of inadequate response.~~

- b. Deleted proposed R17-4-710(G):

~~Substantive Review — Notice of Inadequate Response. If an applicant does not respond to each component or item of information requested in a comprehensive or supplemental request for additional information, the Division shall issue a notice of inadequate response to the applicant within 10 days after receipt of the applicant's response.~~

- ~~1. The notice of inadequate response shall identify each required item of information which the applicant did not provide.~~
- ~~2. The Division's failure to issue a notice of inadequate response under this subsection shall not preclude the Division from issuing other supplemental requests for additional information during the substantive review and by mutual agreement with the applicant.~~
- ~~3. The suspension of the substantive review time frame and the overall time frame is not terminated by a notice of inadequate response.~~

- c. Relettered the remaining subsections R17-4-710(C) through R17-4-710(I).

To make the final rule clear, concise and understandable, the Division:

- d. Deleted "~~shall~~" in R17-4-710(A);
- e. Deleted "~~set forth~~" and added "listed" in R17-4-710(B);
- f. Added "the administrative completeness review time-frame and" after the word "suspends" in R17-4-710(B)(2);

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g. Deleted the text of R17-4-710(C):

~~Denial During Administrative Completeness Review. The Division shall issue a notification of denial to the applicant in writing, if either of the following occurs:~~

- ~~1. The applicant does not respond, within 60 days after the date on a notice of deficiency issued under subsection (B), to each item listed in the notice of deficiency; or~~
- ~~2. The applicant does not respond, within 60 days after the date on a notice of inadequate response issued under subsection (C), to each item listed in the notice of inadequate response.~~

~~The applicant may waive, in whole or in part, the 60-day response period. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.~~

and added new text for R17-4-710(C):

Denial During Administrative Completeness Review. The Division shall issue a written notice of denial to the applicant if the applicant does not respond, within 60 days after the date on a notice of deficiency issued under subsection (B), to each item listed in the notice of deficiency.

1. The applicant may waive, in whole or in part, the 60-day response period.
2. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.

h. Deleted "set forth" and added "listed" in R17-4-710(D);

I. Added "the substantive review time-frame and" after the word "suspends" in R17-4-710(D)(2);

j. Deleted "Requests" and added "Request," deleted "set forth" and added "listed," and deleted "supplemental requests" and added "a supplemental request" in R17-4-710(E);

k. Consistent with A.R.S. § 41-1075(B), deleted the text of R17-4-710(E)(2):

- ~~2. A supplemental request for additional information issued by the Division within the substantive review time-frame suspends the substantive review time-frame and the overall time-frame, from the date the request is issued until the date that the Division receives all the required additional information from the applicant.~~

and added new text for R17-4-710(E)(2):

2. A supplemental request for additional information issued by the Division within the substantive review time-frame extends the substantive review time-frame and the overall time-frame for a maximum of 25% of the overall time-frame.

l. Deleted the text of R17-4-710(F)(1):

- ~~1. The applicant does not respond, within 60 days after the date on a request for additional information issued under subsection (E) or subsection (F), to each item or component required by the request for additional information; or~~  
and added new text for R17-4-710(F)(1):

1. The applicant does to respond, within 60 days after the date on a comprehensive request for additional information under subsection (D), to each item required by the comprehensive request; or

m. Deleted the text of R17-4-710(F)(2):

- ~~2. The applicant does not respond, within 60 days after the date on a notice of inadequate response issued under subsection (G), to each required item listed in the notice of inadequate response.~~

and added new text for R17-4-710(F)(2):

2. The applicant does not respond, within the time specified on the supplemental request for additional information under subsection (E), to each item required by the supplemental request.

n. Deleted "60-day" from the 1st sentence of the last paragraph of R17-4-710(F);

o. Deleted the text of R17-4-710(G):

~~Notification After Substantive Review. Upon completion of the substantive review, the Division shall notify the applicant in writing that the application is granted or denied. Notification shall be made within the overall time-frames set forth in Table A, unless either of the following occurs:~~

- ~~1. The overall time-frame is suspended under subsection (B), subsection (E), or subsection (F), or~~
- ~~2. The overall time-frame is extended by mutual agreement with the applicant under A.R.S. § 41-1075.~~

~~If the application is denied after a complete substantive review, the notice of denial shall provide a justification of the denial and an explanation of the applicant's right to a hearing or appeal.~~

and added new text for R17-4-710(G):

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Notification After Substantive Review. Upon completion of the substantive review, the Division shall notify the applicant in writing that the license is granted or denied.

1. Notification shall be made within the overall time-frames listed in Table A, unless otherwise tolled.
2. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
  - p. Deleted "~~time-frame rule~~" and added "Section," added a comma after "Sunday," to lines 3 and 4, and deleted "~~which~~" and added "that" in R17-4-710(H); and
  - q. Deleted "~~rule~~" and added "Section" in R17-4-710(I).

For licenses other than fleet registration, international proportional registration, and alternative proportional registration, the Division increased the administrative completeness review time-frames listed in Table A. For each license listed, Table A now provides an administrative completeness review time-frame of at least 5 days, sufficient to issue a notice of deficiency. The Division assigned a new administrative review completeness time-frame of 5 days, 6 days, 7 days, or 8 days, so that the overall time-frame for the license has a last digit of "0" or "5" for easier computations.

Finally, the Division made 2 technical changes to Table A:

- In the "Personalized special plates" row, changed the administrative review time-frame from 7 to 5 days, changed the overall time-frame from ~~65~~ to 35 days, and deleted (~~Includes 14 days to manufacture plate and 14 days for delivery of plate to office where request submitted~~); and
- In the "Permit to exhibit or display and sell vehicles off dealer's premises" row, changed the statutory authority from ~~A.R.S. § 4401~~ to A.R.S. § 28-4401.

The Division issued no supplemental notices.

**11. A summary of the principal comments and the agency response to them:**

The Division received no oral or written comments prior to the close of the record at 5 p.m., April 30, 1999.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

**13. Incorporations by reference and their location in the rules:**

Not applicable.

**14. Was this rule previously adopted as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 17. TRANSPORTATION**

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

**ARTICLE 7. MISCELLANEOUS RULES**

Section

R17-4-710. Licensing Time-frames  
Table A. Time-frames

**ARTICLE 7. MISCELLANEOUS RULES**

**R17-4-710. Licensing Time-frames**

- A.** Time-frames. The time-frames listed in Table A apply to licenses issued by the Division. The licensing time-frames consist of an administrative completeness review time-frame, a substantive review time-frame, and an overall time-frame that have the meanings prescribed in A.R.S. § 41-1072.
1. "Division" means the Arizona Department of Transportation, Motor Vehicle Division.
  2. "License" has the meaning prescribed in A.R.S. § 41-1001(10).
- B.** Administrative Completeness Review - Notice of Deficiency. Within the time-frame for the administrative completeness review listed in Table A, the Division shall notify the applicant in writing that the application is complete or incomplete. If the application is incomplete, the Division shall issue a notice of deficiency to the applicant specifying what information is required to make the application administratively complete.
1. The notice of deficiency shall list all missing information.

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2. A notice of deficiency issued by the Division within the administrative completeness time-frame suspends the administrative completeness review time-frame and the overall time-frame, from the date the notice of deficiency is issued until the date that the Division receives all missing information from the applicant.
- C. Denial During Administrative Completeness Review.** The Division shall issue a written notice of denial to the applicant if the applicant does not respond, within 60 days after the date on a notice of deficiency issued under subsection (B), to each item listed in the notice of deficiency.
1. The applicant may waive, in whole or in part, the 60-day response period.
  2. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- D. Substantive Review - Comprehensive Request for Additional Information.** Within the time-frame for the substantive review listed in Table A, the Division may issue 1 comprehensive request for additional information to the applicant.
1. The comprehensive request for additional information shall list all items of information required.
  2. A comprehensive request for additional information issued by the Division within the substantive review time-frame suspends the substantive review time-frame and overall time-frame, from the date the request is issued until the date that the Division receives all the required additional information from the applicant.
- E. Substantive Review - Supplemental Request.** Within the time-frame for the substantive review listed in Table A and by mutual agreement with the applicant, the Division may issue a supplemental request for additional information.
1. A supplemental request for additional information shall specify all items of information required.
  2. A supplemental request for additional information issued by the Division within the substantive review time-frame extends the substantive review time-frame and the overall time-frame for a maximum of 25% of the overall time-frame.
- F. Denial During Substantive Review.** The Division shall notify the applicant in writing that the license is denied, if either of the following occurs:
1. The applicant does not respond, within 60 days after the date on a comprehensive request for additional information issued under subsection (D), to each item required by the comprehensive request; or
  2. The applicant does not respond, within the time specified on a supplemental request for additional information under subsection (E), to each item required by the supplemental request.  
The applicant may waive, in whole or in part, the response period. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- G. Notification After Substantive Review.** Upon completion of the substantive review, the Division shall notify the applicant in writing that the license is granted or denied.
1. Notification shall be made within the overall time-frames listed in Table A, unless otherwise tolled.
  2. The notice of denial shall provide a justification for the denial and an explanation of the applicant's right to a hearing or appeal.
- H. Applicant Response Period.** In computing the applicant's response periods prescribed in this Section, the last day of a response period shall be counted. If the last day is a Saturday, Sunday, or legal holiday, the applicant's response period shall run until the end of the next business day that is not a Saturday, Sunday, or legal holiday.
- I. Effective Date.** This Section applies to applications filed with the Division on or after the effective date of this Section.

**Table A. Time-frames**

<u>LICENSE</u>	<u>STATUTORY AUTHORITY</u>	<u>ADMINISTRATIVE COMPLETENESS REVIEW TIME-FRAME</u>	<u>SUBSTANTIVE REVIEW TIME-FRAME</u>	<u>OVERALL TIME-FRAME</u>
<u>Fleet registration</u>	<u>A.R.S. §§ 28-2201 to 28-2208</u>	<u>60 days</u>	<u>30 days</u>	<u>90 days</u>
<u>International proportional registration</u>	<u>A.R.S. §§ 28-2231 to 28-2239</u>	<u>20 days</u>	<u>10 days</u>	<u>30 days</u>
<u>Alternative proportional registration</u>	<u>A.R.S. § 28-2261 to 28-2269</u>	<u>60 days</u>	<u>30 days</u>	<u>90 days</u>

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<u>Personalized special plates</u>	<u>A.R.S. § 28-2406</u>	<u>5 days</u>	<u>30 days</u>	<u>35 days</u>
<u>Traffic survival school or traffic survival school instructor license</u>	<u>A.R.S. §§ 28-3306 to 28-3307</u>	<u>5 days</u>	<u>35 days</u>	<u>40 days</u>
<u>Driver license issued after suspension, revocation or disqualification</u>	<u>A.R.S. § 28-3315</u>	<u>5 days</u>	<u>30 days</u>	<u>35 days</u>
<u>Automotive recycler, broker, motor vehicle dealer or wholesale motor vehicle dealer license</u>	<u>A.R.S. §§ 28-4301 to 28-4366</u>	<u>8 days</u>	<u>117 days</u>	<u>125 days</u>
<u>Manufacturer, distributor, factory branch or distributor branch license</u>	<u>A.R.S. §§ 28-4301 to 28-4366</u>	<u>6 days</u>	<u>14 days</u>	<u>20 days</u>
<u>Permit to exhibit or display and sell vehicles off dealer's premises</u>	<u>A.R.S. § 28-4401</u>	<u>6 days</u>	<u>9 days</u>	<u>15 days</u>
<u>Permit to exhibit recreational vehicles at public event</u>	<u>A.R.S. § 28-4402</u>	<u>6 days</u>	<u>9 days</u>	<u>15 days</u>
<u>Authorization to use dealer license plates</u>	<u>A.R.S. § 28-4533</u>	<u>7 days</u>	<u>38 days</u>	<u>45 days</u>
<u>Authorization to dispose of junk vehicle</u>	<u>A.R.S. § 28-4882</u>	<u>5 days</u>	<u>45 days</u>	<u>50 days</u>
<u>License to operate as a title service company</u>	<u>A.R.S. § 28-5003</u>	<u>6 days</u>	<u>14 days</u>	<u>20 days</u>
<u>3rd party authorization to perform certain title and registration, motor carrier licensing and tax reporting, dealer licensing, and driver license functions*</u>	<u>A.R.S. §§ 28-5101 to 28-5110</u>	<u>5 days</u>	<u>90 days</u>	<u>95 days</u>
<u>3rd party authorization to issue over-weight and over-dimensional permits*</u>	<u>A.R.S. §§ 28-1145 and 28-5101 to 28-5110</u>	<u>5 days</u>	<u>90 days</u>	<u>95 days</u>
<u>Certification of an authorized 3rd party, or the authorized 3rd party's employee or agent, to perform the authorized functions</u>	<u>A.R.S. §§ 28-5101 to 28-5110</u>	<u>5 days</u>	<u>60 days</u>	<u>65 days</u>
<u>Professional driver training school or professional driver training school instructor license</u>	<u>A.R.S. §§ 32-2351 to 32-2393</u>	<u>5 days</u>	<u>35 days</u>	<u>40 days</u>

\* The Division shall have the right to determine when an authorized 3rd party may begin to transact business after a license has been granted.

**NOTICE OF FINAL RULEMAKING**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. THE INDUSTRIAL COMMISSION OF ARIZONA**

**PREAMBLE**

1. **Sections Affected** **Rulemaking Action**  
R20-5-507 Amend
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. § 23-491.04  
Implementing statute: A.R.S. § 23-491.06
3. **The effective date of the rules:**  
August 4, 1999
4. **A list of all previous notices appearing in the Register addressing the final rule:**  
Notice of Rulemaking Docket Opening: 3 A.A.R. 3263, November 14, 1997.  
Notice of Proposed Rulemaking: 4 A.A.R. 3431, October 30, 1998.  
Notice of Public Hearing on Proposed Rulemaking: 5 A.A.R. 134, January 15, 1999.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Patrick Ryan, Assistant Director  
Division of Occupational Safety and Health  
  
Address: Industrial Commission of Arizona  
800 West Washington Street, Suite 203  
Phoenix, Arizona 85007  
  
Telephone: (602) 542-1695  
Fax: (602) 542-1614
6. **An explanation of the rule, including the agency's reasons for initiating the rule:**  
The rule will bring the state's rules for elevators and escalators into conformance with the technological advances currently being utilized by the industry. Because the national elevator and escalator manufacturers are currently producing elevators and escalators to meet the new ASME A17.1-1996 Safety Code for Elevators and Escalators, the Industrial Commission finds it necessary to update its rules to ensure that, once installed, these newer elevators and escalators will operate in accordance with the code which they were designed, manufactured, and installed to meet. Existing elevator and escalator installations are required to continue to meet the code requirements that were in effect at the time of installation.
7. **A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**  
None.
8. **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.
9. **The summary of the economic, small business, and consumer impact:**  
There will be no cost to consumers or small business by adopting and enforcing the ASME A17.1 Safety Code for Elevators and Escalators because the equipment was designed, manufactured and installed in accordance with this code. The rule will ensure that once installed, these newer elevators and escalators will operate in accordance with the code. Existing elevator and escalator installations are required to continue to meet the code requirements that were in effect at the time of installation.
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**  
None.

**11. A summary of the principal comments and the agency response to them:**

No comments, either oral or written were received.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable.

**13. Incorporation by reference and their location in the rules:**

ASME A17.1-1996 Safety Code for Elevators and Escalators, The American Society of Mechanical Engineers at International Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>.

**14. Was this rule previously adopted as an emergency rule:**

No.

**15. The full text of the rule follows:**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 5. ELEVATOR SAFETY ADMINISTRATIVE REGULATIONS**

Sections

R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts and Dumbwaiters with Automatic Transfer Devices, Wheelchair Lifts and Stairway Chairlifts

**ARTICLE 5. ELEVATOR SAFETY ADMINISTRATIVE REGULATIONS**

**R20-5-507. Safety Code for Elevators, Escalators, Dumbwaiters, Moving Walks, Material Lifts and Dumbwaiters with Automatic Transfer Devices, Wheelchair Lifts and Stairway Chairlifts.**

- A.** Every owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift or dumbwaiter with an automatic transfer device, wheelchair lift, or stairway ~~chairlift~~ ~~chair lift~~ installed on or after the effective date of this Section rule shall comply with the ASME ~~A17.1-1996~~ ~~A17.1-1993~~ Safety Code for Elevators and Escalators, which is incorporated by reference and on file with the Office of the Secretary of State. This incorporation by reference does not include amendments or subsequent revisions to ASME A17.1 published after December 31, 1996. A copy of this referenced material is also available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, NY 10016-5990 or at <http://www.asme.org/>. Every ~~other~~ owner or operator of an elevator, escalator, dumbwaiter, moving walk, material lift, or dumbwaiter with an automatic transfer device, wheelchair lift, or stairway chairlift, installed prior to the effective date of this Section shall comply with the ASME A17.1 Safety Code for Elevators and Escalators in effect at the time of installation or, as an alternative, may comply with ASME ~~A17.1-1996~~ ~~A17.1-1993~~. ~~A copy of this referenced material is also available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers. This incorporation by reference does not include amendments or editions to ASME A17.1 published after December 31, 1993.~~
- B.** No change.