



*Arizona Administrative Register*  
**Notices of Proposed Rulemaking**

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The Department is amending R9-19-412 to add credit cards to the acceptable list of forms of payment for copies of records and removing personal checks from the list of acceptable forms of payment. The amended rule will conform to current rulemaking format and style requirements, statutory authority, industry practice, and departmental policy.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

Not applicable

**7. 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

**8. The preliminary summary of the economic, small business, and consumer impact:**

This rulemaking enables the Department to accept the use of credit cards as a form of payment for fees for copies of vital records. A.R.S. § 35-142(I) allows a state agency to accept credit cards for the payment of any amount due to that agency, its agent, or the state. The Department is amending R9-19-412 to add credit cards to the acceptable list of forms of payment for copies of records and removing personal checks from the list of acceptable forms of payment. This rulemaking directly impacts any person requesting a copy of a vital record from the Department because the person will no longer be able to pay for a copy of a vital record with a personal check. The Department will incur costs to write, review, and promulgate the rule. The costs to the Department will be offset because the Department will no longer expend time processing checks returned for insufficient funds. In eliminating the acceptance of personal checks and allowing the acceptance of credit cards, the Department will provide better customer services to persons requesting copies of vital records.

**9. The name and address of the agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact:**

Name: Richard Porter, Bureau Chief  
Address: Arizona Department of Health Services  
Bureau of Public Health Statistics  
2700 N. 3rd Street, Suite 4075  
Phoenix, AZ 85004

Telephone: (602) 542-7330

Fax: (602) 364-0082

E-mail: rporter@hs.state.az.us

or

Name: Kathleen Phillips, Rules Administrator  
Address: Arizona Department of Health Services  
1740 W. Adams, Suite 102  
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: kphilli@hs.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: January 29, 2003

Time: 9:00 a.m.

Location: 1740 W. Adams, Room 411  
Phoenix, AZ 85007

Nature: Oral Proceeding

Close of record is 5:00 p.m. on January 29, 2003.

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

None

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

None

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 19. DEPARTMENT OF HEALTH SERVICES  
VITAL RECORDS AND STATISTICS**

**ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES**

Section

R9-19-412. Payment of Fees

**ARTICLE 4. ACCESS TO RECORDS; COPIES; FEES**

**R9-19-412. Payment of Fees**

All fees shall be paid at the time of application for the records. Fees shall be paid before certified copies are delivered to the applicant. If fees are paid in other than cash, certified check or money order sufficient time for personal checks to clear shall be allowed to elapse prior to delivering copies to the applicant.

Before the Department issues a copy of a vital record, the person requesting the copy shall pay the required fee in this Chapter by cash, certified check, money order, or credit card.

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES**

**PREAMBLE**

**1. Sections Affected**

R17-4-201

R17-4-205

R17-4-206

**Rulemaking Action**

New Section

Amend

Amend

**2. The statutory 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 statutes: A.R.S. §§ 28-2051 and 28-2052

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 5175, December 20, 2002

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Troy A. Walters, Rules Analyst

Address: Administrative Rules Unit  
Department of Transportation, Mail Drop 507M  
3737 N. 7th Street, Suite 160  
Phoenix, AZ 85014-5079

Telephone: (602) 712-6722

Fax: (602) 241-1624

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E-mail: twalters@dot.state.az.us

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at [www.dot.state.az.us/about/rules/index.htm](http://www.dot.state.az.us/about/rules/index.htm).

**5. An explanation of the rule, including the agency's reasons for initiating the rulemaking:**

This rulemaking merely consolidates existing definitions into R17-4-201 from other Sections within the Article. There will be no change in any substantive regulatory provisions in any of the affected Sections.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

The agency did not rely on any study in this rulemaking.

**7. 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

**8. The preliminary summary of the economic, small business, and consumer impact:**

This rulemaking merely consolidates existing definitions into R17-4-201 from other Sections within the Article. There is no change in any substantive regulatory provisions in any of the affected Sections. Therefore, the economic impact is unchanged from the last time Sections R17-4-205 and R17-4-206 were amended. The only impact this rule-making action will have is increased clarity and reduced possibility for confusion on the part of concerned persons.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

An interested party may communicate with the agency official listed in item #4 concerning the economic impact statement.

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No oral proceeding is scheduled for this rulemaking action. A request for an oral proceeding may be made to the agency official listed in item #4. If no request for an oral proceeding is made, the public record in this rulemaking will close at 4:30 p.m. on January 24, 2003.

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

None

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

None

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

**TITLE 17. TRANSPORTATION**

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION  
TITLE, REGISTRATION, AND DRIVER LICENSES**

**ARTICLE 2. VEHICLE TITLE**

Section

R17-4-201.	<del>Reserved</del> <u>Definitions</u>
R17-4-205.	Co-ownership and Vehicle Title
R17-4-206.	Additional Titling Standards for Vehicles Not Manufactured in Compliance with United States Safety and Emission Standards; "Gray-market Vehicles"

**ARTICLE 2. VEHICLE TITLE**

**R17-4-201. ~~Reserved~~ Definitions**

Unless otherwise indicated, the following definitions apply to this Article:

1. "Division" or "MVD" means Motor Vehicle Division of Arizona Department of Transportation

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2. “Encumbrance” means an obligation stated as a lien on a vehicle title that is released upon payment or cancellation of the obligation.
3. “EPA standards” means Environmental Protection Agency standards as prescribed under 40 CFR 86.
4. “FMVSS” means Federal Motor Vehicle Safety Standards as prescribed under 49 CFR 571.
5. “GVWR” or “gross vehicle weight rating” has the meaning prescribed in A.R.S. § 28-3001(10).
6. “Joint tenancy with right of survivorship” means ownership by two or more people with a surviving joint tenant’s right to become sole owner.
7. “Multipurpose passenger vehicle” or “MPV” means a motor vehicle with motive power, except a low-speed vehicle or a trailer designed to carry 10 persons or fewer, constructed either on a truck chassis or with special features for occasional off-road operation.
8. “NHTSA” means National Highway Traffic Safety Administration.
9. “Registered importer” means a person who:
  - a. Is registered by the NHTSA Administrator as prescribed under 49 CFR 592.5;
  - b. Is licensed under A.R.S. Title 28, Chapter 10, Article 2; and
  - c. Performs duties as prescribed under 49 CFR 592.6.
10. “Tenancy in common” means vehicle ownership by two or more people without the right of survivorship.
11. “Valid titling documentation” means compliance with federal standards that is recorded on:
  - a. A registered importer’s certificate.
  - b. A manufacturer’s letter, or
  - c. A U.S. federal compliance label printed in English.

**R17-4-205. Co-ownership and Vehicle Title**

**A. In this section, unless the context otherwise requires:**

1. ~~“Division” means the Arizona Department of Transportation, Motor Vehicle Division.~~
2. ~~“Encumbrance” means an obligation stated as a lien on a vehicle title that is released upon payment or cancellation of the obligation.~~
3. ~~“Joint tenancy with right of survivorship” means ownership by two or more people with a surviving joint tenant’s right to become sole owner.~~
4. ~~“Tenancy in common” means vehicle ownership by two or more people without the right of survivorship.~~

**B. A title certificate application shall specify the form of co-ownership and names of a vehicle’s co-owners as follows.**

1. If co-ownership is a joint tenancy with right of survivorship in which all owners must sign to transfer or encumber the vehicle, the applicant shall provide the name of each owner separated by “and/or”.
2. If co-ownership is a joint tenancy that allows one owner to transfer or encumber the vehicle title, the applicant shall provide:
  - a. The name of each co-owner separated by “or”, and
  - b. A form, signed by each co-owner authorizing title transfer or encumbrance on the signature of any co-owner.
3. If co-ownership is a tenancy in common, the applicant shall provide the name of each owner separated by “and”.

~~**C.B.**~~ Before a surviving joint tenant under subsection (B)(1) obtains a title certificate as sole owner or transfers or encumbers the vehicle title, the surviving joint tenant shall present to the Division a death certificate for each deceased joint tenant.

~~**D.C.**~~ After the death of a tenant in common, the Division shall issue a new title certificate only as directed by:

1. A certified probate court order, or
2. A successor’s affidavit under A.R.S. § 14-3971(B).

**R17-4-206. Additional Titling Standards for Vehicles Not Manufactured in Compliance with United States Safety and Emission Standards; “Gray-market Vehicles”**

**A. Definitions:**

1. ~~“Division” or “MVD” means Motor Vehicle Division of Arizona Department of Transportation.~~
2. ~~“EPA standards” means Environmental Protection Agency standards as prescribed under 40 CFR 86.~~
3. ~~“FMVSS” means Federal Motor Vehicle Safety Standards as prescribed under 49 CFR 571.~~
4. ~~“GVWR” or “gross vehicle weight rating” has the meaning prescribed in A.R.S. § 28-3001(10).~~
5. ~~“Multipurpose passenger vehicle” or “MPV” means a motor vehicle with motive power, except a low-speed vehicle or a trailer designed to carry 10 persons or fewer, constructed either on a truck chassis or with special features for occasional off-road operation.~~
6. ~~“NHTSA” means National Highway Traffic Safety Administration.~~
7. ~~“Registered importer” means a person who:~~
  - a. ~~Is registered by the NHTSA Administrator as prescribed under 49 CFR 592.5;~~
  - b. ~~Is licensed under A.R.S. Title 28, Chapter 10, Article 2; and~~
  - e. ~~Performs duties as prescribed under 49 CFR 592.6.~~
8. ~~“Valid titling documentation” means compliance with federal standards that is recorded on:~~

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- a. ~~A registered importer's certificate,~~
- b. ~~A manufacturer's letter, or~~
- e. ~~A U.S. federal compliance label printed in English.~~

**B.** Titling standards.

1. The Division shall issue a title to a foreign-manufactured vehicle imported to the U.S. when an applicant presents the following:
  - a. A valid titling document defined under subsection (A)(8),
  - b. A completed MVD title and registration application as prescribed under R17-4-203,
  - c. A completed Vehicle Verification Form certifying that the vehicle passed the Division's physical inspection,
  - d. A document stating that the vehicle passed an Arizona emissions inspection under A.R.S. § 49-542, and
  - e. A certificate that the vehicle was converted to meet:
    - i. EPA standards, and
    - ii. FMVSS.
2. A foreign-manufactured vehicle imported to the U.S. is exempt from subsection (B) if it is older than 25 years from its manufacture date.
3. A foreign-manufactured vehicle imported to the U.S. that is between 21 and 25 years from the manufacture date is exempt from EPA standards, but shall comply with subsection (B)(1)(e)(ii).
4. Titling standards for vehicles manufactured according to Canadian specifications.
  - a. The Division shall issue a title to a vehicle manufactured according to Canadian specifications if it:
    - i. Is not for resale;
    - ii. Has a GVWR of less than 10,000 pounds; and
    - iii. Is a passenger vehicle, motorcycle, or MPV.
  - b. Before titling a vehicle manufactured according to Canadian specifications, the owner shall submit to the Division manufacturer documentation verifying that the vehicle complies with FMVSS and EPA standards.
    - i. The Division shall waive the labeling location requirement for standard FMVSS and EPA vehicle labeling locations.
    - ii. If manufacturer documentation indicates that a vehicle's speedometer or headlights do not comply with FMVSS and EPA standards, the owner shall file additional documentation with the Division to verify completion of a modification to bring the vehicle into compliance.
  - c. A registered importer shall certify a vehicle manufactured according to Canadian specifications if:
    - i. The vehicle meets FMVSS standards except for occupant crash protection provisions prescribed under 49 CFR 571.208, or
    - ii. The owner did not submit manufacturer documentation as prescribed under subsection (B)(4)(b).

**~~C.~~B. The Division shall require a registered importer's certification of a foreign-manufactured vehicle imported to the U.S. that:**

1. Is not exempt under subsections (B)(2) or (B)(3),
2. Does not qualify under subsection (B)(4), or
3. Does not have a valid titling document.

NOTICE OF PROPOSED RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT

PREAMBLE

**1. Sections Affected**

	<b><u>Rulemaking Action</u></b>
Article 11	Amend
R18-13-1102	Amend
R18-13-1103	Repeal
R18-13-1103	New Section
R18-13-1104	Repeal
R18-13-1106	Amend
R18-13-1108	Repeal
R18-13-1112	Amend
R18-13-1113	Repeal
R18-13-1114	Repeal
R18-13-1115	Repeal
R18-13-1116	Amend
R18-13-1117	Amend
R18-13-1118	Repeal
R18-13-1119	Repeal
R18-13-1120	Repeal

**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. §§ 49-104(B) and 49-765

Implementing statutes: A.R.S. §§ 49-104(B) and 49-765

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Recodification: 8 A.A.R. 5172, December 20, 2002

Notice of Rulemaking Docket Opening: 8 A.A.R. 5176, December 20, 2002

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Shirley J. Conard

Address: Arizona Department of Environmental Quality  
1110 W. Washington, 5420E  
Phoenix, AZ 85007

Telephone: (602) 771-4632 (Metro-Phoenix area) or toll free in Arizona, (800) 234-5677, ext. 771-4632

Fax: (602) 771-4674

E-mail: conard.shirley@ev.state.az.us

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking makes technical corrections and repeals rules that became out-of-date on the January 1, 2000 effective date of the Aquifer Protection Permit rulemaking (18 A.A.C. 9, Articles 1, 2, 3, 6, 7).

**R18-13-1102. Definitions.** The terms "incinerator toilet or privy," "individual septic tank system," and "vault privy" were never used within the Article and have been deleted.

The terms "approved septic tank cleaner," "public sewer," "water carriage system," and "water closet" are no longer in the Article and have been deleted.

The term "approved" no longer has the meaning specified in the definition and has been deleted.

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**R18-13-1103. Prohibition; responsibility.** This Section was in conflict with the current Aquifer Protection Permit rules and has been repealed.

**R18-13-1104. Approval.** This Section was in conflict with the current Aquifer Protection Permit rules and has been repealed.

**R18-13-1106. Inspection.** This Section has been amended for clarity.

**R18-13-1108. Storage and disposal; septic tanks.** This Section was in conflict with the current Aquifer Protection Permit rules and has been repealed.

**R18-13-1112. Collection and transportation; sanitary requirement.** This Section has been renamed and amended for clarity.

**R18-13-1113. Collection and transportation; license.** The information in this Section, to some extent, duplicates language in R18-13-1113, R18-13-1114, and R18-14-1115. This Section has been deleted and the applicable language moved to new Section R18-13-1103, General Requirements.

**R18-13-1114. Collection and transportation; application.** The information in this Section, to some extent, duplicates language in R18-13-1112, R18-13-1113, and R18-14-1115. This Section has been deleted and the applicable language moved to new Section R18-13-1103, General Requirements.

**R18-13-1115. Collection and transportation; term.** The information in this Section, to some extent, duplicates language in R18-13-1112, R18-13-1113, and R18-13-1114. This Section has been deleted and the applicable language moved to new Section R18-13-1103, General Requirements.

**R18-13-1116. Collection and transportation; suspension; revocation.** This Section has been renamed and amended to clarity.

**R18-13-1117. Collection and transportation; reinstatement.** This Section has been renamed and amended to clarity.

**R18-13-1118. Discontinued facilities; septic tanks.** This Section was in conflict with the current Aquifer Protection Permit rules and has been repealed.

**R18-13-1119. Discontinued facilities; seepage pits; cesspools.** This Section was in conflict with the current Aquifer Protection Permit rules and has been repealed.

**R18-13-1120. Discontinued facilities; earth-pit privies.** This Section was in conflict with the current Aquifer Protection Permit rules and has been repealed.

**6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. 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

**8. The preliminary summary of the economic, small business, and consumer impact:**

The changes made as a result of this rulemaking are technical in nature and do not impact the Department, political subdivisions, businesses, private or public employment, consumer, or state revenues.

**Requirements of A.R.S. § 41-1035.**

1. Establish less stringent compliance and reporting requirements for small businesses.

The rulemaking does not impact the compliance and reporting requirements for small businesses.

2. Establish less stringent compliance or reporting schedules or deadlines for small businesses.

No compliance or reporting schedules or deadlines are impacted as a result of this rulemaking.

3. Consolidate or simplify the rule's compliance and reporting requirements for small businesses.

The rulemaking removes duplicative and inaccurate information and does not effect compliance and reporting requirements for small businesses.

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4. Establish performance standards for small businesses to replace design and operational standards.  
No design and operational standards are impacted as a result of this rulemaking.
5. Exempt small businesses from any or all requirements of the rule.  
No exemptions are available as a result of this rulemaking.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Shirley J. Conard  
Address: Arizona Department of Environmental Quality  
1110 W. Washington, 5420E  
Phoenix, AZ 85007  
Telephone: (602) 771-4632  
Fax: (602) 771-4674

**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: January 21, 2003  
Time: 1:00 p.m.  
Location: Arizona Department of Environmental Quality  
1110 W. Washington, 5th Floor Conference Room – 5100B  
Phoenix, AZ 85007  
Nature: Oral Proceeding

Written comments on the proposed rules or preliminary economic, small business, and consumer impact statement must be received by the close of the public hearing on January 21, 2003.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Department's coordinator, Katie Huebner, at (602) 771-4794 (voice) or 1-800-367-3839 (TDD Relay). Requests should be made as early as possible to allow time to arrange the accommodation.

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

None

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

None

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

**TITLE 18. ENVIRONMENTAL QUALITY**

**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOLID WASTE MANAGEMENT**

**ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA**

Section

R18-13-1102. Definitions  
R18-13-1103. ~~Prohibition; responsibility~~ General Requirements  
R18-13-1104. ~~Approval~~ Repealed  
R18-13-1106. Inspection  
R18-13-1108. ~~Storage and disposal; septic tanks~~ Repealed  
R18-13-1112. ~~Collection and transportation; sanitary requirement~~ Sanitary Requirements  
R18-13-1113. ~~Collection and transportation; license~~ Repealed  
R18-13-1114. ~~Collection and transportation; application~~ Repealed  
R18-13-1115. ~~Collection and transportation; term~~ Repealed  
R18-13-1116. ~~Collection and transportation; suspension; revocation~~ Suspension and Revocation

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- R18-13-1117. ~~Collection and transportation; reinstatement~~ Reinstatement  
R18-13-1118. ~~Discontinued facilities; septic tanks~~ Repealed  
R18-13-1119. ~~Discontinued facilities; seepage pits; cesspools~~ Repealed  
R18-13-1120. ~~Discontinued facilities; earth-pit privies~~ Repealed

**ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA**

**R18-13-1102. Definitions**

- A.** "Approved" means acceptable to the Department.  
**B.** "Approved septic tank cleaner" means a person having approved equipment and vehicles for the collection, transportation, and disposal of human excreta and who holds an unrevoked license from the Department of Environmental Quality for each vehicle used to perform such operations and such other licenses or permits as may be required by other agencies.  
~~**C.A.** "Chemical toilet" means a toilet having a watertight, impervious pail or tank containing a chemical solution placed immediately beneath the seat and a pipe or conduit connecting the riser with the tank.~~  
~~**D.B.** "Department" means the Department of Environmental Quality or a local health department designated by the Department of Environmental Quality.~~  
~~**E.C.** "Earth-pit privy" means a device for disposal of human excreta in a pit in the earth.~~  
~~**F.D.** "Human excreta" means human fecal and urinary discharges and includes any waste containing such this material.~~  
~~**G.** "Incinerator toilet or privy" means a toilet or privy designed to permit destruction of excreta by incineration using LP gas, natural gas, or other source of heat to effect destruction of the body wastes.~~  
~~**H.** "Individual septic tank system" means a method of sewage disposal consisting of a covered settling tank and subsurface disposal field or seepage pit.~~  
~~**I.E.** "License" means a stamp, seal, or numbered certificate issued by the Department of Environmental Quality.~~  
~~**J.F.** "Pail or can type privy" means a privy equipped with a watertight container directly under the seat for receiving deposits of human excreta and having provisions for the removal of receptacles for emptying and cleaning.~~  
~~**K.G.** "Person" means the state, a municipality, district or other political subdivision, a cooperative, institution, corporation, company, firm, partnership, or individual.~~  
~~**L.** "Public sewer" means a sewer located in a road, street, alley, or right of way used to convey sewage to community treatment and disposal facilities.~~  
~~**M.H.** "Sewage" means the waste from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment, or recreation.~~  
~~**N.** "Vault privy" means a privy for disposal of human excreta into a vault which is lined with impervious material and which provides access for the removal of excreta.~~  
~~**O.** "Water carriage system" means a system of piping through which sewage is conveyed from the point of origin to the point of treatment and disposal.~~  
~~**P.** "Water closet" means a water flush toilet for disposal of human excreta into an approved water carriage sewage disposal system.~~

**R18-13-1103. ~~Prohibition; responsibility~~ General Requirements**

- A.** ~~No person shall deposit or store any human excreta other than in a water closet, an approved type privy or by other methods or devices satisfactory to and approved by the Department. No system or method for the collection, storage, transportation, and disposal of human excreta shall be installed, maintained or operated except as approved by the local health department or other authority having jurisdiction, and in accordance with Chapters 4, 8, or 9.~~  
**B.** ~~The owner of each device, method, or system used for the storage, collection, transportation, and disposal of human excreta shall be responsible for the proper construction, maintenance, and operation of the facilities.~~  
**A.** Any person owning or operating a vehicle or appurtenant equipment used to store, collect, transport, or dispose of sewage or human excreta that is removed from a septic tank or other on-site wastewater treatment facility; earth pit privy, pail or can type privy, or other type of privy; sewage vault; or fixed or transportable chemical toilet shall obtain a license for each vehicle from the Department. The person shall apply, in writing, on forms furnished by the Department and shall demonstrate that each vehicle is designed and constructed to meet the requirements of this Article.  
**B.** A person shall operate and maintain the vehicle and equipment so that a health hazard, environmental nuisance, or violation of a water quality standard established under 18 A.A.C. 11 is not created.  
**C.** License terms.  
  1. Each license is valid so long as the vehicle is operated by the same person for the same purpose and is maintained in a satisfactory manner.
  2. The license is not transferable either from person to person or from vehicle to vehicle.
  3. The license holder shall ensure that the license number is plainly and durably inscribed in contrasting colors on the side door panels of the vehicle and the rear face of the tank in figures not less than 3 inches high, and that the numbers are legible at all times.

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D. Any person owning or operating a vehicle or appurtenant equipment used to collect, store, transport, or dispose of sewage or human excreta shall obtain a permit from the local health department in each county in which the person proposes to operate.

**R18-13-1104. ~~Approval~~ Repealed**

~~A. An application to construct or reconstruct a septic tank system, earth-pit privy, or any other method of disposal of human excreta shall be submitted to the local health department, or other authority having jurisdiction, for approval prior to construction.~~

~~B. Temporary approval may be granted by a local health department for the construction of an earth-pit privy or such other suitable method of excreta disposal as the local health department may approve for use:~~

- ~~1. During an emergency;~~
- ~~2. For use at a public gathering;~~
- ~~3. By workmen on construction projects until a water carriage system of sewage disposal can be installed. All such facilities provided shall be installed, maintained, and operated in accordance with this Article.~~

~~C. Nothing in these rules shall be construed to mean that the Department will be required to approve any method of excreta disposal other than to a public sewer where, in the opinion of the Department, use of such method would constitute a nuisance or a potential hazard to public health.~~

**R18-13-1106. Inspection**

~~Representatives of the The Department shall make such inspections of all buildings or structures, processes or may inspect vehicles and appurtenant equipment used for the storage, collection, and disposal of to collect, store, transport, or dispose sewage or human excreta as are necessary to assure compliance with these rules this Article.~~

**R18-13-1108. ~~Storage and disposal; septic tanks~~ Repealed**

~~A. Where an adequate supply of water under pressure is available and when, in the opinion of the Department, connection to a public sewer is not practicable, an individual septic tank disposal system shall be provided, except as set forth in subsection (B) below. Each such septic tank system shall be designed, constructed, and maintained in accordance with criteria contained in Engineering Bulletin Number 12, entitled "The Septic Tank", and such additional criteria as required by the local health department, or in accordance with any local ordinance or code provided such ordinance or code equals or exceeds the criteria contained in Engineering Bulletin Number 12.~~

~~B. Where soil conditions, topography, or other conditions are such that a septic tank system cannot be expected to function satisfactorily, or where ground water or soil conditions are such that septic tank systems may cause pollution of waters of the state, other methods of sewage disposal satisfactory to the Department shall be provided.~~

**R18-13-1112. ~~Collection and transportation; sanitary requirement~~ Sanitary Requirements**

~~A. The A person owning or operating a vehicle or appurtenant equipment to collect, store, transport, or dispose of sewage or human excreta shall ensure that:~~

~~1. The collection, storage, transportation, and disposal of all human excreta shall be carried out Sewage and human excreta is collected, stored, transported, and disposed of in a sanitary manner which and does not endanger the public health or create ~~a~~ an environmental nuisance;~~

~~2. Each The vehicle used for collection and transportation of the wastes shall be is equipped with a leak-proof and fly-tight container having a capacity of ~~not less than~~ at least 750 gallons. All and all portable containers, pumps, ~~hose hoses, tools, or~~ and other implements ~~when not in use shall be~~ are stored within a covered and fly-tight enclosure when not in use;~~

~~3. Contents to be removed shall be intended for removal are transferred as quickly as possible by means of a portable fly-tight ~~containers~~ container or suitable suction pump and hose to the transportation container;~~

~~4. The transportation container shall be is tightly closed and made ~~absolutely~~ fly-tight immediately after the contents have been transferred;~~

~~5. Where portable Portable containers are ~~used they must be~~ kept fly-tight while being transported to and from the ~~vehicles~~ vehicle;~~

~~6. Any waste dropped or spilled in the process of collection shall be ~~carefully~~ is cleaned up immediately and the area properly disinfected;~~

~~7. All vehicles The vehicle, tools, and equipment shall be are maintained in good repair at all times. At the end of each day's work all portable containers, transportation containers, suction pumps, hose, and other tools shall be are cleaned and disinfected;~~ and

~~8. All wastes collected shall be are disposed of ~~in accordance with~~ according to the recommendations of the local county health department and ~~that~~ no change in the recommended method of disposal shall be is made without its prior approval ~~by the local health department~~. The local county health department shall recommend disposal by 1 one of the following methods listed below:~~

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- 1-a. ~~Into a community sewer system~~ At a designated point into a sewage treatment facility or sewage collection system with the approval of the appropriate authority at the place and point in the system designated by the authority; owner or operator of the facility or system.
- 2-b. ~~By burial burying all wastes from chemical toilets shall be disposed of by this method in an area approved by the local county health department; or~~
- 3-c. ~~By~~ Into a sanitary landfill with approval of the owner or operator of the landfill and following any precautions designated by the owner and operator and where operation of the facility is satisfactory and suitable precautions are taken to protect the health of the workers and the public.

~~F.B.~~ Open dumping is prohibited except in designated areas approved by the local county health department.

**R18-13-1113. ~~Collection and transportation; license~~ Repealed**

~~All wastes removed from a septic tank or other sewage disposal system and all human excreta removed from any privy or chemical toilet shall be stored, transported, and disposed of by vehicles licensed by the Department.~~

~~In addition, each approved septic tank cleaner or operator shall obtain a permit from the local health department in each county in which he proposes to operate.~~

**R18-13-1114. ~~Collection and transportation; application~~ Repealed**

~~Every person operating or proposing to operate equipment, vehicles, and other facilities for collection, transportation, and disposal of human excreta shall make application in writing to the Department, on forms furnished by the Department, for a license to operate each vehicle used to collect, store, and transport such wastes. The applicant shall demonstrate to the satisfaction of the Department that each vehicle is designed and constructed so as to meet the requirements of these rules.~~

**R18-13-1115. ~~Collection and transportation; term~~ Repealed**

~~A. Each license shall remain in force as long as the vehicle is operated by the same person for such purpose and is maintained in a satisfactory manner.~~

~~B. Licenses are not transferable either from person to person or from vehicle to vehicle.~~

~~C. Each vehicle licensed shall have the number of the license plainly and durably inscribed in contrasting colors on the side door panels of the cab and the rear face of the tank in figures not less than 3 inches high numbers shall be legible at all times.~~

**R18-13-1116. ~~Collection and transportation; suspension; revocation~~ Suspension and Revocation**

~~A. Should inspection by the~~ If a Department inspection indicates that a licensed vehicle is not ~~being~~ maintained and operated in a satisfactory manner or that conditions are such that the work cannot be performed ~~in accordance with these rules according to this Article~~, the Department shall notify the owner ~~shall be notified~~ in writing of all discrepancies noted.

~~B. The Department shall give the~~ owner ~~shall be given~~ a reasonable time in which to correct ~~such the~~ discrepancies and to comply with the provisions of ~~these rules this Article~~. ~~Should If~~ the owner ~~fail~~ fails to comply with the requirements of ~~such the~~ notice within the time limit specified, the Department may suspend or ~~revoked~~ revoke the vehicle license. The Department shall follow the provisions of A.R.S. Title 41, Chapter 6, Article 6 ~~will be followed~~ in any suspension or revocation proceeding.

~~C. Revocation The Department shall consider the revocation~~ or suspension of a permit by a local health department for violation of ~~these rules shall be considered this Article as~~ grounds for revocation of the vehicle license. ~~Both The local health department may immediately suspend both~~ the vehicle license and the permit issued by the local health department ~~may be suspended immediately, by the local health department, for gross violation of these rules this Article and at any time when if~~ in the opinion of the local health department a serious health hazard or environmental nuisance exists.

~~D. The owner of the vehicle whose license has been suspended or revoked may appeal such the action in accordance with the provisions of under~~ A.R.S. Title 12, Chapter 7, Article 6.

**R18-13-1117. ~~Collection and transportation; reinstatement~~ Reinstatement**

~~A vehicle license that has been suspended or revoked by the Department may be reinstated upon request by the owner of the vehicle only after reinspection by the Department indicates compliance with the requirements of this Article. Upon request of the vehicle owner, the Department may reinstate a suspended or revoked vehicle license following a Department reinspection and evaluation of compliance with the requirements of this Article.~~

**R18-13-1118. ~~Discontinued facilities; septic tanks~~ Repealed**

~~Whenever a septic tank system is discontinued, the system shall be thoroughly and carefully disconnected from the building sewer and the inlet to the tank sealed with cement grout. Any other work to be done on the tank shall be in accordance with the requirements of the local health department, or other authority having jurisdiction.~~

**R18-13-1119. ~~Discontinued facilities; seepage pits; cesspools~~ Repealed**

When any seepage pit, cesspool, or other method or device for the treatment of sewage is discontinued, all such facilities shall be backfilled or otherwise treated in accordance with the requirements of the local health department, or other authority having jurisdiction.

**R18-13-1120. ~~Discontinued facilities; earth-pit privies~~ Repealed**

Whenever any earth-pit privy is discontinued, the pit shall be filled in and covered as outlined in Engineering Bulletin Number 2.

## NOTICE OF PROPOSED RULEMAKING

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

#### CHAPTER 6. DEPARTMENT OF INSURANCE

##### PREAMBLE

**1. Sections Affected**

Article 9  
R20-6-901  
R20-6-902  
R20-6-903  
R20-6-904  
R20-6-905  
R20-6-906

**Rulemaking Action**

Amend  
New Section  
New Section  
New Section  
New Section  
New Section  
New Section

**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. §§ 20-143, 20-357, 20-359, 20-376, 20-398, 20-1097.04, and 20-1591

Implementing statutes: A.R.S. §§ 20-357, 20-359, 20-376, 20-398, 20-1097.04, and 20-1591

**3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 8 A.A.R. 4012, September 20, 2002

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Margaret McClelland  
Address: Arizona Department of Insurance  
2910 N. 44th Street, Second Floor  
Phoenix, AZ 85018  
Telephone: (602) 912-8456  
Fax: (602) 912-8452

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

Regulation of insurance products is one of the Department's core consumer protection activities. These rules are part of the Department's initiative to streamline its regulation of insurance products to promote competition among insurers and to enhance regulatory protection for those consumers who rely upon it. The proposed rules specify procedures and time-frames for Department review of rate and form submissions and filings that must be filed with the Department prior to use, pursuant to Arizona Revised Statutes, Title 20, Chapters 2, 4, 5, and 6. These rules are consistent with recent statutory changes in HB 2204 (Laws 2002, Ch. 41).

**Specific Section-By-Section Explanation of This Proposal**

R20-6-901 contains definitions of terms in this Article.

R20-6-902 establishes applicability for this Article.

R20-6-903 contains requirements for determination of administrative completeness of a filing by the Department.

R20-6-904 contains requirements for the substantive review period.

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R20-6-905 contains requirements for withdrawal of a submission or filing.

R20-6-906 establishes how the Department may notify a filer of the Department's decision on a submission.

- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

- 7. 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

- 8. The preliminary summary of the economic, small business, and consumer impact:**

This rule will benefit insurers by specifying a clear process and time-frames for the Department's review of insurance rate and form filings. Defining the process in rule will result in greater efficiency and improved predictability for insurers seeking to introduce products into the Arizona insurance marketplace.

The Department believes that this improved efficiency will also benefit consumers. A more efficient review process may result in lower administrative costs for insurers, which could, in turn, be passed on to consumers. Consumers and small businesses will also benefit from having new and improved insurance products available to them in a more timely fashion, coincident with consumers' need and demand for those products.

There will be a minimal economic impact on the Department, the Office of the Secretary of State, and the Governor's Regulatory Review Council for costs associated with the rulemaking process. The Department does not expect the rulemaking to have any economic impact on any other public agencies.

- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Margaret McClelland

Address: Arizona Department of Insurance  
2910 N. 44th Street, 2nd Floor  
Phoenix, AZ 85018

Telephone: (602) 912-8456

Fax: (602) 912-8452

- 10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rules or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:**

ADOI will hold an oral proceeding to receive public comment in accordance with A.R.S. § 41-1023 on January 23, 2003 at 10:00 a.m. at the Arizona Department of Insurance, 2910 N. 44th Street, Phoenix, Arizona, 3rd floor training room. ADOI will accept oral or written comments that are received by 5:00 p.m. on January 24, 2003 or which are postmarked by that date. The comment period will end and the record will close at 5:00 p.m. on January 24, 2003.

ADOI is committed to complying with the Americans with Disabilities Act. If any individual with a disability needs any type of accommodation, please contact ADOI at least 72 hours before the hearing.

- 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 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE

**ARTICLE 9. ~~TERMINATION OR DISSOLUTION~~ PRODUCT REVIEW**

Section

R20-6-901.	<u>Reserved Definitions</u>
R20-6-902.	<u>Applicability</u>
R20-6-903.	<u>Administrative Completeness Review</u>
R20-6-904.	<u>Substantive Review</u>
R20-6-905.	<u>Withdrawal of a Submission or Filing</u>
R20-6-906.	<u>Method of Communication</u>

**ARTICLE 9. ~~TERMINATION OR DISSOLUTION~~ PRODUCT REVIEW**

**R20-6-901. Reserved Definitions**

In this Article the following definitions apply:

“Administratively complete” means that a filing contains all of the information and materials necessary for the Department to begin a substantive review.

“Filing” means a filer’s submission of rates, rate-supplementary information, or forms that the Department has determined to be administratively complete.

“Filer” means a rate service organization, a rating organization, an advisory organization, an insurer, or an insurer’s authorized representative.

“Submission” means a filer’s proposal of rates, rate-supplementary information, or forms that has not been determined by the Department to be administratively complete.

“Substantive review” means the Department’s qualitative evaluation of a filing to determine whether the filing satisfies all the requirements established by statute, rule, or other law.

**R20-6-902. Applicability**

**A.** This Article applies to any rate and form submission or filing required to be filed with the Department under Arizona Revised Statutes, Title 20, Chapters 2, 4, 5, and 6, except as provided in subsection (B).

**B.** This Article does not apply to a filer licensed as:

1. A health care service organization;
2. A hospital, medical, dental, or optometric service corporation; or
3. A prepaid dental plan.

**R20-6-903. Administrative Completeness Review**

**A.** The Department shall determine whether a submission constitutes a filing within 10 days of receipt of the submission. After the 10 days, the submission is deemed to be a filing unless the Department, within the 10-day period:

1. Sends the filer a notice that the submission is not administratively complete; and
2. Returns the submission to the filer with a statement of the deficiencies.

**B.** The Department’s determination that a submission is not a filing is not an appealable agency action under the Arizona Revised Statutes, Title 41, Chapter 1.

**R20-6-904. Substantive Review**

**A.** The Department shall complete a substantive review within 30 days after a submission is deemed or determined to constitute a filing. If allowed under the applicable filing statute, the Department may extend the substantive review period by up to 15 days to allow time for the Department to review additional or corrected information.

**B.** After the 30 days, plus any extension of the substantive review period, the filing is deemed to satisfy the applicable statutory filing requirement unless the Department, within this time period, sends notice to the filer that:

1. The filing is approved or disapproved; or
2. The filing will be disapproved unless the filer corrects deficiencies listed in the notice and files with the Department, additional or corrected information that is complete and responsive to the Department’s request before the end of the substantive review period.

**R20-6-905. Withdrawal of a Submission or Filing**

At any time during the administrative or substantive review period, and prior to approval or disapproval of a filing, a filer may withdraw a submission or filing by written notification received at the Department. The filer may make a new subsequent submission that shall be subject to the entire review process and time-frames that begin anew.

**R20-6-906.      Method of Communication**

The Department may use the United States Postal Service, facsimile, or electronic mail to notify the filer of the Department's decision on a submission or filing.