

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 4. PROFESSIONS AND OCCUPATIONS

#### CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS

##### PREAMBLE

**1. Sections Affected**

R4-11-201  
R4-11-202  
R4-11-203  
R4-11-204  
R4-11-205

**Rulemaking Action**

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 statute: A.R.S. § 32-1207(A)(1), (4), and (5)

Implementing statutes: A.R.S. §§ 32-1240 and 32-1292.01

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

Notice of Rulemaking Docket Opening: 9 A.A.R. 845, March 7, 2003

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

Name: Julie N. Chapko, Executive Director

Address: Arizona State Board of Dental Examiners  
5060 N. 19th Avenue, Suite 406  
Phoenix, AZ 85015

Telephone: (602) 242-1492

Fax: (602) 242-1445

E-mail: jnchapko@azbodex.com

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

In April 2002, the Legislature passed H.B. 2029 and established A.R.S. § 32-1240, Dental Licensure by Credential, and A.R.S. § 32-1292.01, Dental Hygienist Licensure by Credential. Both statutes establish the criteria where the Board may waive the examination requirements for dentists and dental hygienists under specific conditions. The proposed rules create new Sections of administrative code to implement the statutory changes. The proposed new rules will be placed in Article 2 under the heading "Licensure by Credential." R4-11-201 establishes the requirements for dental licensure by credential. R4-11-202 establishes the application requirements for dental licensure by credential. R4-11-203 establishes the application requirements for dental hygienist licensure by credential. R4-11-204 establishes the qualifications of applicants for dental assistant radiography certification. R4-11-205 establishes the application requirements for dental assistant radiography certification. The Board requested the statutory changes for several reasons, including to increase the mobility of dentists, dental hygienists, and dental assistants across the country and to potentially increase patient's access to dental care services. Arizona is the only member of the Western Regional Examining Board (comprised of Alaska, Arizona, Idaho, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, and Washington) that does not have a licensure by credential program. By law, the Western Regional Examining Board (WREB) writes and administers the licensure examination for dentists and dental hygienists for its ten member states. Nationwide there are 34 states that offer licensure by credential programs.

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**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 rules' impact on established Board of Dental Examiner's procedures and office-related costs is substantial. The Board's office-related costs will increase substantially to support the credentialing process established by the rules. As of September 13, 2002, the Board licensed 3,341 dentists (of which 2,586 reside in Arizona) and 2,576 dental hygienists (of which 2,162 reside in Arizona). The Board estimates that 30 dentists and 35 dental hygienists per year may apply for licensure by credential. The estimated increase in revenue if all 30 dentists and 35 dental hygienists obtain licensure by credential would be \$95,000 per year with \$85,500 going into the Dental Board fund and \$9,500 going into the general fund. The Board's estimated costs to process licensure by credential applicants, if the estimated 30 dentists and 35 dental hygienists apply, could be from \$38,837.41 (if none of the applicants require a formal hearing for eligibility) to \$175,879.51 (if all 65 applicants require a formal hearing for eligibility). The Board estimates no more than 20 percent of applicants would require a formal hearing for eligibility. Based on a 20 percent estimate, the Board's total estimated costs to process licensure by credential applicants is \$68,354.15. The rules net economic impact on the Board could be moderate to substantial.

The rules' economic impact on individual dentists will be moderate. To obtain licensure by credential, a dentist will pay a \$2,000 fee to the Board in addition to the existing prorated license fee and a \$300 jurisprudence fee that are paid by all licensure applicants. The three-year dental license fee is \$650. The initial dental license fee is prorated to the next June 30th date, which yields a maximum initial dental license fee of \$216.67. The total estimated costs of dental licensure by credential is \$2,516.67. In contrast, to obtain licensure by examination, a dentist pays, in addition to the license and jurisprudence fees, a clinical examination fee of \$990, a school facility user fee of \$100 to \$250, and the additional expenses of providing a patient for the clinical examination. It is estimated that the costs of providing a patient, including travel, lodging, and food, can be as high as \$5,000. The total estimated costs of dental licensure by examination is between \$1,306.67 and \$6,456.67.

The rules' economic impact on individual dental hygienists will be moderate. To obtain licensure by credential, a dental hygienist will pay a \$1,000 fee to the Board in addition to the existing prorated license fee and a \$100 jurisprudence fee that are paid by all licensure applicants. The three-year dental hygienist license fee is \$325. The initial dental hygienist license fee is prorated to the next June 30th date, which yields a maximum initial dental hygienist license fee of \$108.34. The total estimated costs of dental hygienist licensure by credential is \$1,208.34. In contrast, to obtain licensure by examination, a dental hygienist pays, in addition to the license and jurisprudence fees, a clinical examination fee of \$580, a school facility user fee of \$50 to \$100, and the additional expenses of providing a patient for the clinical examination. It is estimated that the costs of providing a patient, including travel, lodging, and food, can be as high as \$5,000. The total estimated costs of dental hygienist licensure by examination is between \$738.34 and \$5,788.34. If a dental hygienist applicant also seeks an anesthesia credential, the applicant pays an additional \$160 clinical examination fee and \$15 school facility user fee.

The Board, dentists, dental hygienists, and the public benefit from rules that are clear, concise, and understandable. The rules benefit the public health and safety by streamlining the licensure process while continuing to ensure the education, training, and monitoring of dental practitioners.

**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: Julie N. Chapko, Executive Director  
Address: Arizona State Board of Dental Examiners  
5060 N. 19th Avenue, Suite 406  
Phoenix, AZ 85015  
Telephone: (602) 242-1492  
Fax: (602) 242-1445  
E-mail: jnchapko@azbodex.com

**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:**

Comments may be written or presented orally. Written comments must be received by 5:00 p.m., Monday, June 30, 2003. An oral proceeding is scheduled for:

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Date: June 30, 2003  
Time: 10:00 a.m.  
Location: 5060 N. 19th Avenue, Suite 406  
Phoenix, AZ 85015

A person may request information about the oral proceeding by contacting the person in item #9.

**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:**

None

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

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 11. STATE BOARD OF DENTAL EXAMINERS**

**ARTICLE 2. ~~EXPIRED~~ LICENSURE BY CREDENTIAL**

Section

R4-11-201. ~~Expired~~ Clinical Examination; Requirements  
R4-11-202. ~~Expired~~ Dental Licensure by Credential; Application  
R4-11-203. ~~Expired~~ Dental Hygienist Licensure by Credential; Application  
R4-11-204. ~~Repeated~~ Dental Assistant Radiography Certification by Credential  
R4-11-205. ~~Repeated~~ Application for Dental Assistant Radiography Certification by Credential

**ARTICLE 2. ~~EXPIRED~~ LICENSURE BY CREDENTIAL**

**R4-11-201. ~~Expired~~ Clinical Examination; Requirements**

**A. The Board:**

1. Shall consider an application for licensure at the next scheduled Board meeting after the application is administratively complete.
2. If an applicant is applying under A.R.S. §§ 32-1240(A)(1) or 32-1292.01(A)(1), shall ensure that the applicant has passed the clinical examination of another state or testing agency that is determined to be substantially equivalent in one of the following ways:
  - a. Official documentation sent directly from a state or testing agency that shows that the clinical examination or multiple examinations the applicant passed are a Board-approved clinical examination or multiple examinations administered by a state or regional testing agency. The official documentation shall contain the name of applicant, date of examination, total score for the examination, component part of the examination and scores for each component;
  - b. Certified documentation sent directly from a state dental board that shows that the applicant passed that state's clinical examination before that state's participation in a regional examination. The official documentation shall contain the name of applicant, date of examination, total score for the examination, component part of the examination and scores for each component; or
  - c. Evidence satisfactory to the Board in the form of a detailed report prepared by a recognized organization capable of assessing that the examination submitted for determination of equivalency meets the following standards and content requirements:
    - i. The purposes, interpretations, and uses of the clinical examination are clearly stated in order to make appropriate pass/fail decisions.
    - ii. The knowledge, skills and abilities that are important in the clinical practice of dentistry or dental hygiene are identified.
    - iii. Examination specifications are developed to provide a detailed description of the content of the examination and specify the scorable tasks that are used to evaluate each discipline. The specifications should include scoring weights associated with each content area.
    - iv. Policies and procedures are defined and published to standardize examination administration. This administrative protocol addresses legal issues and fair testing practices.
    - v. The state or testing agency provides candidates with clear and comprehensive information about the examination program, including application requirements, examination content, performance expectations, reporting of results, and an appeals process.

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- vi. Policies for examiner selection and retention are defined and published.
- vii. An examiner-training program is established and implemented. The program introduces examiners to appropriate applications of the agency's evaluation criteria and assesses their ability to apply the criteria. The methodology of examiner standardization and its results are documented.
- viii. Post-examination analyses are routinely conducted. Reliability and other factors affecting validity are investigated.
- ix. A program is developed and implemented for ongoing evaluation of examiner ratings. The examining agency provides examiners with feedback on their individual rating performance. Policies and procedures are defined for remediation or discontinuance of examiners based on analyses of their performance.

**B.** An Applicant shall meet the licensure requirements in R4-11-301 and R4-11-303. The applicant is exempt from complying with R4-11-301(4).

**R4-11-202. ~~Expired~~ Dental Licensure by Credential: Application**

**A.** A dentist applying under A.R.S. § 32-1240(A)(1) or (2) shall meet the qualifications and requirements in A.R.S. §§ 32-1232(A), (C), (D), and (E), and 32-1233(1) and (3).

**B.** A dentist applying under A.R.S. § 32-1240(A)(1) shall:

- 1. Have a current dental license in another state, territory, or district of the United States;
- 2. Submit a written affidavit affirming that the dentist has practiced dentistry for a minimum of 5000 hours during the five years immediately before applying for licensure by credential. For purposes of this subsection, dental practice includes experience as a dental educator at a dental program accredited by the American Dental Association Commission on Dental Accreditation or employment as a dentist in a public health setting;
- 3. Submit a written affidavit affirming that the applicant has completed the continuing dental education required by the state in which the applicant is currently licensed; and
- 4. Provide evidence that the clinical examination is substantially equivalent by meeting one of the requirements in R4-11-201(A)(2).

**C.** A dentist applying under A.R.S. § 32-1240(A)(2) shall submit official documentation sent directly from the testing agency to the Board containing the name of applicant, date of examination, total score for the examination, component part of the examination and scores for each component.

**D.** Under A.R.S. § 32-1240(A)(2), the Board may request other evidence as required in R4-11-201(A)(2).

**E.** An applicant for dental licensure by credential shall pay the fee prescribed in A.R.S. § 32-1240, except the fee is reduced by 50% for applicants who are employed by or contracted with:

- 1. Underserved areas, such as declared or eligible Health Professional Shortage Areas (HPSAs); or
- 2. Other facilities caring for underserved populations, as recognized by the Arizona Department of Health Services and approved by the Board.

**F.** An applicant for dental licensure by credential who contracts to work in areas or facilities as described in subsection (E) shall:

- 1. Commit to a three-year, exclusive service period.
- 2. File a copy of the contract or employment verification with the Board, and
- 3. Submit an annual employment verification statement by December 31 of each year.

**G.** A licensee's failure to comply with the requirements in subsection (F) is considered unprofessional conduct and may result in disciplinary action.

**R4-11-203. ~~Expired~~ Dental Hygienist Licensure by Credential: Application**

**A.** A dental hygienist applying under A.R.S. § 32-1292.01(A)(1) or (2) shall:

- 1. Meet the qualifications and requirements in A.R.S. §§ 32-1284(A), 32-1285(1) and (3), and
- 2. Not be the subject of final or pending disciplinary action in any state, territory, or district of the United States or have resigned or surrendered a license while under investigation by or while disciplinary action was pending before any professional licensing agency.

**B.** The Board shall:

- 1. Suspend an application for licensure by credential if the applicant is currently under investigation by a dental regulatory agency in another jurisdiction, and
- 2. Not issue or deny licensure by credential to an applicant under (B)(1) until the matter is resolved.

**C.** A dental hygienist applying under A.R.S. § 32-1292.01(A)(1) shall:

- 1. Have a current dental hygienist license in another state, territory, or district of the United States;
- 2. Submit a written affidavit affirming that the applicant has practiced as a dental hygienist for a minimum of 1000 hours during the two years immediately before applying for licensure by credential. For purposes of this subsection, dental hygienist practice includes experience as a dental hygienist educator at a dental program accredited by the American Dental Association Commission on Dental Accreditation or employment as a dental hygienist in a public health setting;

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3. Submit a written affidavit affirming that the applicant has completed the continuing dental hygienist education required by the state in which the applicant is currently licensed; and
  4. Provide evidence that the clinical examination is substantially equivalent by meeting one of the requirements in R4-11-201(A)(2).
- D.** A dental hygienist applying under A.R.S. § 32-1292.01(A)(2) shall submit official documentation sent directly from the testing agency to the Board containing the name of applicant, date of examination, total score for the examination, component part of the examination and scores for each component.
- E.** Under A.R.S. § 32-1292.01(A)(2), the Board may request other evidence as required in R4-11-201(A)(2).
- F.** An applicant for dental hygienist licensure by credential shall pay the fee prescribed in A.R.S. § 32-1292.01, except the fee is reduced by 50% for applicants who are employed by or contracted with:
1. Underserved areas, such as declared or eligible Health Professional Shortage Areas (HPSAs); or
  2. Other facilities caring for underserved populations, as recognized by the Arizona Department of Health Services and approved by the Board.
- G.** An applicant for dental hygienist licensure by credential who contracts to work in areas or facilities as described in subsection (F) shall:
1. Commit to a three-year, exclusive service period.
  2. File a copy of the contract or employment verification with the Board, and
  3. Submit an annual employment verification statement by December 31 of each year.
- H.** A licensee's failure to comply with the requirements in R4-11-203(G) is considered unprofessional conduct and may result in disciplinary action.

**R4-11-204. ~~Repealed~~ Dental Assistant Radiography Certification by Credential**

Eligibility. To be eligible for dental assistant radiography certification by credential, an applicant shall have a current certificate or other form of approval for taking dental radiographs, issued by a professional licensing agency in another jurisdiction of the United States that required successful completion of written and clinical dental radiography examinations or a single dental radiography examination with written and clinical components.

**R4-11-205. ~~Repealed~~ Application for Dental Assistant Radiography Certification by Credential**

- A.** An applicant for dental assistant radiography certification by credential shall provide to the Board a completed application, on a form furnished by the Board that contains the following information:
1. A sworn statement of the applicant's eligibility, and
  2. A letter of endorsement that verifies compliance with R4-11-204.
- B.** Based upon review of information provided under subsection (A), the Board or its designee may request that an applicant for dental assistant radiography certification by credential provide a copy of a certified document that indicates the reason for a name change if the applicant's documentation contains different names.

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**TITLE 17. TRANSPORTATION**

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

**PREAMBLE**

- 1. Sections Affected**

R17-4-301	<b><u>Rulemaking Action</u></b>
R17-4-309	New Section
Appendix A	Amend
	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 statutes: A.R.S. §§ 28-101(4) and 28-624
- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 9 A.A.R. 1206, April 11, 2003
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Brent P. Heiss, Rules Analyst
Address:	Arizona Department of Transportation Administrative Rules Unit, Mail Drop 507M 3737 N. 7th Street, Suite 160 Phoenix, AZ 85014-5079
Telephone:	(602) 712-7941
Fax:	(602) 241-1624
E-mail:	bheiss@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.htm](http://www.dot.state.az.us/about/rules.htm).
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

R17-4-309 concerns the requirements for receiving a private fire emergency vehicle permit. This rulemaking action arises from a five-year review report approved by the Governor's Regulatory Review Council on December 7, 1999 (F-99-1202). The Department plans to update the rule and revise it for clarity.
- 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:**

Applying for a private fire emergency vehicle permit is a voluntary procedure. Businesses and members of the public that do not apply will have no costs. Those that do apply will see no change in costs associated with obtaining liability insurance and qualified operators for the vehicles.
- 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:**

Interested persons may contact the Rules Analyst listed in item #4 regarding the economic, small business, and consumer 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 public hearing is planned for this rulemaking. Oral comments and oral requests for a public hearing may be made Monday through Friday, 8:00 a.m. to 5:00 p.m., by calling the phone number in item #4. Written comments may be sent to the address in item #4. All comments must be received by 4:30 p.m. on Friday, July 11, 2003, at which time the public record will close.

**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:**

NFPA 1002, 1998 edition—R17-4-301 and R17-4-309

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

**TITLE 17. TRANSPORTATION**

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

**ARTICLE 3. VEHICLE REGISTRATION**

Section

R17-4-301. ~~Transferred~~ Definitions

R17-4-309. Private Fire Emergency Vehicle

Appendix A. ~~Private Fire Emergency Vehicle Permit Repealed~~

**ARTICLE 3. VEHICLE REGISTRATION**

**R17-4-301. ~~Transferred~~ Definitions**

The following definitions are applicable to Article 4, unless otherwise stated in statute or a specific rule:

1. “Applicant” means a person or entity applying for an emergency vehicle permit.
2. “Division” means the Arizona Department of Transportation, Motor Vehicle Division.
3. “Emergency vehicle permit” means a document issued by the division to a Private Fire Department for a single fire engine which authorizes the fire engine’s driver to exercise the privileges set forth in A.R.S. § 28-624.
4. “Fire engine” means a motor vehicle containing the fire-fighting equipment capable of extinguishing fires.
5. “Operator Requirements” means the requirements given in Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire apparatus Driver/Operator Professional Qualification (NFPA 1002), 1998 edition, which is incorporated by reference and on file with the Arizona Department of Transportation and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.
6. “Private Fire Department” means a fire-fighting concern that is neither a public service corporation nor a municipal entity but is equipped to provide emergency fire-fighting service.

**R17-4-309. Private Fire Emergency Vehicle**

~~A.~~ Definitions:

1. ~~“The Applicant” means person, persons, or entity applying for a permit for a private fire emergency vehicle.~~
2. ~~“Department” is defined in accordance with A.R.S. § 28-101(16).~~
3. ~~“Director” is defined in accordance with A.R.S. § 28-101(17).~~
4. ~~“Emergency Vehicle Permit” means a document issued by the Director of the Motor Vehicle Division authorizing the driver of a permitted motor vehicle to exercise the privileges set forth in A.R.S. § 28-624.~~
5. ~~“Fire Engine” means a motor vehicle containing fire-fighting equipment capable of extinguishing fires.~~
6. ~~“Private Fire Department” means a fire-fighting concern that is neither a public service corporation nor a municipal entity but is equipped to provide emergency fire-fighting devices for a private purpose.~~
7. ~~“Private Fire Emergency Vehicle” means a fire engine operated by a Private Fire Department for which an Emergency Vehicle Permit has been issued.~~

~~B.A.~~ A separate An applicant shall submit a separate, written application shall be made to the Director to the Division on a form provided for each fire engine for which an emergency vehicle permit, is requested:

1. The application shall be made to the Department’s Transportation Safety Office, Motor Vehicle Division. The applicant shall provide the following information about the applicant on the application:
  - a. Name.
  - b. Business address.
  - c. Telephone number.

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- d. Description.
- e. Other information useful to the Division.
2. The applicant shall provide the following information about the fire engine for which the applicant seeks an emergency vehicle permit on the application:
  - a. Make.
  - b. Model.
  - c. Year.
  - d. VIN.
  - e. License Plate Number, and
  - f. Other information useful to the Division.
- ~~2.3.~~ The An applicant shall certify on the application that the fire engine shall be operated by a Private Fire Department.
- ~~3.4.~~ The An applicant shall certify on the application that the driver of all persons who will drive the fire engine meets the operator requirements of this rule will meet the Operator Requirements.
- ~~4.5.~~ The An applicant shall demonstrate acceptable financial responsibility to protect any liability that may arise from the use of the permit. Acceptable financial responsibility shall be demonstrated by provide proof that the applicant has a comprehensive motor vehicle liability insurance policy with the application.
  - a. The policy shall be written for a combined single-limit coverage of at least \$5 million.
  - b. The issued policy shall be from an insurance company licensed to do business in Arizona by the Arizona Department of Insurance.
  - c. The policy shall provide that the state of Arizona shall be notified at least 30 days prior to any policy cancellation, nonrenewal, or change in provisions. Additionally, the policy shall provide that the ~~state of Arizona~~ Division shall be notified if the insurance company becomes insolvent.
  - d. The policy, together with all endorsements, shall be provided to the Motor Vehicle Division at time of initial with the application.
5. No permit shall be issued until the insurance policy is approved by the Director.
6. If the application for a permit is denied, the denial shall be sent by first-class mail, postage prepaid, to the address of the permittee as shown on the permit application. The notice of denial shall inform the applicant of the right to a hearing and the procedure for requesting a hearing.

**E.B.**Operational Requirements.

1. Private fire emergency vehicles may be operated with the privileges set forth in A.R.S. § 28-624 but shall be subject to all other applicable provisions set forth in ~~A.R.S. Title 28, A.A.C. Title 17, A.R.S. Title 28, 17 A.A.C.,~~ and applicable local laws.
2. Private fire emergency vehicles shall only be driven by operators who meet the requirements of Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualifications (NFPA 1002), ~~1988 1998~~ edition which is incorporated by reference herein and on file in the Office of the Secretary of State.
3. The emergency vehicle permit shall be carried at all times in the vehicle for which it is issued.
4. The emergency vehicle permit shall remain the property of the Division, shall not be transferable, and shall be surrendered to the Division upon revocation or suspension.
5. The emergency vehicle permit shall be valid for 12 months and may be renewed upon application.

**D.C.**Denial and Revocation; Appeal

1. The Director of the Division shall revoke an emergency vehicle permit shall be revoked upon a determination by the Director on determining that:
  - a. The permitted vehicle or the ~~permittee~~ Private Fire Department no longer meets the requirements for the permit, or
  - b. The vehicle was operated in violation of the provisions of ~~this rule or any other~~ applicable rule or statute.
2. The order of revocation shall be preceded by a notice of intent to revoke. The notice of intent to revoke shall be sent by first-class mail, postage prepaid, to the address of the permittee as shown on the permit application. The notice of intent to revoke shall inform the permittee of the right to a hearing and the procedure for requesting a hearing.
- ~~3.~~ The notice of intent to revoke shall inform the permittee of the right to a hearing and the procedure for requesting a hearing.
- ~~4.~~ Permittee may request a hearing within 15 days after receipt of notice of intent to revoke by mailing or delivering a written request to: Executive Hearing Office, Motor Vehicle Division, 1801 West Jefferson, Phoenix, Arizona 85007.
- ~~5.3.~~ The order of revocation shall become effective 25 days after the mailing date of the notice of intent to revoke unless a timely request for hearing is submitted.
- ~~6.4.~~ Hearings, rehearings, and appeals shall be noticed and conducted in accordance with ~~A.R.S. § 41-1061 et seq. and A.A.C. R17-4-901 et seq. 17 A.A.C. 4.~~
- ~~7.5.~~ The permittee shall be allowed to reapply A person or entity may apply for a permit following revocation.
8. If the application for a permit is denied, the denial shall be sent by first-class mail, postage prepaid, to the address of

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the permittee as shown on the permit application. The notice of denial shall inform the applicant of the right to a hearing and the procedure for requesting a hearing.

E. Permit Format. The attached permit format, Appendix A, is adopted and prescribed for use.

Appendix A. Private Fire Emergency Vehicle Permit Repealed

Arizona Department of Transportation

Permittee: Issue Date \_\_\_\_\_
Expiration Date \_\_\_\_\_
Permit Number \_\_\_\_\_

Name of Company:

Location:

Mailing Address:

Telephone:

Description of Vehicle:

Make: Model: Year:

VIN: License Plate Number:

Certification of Driver Qualification:

\_\_\_\_\_, the Applicant, certifies that all persons who will drive the permitted vehicle have met or will have met the requirements of Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualifications (NFPA 1002), 1988 Edition.

(Signature)

Name and Title (Print)

NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

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

PREAMBLE

- 1. Sections Affected Rulemaking Action
R17-4-406 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. § 28-366
Implementing statute: A.R.S. § 28-3160
3. A list of all previous notices appearing in the Register addressing the proposed rule:
Notice of Rulemaking Docket Opening: 9 A.A.R. 1206, April 11, 2003
4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:
Name: Brent P. Heiss, Rules Analyst
Address: Arizona Department of Transportation
Administrative Rules Unit, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079
Telephone: (602) 712-7941
Fax: (602) 241-1624
E-mail: bheiss@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.htm.
5. An explanation of the rule, including the agency's reasons for initiating the rule:
R17-4-406 concerns minors' applications for driver licenses. The Department reviewed this rule as it committed to do in a five-year rule review report approved by the Governor's Regulatory Review Council on June 23, 2000 (F-00-0603). The Department plans to update the rule for language and style and to conform it to the current statute.

- 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 rulemaking will update the current rule for clarity and this should decrease the cost of agency and public compliance. Overall, this rulemaking will probably have little economic, small business, and consumer impact.
- 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:**  
Interested persons may communicate with the Rules Analyst listed in item #4 regarding the economic, small business, and consumer 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 public hearing is planned for this rulemaking. Oral comments or a request for a public hearing may be made Monday through Friday, 8:00 a.m. to 5:00 p.m., by calling the phone number in item #4. Written comments may be sent to the address in item #4. All comments must be received by 4:30 p.m. on Friday, July 11, 2003, at which time the public record will close.
- 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 4. DRIVER LICENSES

Section

R17-4-406. Minor's application for permit or License Required Signatures for Minor's Application

#### ARTICLE 4. DRIVER LICENSES

**R17-4-406. Minor's application for permit or License Required Signatures for Minor's Application**

- A.** For the purposes of administering the provisions of A.R.S. § 28-417, the following definitions are adopted:
1. "Custody" as used in subsection (B) of A.R.S. § 28-417 means legal custody granted to both parents by a court order, either jointly or during specified periods, but does not include visitation rights.  
"Custody" as used in subsection (A) of A.R.S. § 28-417 means legal custody rights in a parent whose custody rights as parent of a child have not been severed by a court order or, in the case of divorced parents, only 1 parent was granted custody of the child, and excludes visitation rights.
  2. "Guardian" means one who has been appointed by a court of law to care for a minor child, but only if both parents of the child are deceased, or an agency as defined in A.R.S. § 8-513.
  3. "Person having custody of a minor child whose parents are deceased" means a person who is not a legal guardian of the child but who has for any reason assumed responsibility for the care, control, education, support and shelter of such a child.
  4. "Parent" means the natural or adoptive father or mother of a child.
  5. "Application", as used in this rule, means the Legal Guardian Affidavit which the Motor Vehicle Division requires to be submitted with each minor's driver license application.
- B.** When both parents must sign: If the parents of a child are divorced but have both been awarded custody of the child, both must sign the application.
- C.** Procedure when both parents sign: If both parents sign a child's application, no proof of custody need be furnished.

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- D.** Procedure when only 1 parent signs:
1. If the signing parent is married to the child's other parent, that fact shall be stated and it shall be presumed the signing parent has custody of the child.
  2. If the signing parent is not married to the child's parent because the other parent is deceased, that fact shall be stated and it shall be presumed the signing parent has custody of the child.
  3. If the signing parent is not married to the child's other parent, the signing parent must affirm that the other parent does not have custody of the child, in which event it shall be presumed the signing parent has custody of the child.
- E.** Procedure when both parents are deceased:
1. Applications presented which are not signed by a parent because both are deceased must be accompanied by certified copies of certificates of death or other satisfactory proof of death, such as, by way of example but not limitation, a court judgment, affidavits of close relatives of the child or school records.
  2. A person who is guardian of a child shall sign an application as defined by this rule or furnish a certified court order appointing guardianship.
  3. An employer signing the application must certify the minor is employed by that person on the date of application.
  4. A person who has custody of a child shall sign a Legal Guardian Affidavit affirming custody or furnish a certified court order awaiting custody.
- F.** Proof of custody. Proof of custody may be established by a certified copy of the court order awarding custody or a written affirmation by the person signing the application.
- G.** Adoption of questionnaire. The attached Legal Guardian Affidavit is adopted for use in satisfying the requirements of this rule, is incorporated by reference, and is on file in the Office of the Secretary of State.
- A.** Definitions
1. "Minor's application" means the application of a person under eighteen years of age for an instruction permit, a class G or M driver license, or an endorsement to a class G or M driver license.
  2. "Parent" means a person's natural or adoptive mother or father or a court appointed guardian through divorce decree or foster parent.
- B.** If a parent signs a minor's application, the parent shall provide written proof in one of the following ways:
1. The parent's name is on the minor's birth certificate;
  2. The parent's name is the same as that shown on the minor's birth certificate, but the parent's name has been legally changed;
  3. The court order showing the parent is the legal adoptive parent of the minor;
  4. If a foster parent signs the minor's application, the foster parent shall provide to MVD a copy of the document placing the minor with the foster parent; or
  5. Any other proof evidencing parentage.
- C.** If a legal guardian signs the minor's application the legal guardian shall provide to MVD a copy of the court order assigning guardianship.
- D.** If a person signs the minor's application as a responsible person, the responsible person shall provide to MVD copies of the death certificates of the minor's parents.
- E.** If a minor's employer signs the minor's application the employer shall provide to MVD written proof of the minor's employment.



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the address in item #4. All comments must be received by 4:30 p.m. on Friday July 11, 2003, at which time the public record will close.

**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 4. DRIVER LICENSES**

Section

R17-4-409. Application for License for Identification Purposes Only: Fees

**ARTICLE 4. DRIVER LICENSES**

**R17-4-409. Application for License for Identification Purposes Only: Fees**

~~A.~~ Every application shall comply with the requirements as set forth in A.R.S. § 28-421.01. The application shall be made on forms furnished by the Department.

~~B.~~~~A.~~ Satisfactory proof of the name and date of birth of an applicant may be shown by any of the following:

1. ~~Birth certificate, issued in any state, territory, or possession of the United States.~~
2. ~~Citizenship Papers, Delayed birth certificate issued in any state, territory, or possession of the United States.~~
3. ~~Passport, United States passport.~~
4. ~~School identification, Foreign Passport with United States visa (Admission stamp or I-94 form requirements identified within passport).~~
5. ~~Military discharge papers, Resident alien card (Issued after 1977).~~
6. ~~Military I.D. card, Immigration Naturalization Service (INS) authorization card (I-668A, I-688B, or I-766).~~
7. ~~Notarized affidavit signed by 2 adults, United States Certificate of Naturalization,~~
8. ~~United States Certificate of Citizenship.~~
9. ~~Driver License issued in any state, territory, or possession of the United States.~~
10. ~~Arizona ID card (Issued after July 1996).~~
11. ~~Instruction permit issued in any state, territory, or possession of the United States.~~
12. ~~Certified letter of identification for a ward of the court, issued by a court or government agency in the United States.~~
13. ~~Affidavit of Identification (with photo and within fifteen days of issue) from Arizona Department of Corrections, a county detention facility or a probation office in Arizona.~~
14. ~~Tribal certificate of Indian Blood.~~
15. ~~Tribal or Bureau of Indian Affairs affidavit of birth.~~
16. ~~United States military Department of Defense discharge form DD214, or~~
17. ~~United States Military ID card Department of Defense DD form 2 (active duty, reserve, retired and dependant).~~

~~C.~~~~B.~~ The following fees shall be paid:

1. For filing each application for license for identification purposes only -- \$12.00.
2. The fee for replacing a lost or destroyed identification card -- \$4.00
3. There is no charge for an additional identification card when the applicant is over the age of sixty-five years or is considered disabled under title XVI of the Social Security Act.