

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 34. BOARD OF MANUFACTURED HOUSING

PREAMBLE

1. Sections Affected

R4-34-101
R4-34-102
R4-34-202
R4-34-203
R4-34-401
R4-34-502
R4-34-602
R4-34-604
R4-34-606
R4-34-607
R4-34-701
R4-34-702
R4-34-703
R4-34-704
R4-34-705
R4-34-803
R4-34-804
R4-34-805

Rulemaking Action

Amend
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. § 41-2144

Implementing statute: A.R.S. Title 41, Chapter 16

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

Notice of Rulemaking Docket Opening: 9 A.A.R. 3834, August 29, 2003.

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

Name: Larry Pointer
Address: Department of Building and Fire Safety
1110 W. Washington, Suite #100
Phoenix, AZ 85007
Telephone: (602) 364-1003
Fax: (602) 364-1063

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

The proposed rules will implement new statutes that were passed during the 2000 legislative session to create bonding for D-8 retailers and the 2003 legislative session to remove recreational vehicles from the Department's authority. The Board is updating the Codes and revision is made to clarify wedges. Also, the Board has made some minor clerical revisions.

6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed

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rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:

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:

The impact of these proposed rules to licensees and consumers will be minimal. The cost is mostly to licensees for the new Code Books.

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: Larry Pointer
Address: Department of Building and Fire Safety
1110 W. Washington, Suite #100
Phoenix, AZ 85007
Telephone: (602) 364-1003
Fax: (602) 364-1063

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:

No oral proceedings are scheduled. Written comments on the proposed rules will be accepted by the Department Monday through Friday, 8 a.m. to 5 p.m. addressed to the person in #4 no later than 5 p.m., Monday, August 2, 2004.

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:

International Building Code (IBC), 2003 Edition including the appendices and the exception: In R4-34-102(E)(1), R4-34-705(A)(1)(2), R4-34-803(C)(1), R4-34-803(D)(5)(a) and (b), R4-34-803(E)(9), R4-34-803(G), R4-34-803(I)(1), R4-34-805(B), and R4-34-805(E)(1)(b) and (2)(b)

International Residential Code (IRC), 2003 Edition including the appendices, the exception, and the exemptions of Chapter 11, Chapters 29-32, and Chapters 33-40: In R4-34-102(E)(1), R4-34-705(A)(1)(2), R4-34-803(C)(1), R4-34-803(D)(5)(a) and (b), R4-34-803(E)(9), R4-34-803(G), R4-34-803(I)(1), R4-34-805(B), and R4-34-805(E)(1)(b) and (2)(b)

International Mechanical Code (IMC), 2003 Edition including the appendices: In R4-34-102(E)(2), R4-34-803(C)(1), R4-34-803(I)(1), and R4-34-805(B)

Uniform Plumbing Code (IAPMO), 1994 Edition including the appendices: In R4-34-102(E)(3), R4-34-803(C)(1), R4-34-803(I)(1), and R4-34-805(B)

National Electrical Code (NFPA-70), 2002 Edition with the exemption of Article 80: In R4-34-102(F), R4-34-803(C)(1), R4-34-803(I)(1), R4-34-804(B)(2)(b) and (c), and R4-34-805(B)

HUD Standards – 24 CFR 3280: In R4-34-803(C)(1)

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 34. BOARD OF MANUFACTURED HOUSING

ARTICLE 1. GENERAL

Section
R4-34-101. Definitions
R4-34-102. Codes Incorporated by Reference

ARTICLE 2. LICENSING

Section

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- R4-34-202. Manufactures
- R4-34-203. Retailers

ARTICLE 4. SURETY BONDS

- Section
- R4-34-401. Surety Bond Forms

ARTICLE 5. FEES

- Section
- R4-34-502. License Bond Amounts

ARTICLE 6. MANUFACTURING CONSTRUCTION AND INSPECTION

- Section
- R4-34-602. ~~Recreational Vehicles~~ Reserve
- R4-34-604. Alterations
- R4-34-606. Rehabilitation of Mobile Homes
- R4-34-607. Manufacturing Inspection and Certification

ARTICLE 7. PLAN APPROVALS

- Section
- R4-34-702. Quality Assurance Manuals
- R4-34-703. Drawings and Specifications
- R4-34-704. Alterations or Reconstruction
- R4-34-705. Accessory Structures and Ground Anchoring

ARTICLE 8. PERMITS AND INSTALLATION

- Section
- R4-34-803. Soil and Materials
- R4-34-804. Utilities
- R4-34-805. Accessory Structures

ARTICLE 1. GENERAL

R4-34-101. Definitions

- A.** "Act" No change
- B.** "Agency" No change
- C.** "Agency disclosure" No change
- D.** "Agent" No change
- E.** "Anchorage systems" means a manufactured home or mobile home must resist overturning and lifting effects of the wind. The installation instructions are provided by the manufacturer of the manufactured home or a registered professional engineer shall be used to determine permissible points of support for vertical loads and points of attachment for anchorage systems used to resist horizontal and uplift forces.
- ~~F.~~** "Board" No change
- ~~G.~~** "Branch location" No change
- ~~H.~~** "Brokered Transaction" No change
- ~~I.~~** "Co-brokered transaction" No change
- ~~J.~~** "Factory-built building" or "FBB" No change
- ~~K.~~** "HUD" No change
- ~~L.~~** "Incidental" No change
- ~~M.~~** "Lease with option to purchase" No change
- ~~N.~~** "New" No change
- ~~O.~~** "Offer to purchase in a brokered transaction" No change
- ~~P.~~** "Open subassembly" No change
- ~~Q.~~** "Purchase contract in a brokered transaction" No change
- ~~R.~~** "Reconstruction" means construction work performed on a manufactured home, mobile home, ~~recreational vehicle~~, or factory-built building for the purpose of restoring the unit to a usable condition, but does not include work limited to remodeling, replacing, or repairing appliances or components that will not significantly alter the systems or the structural integrity of the living area.
- ~~S.~~** "Respond" No change

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~~ST.~~ "Retailer" No change

~~TU.~~ "Standards" means the state rules and codes as they relate to manufactured homes, mobile homes, factory-built buildings, ~~Recreational vehicles~~, subassemblies, and accessory structures.

~~UV.~~ "Supplement" No change

~~VW.~~ "Technical service" No change

~~WX.~~ "Typical plan" No change

~~XY.~~ "Used home" No change

R4-34-102. Codes Incorporated by Reference

Where there is a conflict between the adopted Codes, Statutes, and Rules, the Statutes and Rules shall apply. All referenced standards and codes are incorporated by reference, on file with the Secretary of State, and do not include any later amendments or editions.

~~A.~~ "ANSI" — ANSI A119.2, Recreational Vehicles, 1999 Edition, including all appendices and the following exceptions:

- ~~1.~~ Section 2-10-6.3 Nozzles used for the dispensing of fuel shall be listed for use with unleaded fuel, of a trigger and handle type, made with an aluminum cast body, and identified by its manufacturer as capable of withstanding moderate abuse. Nozzles shall be compatible with pumps, if provided;
- ~~2.~~ Section 2-10-6.4. Fuel pumps shall be of the manual or 12-volt electrical type. The pump and hose shall be identified by its manufacturer as being listed and compatible with the fuel type to be used; and
- ~~3.~~ Section 3-4.7. Recreational vehicles with a vaportight separation between the special transportation area and the living space are exempt from the requirements of 3-4.7.

~~Copies of these standards are available from American National Standards Institute, 1430 Broadway, New York, NY 10018.~~

~~B.~~ "ANSI" — ANSI A119.5, Recreational Park Trailers, 1998 Editions, including all appendices and the following exceptions:

- ~~1.~~ If the calculated load of the park trailer exceeds 30 amperes, 120 volts, a second power supply cord shall be permitted. If the two-cord supply system is installed the cords shall not be interconnected on either the live side or the load side. The grounding circuits and grounding means shall be electrically interconnected; and
- ~~2.~~ Definition of "Gross Trailer Area" is modified to read, "The largest horizontal projection of the park trailer in the set-up mode. In calculating the square footage of a trailer, measurements shall be taken on the exterior of the trailer. The square footage includes all siding, corner trim, molding, storage space, and areas enclosed by windows, but not roof overhangs."

~~Copies of these standards are available from American National Standards Institute, 1430 Broadway, New York, NY 10018.~~

~~C.A.~~ "HUD standards" No change

~~D.B.~~ "HUD regulations" No change

~~E.C.~~ Copies of these codes are available from the ~~International Conference of Business Officials, 5360 South Workman Mill Road, Whittier, California 90601.~~ International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795:

- ~~1.~~ Uniform Building Code (ICBO), 1997 Edition International Building Code (IBC), 2003 Edition and International Residential Code (IRC), 2003 Edition including the appendices and the exemptions of Chapter 11, Chapters 29-32, and Chapters 33-40 the exception that if a water or gas connection does not conform with Uniform Building Code International Building and International Residential Codes requirements in Chapter 16 on anchoring plumbing to a foundation for resistance to uplift and sliding forces, an installer or contractor shall use a flexible connector approved for the water connection. Approved materials in the Uniform Plumbing Code shall be used. The installer or contractor shall use a flexible connector not more than 6 feet long and of the rated size necessary to supply the total demand of the unit; and
- ~~2.~~ Uniform Mechanical Code (UMC), 1997 Edition International Mechanical Code (IMC), 2003 Edition including the appendices; and

~~3.D.~~ Uniform Plumbing Code (IAPMO), 1994 Edition including the appendices. Copies of this code are available from the IAPMO, 20001 Walnut Drive South, Walnut, CA 91789-2825.

~~F.E.~~ National Electrical Code (NFPA-70), 1999 2002 Edition with the exemption of Article 80. Copies of this code are available from the National Fire Protection Agency (NFPA), 1 Batterymarch Park, Quincy, MA 02269-9101.

ARTICLE 2. LICENSING

R4-34-202. Manufacturers

The Department shall place a manufacturer's license application into one of the following license classes, based on the listed activities that limit the scope of each class:

1. No change
 - a. No change

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- b. No change
- 2. No change
 - a. No change
 - b. No change
- 3. ~~M-9D Manufacturer of Recreational Vehicles:~~
 - a. ~~Manufactures recreational vehicles.~~
 - b. ~~Reconstructs recreational vehicles.~~
 - e. ~~Converts vehicles to recreational vehicles as defined by A.R.S. § 41-2142(30).~~
- 4.3. M-9E Master Manufacturer: Performs work within the scope of classes M-9A; and M-9C; ~~and M-9D.~~

R4-34-203. Retailers

The Department shall place a retailer's license application into one of the following license classes, based on the listed activities that limit the scope of each class:

- 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 2. No change
 - a. No change
 - b. No change
- 3. ~~D-9 Retailer of Park Trailers or Portable Truck Campers with Systems:~~
 - a. ~~Buys, sells, or exchanges new or used park trailers or portable truck campers with systems;~~
 - b. ~~Acts as an agent for the sale or exchange of new or used park trailers or portable truck campers with systems;~~
 - e. ~~Makes alterations to systems of new park trailers or portable truck campers with systems before a sale to a purchaser; or~~
 - d. ~~Contracts with properly licensed contractors for the installation of park trailers or accessory structures.~~
- 4.3. D-10 Retailer of Factory-Built Buildings and FBB Subassemblies:
 - a. No change
 - b. No change
 - c. No change
 - d. No change
- 5.4. D-12 Master Retailer: Performs work within the scope of classes D-8, D-8B, ~~D-9~~ and D-10.

ARTICLE 4. SURETY BONDS

R4-34-401. Surety Bond Forms

Manufacturers, installers, and retailers, ~~and brokers~~, except ~~retailers and~~ brokers of manufactured homes, mobile homes, or single-family, factory-built buildings, shall submit the applicable surety bond amount from the list in R4-34-502, with a form provided by the Office of Administration.

ARTICLE 5. FEES

R4-34-502. License Bond Amounts

An applicant shall submit the applicable license bond amount listed for each license class.

License Class	Bond Amount
M-9A	\$ 10,000.00
M-9C	65,000.00
M-9D	5,000.00
M-9E	100,000.00
<u>D-8</u>	<u>25,000.00</u>
D-9	15,000.00
D-10	15,000.00 <u>25,000.00</u>
D-12	15,000.00 <u>25,000.00</u>
I-10C	2,500.00
I-10D	1,000.00
I-10G	5,000.00

No license shall be renewed unless the applicant's surety bond or cash deposit is in full force and effect.

ARTICLE 6. MANUFACTURING CONSTRUCTION AND INSPECTION

~~R4-34-602. Recreational Vehicles Reserve~~

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- ~~A. A manufacturer shall build recreational vehicles according to the applicable standards in R4-34-102(A) or (B).~~
- ~~B. In addition to complying with applicable federal and state motor vehicle safety standards, a manufacturer of recreational vehicles and RV subassemblies shall:
 - 1. Build RV-s and RV subassemblies according to drawings and specifications required in R4-34-703(C);
 - 2. Affix a permanent serial number to each unit during the first stage of manufacturing. The serial number location and application method shall be shown in the plans required by R4-34-703(C)(3)(d); and
 - 3. Affix an Arizona Insignia of Approval to each completed unit. The insignia shall indicate the unit serial number, plan approval number, and be located on the unit as indicated in the plans required by R4-34-703(C)(3)(d).~~
- ~~C. The Department may require that a manufacturer of recreational vehicles produced and shipped before plan approval remove the units from this state and remove insignias based on the following factors:
 - 1. Probable harm to the public's safety and welfare;
 - 2. Number of previous violations of a similar nature; and
 - 3. Unwillingness of a manufacturer to comply with plan submittal and requirements.~~

R4-34-604. Alterations

A manufacturer retailer shall ensure that alterations are consistent with applicable standards and codes, as prescribed in R4-34-704(A).

R4-34-606. Rehabilitation of Mobile Homes

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. All electrical systems shall be tested for continuity to assure that metallic parts are properly bonded, tested for operation to demonstrate that all equipment is connected and in working order, and given a polarity check to determine that connections are proper. The electrical system shall be properly protected for the required amperage load. If the unit wiring is of aluminum conductors, all receptacles and switches rated 20 amperes or less directly connected to the aluminum conductors shall be marked ~~CD-CO~~/ALR. Exterior receptacles other than heat tape receptacles, shall be of the ground fault circuit interrupter (GFI) type. Conductors of dissimilar metals (Copper/Aluminum/or Copper Clad Aluminum) must be connected in accordance with NEC Section 110-14; and
 - 5. No change
- C. No change
- D. No change
- E. No change
- F. No change
- G. No change

R4-34-607. Manufacturing Inspection and Certification

- A. No change
- B. Before issuing insignias the Department shall certify that each manufacturing facility of factory-built buildings; or FBB subassemblies, ~~or recreational vehicles~~ is capable of manufacturing the units or subassemblies to the specifications in the approved drawings and the quality assurance manual.
- C. Unit certification;
 - 1. No change
 - 2. Each manufacturer of factory-built buildings, FBB subassemblies, ~~recreational vehicles~~, and reconstructed units shall certify compliance with approved plans by affixing an Arizona Insignia of Approval to each unit or subassembly before delivery to a retailer.
- D. No change
 - 1. No change
 - 2. Each manufacturer of factory-built buildings, reconstructed units, and FBB subassemblies; ~~and recreational vehicles~~ shall report affixing Arizona Insignias of Approval by the 15th day of each month.
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
- F. No change
 - 1. No change
 - 2. No change

- G. No change
 - 1. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change

ARTICLE 7. PLAN APPROVALS

R4-34-701. General

- A. No change
 - 1. No change
 - 2. No change
- B. No change
- C. No change
- D. Before reconstructing a manufactured home, ~~mobile home~~ or factory-built building, a manufacturer shall obtain plan approval under R4-34-704(B).
- E. No change
- F. No change
- G. No change
- H. No change
- I. No change

R4-34-702. Quality Assurance Manuals

- A. No change
- B. A manufacturer of factory-built buildings; and FBB ~~or RV-subassemblies, or recreational vehicles~~ shall prepare a quality assurance manual that has all of the following attributes:
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

R4-34-703. Drawings and Specifications

- A. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
- C. ~~A manufacturer of recreational vehicles or RV subassemblies shall submit plans that comply with the applicable codes in R4-34-102(A) or (B). When preparing plans, the plans shall provide or have the following information or format attributes:~~
 - 1. ~~A floor plan that provides traceability to systems or typical plans by numerical or alphabetical identification.~~
 - 2. ~~Sheets and revisions that are uniquely identified by a heading or number and a date of issuance.~~
 - 3. ~~A floor plan for each model including, at minimum:~~
 - a. ~~Dimension or scaled presentation showing overall size;~~
 - b. ~~Location of windows, exterior exits, and alternate egress means;~~
 - e. ~~Location of partitions and interior walls; and~~

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- d. Location of appliances; fixtures; fire extinguishers; heating and return air registers; connections for drain, water, gas, and electrical; permanent serial number, and Arizona Insignia of Approval.
- 4. Drawings or schematics and specifications depicting plumbing systems including, at minimum:
 - a. Descriptions and, if applicable, listing agency of materials, fixtures, fittings, pipe and tubing, shower doors, and appliances;
 - b. Diameter and type of pipe and tubing, length of 3/8 inch. O.D. tubing, and all trap arms;
 - e. Size and type of fittings;
 - d. Methods of securing drain, waste, and vent piping;
 - e. Diagrams of potable water supply, waste, vent, and drain systems; and
 - f. Location of all cleanouts.
- 5. Drawings or schematics and specifications depicting mechanical systems including, at minimum:
 - a. Description and, if applicable, listing agency of materials, fittings, pipe, tubing, appliances, heating ducts, and registers;
 - b. Diameter, length, and type of gas pipe and tubing, and total developmental length;
 - e. Size and type of gas or oil fittings, valves, and connectors;
 - d. Diagram of the fuel piping system;
 - e. Locations of fuel piping supports and methods of securing the supports;
 - f. BTUH input rating of all fuel burning appliances;
 - g. Location of LP gas containers, method of securing the containers, including supporting calculations or test reports, and method of protection from vehicle exhaust system heat;
 - h. Clearances between range burners and combustible materials and method of protection where required; and
 - i. Gauge, size, and type of warm air ducts and return air ducts.
- 6. Drawings or schematics and specifications depicting the electrical system including, at minimum:
 - a. Description and listing agency of 115/230 volt wiring materials;
 - b. Description, rating, and if applicable, listing agency of devices and appliances;
 - e. Type and rating of power supply assembly;
 - d. Number of branch circuits and rating of each circuit;
 - e. Electrical load calculations if applicable;
 - f. Location and number of outlets, fixtures, and appliances fixed in place on each circuit;
 - g. Conductor size, type, and material, and over current protection device for each circuit;
 - h. Installation of compartment installed batteries;
 - i. Methods of grounding all exposed non-current carrying metal parts;
 - j. Location of generator and method of electrical installation; and
 - k. If applicable, a diagram of any low voltage electrical system including conductor size and material, over current protection, fixture and motor loads, and power supply.
- 7. Drawings or schematics and specifications depicting compliance with fire and life safety provisions including, at minimum:
 - a. Description and flame spread ratings of interior finished materials;
 - b. Description and combustibility compliance of textile or film materials, if applicable;
 - e. Size and type of alternate egress;
 - d. Location of gasoline filler spouts and engine exhaust; and
 - e. Sealing of gasoline filler spouts and generator compartment from the interior of the unit.

R4-34-704. Alterations or Reconstruction

- A. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. The retailer or broker shall ensure that recreational vehicle plans comply with R4-34-703(C).
- B. No change
 - 1. No change
 - 2. No change

R4-34-705. Accessory Structures and Ground Anchoring

- A. No change
 - 1. An installer shall comply with the ~~Uniform Building Code~~ International Building and International Residential Codes when preparing accessory structure plans.
 - 2. The Department may approve a design that does not comply with the ~~Uniform Building Code~~ International Building

and International Residential Codes if an Arizona Registered Engineer has engineered the design to standards at least equivalent to those in the code.

- 3. No change
- B. No change
 - 1. No change
 - 2. No change

ARTICLE 8. PERMITS AND INSTALLATION

R4-34-803. Soil and Materials

- A. No change
- B. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - 2. No change
 - a. No change
 - b. No change
 - c. No change
- C. No change
 - 1. Use materials that comply with the standards incorporated in R4-34-102: ~~Uniform Building Code, Uniform Mechanical Code,~~ International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code, National Electrical Code, and HUD standards (24 CFR 3280); and
 - 2. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. Minimum 3/4-inch thick plywood or two layers of 5/8-inch thick plywood no less than 12 inches wide. The plywood shall be Grade CDX APA Rated Sheeting Exposure 1, PSI-treated for ground contact, conforming to ~~Uniform Building Code Section 2303.3.1~~ International Building Code Section 2303.1.8 and International Residential Code;
 - b. Minimum 2-inch nominal thickness wood no less than 12 inches wide, and treated for ground contact, conforming to the ~~Uniform Building Code Section 2303.3.1~~ International Building Code Section 2303.1.8 and International Residential Code;
 - c. No change
 - d. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. No change
 - 10. No change
 - 11. No change
 - 12. No change
- E. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
 - 9. Construct permanent support heights to the applicable requirements of the ~~Uniform Building Code~~ International Building and International Residential Codes.

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- F. Wedges: An installer or contractor shall:
1. Use two wedges in alignment per support;
 2. Use wood wedges that are a minimum of 2 1½ inches by 4 3½ inches by 4 6 inches; and
 3. Drive wedges in tightly so that the ~~overlap does not fill more than 1 inch at the support.~~ height developed does not exceed 2 inches at the support;
 4. Provide I-Beam of the building with full bearing on the wedge; or
 5. Use listed or approved shimming material per the manufactures wedge instructions; or
 6. Use material or methods designed by an Arizona professional engineer or architect and approved by the authority having jurisdiction.

G. Anchoring/Tiedowns

~~If a unit is to be anchored an installer or contractor shall anchor the unit as directed by the Uniform Building Code or the manufacturer's installation manual that is consistent with this Chapter.~~ Anchoring systems shall be certified by a registered professional engineer.

H. No change

1. No change
2. No change

I. No change

1. An installer or contractor shall install factory-built buildings as prescribed in the ~~Uniform Building Code, Uniform Mechanical Code, International Building Code, International Residential Code, International Mechanical Code, Uniform Plumbing Code, and National Electrical Code incorporated in R4-34-102.~~
2. No change

R4-34-804. Utilities

A. No change

B. No change

1. No change
2. When service equipment is installed on a manufactured home, an installer or contractor shall install the grounding electrode according to the manufacturer's instructions, if the instructions are consistent with this Chapter, or Article 250 ~~A & B I & II~~ and table 250.122 of the National Electrical Code. The following items shall be installed according to the National Electrical Code.
 - a. No change
 - b. Power supply cord according to ~~550-5~~ 550.10, and
 - c. Conduit according to Chapter 9 (including ~~appendix C annex-c~~).

C. No change

D. No change

E. No change

1. No change
2. No change

F. No change

R4-34-805. Accessory Structures

A. No change

B. An installer or contractor shall install, assemble, or construct each accessory structure according to the ~~Uniform Building, Uniform Mechanical, International Building, International Residential, International Mechanical, Uniform Plumbing, and the National Electric Codes~~ or according to the manufacturer's installation instructions if the instructions are consistent with this Chapter.

C. No change

D. No change

E. No change

1. No change
 - a. No change
 - b. Ventilate skirting according to the ~~Uniform Building Code~~ International Building and International Residential Codes, and
 - c. No change
2. No change
 - a. No change
 - b. Design and construct skirting as a retaining wall according to the ~~Uniform Building Code~~ International Building and International Residential Codes.
3. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF BUILDING AND FIRE SAFETY

PREAMBLE

1. Sections Affected

Article 4
R4-36-401
R4-36-402
R4-36-403
R4-36-404
R4-36-405
R4-36-406

Rulemaking Action

New Article
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 statute: A.R.S. § 41-2146

Implementing statute: A.R.S. Title 41, Chapter 16

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

Notice of Rulemaking docket Opening: 9 A.A.R., 3061, July 11, 2003.

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

Name: John Rowlinson
Address: Department of Building and Fire Safety
1110 West Washington, Suite #100
Phoenix, AZ 85007
Telephone: (602) 364-1079
Fax: (602) 364-1084

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

The proposed rule will implement new statutes that were passed during the 1994 legislative session to create an Arson Detection Reward Fund process.

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

None

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:

Pursuant to A.R.S. § 41-1056.A.6. - Estimated Review of Economic Impact Statement prepared on the last amendment of the rules.

The following definitions are applicable to all articles: "minimal" means \$5,000 or less; "moderate" means \$5,000 to \$10,000; "substantial" means \$10,000 or more.

The economic impact to the agency is minimal and consists primarily of printing of rule.

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: John Rowlinson
Address: Department of Building and Fire Safety
1110 West Washington, Suite #100
Phoenix, AZ 85007
Telephone: (602) 364-1079
Fax: (602) 364-1084

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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:

No oral proceedings are scheduled.

Written comments will be accepted by the Department Monday through Friday, 8 a.m. to 5 p.m., addressed to the person in item #4 no later than 5 p.m., Monday, August 2, 2004.

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 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 36. DEPARTMENT OF BUILDING AND FIRE SAFETY

ARTICLE 4. ARSON DETECTION REWARD FUND

Section

R4-36-401. Arson detection reward fund; administration; purpose; receipts and disbursements

R4-36-402. Appendix A – Criteria for Reward Evaluation

R4-36-403. Appendix B – Request for Reward Form

R4-36-404. Appendix C – Reward Evaluation Form

R4-36-405. Appendix D – Sample Letter Informing State Fire Marshal of AACAP Reward

R4-36-406. Appendix E – Affidavit Attesting to Payment of AACAP Reward.

ARTICLE 4. ARSON DETECTION REWARD FUND

R4-36-401. Arson detection reward fund; administration; purpose; receipts and disbursements

An arson detection reward fund is established and shall be administered within the guidelines of A.R.S. § 41-2167 and rules of the Office of the State Fire Marshal.

1. Purposes:

- a. To persuade unknown person with information regarding arson cases to report it to investigating authorities.
- b. To have the offer of a reward act as in inducement for reluctant witnesses to reveal their information about arson cases under investigation.
- c. To have the availability of a reward act as a deterrent to prevent fires because the arsonist or potential arsonist is concerned about being reported to authorities for the reward.
- d. To promote public awareness of the arson detection reward fund.
- e. To provide funding for a 1-800-arson hotline.

2. Criteria:

Rewards will be considered by the Arizona Advisory Committee on Arson Prevention (hereafter referred to as AACAP) using the following factors in their evaluation:

- a. The value of the information to the investigation or prosecution.
- b. The availability of information from other sources.
- c. The degree of cooperation of the person giving the information.
- d. Personal risk to the person giving the information.
- e. Nature of the loss or potential loss (casualties, occupancy, severity of the fire, dollar loss, etc.).
- f. Deterrent effect a reward payment might have on other incidents.
- g. Other factors deemed relevant by the AACAP.

3. Policies:

- a. No person has a right to promise a reward from this fund to anyone giving information. Only the AACAP has the authority to decide if a reward will be given and in what amount.
- b. Requests for rewards may be submitted by any local, state, or federal official authorized to investigate fires. Requests shall be made on forms prescribed and furnished by AACAP.
- c. Any person giving information may do so anonymously, if he or she so desires.
- d. Rewards may be payable to persons who furnish information that lead to the arrest and conviction must be for an arson related-crime committed within the geographical boundaries of the State of Arizona or otherwise prosecut-

- able within this state.
- e. Those ineligible to receive rewards are: law enforcement officials, fire service personnel, insurance industry employees (including independent persons contracted to investigate or adjust a fire), participants in the fire or related incident, victims of the fire, and the immediate families of those listed or anyone acting on their behalf.
 - f. Any investigator or prosecutor who feels their case may be jeopardized in any way because of a reward payment may so inform AACAP who will consider the impact of the reward on the case. Consideration for a reward may be delayed until the completion of the prosecution.
 - g. The AACAP has final authority on all reward request.
4. Procedures:
- a. Meetings: AACAP shall meet concurrently with the Board of Directors of the Arizona Chapter of Arson Investigators, but AACAP shall meet at least one time per quarter. Open meeting and notice statutes shall be complied with.
 - b. Applications:
 - i. Applications for rewards shall be made by officials authorized in Section III (b) on the form provided by AACAP. (See Appendix B)
 - ii. In the case of anonymous applicants, the applying official shall not reveal the identity of the applicant to AACAP.
 - iii. Copies of the applications shall be provided to AACAP members at least two working days prior to the meeting.
 - c. Consideration by AACAP:
 - i. AACAP will evaluate the application based on the factors set forth in a reward evaluation form approved by AACAP. (See Appendix C).
 - ii. AACAP will attempt to assign values by consensus. If consensus cannot be attained then decision shall be by majority vote.
 - iii. Each Factor shall be awarded a value between zero and five by AACAP using the criteria set forth in Appendix A. Factors shall be weighted as set forth on the Reward Evaluation form adopted by AACAP. AACAP may add up to two additional factors that it may find relevant to a particular application but may weigh those factors no greater than 2.
 - iv. After factor and weight scores have been computed AACAP shall determine the dollar amount of the reward by multiplying the number of points by an amount between \$100 and \$125 per point.
 - d. Administration:
 - i. AACAP shall not maintain funds from government sources. The Arizona State Fire Marshal's Office (State Fire Marshal) shall administer all government funds. AACAP may accept private funds to further the purposes set forth in A.R.S. § 41-2167. AACAP shall maintain private funds in a separate account. AACAP may, from time to time, submit requests for reimbursement for necessary expenses to the State Fire Marshal who shall reimburse AACAP/Arizona Chapter of the International Association of Arson Investigators.
 - ii. Requests for payment of rewards shall be transmitted to the State Fire Marshal by letter, (see Appendix D) stating the amount and requesting reimbursement to the applicant, or in the case of an anonymous reward, to the requesting official.
 - iii. In the case of an anonymous reward, the requesting official shall file with the State Fire Marshal's Office within 60 days of receipt of the check an affidavit (see Appendix E) certifying that the requesting official has paid the reward to the anonymous applicant.
 - e. Interim Procedure of the State Fire Marshal

The following policy shall be followed in order to process AACAP approved arson rewards or promotional expenditures.

 - i. Request for rewards, payments, or expenditures shall be forwarded to the State Fire Marshal for review.
 - ii. If payment request complies with A.R.S. § 41-2167(A), (B), (C), (D), (E), the State Fire Marshal shall write a memo to the Director of the Department of Building and Fire Safety requesting authorization for payment. Supporting documents such as a "Request for Payment" form, and other invoices or documents shall be attached to the payment request and forwarded to the Director.
 - iii. The Director shall review such requests and may "approve for payment", return to the State Fire Marshal for further information, or deny approval.
 - iv. If approved, checks shall be sent as invoiced.
 - v. If denied, the State Fire Marshal shall return the request to AACAP with a letter of explanation.

R4-36-402. APPENDIX A - CRITERIA FOR REWARD EVALUATION:

Assign values as follows:

- 1. Value of the information to the investigation and/or prosecution (factor x2)
- 0 --Not applicable or of no value

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- 1 --Information of minimal value
- 2 --Information somewhat helpful to arrest/prosecution
- 3 --Information important to arrest/prosecution
- 4 --Information very important to arrest/prosecution
- 5 --Case would not be prosecuted/no arrests made without information
2. Availability of information from other sources (factor x1)
 - 0 --Not applicable or widely available
 - 1 --Most information available from other sources
 - 2 --Some information available from other sources
 - 3 --Applicant provided important information that was not available from other sources
 - 4 --Applicant provided major information that was very important and not available from other sources
 - 5 --Applicant was sole source of critical information without which the case could not have been prosecuted
3. How cooperative was the applicant in assisting authorities (factor x1)
 - 0 --Not applicable or had to be coerced to assist
 - 1 --Very reluctant/required substantial encouragement
 - 2 --Somewhat reluctant
 - 3 --Responded to process and was cooperative
 - 4 --Very cooperative
 - 5 --Totally cooperative (cancelled vacation or suffered significant inconvenience to assist state)
4. Importance of case (factor x2) includes danger to public, legal significance, public interest, etc.
 - 0 --Totally insignificant case
 - 1 --Of light importance
 - 2 --Of moderate importance
 - 3 --Important case
 - 4 --Very important case
 - 5 --Of major significance
5. The personal risk to the applicant and/or his/her family (factor x1)
 - 0 --Not applicable or no risk
 - 1 --Possible risk
 - 2 --Potential risks present
 - 3 --Potential risks moderate
 - 4 --Potential risks high
 - 5 --Actual attempts to harm or coerce
6. Amount of monetary loss or potential loss (factor x2)
 - 0 --No loss or potential loss
 - 1 --Less than \$50,000
 - 2 --\$50,000 - \$99,000
 - 3 --\$100,000 - \$499,000
 - 4 --\$500,000 - \$999,000
 - 5 --\$1,000,000 or more
7. The nature, number and extent of any injuries, deaths or potential for serious injury or death (factor x3)
 - 0 --No potential or non applicable
 - 1 --No actual injuries
 - 2 --Minor injuries or potential
 - 3 --Serious injury to multiply persons or risk of same
 - 4 --Death of one person or extreme risk of death
 - 5 --Actual multiple deaths or extreme risk of multiple deaths

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R4-36-403. APPENDIX B – REQUEST FOR REWARD

REQUEST DATE: _____ REQUEST # _____
(for committee use only)

REQUEST FOR REWARD

ARIZONA ADVISORY COMMITTEE ON ARSON PREVENTION

1. Incident date/time:

2. Incident location:

3. Law Enforcement Agency: _____ Agency #: _____
4. Fire Agency: _____ Agency #: _____
5. Name, title of official submitting request:

6. Relation of official to investigation:

7. Suspects/defendants currently pending prosecution: (indicate numbers)

8. Are any suspects/defendants currently pending prosecution (indicate numbers):

9. Have any suspects/defendants been convicted: (indicate #'s)

10. Prosecuting Agency: _____ Prosecutor: _____ Phone #: _____
11. Name of Person submitted for reward:

12. Describe information provided (attach additional pages if needed) Describe how information was provided (attach additional pages if needed):

13. Has applicant testified or given statements? Describe.

14. Amount of dollar loss:

15. Describe injuries or deaths:

16. Is the applicant related to or acting on behalf of any entity involved in the investigation, including private sector?

17. How important was the information provided to the investigation?

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18. Was the information available from other sources?

If yes, describe the source.

19. How cooperative was the applicant in assisting the investigation?

20. Was the applicant or his/her family put at any personal risk as a result of assisting in the investigation?

If yes, describe:

21. Add any additional information you would like the committee to know: (attach additional pages if needed)

I certify that the information provided in this application is complete and truthful to the best of my knowledge and belief. I am aware that this application is an official sworn statement.

Subscribed and sworn before me this ___ day of ___, 20___, by ___

Signature Date

Notary Public

SEND REQUESTS TO:

Office of Building & Fire Safety
State Fire Marshal Office
1110 West Washington, Suite 100
Phoenix, AZ 85007

R4-36-404. APPENDIX C - ARIZONA ADVISORY COMMITTEE ON ARSON PREVENTION REWARD EVALUATION FORM

REQUEST # _____

Reward applicant: _____ Submitting Official: _____

The AACAP Committee will assign a value between 0 and 5 for each of the following factors. The value will be by consensus if possible. If not, it shall be by majority vote on each factor with the chairman voting only to break a tie vote. (Zero shall be the low value and five the high value) Each point may be awarded \$1—to \$125 at the discretion of the committee.

Table with 2 columns: Factor, Weighted Score. Rows include: 1. Value of the information to the investigation and/or prosecution. (factor x 2), 2. Availability of information from other sources. (factor x 1), 3. How cooperative was the applicant in assisting authorities. (factor x 1), 4. Importance or case (factor x 2), 5. The personal risk to the applicant &/or his/her family. (factor x 1)

