

Notices of Exempt Rulemaking

of 18 months beginning June 30, 2010, and mandates that 90% of the fees collected under A.R.S. § 28-4802(A) and 60% of the fees collected under A.R.S. § 28-4802(B) be deposited into the state highway fund.

7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or 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:

Not applicable

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

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

Laws 2010, 7th Special Session, Ch. 12, § 43 authorizes exemption from the rulemaking requirements of Arizona Revised Statutes Title 41, Chapter 6, for the purpose of establishing fees for abandoned vehicles under A.R.S. § 28-4802 for a period of 18 months beginning June 30, 2010. As a result, this rulemaking is exempt from the requirements of the Administrative Procedure Act and no economic, small business, and consumer impact statement is required.

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

The Department adjusted from \$500 to \$600 the fee originally proposed in its Notice of Public Information at 16 A.A.R. 2424, December 17, 2010, for abandoning a vehicle on national forest, state park, bureau of land management, or state trust land located outside the boundaries of an incorporated city or town as described under A.R.S. § 28-4802(B). The rule was intended to prescribe a consistent fee amount to be collected by the Department for an abandoned vehicle without regard to its location of abandonment. However, the Department has since determined that the fee prescribed under this rule for a vehicle abandoned as described under A.R.S. § 28-4802(B) remains subject to the \$100 towing company reimbursement provided under A.R.S. § 28-4805. Therefore, to achieve true consistency in the amounts collected by the Department for the state highway fund, and to remain consistent with legislative intent, the Department adjusted to \$600 the fee to be collected for the abandonment of a vehicle on national forest, state park, bureau of land management, or state trust land located outside the boundaries of an incorporated city or town.

11. A summary of the comments made regarding the rule and the agency response to them:

The Department provided public notice and the opportunity for public comment on this exempt rulemaking and has received no comments.

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

None

13. Incorporations by reference and their location in the rule:

None

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

No

15. The full text of the rule follows:

TITLE 17. TRANSPORTATION

CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATION

ARTICLE 2. FEES

Section

R17-1-205. Abandoned Vehicle Report Processing Fee Fees

ARTICLE 2. FEES

R17-1-205. Abandoned Vehicle Report Processing Fee Fees

A. The Department establishes the following fees under A.R.S. § 28-4802 for the transfer of ownership or disposal of an abandoned vehicle:

1. The fee is \$500 if the vehicle was abandoned as described under A.R.S. § 28-4802(A), and

2. The fee is \$600 if the vehicle was abandoned as described under A.R.S. § 28-4802(B).

A.B. For purposes of A.R.S. § 28-4802(D)(4), the Division The Department establishes the following fees under A.R.S. § 28-4802 for processing an abandoned vehicle report:

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1. ~~When~~ The fee is \$8 if the report is submitted electronically, via the Division's Department's authorized third-party electronic service provider; the fee is eight dollars.; and
 2. ~~When~~ The fee is \$10 if the report is submitted for processing by any other means; the fee is ten dollars.
- B.C.** The fee for processing the abandoned vehicle report is non-refundable unless provided for under A.R.S. § 28-373.