



NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the

interpretation of the final exempt rule should be addressed to the agency proposing them. Refer to Item #5 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 17. TRANSPORTATION

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

[R16-52]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:
3. The effective date of the rule and the agency's reason it selected the effective date:
4. A list of all notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The U.S. Department of Homeland Security (DHS) has granted Arizona an extension until October 10, 2016, allowing Arizona licensees to use their current Arizona driver licenses or nonoperating identification licenses at air-



port security and restricted federal facilities. DHS has also indicated that once Arizona is deemed fully compliant with the REAL ID Act of 2005, current Arizona credentials will continue to be accepted at airport security and restricted federal facilities until October 1, 2020.

Pursuant to Laws 2015, Ch. 294, § 5, the Department engages in this exempt rulemaking to set the requirements and fee for applying for a federally recognized travel-compliant credential. In addition, a change was made to R17-4-409 to indicate that the Section does not apply to individuals applying for the federally recognized travel-compliant nonoperating identification license. A change was also made to replace the term “Division” to “Department” to reflect organizational changes made by the Department.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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:

The Department did not review or rely on any study relevant to the rules.

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking 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, if applicable:

Laws 2015, Ch. 294, § 5, authorizes an exemption from the rulemaking requirements of A.R.S. Title 41, Chapter 6, thus this rulemaking is exempt from the requirements of the Administrative Procedures Act and no economic, small business, and consumer impact statement is required.

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking and the final rulemaking package (if applicable):

There are no substantial changes in the final rules from the proposed rules. Changes were made to add clarity.

In R17-4-407, added definitions for “travel-compliant driver license” and “travel-compliant nonoperating identification license” to provide clarity since the term “travel-compliant” is not used in the relevant statute.

In R17-4-407(F)(1) and R17-4-407(G), revised the wording regarding lawful presence at the end of the sentences to make the sentence more clear and less awkward.

11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

The Department received no public or stakeholder comments regarding this rulemaking.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rule contains provisions for the issuance of a federally recognized travel compliant credential to individuals. These credentials do fall under the definition of general permits since the activities and practices allowed are substantially similar in nature for all credential holders.

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

The rule, R17-4-407, is not more stringent than any applicable federal law and requires applicants to meet and comply with the requirements of 6 CFR 37. There are no applicable federal laws that pertain to R17-4-409.

c. Whether a person submitted an analysis to the agency that compares a rule’s impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted to the Department.

13. A list of any incorporated by reference material and its location in the rule:

This rulemaking incorporates no materials by reference.

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. 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

- R17-4-407. ~~Repealed~~ Application for Travel-Compliant Driver License or Nonoperating Identification License; Fee
- R17-4-409. ~~Application for Nonoperating Identification License; Fees~~ Fee

ARTICLE 4. DRIVER LICENSES

R17-4-407. ~~Repealed~~ Application for Travel-Compliant Driver License or Nonoperating Identification License; Fee

- A.** For the purposes of this Section:
 1. “Travel-compliant driver license” means a federally compliant driver license issued pursuant to A.R.S. § 28-3175.
 2. “Travel-compliant nonoperating identification license” means a federally compliant nonoperating identification license issued pursuant to A.R.S. § 28-3175.
- B.** An applicant shall apply to the Department, on a form provided by the Department, for a travel-compliant driver license or a travel-compliant nonoperating identification license.
- C.** An applicant must meet and comply with all lawful requirements for an Arizona driver license or nonoperating identification license.
- D.** An applicant shall meet and comply with all application and documentation requirements in the most current edition of 6 CFR 37, including satisfactory proof of identity, date of birth, social security number, principle residency, and evidence of lawful status in the United States. Documents and information must be verified by the Department. An applicant may obtain a listing of acceptable documentation from the Department’s website at www.azdot.gov.
- E.** An applicant shall pay a \$25 fee for any class of a travel-compliant driver license or travel-compliant nonoperating identification license.
- F.** A travel-compliant driver license is valid for a period of eight years after issuance and is renewable for successive periods of eight years up to but not exceed the year of the licensee’s 65th birthday, except for when:
 1. The applicant is authorized for a shorter period of time as provided under A.R.S. § 13-3821, 28-3171(B), or 28-3223, or federal law authorizes the applicant’s presence for a shorter period of time.
 2. The applicant is 60 years of age or older and the travel-compliant driver license is valid for a period of five years after issuance and renewable for successive periods of five years.
- G.** A travel-compliant nonoperating identification license is valid for a period of eight years after issuance and is renewable for successive periods of eight years, except for when the applicant is authorized for a shorter period of time as provided under A.R.S. § 13-3821, 28-3171(B), or 28-3223, or federal law authorizes the applicant’s presence for a shorter period of time.

R17-4-409. Application for Nonoperating Identification License; Fees ~~Fee~~

- A.** This Section does not apply to applicants for a travel-compliant nonoperating identification license. Except as provided under R17-4-407, this Section applies to applicants for a nonoperating identification license.
- ~~**A.B.**~~ An applicant shall apply to the ~~Division~~ Department, on a form provided by the ~~Division~~ Department, for a nonoperating identification license, and shall comply with the requirements under A.R.S. § 28-3165.
- B.** Satisfactory proof of an applicant’s name and date of birth may be established by any of the following:
 1. ~~Birth certificate,~~
 2. ~~Citizenship papers,~~
 3. ~~Passport,~~
 4. ~~School identification,~~
 5. ~~Military discharge papers, or~~
 6. ~~Military I.D. card.~~
- C.** An applicant may obtain a listing of satisfactory proof of an applicant’s name and date of birth from the Department’s website at www.azdot.gov.
- ~~**C.D.**~~ Except as provided under A.R.S. § 28-3165, an applicant shall pay a \$12 fee for a nonoperating identification license.