



from the Board. The amended statute also requires a licensed pharmacist who administers an immunization, vaccine, or emergency medication to an individual to report the administration to the individual's primary-care physician or provider within 48 hours.

This rulemaking makes conforming changes to an existing rule. It also reduces the information required to be provided to an individual's primary-care physician or provider so the information can be provided through an automated physician notification process rather than manually.

An exemption from EO2016-03 was provided in e-mails from Christina Corieri, Policy Advisor for Health and Human Services in the Governor's office, dated April 15 and June 3, 2016.

6. 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:

The Board does not intend to review or rely on a study in its evaluation of or justification of the rule in this rulemaking.

7. 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

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

It is the statutory changes made in the last legislative session that have economic impact. Statute expands the opportunity for a licensed pharmacist to provide immunizations, vaccines, and emergency medications. This will have positive economic benefit for those who obtain the required certification from the Board. The statutory changes also have positive economic benefit for individuals who are able to obtain necessary immunizations and vaccinations without incurring the expense of seeing a physician and obtaining a prescription order. The conforming changes made in this rulemaking have no economic effect.

Reducing the information a licensed pharmacist is required to provide to an individual's primary-care physician or provider will have positive economic benefit for the licensed pharmacist by reducing a regulatory burden while still achieving the same regulatory objective.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Kamlesh Gandhi
Address: Board of Pharmacy
1616 W. Adams St., Suite 120
Phoenix, AZ 85007
Telephone: (602) 771-2740
Fax: (602) 771-2749
E-mail: kgandhi@azpharmacy.gov
Web site: www.azpharmacy.gov

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding regarding the proposed rule will be held as follows:

Date: Monday, October 24, 2016
Time: 9:00 a.m.
Location: Board of Pharmacy
1616 W. Adams St.
Board Conference Room
Phoenix, AZ 85007

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

None

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 certification described under R4-23-411(A) is a general permit consistent with A.R.S. § 41-1037 because it is issued to qualified individuals to conduct activities that are substantially similar in nature.

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 is not more stringent than federal law because no federal law is applicable to the subject of the rule.



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

No analysis was submitted.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rule:

None

13. The full text of the rule follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section

R4-23-411. Pharmacist-administered or Pharmacy or Graduate Intern-administered Immunizations

ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-411. Pharmacist-administered or Pharmacy or Graduate Intern-administered Immunizations

- A. Certification to administer immunizations, vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications, as defined at A.R.S. § 32-1974(N),~~ to an eligible adult patient or eligible minor patient. As used in this Section, "eligible adult patient" means an eligible patient ~~18~~ 13 years of age or older and "eligible minor patient" means an eligible patient at least ~~6~~ three years of age but ~~under 18~~ less than 13 years of age. A pharmacist or a pharmacy or graduate intern, in the presence of and under the immediate personal supervision of a ~~certified~~ pharmacist, may administer, with a prescription, immunizations, ~~or~~ vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient, if:
1. ~~The Both the~~ pharmacist ~~or~~ and pharmacy or graduate intern ~~meets~~ meet the qualifications and standards specified by A.R.S. § 32-1974 and this Section;
 2. The Board certifies both the pharmacist ~~or~~ and pharmacy or graduate intern as specified in subsection (D);
 3. For an eligible adult patient, the immunization or vaccine is:
 - a. ~~listed~~ Listed in the United States Centers for Disease Control and Prevention's Recommended Adult Immunization Schedule; or ~~the immunization or vaccine is recommended~~
 - b. Recommended in the United States Centers for Disease Control and Prevention's Health Information for International Travel;
 4. For an eligible adult patient, the immunization or vaccine is not on the Arizona Department of Health Services list specified in A.A.C. R9-6-1301 as required under A.R.S. § 32-1974(I) ~~and subsection (I);~~
 5. For an eligible minor patient, the immunization or vaccine is for influenza; ~~and~~
 6. For an eligible minor patient, any immunizations or vaccines other than influenza are administered in response to a public health emergency declared by the Governor under A.R.S. § 36-787.
- B. A pharmacist or a pharmacy or graduate intern, in the presence of and under the immediate personal supervision of a ~~certified~~ pharmacist, may administer, with a prescription, any immunizations, ~~or~~ vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient, if:
1. ~~The Both the~~ pharmacist ~~or~~ and pharmacy or graduate intern ~~meets~~ meet the qualifications and standards specified by A.R.S. § 32-1974 and this Section; ~~and~~
 2. The Board certifies both the pharmacist ~~or~~ and pharmacy or graduate intern as specified in subsection (D).
- C. A pharmacist or pharmacy or graduate intern who is certified to administer immunizations, ~~or~~ vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient shall:
1. Not delegate the authority to any other pharmacist, pharmacy or graduate intern, or employee; and
 2. Maintain their current certificate for inspection by the Board or its designee or review by the public.
- D. Qualifications for certification to administer immunizations, ~~or~~ vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient. After receipt of a completed application form, the Board shall issue a certificate authorizing the administration of immunizations, ~~or~~ vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient to a pharmacist or pharmacy or graduate intern who meets the following qualifications:
1. Has a current license to practice pharmacy in this state,
 2. Successfully completes a training program specified in subsection (E), and
 3. Has a current certificate in basic cardiopulmonary resuscitation.
- E. Immunizations training program requirements. A training program for pharmacists or pharmacy or graduate interns to administer immunizations, ~~or~~ vaccines, and, ~~in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient shall include the following courses of study:
1. Basic immunology and the human immune response;
 2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;



- 3. Response to an emergency situation as a result of the administration of an immunization, ~~vaccine, or medication~~ including administering ~~epinephrine and diphenhydramine~~ an emergency medication to counteract the adverse effects of ~~an the immunization, vaccine, or medication~~ given ~~based on a patient-specific prescription order received before administering the immunization;~~
 - 4. Administration of intramuscular injections;
 - 5. Other immunization administration methods; and
 - 6. Recordkeeping and reporting requirements specified in subsection (F).
- F.** Recordkeeping and reporting requirements.
- 1. A pharmacist or pharmacy or graduate intern ~~granted certification~~ certified under this Section to administer immunizations, ~~or vaccines, and, in an emergency, epinephrine and diphenhydramine medications~~ to an eligible patient shall provide to the pharmacy the following information and documentation regarding each immunization, ~~or vaccine, or emergency medication~~ administered:
 - a. The name, address, and date of birth of the patient;
 - b. The date of administration and site of injection;
 - c. The name, dose, manufacturer’s lot number, and expiration date of the vaccine, immunization, ~~epinephrine, or emergency medication~~ diphenhydramine;
 - d. The name and address of the patient’s ~~primary care~~ identified primary-care provider or physician, ~~as identified by the patient;~~
 - e. The name of the pharmacist or pharmacy or graduate intern administering the immunization, vaccine, or emergency medication;
 - f. A record of the pharmacist’s or pharmacy or graduate intern’s consultation with the patient determining that the patient is an eligible patient as defined in R4-23-110;
 - g. The date and time that the written report specified in subsection (F)(2) was sent to the patient’s ~~primary care~~ primary-care provider or physician;
 - h. Consultation or other professional information provided to the patient by the pharmacist or pharmacy or graduate intern;
 - i. The name and date of the immunization or vaccine information sheet provided to the patient; and
 - j. For ~~immunizations~~ an immunization or ~~vaccines~~ vaccine given to an eligible minor patient, a consent form signed by the minor’s parent or guardian.
 - 2. The pharmacist or pharmacy or graduate intern shall provide a written report to the patient’s ~~primary care~~ primary-care provider or physician containing the documentation required in subsection (F)(1)(a-d), (g), and (j) within 48 hours after the immunization or vaccination. The pharmacy shall make the required records specified in subsection (F)(1) and a record of compliance with this subsection available in the pharmacy for inspection by the Board or its designee.
 - 3. A pharmacy’s pharmacist-in-charge shall maintain the records required in subsection (F)(1) in the pharmacy for a minimum of seven years from the ~~immunization’s~~ administration date.
- G.** Confidentiality of records. A pharmacist, pharmacy or graduate intern, pharmacy permittee, or pharmacist-in-charge shall comply with applicable state and federal privacy statutes and rules when releasing patient health information.
- H.** Renewal of a certificate for pharmacist-administered immunizations. A certificate authorizing a pharmacist to administer immunizations, ~~or vaccines, and, in an emergency, epinephrine and diphenhydramine medications~~ to an eligible adult patient or eligible minor patient ~~expires after five years. A pharmacist who wishes to continue administering immunizations, vaccines, and emergency medications shall be renewed every five years~~ renew the certification by submitting a renewal request to the Board within the 30 days before the certificate’s expiration date. ~~A pharmacist desiring to renew the certificate shall~~ and provide to the Board proof of the following:
- 1. Current certification in basic cardiopulmonary resuscitation, and
 - 2. Completion of a minimum of five contact hours (0.5 CEU) of continuing education related to immunizations during the five-year renewal period. A pharmacist may use the continuing education hours required in this subsection as part of the total continuing education hours required for pharmacist license renewal.
- I.** Pharmacist-administered or pharmacy or graduate intern-administered adult immunizations that require a prescription order. A pharmacist or pharmacy or graduate intern certified by the Board to administer adult immunizations or vaccines shall not administer any immunization or vaccine listed in A.A.C. R9-6-1301 without a prescription order. In addition to filing a prescription order as required in A.R.S. § 32-1964, a pharmacist or pharmacy or graduate intern who administers an immunization or vaccine listed in A.A.C. R9-6-1301 shall comply with the recordkeeping requirements of subsection (F)(1).



NOTICE OF PROPOSED RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS**

[R16-179]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
Article 9	Amend
R17-5-901	Repeal
R17-5-901	New Section
R17-5-902	Repeal
R17-5-902	New Section
R17-5-903	Repeal
R17-5-903	New Section
R17-5-904	Repeal
R17-5-904	New Section
R17-5-905	Repeal
R17-5-905	New Section
R17-5-906	Repeal
R17-5-906	New Section
Article 10	New Article
R17-5-1001	New Section
R17-5-1002	New Section
R17-5-1003	New Section
R17-5-1004	New Section
R17-5-1005	New Section
R17-5-1006	New Section
R17-5-1007	New Section
R17-5-1008	New Section
R17-5-1009	New Section

2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):

Authorizing statutes: A.R.S. §§ 28-366, 28-9502(A) and 28-9502(B)(2)

Implementing statutes: Laws 2015, Ch. 244; Laws 2015, Ch. 235; Laws 2016, Ch. 232; and Laws 2016, Ch. 171

3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rules:

Notice of Final Exempt Rulemaking: 21 A.A.C. 1825, September 11, 2015

Notice of Docket Opening: 22 A.A.R. 2090, August 12, 2016

4. The agency’s contact person who can answer questions about the rulemaking:

Name: Jane McVay

Address: Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007

Telephone: (602) 712-4279

E-mail: jmcvay@azdot.gov

Web site: <http://azdot.gov/docs/default-source/libraries/current-rulemaking-activity.pdf?sfvrsn=18>

Please visit the ADOT web site to track progress of these rules and any other agency rulemaking matters.

5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

ADOT received approval from Rene Guillen at the Governor’s Office on July 11, 2016 to make rule changes necessary to implement Laws 2016, Chapters 171 and 232. The Department of Weights and Measures (DWM) received approval from Ted Vogt at the Governor’s Office on July 2, 2015 to implement Laws 2015, Chapter 235. Laws 2015, Chapter 244 transferred the regulation of vehicles for hire (taxis, livery vehicles, and limousines) from the Department of Weights and Measures to ADOT effective July 1, 2016. In addition, Laws 2015, Chapter 235, gave



new authority to DWM to regulate transportation network companies. These statutes directed Legislative Council to transfer the applicable statutes and authority over transportation network companies and vehicles for hire to ADOT in A.R.S. Title 28. To accelerate the program transfer, ADOT assumed responsibility for the transportation network company and vehicle for hire company programs on August 1, 2015. ADOT filed exempt rules on transportation network companies that became effective on August 31, 2015. The Legislature made additional changes in Laws 2016, Chapters 171 and 232, which eased the regulatory requirements for vehicles for hire in a similar fashion to the regulatory requirements for transportation network companies in the 2015 legislation. These proposed rules implement these legislative changes.

A.R.S. § 28-9552 prohibits a transportation network company driver from operating in the state unless the transportation network company obtains a permit from ADOT and pays an application fee, as determined by the Director. ADOT consulted with existing transportation network companies to establish an application fee that the companies felt was fair for both large and small transportation network companies. The exempt rules established an application fee of \$1,000 for a transportation network company permit that is valid for three years. A.R.S. § 41-1008 provides that a fee established by exempt rulemaking is effective for two years, and an agency shall not charge the fee after this period unless the agency goes through the rulemaking process.

A.R.S. § 28-9502(A) requires ADOT to adopt rules necessary to administer and enforce the vehicle for hire and transportation network company statutes. A.R.S. § 28-9503 requires ADOT to charge and collect an application fee of \$24 per vehicle used as a taxi by a vehicle for hire company at the time of application, not to exceed a total of \$1,000 per applicant. This application fee is for three years and caps the total amount that a vehicle for hire company that operates 42 or more taxis pays at the time of application at \$1,000.

To avoid confusion with the prior exempt rulemaking for transportation network companies, the rulemaking actions for the rules in Article 9 are “repeal” to repeal the exempt rules, and “new section” to show the new rules. The rulemaking adds a new Article 10 on vehicles for hire that includes provisions on taxis, livery vehicles, and limousines.

The rules do the following:

- Define terms relating to vehicles for hire and transportation network companies, and incorporate by reference taximeter specifications;
- Establish the permitting and application requirements, and applicable fees for a transportation network company and a vehicle for hire company to operate in the state;
- Require transportation network companies and vehicle for hire companies to establish a designated point of contact for the company and allow ADOT to review company records;
- State the circumstances under which livery vehicles must post fares; and
- Reference the hearing procedures applicable to appealable agency actions and contested cases for vehicle for hire companies.

6. A reference to any study relevant to the rules that the agency reviewed and proposes to either rely on or not to rely on in its evaluation of or justification for the rules, 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 agency did not review or rely on any study relevant to the rules.

7. 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:

Laws 2015, Chapter 235, amended A.R.S. § 28-142, by expanding the state preemption to regulate taxis, limousines, and livery vehicles to include transportation network companies and vehicles. The law contains an exception for public airports to establish the number of livery vehicles, taxis, and transportation network companies and vehicles that conduct business at a public airport, or to set additional or more restrictive requirements on their operation at a public airport. The rules do not diminish the authority of political subdivisions over transportation network companies or taxis, livery vehicles, or limousines.

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

A.R.S. § 41-1001 defines a small business as a concern that is independently owned and operated, not dominant in its field, and which employs fewer than 100 full-time employees, or which had gross annual receipts of less than \$4,000,000 last fiscal year. As of August 2016, a total of 263 businesses have valid vehicle for hire company permits. The vast majority of the taxi, livery, and limousine companies are small businesses with a vehicle fleet of fewer than 10 vehicles. Several companies have very large fleets. Seven transportation network companies have a transportation network company permit in the state. Several ride-sharing businesses that operate in many cities and states throughout the U.S. have permits, are large businesses that generate substantially more than \$4,000,000 annually. A number of vehicle for hire companies that have formed recently fall within the definition of a small business.

The transportation network company rules establish an application fee of \$1,000 for a transportation network company permit that lasts for three years. On an annual basis, a transportation network company permit costs about



\$333 per year, which allows the company to operate statewide with an unlimited number of rideshare drivers. The large transportation network companies have thousands of rideshare drivers in the state and generate substantially more than \$4,000,000 in revenue.

ADOT representatives consulted with transportation network company representatives to discuss setting a reasonable fee for a vehicle for hire company. Transportation network company representatives agreed with the Department that a \$1,000 fee for a three-year permit was a fair and reasonable fee to operate their business in the state. The transportation network company, and not the rideshare driver, pays the application fee to ADOT. Transportation network companies or transportation network company drivers are required under the statutes to have commercial liability insurance or motor vehicle liability coverage at established levels while conducting rideshare business. The insurance coverage must be maintained by either the driver or the transportation network company. It is likely that transportation network companies may pass on a small portion of the application fee to the customer, however, the quick growth of rideshare company business does not indicate customer displeasure with paying a portion of the fee. With the volume of rideshare business occurring in large cities, it does not appear that the amount passed on to a customer on a single trip is substantial. Customers, especially those without a personal vehicle, benefit by having more transportation options from numerous ridesharing businesses with varying rates set by the companies.

Prior to ADOT's regulation of vehicles for hire, the Department of Weights and Measures (DWM) performed this function. DWM statutes provided for an annual \$24 fee for each taximeter installed in a taxi. This fee was changed to an application fee of \$24 payable by each taxi company for each vehicle used as a taxi at the time of application. The Legislature also extended the permit to 3 years in similar fashion to the transportation network company permit. The legislation also establishes a cap over 3 years of \$1,000 for a vehicle for hire applicant. These changes benefit small vehicle for hire companies by lengthening the permit period and essentially reducing the annual fee. Large companies with more than 42 taxis also benefit with the \$1,000 cap by paying less than previously. For a small taxi company, the \$24 fee for a three-year period is a minimal business cost. Livery vehicle and limousine businesses do not pay any fees, but must obtain a vehicle for hire company permit.

The Department incurred costs of \$147,160 to completely automate and streamline the application and fee payment process for vehicle for hire and transportation network companies through a secure website. Fees collected by the Department from vehicle for hire and transportation network companies are deposited in the state general fund, thus increasing state revenue. The streamlining and automation of the application and payment process and the reduction in regulatory requirements are an incentive for new business development and lower the regulatory burden on businesses.

9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:

Name: Jane McVay
Address: Department of Transportation
Government Relations and Policy Development
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007
Telephone: (602) 712-4279
E-mail: jmcvay@azdot.gov
Web site: <http://www.azdot.gov/mvd/professional-services/vehicle-for-hire>

10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rules, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rules:

The Department has scheduled the following oral proceeding on the proposed rules:

Date: November 2, 2016
Time: 10:00 a.m.
Location: Department of Transportation
206 S. 17th Ave.
Phoenix, AZ 85007
Nature: Oral Proceeding/Public Hearing

Written comments on the proposed rulemaking should be directed to the person listed under item 4 and may be submitted for 30 days after the publication of the proposed rules until the close of record at 5 p.m. on November 2, 2016.

Pursuant to Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), ADOT does not discriminate on the basis of race, color, national origin, age, gender or disability. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-8946 or civil-rightsoffice@azdot.gov. Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.

Personas que requieren asistencia o una adaptacion razonable porhabilidad limitada en Ingles o discapacidad deben



ponerse en contacto con la Oficina de Derechos Civiles de ADOT al (602) 712-8946 or civilrightsof-
fice@azdot.gov. Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el estado tiene la
oportunidad de abordar el alojamiento.

11. All agencies shall list other matters prescribed by statute that are applicable to the specific agency or to any
specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. § § 41-1052 and 41-
1055 shall respond to the following questions:

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:

A.R.S. § 28-9503 provides that a vehicle for-hire company may not operate in this state without a Department-
issued vehicle for hire company permit. A person may not act as a transportation network company driver in
the state unless the transportation network company has a transportation network company permit from ADOT.
The vehicle for hire company permit and the transportation network company permit are general permits
because the activities and practices authorized by this class of permit are the same for all companies that have
the permit.

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

No federal law is applicable to the rules.

c. Whether a person submitted an analysis to the agency that compares the 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.

12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:

The rules incorporate by reference in R17-5-1002 the U.S. Department of Commerce, National Institute of Stan-
dards and Technology (NIST) Handbook 44, Section 5.5.4, Specifications, Tolerances, and Other Technical
Requirements for Weighing and Measuring Devices, revised in 2016.

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

ARTICLE 9. ~~TRANSPORTATION SERVICE PROVIDERS~~ TRANSPORTATION NETWORK COMPANIES

Section

- R17-5-901. ~~Definitions~~ Definitions
R17-5-902. ~~Transportation Network Company Permit - Initial Application; Issuance; Fee~~ Transportation Network Com-
pany Permit - Initial Application; Issuance; Fee
R17-5-903. ~~Transportation Network Company Permit - Renewal Application; Issuance; Fee~~ Transportation Network
Company Permit - Renewal Application; Issuance; Fee
R17-5-904. ~~Transportation Network Company Permit and Renewal - General Provisions~~ Transportation Network Com-
pany Permit or Renewal - General Provisions
R17-5-905. ~~Transportation Service Provider - Record Review~~ Transportation Network Company - Record Review
R17-5-906. ~~Transportation Service Provider - Designated Point of Contact~~ Transportation Network Company - Desig-
nated Point of Contact

ARTICLE 10. VEHICLE FOR HIRE

Section

- R17-5-1001. Definitions
R17-5-1002. Incorporation by Reference
R17-5-1003. Vehicle for Hire Company Permit; Good Standing; Handbook 44
R17-5-1004. Vehicle for Hire Company Permit - Initial Application; Issuance; Fee
R17-5-1005. Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee
R17-5-1006. Vehicle for Hire Company Permit or Renewal - General Provisions
R17-5-1007. Vehicle for Hire Company; Record Review; Inspection
R17-5-1008. Posting of Fares
R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review

ARTICLE 9. ~~TRANSPORTATION SERVICE PROVIDERS~~ TRANSPORTATION NETWORK COMPANIES

R17-5-901. ~~Definitions~~ Definitions

In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, and



A.R.S. § 41-2051, when applicable to an owner of a taxi, livery vehicle, or limousine, the following definitions apply to this Article unless otherwise specified:

“Applicant” means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

“Designated point of contact” means a person employed by a transportation service provider who has the authority to gather and provide records to the Department on request.

“Transportation network company permit” means a document issued by the Department to an applicant that meets the requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

“Transportation service provider” means the owner of a taxi, livery vehicle, limousine, or transportation network company.

“Violation” means a failure to maintain or make available to the Department any records the transportation service provider is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556, when applicable to a transportation network company, and A.R.S. § 41-2097 when applicable to an owner of a taxi, livery vehicle, or limousine.

In addition to the definitions provided under A.R.S. § 28-9551, when applicable to a transportation network company, the following definitions apply to this Article unless otherwise specified:

“Applicant” means a person that meets the statutory requirements of a transportation network company as prescribed under A.R.S. Title 28, Chapter 30, Article 3.

“Designated point of contact” means a person employed by a transportation network company who has the authority to gather and provide records to the Department on request.

“Transportation network company permit” means a document issued by the Department to an applicant that meets the requirements prescribed under A.R.S. Title 28, Chapter 30, Article 3, as authorization to conduct transportation network services in this state.

“Violation” means a failure to maintain or make available to the Department any records the transportation network company is required to maintain and provide to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.

R17-5-902. ~~Transportation Network Company Permit - Initial Application; Issuance; Fee~~ Transportation Network Company Permit - Initial Application; Issuance; Fee

A. An applicant for a transportation network company permit issued by the Department under A.R.S. § 28-9552, shall apply to the Department by:

1. Completing and submitting online the application form provided by the Department at www.azdot.gov;
2. Providing the full name and contact information of the applicant’s agent for service of process in this state;
3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3;
4. Filing a legible illustration of the applicant’s trade dress; and
5. Paying a \$1,000 application fee as provided under A.R.S. § 28-9552(A).

B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit.

C. The application fee paid to the Department under subsection (A) is refundable in full if the transportation network company permit application is:

1. Denied by the Department, or
2. Withdrawn by the applicant before the Department issues a transportation network company permit.

D. A transportation network company permit issued by the Department under this Section expires three years after issuance and may be renewed as provided under R17-5-903.

A. An applicant for a transportation network company permit issued by the Department under A.R.S. § 28-9552, shall apply to the Department by:

1. Completing and submitting online the application form provided by the Department at www.azdot.gov;
2. Providing the full name and contact information of the applicant’s agent for service of process in this state;
3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3;
4. Filing a legible illustration of the applicant’s trade dress; and
5. Paying a \$1,000 application fee as provided under A.R.S. § 28-9552(A).

B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit.

C. The application fee paid to the Department under subsection (A) is refundable in full if the transportation network company permit application is:

1. Denied by the Department, or
2. Withdrawn by the applicant before the Department issues a transportation network company permit.

D. A transportation network company permit issued by the Department under this Section expires three years after issuance and may be renewed as provided under R17-5-903.



R17-5-903. ~~Transportation Network Company Permit – Renewal Application; Issuance; Fee~~ Transportation Network Company Permit - Renewal Application; Issuance; Fee

- ~~A.~~ A transportation network company shall apply to the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:
 - ~~1.~~ Completing and submitting online the renewal application form provided by the Department at www.azdot.gov;
 - ~~2.~~ Filing with the Department a legible illustration of the applicant’s trade dress if different than the illustration already on file with the Department.
 - ~~3.~~ Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and
 - ~~4.~~ Paying a \$1,000 renewal application fee as provided under A.R.S. § 28-9552(A).
- ~~B.~~ Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.
- ~~C.~~ A transportation network company permit renewal issued by the Department under this Section expires three years after the date the existing transportation network company permit expires.
- ~~D.~~ The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the initial application procedure provided under R17-5-902.
- A. A transportation network company shall apply to the Department for renewal of a transportation network company permit issued by the Department under A.R.S. § 28-9552 and R17-5-902, no earlier than 90 days, and no later than 30 days, before the permit expires by:
 1. Completing and submitting online the renewal application form provided by the Department at <https://secure.servicearizona.com>;
 2. Filing with the Department a legible illustration of the applicant’s trade dress if different than the illustration already on file with the Department.
 3. Certifying that the transportation network company meets the requirements of A.R.S. Title 28, Chapter 30, Article 3; and
 4. Paying a \$1,000 renewal application fee as provided under A.R.S. § 28-9552(A).
- B. Upon receipt and acceptance of all required documents, fees, and certifications, the Department shall issue to an applicant a transportation network company permit renewal.
- C. A transportation network company permit renewal issued by the Department expires three years after the date when the existing transportation network company permit expires.
- D. The holder of an expired transportation network company permit may apply to the Department for a new transportation network company permit using the renewal application procedure provided under R17-5-903(A).

R17-5-904. ~~Transportation Network Company Permit and Renewal – General Provisions~~ Transportation Network Company Permit or Renewal - General Provisions

- ~~A.~~ A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.
- ~~B.~~ A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company’s assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed to trigger a transfer or assignment under this Section.
- A. A transportation network company permit or renewal issued by the Department under this Article shall include an assigned number that remains effective until either withdrawn by the Department or until it expires.
- B. A transportation network company permit or renewal issued by the Department under this Article shall not be transferred or assigned, in whole or in part, to any person other than the person to whom the permit is issued, except upon a merger, change in control, or sale of substantially all of the transportation network company’s assets to an entity that assumes the duties and obligations of the permit. The transportation network company shall notify the Department within 30 days of such a transfer or assignment, and the Department shall have 30 days beginning on such notification to nullify the transfer or assignment based on the criteria set forth in this Article. An initial public offering shall not be deemed to trigger a transfer or assignment under this Section.

R17-5-905. ~~Transportation Service Provider – Record Review~~ Transportation Network Company - Record Review

- ~~A.~~ The Department, after providing reasonable notice to a transportation service provider, may review with or without cause all records a transportation service provider is required to make available to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556, when applicable to a transportation network company, and A.R.S. § 41-2097, when applicable to an owner of a taxi, livery vehicle, or limousine.
- ~~B.~~ A transportation service provider shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- ~~C.~~ The Department shall conduct a record review during the transportation service provider’s normal business hours.
- ~~D.~~ The Department shall provide a copy of its review report to the transportation service provider’s designated point of contact. The report shall include the review results and indicate any violations found.
- A. The Department, after providing reasonable notice to a transportation network company, may review with or without



cause all records a transportation network company is required to make available to the Department on request as provided under A.R.S. §§ 28-9554 through 28-9556.

- B.** A transportation network company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C.** The Department shall conduct a record review during the transportation network company’s normal business hours.
- D.** The Department shall provide a copy of its review report to the transportation network company’s designated point of contact. The report shall include the review results and indicate any violations found.

R17-5-906. ~~Transportation Service Provider – Designated Point of Contact~~ Transportation Network Company - Designated Point of Contact

- A.** A transportation service provider shall provide to the Department the name and contact information of the transportation service provider’s designated point of contact in this state.
- B.** A transportation service provider shall notify the Department within 10 business days of making a change to the name or contact information of the transportation service provider’s designated point of contact in this state.
- A.** A transportation network company shall provide to the Department the name and contact information of the transportation network company’s designated point of contact in this state.
- B.** A transportation network company shall notify the Department within 10 business days of making a change to the name or contact information of the transportation network company’s designated point of contact in this state.

ARTICLE 10. VEHICLE FOR HIRE

R17-5-1001. Definitions

In addition to the definitions in A.R.S. §§ 28-101 and 28-9501, the following terms apply to this Article unless otherwise specified:

- “Appealable agency action” has the meaning prescribed in A.R.S. § 41-1092.
- “Applicant” means a company that applies to the Department for a vehicle for hire company permit as prescribed under A.R.S. Title 28, Chapter 30, Article 1, and these rules.
- “Application” means forms designated as an application and all documents and additional information the Department requires a vehicle for hire company applicant to submit to obtain a vehicle for hire company permit.
- “Contested case” has the meaning prescribed in A.R.S. § 41-1001.
- “Designated point of contact” means a person employed by a vehicle for hire company who has the authority to gather and provide records to the Department on request.
- “Good standing” means that an applicant does not have:
 - Any outstanding civil penalties owed to the Department;
 - Any suspension, revocation, or cancellation of a vehicle for hire company permit issued by the Department;
 - Any delinquent fees, taxes, or unpaid balances owed to the Department; or
 - Any open complaints submitted to the Department regarding compliance with vehicle for hire statutes or rules.
- “Government agency” means this state and any political subdivision of this state that receives and uses tax revenues.
- “Handbook 44” means the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54. Taximeters, revised as of 2016.
- “NIST” means the National Institute of Standards and Technology of the U.S. Department of Commerce.
- “Permittee” means the owner or responsible party in the vehicle for hire company that meets all permit requirements and holds a vehicle for hire company permit.
- “Trade dress” means a removable and distinct logo, insignia or emblem attached to, or visible from the exterior of a taxi while providing vehicle for hire services as a taxi, and that includes the word “taxi” or “cab.”
- “Vehicle for hire company permit” means the permit required in A.R.S. § 28-9503 for a vehicle for hire company to operate in this state.
- “Violation” means the failure of a vehicle for hire company to:
 - Provide to the Department any records the vehicle for hire company is required to maintain and provide on request, as provided in A.R.S. § 28-9507;
 - Follow these rules; or
 - Follow A.R.S. Title 28, Chapter 30, Articles 1 and 2.

R17-5-1002. Incorporation by Reference

The Department incorporates by reference the U. S. Department of Commerce, National Institute of Standards and Technology (NIST) Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, Section 5.54. Taximeters, revised as of 2016, and no later amendments or editions. The incorporated material is



available at www.nist.gov/pml/pubs/hb44.cfm.

R17-5-1003. Vehicle for Hire Company Permit; Good Standing; Handbook 44

- A.** An applicant to the Department for a vehicle for hire company permit shall be in good standing with the Department at the time the vehicle for hire company applies for or renews a vehicle for hire company permit.
- B.** A vehicle for hire company that operates a vehicle for hire as a taxi shall have an operating taxi meter installed in each taxi by a person or company that uses *Handbook 44*.
- C.** A vehicle for hire company operating a taxi shall maintain, and make available to the Department, records for the installation and calibration of each taxi meter for the duration of the three-year vehicle for hire company permit.

R17-5-1004. Vehicle for Hire Company Permit - Initial Application; Issuance; Fee

- A.** A vehicle for hire company shall apply to the Department for a vehicle for hire company permit by:
 - 1.** Completing and submitting the application form to the Department that is located at: www.azdot.gov;
 - 2.** Providing the full name and contact information of the vehicle for hire company's agent for service of process in this state;
 - 3.** Submitting a clear illustration of the vehicle for hire company's trade dress, if operating as a taxi;
 - 4.** Paying the application fee of \$24 per vehicle that is used as a taxi by the vehicle for hire company at the time of application, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503;
 - 5.** Certifying that the vehicle for hire company meets all vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1; and
 - 6.** Stating the total number of vehicles for hire in the vehicle for hire company fleet at the time of application.
- B.** A vehicle for hire company shall provide to the Department the name and contact information of the vehicle for hire company's designated point of contact in this state.
- C.** After the Department receives and accepts a completed application, all certifications, and the application fee, if applicable, the Department shall issue to an applicant a vehicle for hire company permit.
- D.** A vehicle for hire company permit issued by the Department expires three years after the date of issuance.
- E.** A vehicle for hire company may apply to renew a vehicle for hire company permit as provided in R17-5-1005.
- F.** A vehicle for hire company shall notify the Department within 10 business days of making a change to the name or contact information of the vehicle for hire company's designated point of contact in this state.
- G.** A vehicle for hire company permit or renewal issued by the Department under this Article may be transferred to a person other than the person to whom the permit is issued, if ownership of the vehicle for hire company changes. The vehicle for hire company shall notify the Department within 30 days of such a transfer.

R17-5-1005. Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee

- A.** A vehicle for hire company shall apply to the Department for renewal of an existing vehicle for hire company permit under A.R.S. § 28-9503, no earlier than 90 days and no later than 30 days before the three-year permit expires by:
 - 1.** Completing and submitting the required information, all certifications, and the application fee, if applicable, to the Department at: <https://secure.servicearizona.com>;
 - 2.** Submitting a clear illustration of the vehicle for hire company's trade dress, if operating as a taxi, and if different than the illustration already on file with the Department;
 - 3.** Paying the renewal application fee of \$24 per vehicle that is used as a taxi at the time of permit renewal, not to exceed a total of \$1,000 per applicant, as required by A.R.S. § 28-9503; and
 - 4.** Certifying that the vehicle for hire company meets all the vehicle for hire company requirements in A.R.S. Title 28, Chapter 30, Article 1.
- B.** Upon receipt and acceptance of all required documents, fees, if applicable, and certifications, the Department shall issue to an applicant a vehicle for hire company permit renewal.
- C.** A vehicle for hire company permit renewal issued by the Department expires three years after the existing vehicle for hire company permit expires.
- D.** The holder of an expired vehicle for hire company permit may apply to the Department for a new vehicle for hire company permit using the renewal application procedure provided under R17-5-1005(A).

R17-5-1006. Vehicle for Hire Company Permit or Renewal - General Provisions

A vehicle for hire company permit issued by the Department shall include an assigned number that remains effective until either withdrawn by the Department or until the permit expires.

R17-5-1007. Vehicle for Hire Company; Record Review; Inspection

- A.** The Department, after providing reasonable notice to a company with a vehicle for hire company permit, may review, with or without cause, all records of a vehicle for hire company as prescribed in A.R.S. § 28-9507, at intervals determined by the Department.
- B.** A vehicle for hire company shall make all records described under subsection (A) available to the Department for review at an Arizona location.
- C.** The Department shall conduct a record review during the vehicle for hire company's normal business hours.
- D.** The Department may conduct a periodic, random inspection of a taxi meter and any vehicle for hire, or in response to a complaint by the public. An inspection may include an inspection of the taxi meter in a taxi and the signage required by A.R.S. § 28-9506.
- E.** After the inspection, the Department shall provide a copy of the inspection report to the vehicle for hire company or the designated point of contact. The report shall include any deficiencies or violations indicated during the inspection.



R17-5-1008. Posting of Fares

- A.** When a livery vehicle provides local transportation at fares that are established in a contract with a government agency, the livery vehicle interior signage shall indicate that fares are determined by contract with a government agency when providing those services.
- B.** When a livery vehicle provides local transportation services at fares that are not established in a contract with a government agency, the livery vehicle interior signage shall post fares in accordance with A.R.S. § 28-9506(A)(2).

R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review

- A.** A.R.S. Title 41, Chapter 6, Article 10 applies to all contested cases and all appealable agency actions of the Department under A.R.S. Title 28, Chapter 30, Article 2.
- B.** A vehicle for hire company whose permit, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing under A.R.S. Title 41, Chapter 6, Articles 6 and 10, and if the denial is upheld, judicial review under A.R.S. Title 12, Chapter 7, Article 6.