This Chapter contains rule Sections that were filed to be codified in the Arizona Administrative Code between the dates of April 1, through June 30, 2018.

The table of contents on the first page contains quick links to the referenced page numbers in this Chapter. Refer to the notes at the end of a Section to learn about the history of a rule as it was published in the Arizona Administrative Register.

Sections, Parts, Exhibits, Tables or Appendices codified in this supplement. The list provided contains quick links to the updated rules.

<table>
<thead>
<tr>
<th>Rule Section</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>R17-5-202</td>
<td>Motor Carrier Safety: Incorporation of Federal Regulations; Applicability</td>
</tr>
<tr>
<td>R17-5-203</td>
<td>Motor Carrier Safety: 49 CFR 390 - Federal Motor Carrier Safety Regulations; General</td>
</tr>
<tr>
<td>R17-5-204</td>
<td>Motor Carrier Safety: 49 CFR 383 - Commercial Driver’s License Standards; Requirements and Penalties</td>
</tr>
<tr>
<td>R17-5-205</td>
<td>Motor Carrier Safety: 49 CFR 392 - Driving of Commercial Motor Vehicles</td>
</tr>
<tr>
<td>R17-5-206</td>
<td>Commercial Driver License Intrastrate Medical Waiver; Intrastrate Alternative Physical Qualification Standards for the Loss or Impairment of Limbs, an Insulin-Dependent Diabetic Condition, or Monocular Vision</td>
</tr>
<tr>
<td>R17-5-207</td>
<td>Hazardous Materials Transportation: Incorporation of Federal Regulations; Applicability</td>
</tr>
<tr>
<td>R17-5-208</td>
<td>Hazardous Materials Transportation: Reporting; Recordkeeping and Standards for Setup and Calibration</td>
</tr>
<tr>
<td>R17-5-209</td>
<td>Hazardous Materials Transportation: Reporting; Recordkeeping</td>
</tr>
<tr>
<td>R17-5-210</td>
<td>Motor Carrier Safety: Hearing Procedure</td>
</tr>
<tr>
<td>R17-5-211</td>
<td>Definitions</td>
</tr>
<tr>
<td>R17-5-212</td>
<td>Ignition Interlock Device Manufacturer Certification; Expiration; Cancellation of Certification; Notice</td>
</tr>
<tr>
<td>R17-5-213</td>
<td>Device Requirements, Technical Specifications, and Standards for Setup and Calibration</td>
</tr>
<tr>
<td>R17-5-214</td>
<td>Ignition Interlock Device Certification; Application Requirements</td>
</tr>
<tr>
<td>R17-5-215</td>
<td>Application Processing; Time Frames; Exception</td>
</tr>
<tr>
<td>R17-5-216</td>
<td>Application Completeness; Denial of Ignition Interlock Device Certification; Hearing</td>
</tr>
<tr>
<td>R17-5-217</td>
<td>Cancellation of Device Certification; Hearing</td>
</tr>
<tr>
<td>R17-5-218</td>
<td>Modification of a Certified Ignition Interlock Device Model</td>
</tr>
<tr>
<td>R17-5-219</td>
<td>IISP and Manufacturer Responsibilities</td>
</tr>
<tr>
<td>R17-5-220</td>
<td>Reporting; Reportable Activity</td>
</tr>
<tr>
<td>R17-5-221</td>
<td>Emergency Assistance; Continuity of Service to Persons</td>
</tr>
<tr>
<td>R17-5-222</td>
<td>Records Retention; Submission of Copies and Quarterly Reports</td>
</tr>
<tr>
<td>R17-5-223</td>
<td>Inspections and Complaints</td>
</tr>
</tbody>
</table>

Questions about these rules? Contact:

**Article 2**

- **Name:** Candace Olson, Rules Analyst
- **Address:** Government Relations and Policy Development Office
  Department of Transportation
  206 S. 17th Ave., Mail Drop 140A
  Phoenix, AZ 85007

  **Telephone:** (602) 712-4534
  **E-mail:** COlson2@azdot.gov
  **Web site:** www.azdot.gov/GovernmentRelations

**Exempt rules in Article 6 and Article 7**

- **Name:** Jeffrey Dolfini
- **Address:** Department of Transportation Motor Vehicle Division
  P.O. Box 2100, MD 530M
  Phoenix, AZ 85001-2100

  **Telephone:** (602) 712-8154
  **E-mail:** JDLolfini@azdot.gov
  **Web site:** www.azdot.gov/Ignition-Interlock-Stakeholders

The release of this Chapter in supplement 18-2 replaces supplement 18-1, 1-46 pages

Please note that the Chapter you are about to replace may have rules still in effect after the publication date of this supplement. Therefore, all superseded material should be retained in a separate binder and archived for future reference.
PREFACE

Under Arizona law, the Department of State, Office of the Secretary of State (Office), accepts state agency rule filings and is the publisher of Arizona rules. The Office of the Secretary of State does not interpret or enforce rules in the Administrative Code. Questions about rules should be directed to the state agency responsible for the promulgation of the rule.

Scott Cancelosi, Director
ADMINISTRATIVE RULES DIVISION

RULES
The definition for a rule is provided for under A.R.S. § 41-1001. “Rule’ means an agency statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of an agency.”

THE ADMINISTRATIVE CODE
The Arizona Administrative Code is where the official rules of the state of Arizona are published. The Code is the official codification of rules that govern state agencies, boards, and commissions.

The Code is separated by subject into titles. Titles are divided into chapters. A chapter includes state agency rules. Rules in chapters are divided into Articles, then Sections. The “R” stands for “rule” with a sequential numbering and lettering outline separated into subsections.

Rules are codified quarterly in the Code. Supplement release dates are printed on the footers of each chapter.
First Quarter: January 1 - March 31
Second Quarter: April 1 - June 30
Third Quarter: July 1 - September 30
Fourth Quarter: October 1 - December 31
For example, the first supplement for the first quarter of 2018 is cited as Supp. 18-1.

Please note: The Office publishes by chapter, not by individual rule section. Therefore there might be only a few sections codified in each chapter released in a supplement. Historical notes at the end of a section provide an effective date and information when a rule was last updated.

AUTHENTICATION OF PDF CODE CHAPTERS
The Office began to authenticate chapters of the Administrative Code in Supp. 18-1 to comply with A.R.S. § 41-1012(B) and A.R.S. § 5302(1), (2)(d) through (e), and (3)(d) through (e).

A certification verifies the authenticity of each Code chapter posted as it is released by the Office of the Secretary of State. The authenticated pdf of the Code includes an integrity mark with a certificate ID. Users should check the validity of the signature, especially if the pdf has been downloaded. If the digital signature is invalid it means the document’s content has been compromised.

HOW TO USE THE CODE
Rules may be in effect before a supplement is released by the Office. Therefore, the user should refer to issues of the Arizona Administrative Register for recent updates to rule Sections.

ARIZONA REVISED STATUTE REFERENCES
The Arizona Revised Statutes (A.R.S.) are available online at the Legislature’s website, www.azleg.gov. An agency’s authority note to make rules is often included at the beginning of a chapter. Other Arizona statutes may be referenced in rule under the A.R.S. acronym.

SESSION LAW REFERENCES
Arizona Session Law references in a chapter can be found at the Secretary of State’s website, under Services-> Legislative Filings.

EXEMPTIONS FROM THE APA
It is not uncommon for an agency to be exempt from the steps outlined in the rulemaking process as specified in the Arizona Administrative Procedures Act, also known as the APA (Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10). Other agencies may be given an exemption to certain provisions of the Act.

An agency’s exemption is written in law by the Arizona State Legislature or under a referendum or initiative passed into law by Arizona voters.

When an agency files an exempt rulemaking package with our Office it specifies the law exemption in what is called the preamble of rulemaking. The preamble is published in the Register online at www.azsos.gov/rules, click on the Administrative Register link.

Editor’s notes at the beginning of a chapter provide information about rulemaking sections made by exempt rulemaking. Exempt rulemaking notes are also included in the historical note at the end of a rulemaking Section.

The Office makes a distinction to certain exemptions because some rules are made without receiving input from stakeholders or the public. Other exemptions may require an agency to propose exempt rules at a public hearing.

EXEMPTIONS AND PAPER COLOR
At one time the office published exempt rules on either blue or green paper. Blue meant the authority of the exemption was given by the Legislature; green meant the authority was determined by a court order. In 2001 the Office discontinued publishing rules using these paper colors.

PERSONAL USE/COMMERCIAL USE
This chapter is posted as a public courtesy online, and is for private use only. Those who wish to use the contents for resale or profit should contact the Office about Commercial Use fees. For information on commercial use fees review A.R.S. § 39-121.03 and 1 A.A.C. 1, R1-1-113.

Rhonda Paschal, managing rules editor, assisted with the editing of this chapter.
ARTICLE 2. MOTOR CARRIERS

Section

R17-5-201. Definitions ................................................. 4
R17-5-202. Motor Carrier Safety: Incorporation of Federal Regulations; Applicability ............................................. 4
R17-5-203. Motor Carrier Safety: 49 CFR 390 - Federal Motor Carrier Safety Regulations; General ........................................ 4
R17-5-204. Motor Carrier Safety: 49 CFR 391 - Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors .................................................. 5
R17-5-205. Motor Carrier Safety: 49 CFR 383 - Commercial Driver’s License Standards; Requirements and Penalties ................................................................. 5
R17-5-207. Civil Penalties ................................................... 6
R17-5-208. Commercial Driver License Intrastate Medical Waiver; Intrastate Alternative Physical Qualification Standards for the Loss or Impairment of Limbs, an Insulin-Dependent Diabetic Condition, or Monocular Vision ........................................ 6
R17-5-209. Hazardous Materials Transportation: Incorporation of Federal Regulations; Applicability ........................................ 10
R17-5-210. Motor Carrier Safety: Public Service Corporation, Political Subdivision of this State that is Engaged in Rendering Public Utility Service, or Railroad Contacting State Officials in an Emergency ........ 11
R17-5-211. Motor Carrier Safety: Inspection, Enforcement, Sanction ................................................................. 11

ARTICLE 3. PROFESSIONAL DRIVER SERVICES

Section

R17-5-301. Definitions ................................................. 12
R17-5-302. Professional Driver Training School and Traffic Survival School Licensing; Eligibility and Application Requirements .................................................. 14
R17-5-303. Professional Driver Training School Instructor Qualifications and Requirements .................................................. 14
R17-5-304. Fingerprint Background Check; Fingerprint Clearance Card ................................................................. 15
R17-5-305. Traffic Survival School Qualified Instructor Status; Eligibility and Application Requirements .................................................. 15
R17-5-306. Required Training and Examination of School and Instructor Applicants .................................................. 15
R17-5-307. Approval or Denial of Application; Hearing; Appeal ................................................................. 15
R17-5-308. License Issuance; Effective Date; Expiration; Display ................................................................. 16
R17-5-309. Renewal of License ........................................ 16
R17-5-310. Modifications of Original Application Information ................................................................. 16
R17-5-311. Professional Conduct; Conflicts of Interest; Advertising ................................................................. 17
R17-5-312. Cancellation and Continuity of Services to Participants ................................................................. 17
R17-5-313. Method of Instruction; Curriculum ................................................................. 17
R17-5-314. Certificate of Completion ................................................................. 18
R17-5-315. Record Retention ................................................................. 18
R17-5-316. Traffic Survival School Department-Approved Inventory ................................................................. 18
R17-5-317. School Responsibilities ................................................................. 18
R17-5-318. Instructor Responsibilities ................................................................. 19
R17-5-319. Traffic Survival Schools ................................................................. 19
R17-5-320. High School Driver Education Program ................................................................. 19
R17-5-321. Periodic Audits, Monitoring, Inspections, and Investigations ................................................................. 20
R17-5-322. Cease and Desist Order; Hearing and Appeal ................................................................. 21
R17-5-323. Non-compliance; Notice of Corrective Action; Cancellation, Suspension, or Revocation of a Professional Driver Training School License or Traffic Survival School License or Qualification of a Traffic Survival School Instructor; Hearing and Appeal ................................................................. 21

ARTICLE 4. DEALERS

Section

R17-5-401. Definitions ................................................. 21
R17-5-402. Bond Amounts; Dealers, Brokers, and Automotive Recyclers’ Business Licenses ................................................................. 22
R17-5-403. Expired ................................................................. 22
R17-5-404. Dealer Title Requirement for Vehicle Sale ................................................................. 22
R17-5-405. Dealer Acquisition Contract ................................................................. 22
R17-5-406. Dealer Consignment Contract ................................................................. 23
R17-5-407. Motor Vehicle Repossession ................................................................. 23
R17-5-408. Resale of a New Motor Vehicle ................................................................. 24

ARTICLE 5. MOTOR CARRIER FINANCIAL RESPONSIBILITY

Section

R17-5-501. Definitions ................................................. 24
R17-5-502. Repealed ................................................................. 24
R17-5-503. Repealed ................................................................. 24
R17-5-504. Requirement to Submit Proof of Financial Responsibility; Applicability; Procedure; Exception ................................................................. 24
R17-5-505. Repealed ................................................................. 25
R17-5-506. Repealed ................................................................. 25
R17-5-507. Repealed ................................................................. 25
ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS

Section
R17-5-601. Definitions .........................................................25
R17-5-602. Ignition Interlock Device Manufacturer Certification; Expiration; Cancellation of Certification; Notice ........................................27
R17-5-604. Ignition Interlock Device Certification; Application Requirements ..........................................................29
R17-5-605. Application Processing; Time Frames; Exception ..................................................30
R17-5-606. Application Completeness; Denial of Ignition Interlock Device Certification; Hearing ........................................30
R17-5-607. Cancellation of Device Certification; Hearing ..........................................................31
Appendix A. Renumbered ..................................................................32
Appendix B. Renumbered ..................................................................32
Appendix C. Renumbered ..................................................................32
R17-5-608. Modification of a Certified Ignition Interlock Device Model ................................................32
R17-5-609. IIIS and Manufacturer Responsibilities ..................................................32
R17-5-610. Reporting; Reportable Activity ...............................................33
Exhibit A. Renumbered ..................................................................34
Exhibit B. Renumbered ..................................................................34
Appendix A. Repealed ..................................................................34
Appendix B. Repealed ..................................................................34
Appendix C. Repealed ..................................................................34
R17-5-611. Emergency Assistance; Continuity of Service to Persons ................................................35
R17-5-612. Records Retention; Submission of Copies and Quarterly Reports ................................................35
R17-5-613. Inspections and Complaints ..................................................36
R17-5-614. Ignition Interlock Device Installation Fee; Financial Records ..................................................36
R17-5-615. Rolling Retest; Missed Rolling Retest; Extension of Ignition Interlock Period ................................................36
R17-5-616. Civil Penalties; Hearing ..................................................37
R17-5-617. Cease and Desist ..................................................37
R17-5-618. Service Centers; Mobile Services ..................................................37
R17-5-619. Application; IIIS Implementation Plan ..................................................38
R17-5-620. Authorization Time Frame; Ignition Interlock Service Provider ..................................................38
R17-5-621. Service Center Application ..................................................38
R17-5-622. Technician Application ..................................................39
R17-5-623. Termination of Authorization; Notification ..................................................40

ARTICLE 7. IGNITION INTERLOCK DEVICE TECHNICIANS

Article 7, consisting of Sections R17-5-701 through R17-5-706, made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Article 7 introduction added for clarification per the Department’s request (Supp. 09-2).

Article 7, consisting of Sections R17-5-701 through R17-5-706, repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2).

Section
R17-5-701. Definitions ..................................................40
R17-5-702. Records Check; Technician Qualifications; IISP Self-Certification of Technician ..................................................40
R17-5-703. Repealed ..................................................................40
Exhibit A. Repealed ..................................................................40
Exhibit B. Repealed ..................................................................40
R17-5-704. Repealed ..................................................................40
R17-5-705. Repealed ..................................................................41

ARTICLE 8. MANDATORY INSURANCE AND FINANCIAL RESPONSIBILITY

Article 8, consisting of Sections R17-5-801 through R17-5-811, made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

Section
R17-5-801. Definitions ..................................................41
R17-5-802. Insurance Company Electronic Reporting Requirement; Applicability ..................................................42
R17-5-803. Insurance Company Reportable Activity ..................................................42
R17-5-804. Record Matching Criteria for a Vehicle-specific Policy ..................................................42
R17-5-805. Record Matching Criteria for a Non-vehicle-specific Commercial Policy ..................................................43
R17-5-806. Department-authorized EDI Reporting Methods; Reporting Schedule ..................................................43
R17-5-807. X12 Data Format for Policy Receipt and Error Return ..................................................43
R17-5-808. Insurance Company Reporting Errors; Resolution; Noncompliance ..................................................43
R17-5-809. Insurance Company Failure to Submit Required Data; Request for Hearing ..................................................43
R17-5-810. Self-insurance as Alternate Proof of Financial Responsibility; Provisions; Applicability ..................................................44
R17-5-811. Certificate of Deposit as Alternate Proof of Financial Responsibility; Applicability ..................................................44

ARTICLE 9. TRANSPORTATION NETWORK COMPANIES

Article 9, consisting of Sections R17-5-901 through R17-5-906, repealed by final rulemaking; new Article 9, consisting of Sections R17-5-901 through R17-5-906, made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

Article 9, consisting of Sections R17-5-901 through R17-5-906, made by exempt rulemaking at 21 A.A.R. 1825, under Laws 2015, Ch. 235, § 14, effective August 21, 2015 (Supp. 15-3).

Section
R17-5-901. Definitions ..................................................44
R17-5-902. Transportation Network Company Permit - Initial Application; Issuance; Fee ..................................................44
R17-5-903. Transportation Network Company Permit - Renewal Application; Issuance; Fee ..................................................45
R17-5-904. Transportation Network Company Permit or Renewal - General Provisions ..................................................45
R17-5-905. Transportation Network Company - Record Review ..................................................45
R17-5-906. Transportation Network Company - Designated Point of Contact ..................................................45

ARTICLE 10. VEHICLE FOR HIRE

Article 10, consisting of Sections R17-5-1001 through R17-5-1009, made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

Section
R17-5-1001. Definitions ..................................................45
R17-5-1002. Incorporation by Reference ..................................................46
R17-5-1003. Vehicle for Hire Company Permit; Good Standing; Handbook ..................................................46
R17-5-1004. Vehicle for Hire Company Permit - Initial Application; Issuance; Fee ..................................................46
R17-5-1005. Vehicle for Hire Company Permit - Renewal Application; Issuance; Fee ........................................ 46

R17-5-1006. Vehicle for Hire Company Permit or Renewal - General Provisions ........................................ 47

R17-5-1007. Vehicle for Hire Company; Record Review; Inspection ......................................................... 47

R17-5-1008. Posting of Fares ......................................................... 47

R17-5-1009. Appealable Agency Actions; Rehearing; Judicial Review ......................................................... 47
ARTICLE 1. GENERAL PROVISIONS

ARTICLE 2. MOTOR CARRIERS

R17-5-201. Definitions
In addition to the definitions provided under A.R.S. §§ 28-3001 and 28-5201, the following definitions apply to this Article unless otherwise specified:

“Audit” means any inspection of a transporter’s motor vehicle, equipment, books, or records to determine compliance with this Article and A.R.S. Title 28, Chapter 14.

“Co-applicant” means an employer or potential employer.

“Danger to public safety” means any condition of a transporter likely to result in serious peril to the public if not discontinued immediately.

“Director” means the Director of the Arizona Department of Transportation or the Director’s designated agent.

“Executive Hearing Office” means the Arizona Department of Transportation’s Executive Hearing Office.

“Medical waiver evaluation summary” means the form, provided by the Department, to be completed by either a board qualified or board certified orthopedic surgeon or physiatrist and mailed to the Department, at the address provided on the form, on behalf of an Arizona intrastate medical waiver applicant.

“Physiatrist” means a doctor of medicine specialized in physical medicine and rehabilitation.

“Transporter” means any person, driver, motor carrier, shipper, manufacturer, or motor vehicle, including any motor vehicle transporting a hazardous material, hazardous substance, or hazardous waste, subject to this Article and A.R.S. Title 28, Chapter 14.

“Violation” means any conduct, act, or failure to act required or prohibited under this Article and A.R.S. Title 28, Chapter 14.

“Vision examination report” means a form provided by the Department to be completed by an ophthalmologist or a licensed optometrist on behalf of a driver or driver applicant and mailed to the Department, at the address provided on the form, for use in determining whether or not a medical condition affects the driver’s, or driver applicant’s, ability to safely perform the functional skills involved with driving a motor vehicle.

Historical Note

R17-5-202. Motor Carrier Safety: Incorporation of Federal Regulations; Applicability

B. The sections of 49 CFR incorporated under subsection (A) apply as amended under this Article to all intrastate and interstate motor carriers operating in Arizona and persons operating a commercial motor vehicle, except as provided under subsection (C).

C. The intrastate operator of a tow truck with a gross vehicle weight rating of 26,000 pounds or less is exempt from the requirements of 49 CFR 390 through 399, except that the driver is subject to the physical qualifications and examination requirements of 49 CFR 391, subpart E.

Historical Note
“Tow truck,” as used in the definition of emergency under 49 CFR 390.5, has the same meaning as prescribed under A.A.C. R13-3-701.

C. 49 CFR 390.19T, Motor carrier identification reports for certain Mexico-domiciled motor carriers. Paragraph (a)(1) is amended to read:
A.U.S.-, Canada-, Mexico-, or non-North America-domiciled motor carrier conducting operations in interstate commerce or in intrastate commerce in a CMV, except for intrastate commerce in a farm vehicle as defined under A.R.S. § 28-2514, must file a Motor Carrier Identification Report, Form MCS-150.

D. 49 CFR 390.23, Relief from regulations.
1. Paragraph (a)(2), Local emergencies, is amended by adding:
When a local emergency exists that justifies an exemption from parts 390 through 399 of this chapter, a motor carrier may request the exemption by contacting Commercial Vehicle Enforcement at the Arizona Department of Public Safety, Highway Patrol Division, P.O. Box 6638, Phoenix, AZ 85005. The Arizona Department of Public Safety may grant the exemption with or without restrictions as necessary to provide vital service to the public.

2. Paragraph (a)(2)(i)(A) is amended to read:
An emergency has been declared by a federal, state or local government official having authority to declare an emergency; or an emergency situation exists under A.R.S. § 28-5234(B); or

E. 49 CFR 390.25, Extension of relief from regulations - emergencies, is amended by adding:
A motor carrier seeking to extend a period of relief from these regulations may request the extension by contacting Commercial Vehicle Enforcement at the Arizona Department of Public Safety, Highway Patrol Division, P.O. Box 6638, Phoenix, AZ 85005. The Arizona Department of Public Safety may grant the extension with any restrictions it considers necessary to provide vital service to the public.

Historical Note

R17-5-204. Motor Carrier Safety: 49 CFR 391 - Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors
A. 49 CFR 391.11, General qualifications of drivers. Paragraph (b)(1) is amended to read: Is at least 21 years of age for interstate operation or is at least 18 years of age for operations restricted to intrastate transportation not involving the transportation of a reportable quantity of hazardous substance, hazardous waste required to be manifested, or hazardous material in an amount requiring a vehicle to be placarded as prescribed under R17-5-209;

B. 49 CFR 391.51, General requirements for driver qualification files. Paragraph (b)(8) is amended to read: A Skill Performance Evaluation Certificate obtained from a Field Administrator, Division Administrator, or state Director issued in accordance with § 391.49; or the Medical Examination document, issued by a Federal medical program in accordance with part 381 of this chapter; or a copy of the Arizona intrastate medical waiver, if a waiver is granted by the Director as prescribed under R17-5-208.

Historical Note

R17-5-205. Motor Carrier Safety: 49 CFR 383 - Commercial Driver’s License Standards; Requirements and Penalties
A. 49 CFR 383.5, Definitions. The definitions listed under 49 CFR 383.5 are amended as follows:
“Commercial motor vehicle” or “CMV” has the same meaning as prescribed under A.R.S. § 28-3001.
“Conviction” has the same meaning as prescribed under A.R.S. § 28-3001.
“Disqualification” has the same meaning as prescribed under A.R.S. § 28-3001.
“Motor vehicle” has the same meaning as prescribed under A.R.S. § 28-101.
“Out-of-service order” has the same meaning as prescribed under A.R.S. § 28-5241.
“School bus” has the same meaning as prescribed under A.R.S. § 28-101.
“Tank vehicle” has the same meaning as prescribed under A.R.S. § 28-3103.

B. 49 CFR 383.71, Driver application and certification procedures. Paragraphs (b)(1)(ii), Excepted interstate, and (b)(1)(iv), Excepted intrastate, are deleted.

C. 49 CFR 383.73, State procedures.
1. Paragraph (c)(4) is amended to read:
If such applicant wishes to retain a hazardous materials endorsement, require compliance with standards for such endorsement specified in §§ 383.71(b)(8) and 383.141 and ensure that the driver has successfully completed a new test for such endorsement specified in § 383.121.

2. Paragraphs (c)(4)(i) and (c)(4)(ii) are deleted.

3. Paragraph (d)(2)(ii) is amended to read:
The state must add the word “non-domiciled” to the face of the CLP or CDL, in accordance with § 383.153(c) or “limited-term” to the face of the CLP or CDL, in accordance with 6 CFR 37.21; and

D. 49 CFR 383.75, Third party testing. Paragraph (a)(8)(v) is amended to read:
Require the third party tester to initiate and maintain a bond in an amount pursuant to A.R.S. Title 28, Chapter 13 to be sufficient to pay for re-testing drivers in the event that the third party or one or more of its examiners is involved in fraudulent activities related to conducting skills testing of applicants for a CDL. Exception: A third party tester that is a government entity is not required to
maintain a bond. A provider exempted under A.R.S. Title 28, Chapter 13, is responsible for all costs associated with all re-testing of applicants due to examination fraud as determined by the Department.

E. 49 CFR 383.153, Information on the CLP and CDL documents and applications. The introductory sentence in paragraph (e) is amended to read:

Before a CLP or CDL may be issued:

Historical Note


A. 49 CFR 392.5, Alcohol prohibition. Paragraph (e) is amended by adding:

Drivers who violate the terms of an out-of-service order as prescribed under this section are also subject to the provisions and sanctions of A.R.S. § 28-5241.

B. 49 CFR 392.9b, Prohibited transportation.

1. Paragraph (a) is amended to read:

Safety registration required. A commercial motor vehicle providing transportation in interstate commerce or in intrastate commerce, except for intrastate commerce in a farm vehicle as defined under A.R.S. § 28-2514, must not be operated without a safety registration and an active USDOT Number.

2. Paragraph (b), Penalties, is amended to read:

Penalties. If it is determined that the motor carrier responsible for the operation of such a vehicle is operating in violation of paragraph (a) of this section, it may be subject to penalties in accordance with 49 U.S.C. 521 for interstate commerce and A.R.S. § 28-5245 for intrastate commerce.

Historical Note

R17-5-207. Civil Penalties

To determine the amount of civil penalty for repeat findings of responsibility for the same class of violations involving vehicles required to be placarded, the higher level of civil penalty as prescribed under A.R.S. § 28-5238 applies.

Historical Note
New Section recodified from R17-4-435.05 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 14 A.A.R. 3797, effective November 8, 2008 (Supp. 08-3).

R17-5-208. Commercial Driver License Intrastate Medical Waiver; Intrastate Alternative Physical Qualification Stan-
dards for the Loss or Impairment of Limbs, an Insulin-Depen-
dent Diabetic Condition, or Monocular Vision

A. A person who is not physically qualified to drive a commercial motor vehicle in interstate commerce due to loss of limb, limb impairment, an insulin-dependent diabetic condition, or monocular vision, as provided under 49 CFR 391.41(b)(1), (b)(2), (b)(3), or (b)(10), but otherwise meets all other requirements under 49 CFR 391.41, may operate a commercial motor vehicle in intrastate commerce if granted an intrastate medical waiver by the Director. Application for an intrastate medical waiver shall be submitted according to subsection (B).

B. A driver applicant, or a driver applicant jointly with the motor carrier co-applicant that will employ the driver applicant, shall complete and submit the applicable intrastate medical waiver application to the Department’s Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, with the following information as applicable:

1. Identify the applicant:

   a. Name and complete address of the driver applicant;
   b. Name and complete address of the motor carrier co-
       applicant;
   c. U.S. Department of Transportation motor carrier identification number, if known; and
   d. A description of the driver applicant’s limb or visual impairment or insulin-dependent diabetic condition as applicable to the type of waiver being requested;

2. Describe the type of operation the driver applicant will be employed to perform, including the following information (if known):
   a. Average period of time the driver will be driving or
       on duty, per day;
   b. Type of commodities or cargo to be transported;
   c. Type of driver operation (i.e., sleeper team, relay, owner operator, etc.); and
   d. Number of years experience operating each type of commercial motor vehicle requested in the intrastate medical waiver application and total years of experience operating all types of commercial motor vehicles;

3. Describe the commercial motor vehicles the driver applicant intends to drive:

   a. Truck, truck tractor, or bus make, model, and year (if known);
   b. Drive train:
      i. Transmission type (automatic or manual - if manual, designate number of forward speeds);
      ii. Auxiliary transmission (if any) and number of forward speeds; and
      iii. Rear axle (designate single speed, two-speed, or three-speed);
   c. Type of brake system;
   d. Steering, manual or power assisted;
   e. Description of types of trailers (i.e., van, flatbed, cargo tank, drop frame, lowboy, or pole);
   f. Number of semitrailers or full trailers to be towed at one time;
   g. For commercial motor vehicles designed to transport passengers, indicate the seating capacity of the commercial motor vehicle; and
   h. Description of any modifications made to the commercial motor vehicle for the driver applicant, attach photographs where applicable;

4. Include a certification statement:

   a. The driver applicant shall certify that the driver applicant is otherwise qualified to drive a commer-
The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(1) or (b)(2) shall be accompanied by:

1. A copy of the medical examination report and medical examiner’s certificate completed pursuant to 49 CFR 391.43;

2. The Department’s medical waiver evaluation summary completed by either a board-qualified or board-certified physiatrist or orthopedic surgeon. The co-applicant motor carrier or the driver applicant shall provide the physiatrist or orthopedic surgeon with a description of the job-related tasks the driver applicant will be required to perform:

   a. The medical waiver evaluation summary for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(1) shall include:

      i. An assessment of the functional capabilities of the driver as they relate to the ability of the driver to perform normal tasks associated with operating a commercial motor vehicle; and

      ii. A statement by a board-qualified or board-certified physiatrist or orthopedic surgeon that the applicant is capable of demonstrating precision prehension (e.g., manipulating knobs and switches) and power grasp prehension (e.g., holding and maneuvering the steering wheel) with each upper limb separately;

   b. The medical waiver evaluation summary for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(2) shall include:

      i. An explanation as to how and why the impairment interferes with the ability of the applicant to perform normal tasks associated with operating a commercial motor vehicle; and

      ii. An assessment and medical opinion of whether the condition will likely remain medically stable over the lifetime of the driver applicant; and

      iii. A statement by a board-qualified or board-certified physiatrist or orthopedic surgeon that the applicant is capable of demonstrating precision prehension (e.g., manipulating knobs and switches) and power grasp prehension (e.g., holding and maneuvering the steering wheel) with each upper limb separately;

3. A description of the driver applicant’s prosthetic or orthotic device worn, if any; and

4. A copy of the driver applicant’s state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained.

D. The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(3) shall be accompanied by:

1. A copy of the medical examination report and medical examiner’s certificate completed pursuant to 49 CFR 391.43;

2. An evaluation by a board-certified or board-eligible endocrinologist. A complete endocrinologist evaluation shall consist of:

   a. A comprehensive evaluation of the applicant’s five-year medical history and current status. The applicant shall provide the examining endocrinologist with a complete medical history as it pertains to the applicant’s diabetes or its complications or both, including, the date insulin use began, all hospitalization reports, consultation notes for diagnostic examinations, special studies, follow-up reports, reports of any hypoglycemic insulin reactions within the 12 months prior to the date of application, and other reports as requested by the endocrinologist. The evaluation shall also include a review of:

      i. Daily glucose monitoring logs, glycosylated hemoglobin (A1c) indicating a result in the range of 7% to 10%, including lab reference page performed during the last six months unless recently diagnosed;

      ii. Insulin dosages and types, diet utilized for control, and all medications taken; and

      iii. Examinations to detect any peripheral neuropathy or circulatory insufficiency of the extremities;

   b. A statement that the applicant is free from insulin reactions. Insulin reactions include any severe hypoglycemic reaction, which can be a reaction that results in seizure, loss of consciousness, requiring the assistance of another person, or a period of impaired cognitive function that occurs without warning. To be eligible the applicant must not have hypoglycemia unawareness and must have had no more than one documented severe hypoglycemic reaction in the previous 12 months and must have had:

      i. No recurrent (two or more) severe hypoglycemic reactions resulting in a loss of consciousness or seizure within the past five years;

      ii. No recurrent severe hypoglycemic reactions requiring the assistance of another person within the past five years;

      iii. No recurrent severe hypoglycemic reactions resulting in impaired cognitive functions that occurred without warning symptoms within the past five years; and

   c. A statement prepared and signed by the examining endocrinologist whose status as board-certified or board-eligible is indicated. The signed statement shall include separate declarations indicating the following medical determinations:

      i. The endocrinologist is familiar with the applicant’s medical history for the past five years through a records review, treating the patient, or consultation with the treating physician;

      ii. The applicant is able to safely operate a commercial motor vehicle while using insulin; and
iii. The applicant has been educated in diabetes, including the last education date, and its management and is informed of and understands how to individually manage and monitor the applicant’s diabetes mellitus and has demonstrated the ability and willingness to properly monitor and manage the applicant’s diabetes and procedures to follow if complications arise;

3. A separate signed vision evaluation report from an ophthalmologist or optometrist indicating that the applicant has been examined and does not have diabetic retinopathy and meets the vision standard of 49 CFR 391.41(b)(10), or has been issued a valid intrastate medical waiver for monocular vision. If the applicant has any evidence of diabetic retinopathy, the applicant must be examined by an ophthalmologist and submit a separate signed statement from the ophthalmologist that the applicant does not have unstable proliferative diabetic retinopathy (i.e. unstable advancing disease of blood vessels in the retina); and

4. A copy of the driver applicant’s state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained.

E. The completed intrastate medical waiver application for a driver applicant not physically qualified to drive under 49 CFR 391.41(b)(10) shall be accompanied by:

1. A copy of the medical examination report and medical examiner’s certificate completed pursuant to 49 CFR 391.43;

2. A current vision examination report issued within the last 90 days from the date the report is received by the Department, completed by an ophthalmologist or optometrist. The report shall indicate that the applicant has distant visual acuity of at least 20/40 (Snellen), with or without a corrective lens, in one eye, and the applicant’s dominant eye has a visual field of at least 70° peripheral measurement in one direction and 35° in the opposite direction of the horizontal meridian and the ability to distinguish the colors of a traffic signal or device showing standard red, green, and amber, as applicable to the type of medical waiver being requested;

3. A copy of the driver applicant’s state motor vehicle driving record for the past three years from each state in which a motor vehicle driver license or permit has been obtained; and

4. A statement from the employer that the driver applicant has driven the type of vehicle for which the waiver is being requested for at least two of the previous five years.

F. Agreement. A motor carrier that employs a driver subject to an intrastate medical waiver granted by the Director under subsection (A), whether the waiver was granted unilaterally to the subject driver, as a unilateral applicant if becoming self-employed, or to the director applicant motor carrier, shall agree to:

1. Report to the Department’s Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, in writing, any suspension, revocation, disqualification, or withdrawal of the subject driver’s license or permit, and any accident, arrest, or conviction involving the driver within 30 days after the occurrence;

2. Provide to the Department’s Medical Review Program, on request, any documents and information pertaining to the driving activities, accidents, arrests, convictions, and driver license or permit suspensions, revocations, disqualifications, or withdrawals involving the subject driver;

3. Evaluate the subject driver with a road test using the trailer types the motor carrier intends the driver to transport, or alternatively accept a certificate of a trailer road test from another motor carrier if the trailer types are similar, or accept the trailer road test completed during the skill performance evaluation if trailer types are similar to that of the prospective motor carrier;

4. Evaluate the subject driver for those non-driving safety related job tasks associated with each type of trailer that will be used and any other non-driving safety related or job related tasks unique to the operations of the employing motor carrier; and

5. Use the subject driver to operate the type of commercial motor vehicle indicated on the intrastate medical waiver only when the driver is in compliance with the conditions and limitations of the waiver.

G. A subject driver to an intrastate medical waiver, issued by the Director under subsection (A), shall supply each employing motor carrier with a copy of the intrastate medical waiver.

H. The Department may require the driver applicant to demonstrate the driver applicant’s ability to safely operate the commercial motor vehicle the driver intends to drive.

I. If required by the Department during the application process, a driver applicant shall have a skill performance evaluation performed by a federally-certified state commercial driver license examiner at a Department commercial driver license facility when directed.

J. If the Director grants an intrastate medical waiver under subsection (A) to the driver applicant, the Department shall mail to the driver applicant and co-applicant motor carrier (if applicable) written approval of the intrastate medical waiver describing the terms, conditions, and limitations of the waiver.

K. The intrastate medical waiver granted by the Director under subsection (A) shall identify:

1. The power unit (bus, truck, truck tractor) for which the waiver is granted; and

2. The trailer type used in the skill performance evaluation, if applicable, without limiting the waiver to that specific trailer type.

L. A subject driver may use the intrastate medical waiver with other trailer types if the driver successfully completes:

1. A trailer road test administered by the motor carrier under subsection (F)(3) for each type of trailer, and

2. A non-driving safety related job related task evaluation administered by the motor carrier under subsection (F)(4).

M. The intrastate medical waiver granted by the Director under subsection (A) is:

1. Valid for a period of not more than two years from the date of issuance;

2. Renewable 30 days prior to the expiration date; and

3. Transferable from an original motor carrier co-applicant employer to a new motor carrier employer or to the subject driver, as a unilateral applicant if becoming self-employed, upon written notification to the Department’s Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, stating the new employer’s name and the type of equipment to be driven.

N. An intrastate medical waiver granted by the Director under subsection (A) to a driver applicant for monocular vision under subsection (E), shall prohibit the subject driver from transporting:

1. Passengers for hire; and

2. Reportable quantities of hazardous substances, manifest hazardous wastes, and hazardous material required to be placarded.
O. A driver subject to an intrastate medical waiver, issued by the Director under subsection (A), shall have the intrastate medical waiver (or a legible copy) in the subject driver’s possession while on duty.

P. The motor carrier employing a subject driver shall maintain a copy of the intrastate medical waiver in its driver qualification file and retain the copy in the motor carrier’s file for a period of three years after the driver’s employment is terminated.

Q. A driver subject to an intrastate medical waiver, issued by the Director under subsection (A) to an applicant for insulin-dependent diabetes under subsection (D), must comply with the following conditions:

1. Maintain appropriate medical supplies for glucose management while preparing for the operation of a commercial motor vehicle and during its operation. The supplies shall include the following:
   a. A digital glucose monitor with computerized memory;
   b. Supplies needed to obtain adequate blood samples and to measure blood glucose;
   c. Insulin to be used as necessary, and
   d. An amount of rapidly absorbable glucose to be used as necessary;

2. Maintain a daily record of actual driving time to correlate with the daily glucose measurements;

3. Monitor and maintain blood glucose levels in the range of 100 to 400 milligrams per deciliter (mg/dl) prior to and while driving.
   a. Check glucose before starting to drive and take corrective action if necessary. If glucose is less than 100 mg/dl, take glucose or food and recheck in 30 minutes. Repeat the process until glucose is greater than 100 mg/dl. Do not drive if glucose is less than 100 mg/dl;
   b. While driving, stop the vehicle in a safe location and check glucose every two to four hours and take appropriate action to maintain it in the range of 100 to 400 mg/dl;
   c. Have food available at all times when driving. If glucose is less than 100 mg/dl, stop driving and eat. Recheck in 30 minutes and repeat procedure until glucose is greater than 100 mg/dl; and
   d. If glucose is greater than 400 mg/dl, stop driving until glucose returns to the 100 to 400 mg/dl range. If more than two hours have passed since last insulin injection and eating, take additional insulin. Recheck blood glucose in 30 minutes. Do not resume driving until glucose is less than 400 mg/dl;

4. Participate in a diabetes education program annually;

5. Undergo the following evaluations and examinations and submit to the Department’s Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, within 10 days of the date of the evaluation or exam:
   a. A quarterly evaluation completed by a board-certified or board-eligible endocrinologist. A quarterly endocrinologist evaluation shall include a review of the driver’s daily glucose logs and glucose levels (from the subject driver’s required monitoring device), a comparison of monitoring dates to the driving log to ensure that the subject driver is checking glucose levels prior to operating a commercial motor vehicle, a certifying statement indicating that the subject driver is maintaining a glucose level in the range of 100 to 400 mg/dl while driving a commercial motor vehicle, a certifying statement indicating that the subject driver is maintaining a stable insulin regimen and that the subject driver’s quarterly A1c result continues to reflect stable control, reports of any severe hypoglycemic episodes, any hypoglycemic-related hospitalization, and any treatment regimen changes since the last hypoglycemic episode;
   b. An annual evaluation completed by a board-certified or board-eligible endocrinologist. In addition to the requirements of a quarterly endocrinologist evaluation under subsection (Q)(5)(a), an annual endocrinologist evaluation shall also include a general physical examination, an indication that the driver has continued to participate in a diabetes education program with the last education date provided, a certifying statement indicating that the driver understands how to individually manage and monitor the driver’s diabetes mellitus, an indication of the development of, or progression, or both, in diabetes complications (i.e. renal disease, cardiovascular disease, and neurological disease), a list of all medications taken and whether any of the medications may compromise the driver’s ability to operate a commercial motor vehicle, the endocrinologist’s belief that the driver has demonstrated the ability and willingness to properly manage the driver’s diabetes, and a certifying statement indicating that the driver is able to safely operate a commercial motor vehicle while using insulin;
   c. An annual vision evaluation report, as prescribed under subsection (D)(3). If there is any evidence of diabetic retinopathy, provide annual documentation by an ophthalmologist that the driver does not have unstable proliferative diabetic retinopathy; and
   d. An annual medical examination report and medical examiner’s certificate completed pursuant to 49 CFR 391.43. Provide copies of the endocrinologist evaluation and the vision examination report to the medical examiner for review; and

6. Report the following information to the Department’s Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, within two days of occurrence:
   a. All episodes of severe hypoglycemia, significant complications, or inability to manage diabetes; and
   b. Any involvement in an accident or any other adverse event in a commercial motor vehicle or personal vehicle, related to an episode of hypoglycemia or hyperglycemia.

R. A driver subject to an intrastate medical waiver, issued by the Director under subsection (A) to an applicant for monocular vision under subsection (E), must be physically examined every year and shall submit the following to the Department’s Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100:

1. A vision examination report issued within the last 90 days from the date the report is received by the Department, as prescribed under subsection (E)(2); and

2. A current medical examination report and medical examiner’s certificate completed pursuant to 49 CFR 391.43 within the past year.

S. A driver subject to an intrastate medical waiver, or a driver subject to an intrastate medical waiver jointly with a motor carrier co-applicant, may renew an intrastate medical waiver by submitting to the Department’s Medical Review Program, P.O. Box 2100, Mail Drop 818Z, Phoenix, AZ 85001-2100, a
The Director may revoke an intrastate medical waiver after

- Name and complete address of the motor carrier currently employing the applicant;
- Name and complete address of the subject driver;
- Total miles driven under the current intrastate medical waiver;
- Number of accidents incurred while driving under the current intrastate medical waiver, including the date of each accident, number of fatalities, number of injuries, and the estimated dollar amount of any property damage;
- A current medical examination report and medical examiner’s certificate completed pursuant to 49 CFR 391.43;
- A current medical examination or evaluation as applicable to the medical condition:
  - A current medical waiver evaluation summary, as prescribed under subsection (C)(2), for a driver with a loss of limb or limb impairment;
  - A current endocrinologist evaluation, as prescribed under subsection (D)(2), and a current vision evaluation report, as prescribed under subsection (D)(3), for a driver who is an insulin-dependent diabetic; or
  - A current vision examination report, as prescribed under subsection (E)(2), for a driver with monocular vision;
- A copy of the subject driver’s current state motor vehicle driving record for the period of time the current intrastate medical waiver has been in effect;
- Notification of any change in the type of tractor the driver will operate;
- Subject driver’s signature and date signed; and
- Motor carrier co-applicant’s signature and date signed (if applicable).

The Director may deny an application for the intrastate medical waiver:

1. As relevant to the transportation of hazardous materials by highway, the Department incorporates by reference, as amended under this Section, the following Parts of the Federal Hazardous Materials Regulations; revised as of October 1, 2016, and no later amendments or editions, as 49 CFR - Transportation, Subtitle B - Other Regulations Relating to Transportation, Chapter I - Pipeline and Hazardous Materials Safety Administration, Department of Transportation:
   - Subchapter A - Hazardous Materials and Oil Transportation; Part 107 - Hazardous materials program procedures; and
   - Subchapter C - Hazardous Materials Regulations; Parts:
     i. 171 - General information, regulations, and definitions;
     ii. 172 - Hazardous materials table, special provisions, hazardous materials communications, emergency response information, training requirements, and security plans;
     iii. 173 - Shippers - general requirements for shipments and packagings;
     iv. 177 - Carriage by public highway;
     v. 178 - Specifications for packagings; and
     vi. 180 - Continuing qualification and maintenance of packagings.

2. The material incorporated by reference under this subsection is on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007. The incorporated material is published by National Archives and Records Administration, Office of the Federal Register, 8601 Adelphi Road, College Park, MD 20740-6001, and is printed and distributed by the U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000. The incorporated material can be viewed online at http://www.ofr.gov or https://www.gpo.gov/fdsys and ordered online by visiting the U.S. Government Online Bookstore at http://bookstore.gpo.gov. The International Standard Book Numbers are 9780160935466 for 49 CFR 107, 171, 172, 173, and 177 and 9780160935473 for 49 CFR 178 and 180.

B. Application and exceptions.

1. Application.
   a. Regulations incorporated under subsection (A) apply as amended by subsection (C) to motor carriers, shippers, and manufacturers as defined under A.R.S. § 28-5201.
   b. Regulations incorporated under subsection (A) also apply to any vehicle owned or operated by the state, a political subdivision, or a state public authority, used to transport a hazardous material, including hazardous substances and hazardous waste.

2. Exceptions. An authorized emergency vehicle, as defined under A.R.S. § 28-101, is excepted from the provisions of this Section.

C. Amendments. The following sections of the Federal Hazardous Materials Regulations, incorporated under subsection (A), are amended as follows:

1. Part 171, General information, regulations, and definitions. Section 171.8, Definitions and abbreviations. Section 171.8 is amended by revising the definitions for

Historical Note

“Carrier,” “Hazmat employer,” and “Person,” and adding a definition for “Highway” as follows:

“Carrier” means a person engaged in the transportation of passengers or property by highway as a common, contract, or private carrier and also includes the state, a political subdivision, and a state public authority engaged in the transportation of hazardous material.”

“Hazmat employer” means a person who uses one or more employees in connection with: transporting hazardous material; causing hazardous material to be transported or shipped; or representing, marking, certifying, selling, offering, reconditioning, testing, repairing, or modifying containers, drums, or packagings as qualified for use in the transportation of hazardous material. This term includes motor carriers, shippers, and manufacturers defined under A.R.S. § 28-5201 and includes the state, political subdivisions, and state public authorities.”

“Highway” means a public highway defined under A.R.S. § 28-5201.”

“Person” has the same meaning as defined under A.R.S. § 28-5201.

2. Part 172, Hazardous materials table, special provisions, hazardous materials communications, emergency response information, training requirements, and security plans. Section 172.3, Applicability. Paragraph (a)(2) is amended to read: “Each motor carrier that transports hazardous materials, and each state agency, political subdivision, and state public authority that transports hazardous material by highway.”

3. Part 177, Carriage by public highway.
   a. Section 177.800, Purpose and scope of this part and responsibility for compliance and training. In paragraph (a), the phrase “by private, common, or contract carriers by motor vehicle” is amended to read, “by a motor carrier operating in Arizona, a state agency, a political subdivision, or a state public authority that transports hazardous material by highway.”
   b. Section 177.802, Inspection. Section 177.802 is amended to read: “Records, equipment, packagings, and containers under the control of a motor carrier or other persons subject to this part, affecting safety in transportation of hazardous material by motor vehicle, must be made available for examination and inspection by an authorized representative of the Department as prescribed under A.R.S. §§ 28-5204 and 28-5231.”

Historical Note

R17-5-210. Motor Carrier Safety: Public Service Corpora-


tion, Political Subdivision of this State that is Engaged in Render-

ing Public Utility Service, or Railroad Contacting State

Officials in an Emergency

A. A public service corporation, a political subdivision of this state that is engaged in rendering public utility service, or a railroad shall notify Commercial Vehicle Enforcement, through the Arizona Department of Public Safety Duty Office, that an emergency situation under A.R.S. § 28-5234(B) exists. Notification shall be made on a form provided by the Arizona Department of Public Safety and sent by fax transmission to (602) 223-2929 immediately, but in no case longer than three hours from the time the public service corporation, political subdivision of this state that is engaged in rendering public utility service, or railroad determines that the emergency situation exists. The information to be provided includes:
   1. Date of the emergency situation,
   2. Time that the emergency situation started,
   3. Description of the emergency situation,
   4. Location of the emergency situation,
   5. Projected duration of the emergency situation,
   6. Authorized party’s signature for determining that an emergency situation exists,
   7. Name and contact number of responsible party in the field, and
   8. The utility’s self-generated Emergency ID or tracking number.

B. A public service corporation, a political subdivision of this state that is engaged in rendering public utility service, or a railroad shall maintain supporting documentation for no less than three years from the date of an emergency situation and shall make the supporting documentation available to a special agent upon request. Supporting documentation includes:
   1. A list of drivers involved in the emergency situation;
   2. The duration of the emergency situation;
   3. The off-duty time provided for the affected drivers after the emergency situation concluded; and
   4. Any United States Department of Transportation recordable accidents, as defined under 49 CFR 390.5, which occurred during the emergency situation.

C. After an emergency situation terminates and a driver returns to the principal place of business, the driver shall not drive a commercial motor vehicle unless the driver remains off duty under 49 CFR 395.

Historical Note
New Section recodified from R17-4-438 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 7 A.A.R. 4259, effective September 13, 2001 (Supp. 01-3). Section repealed by final rulemaking at 8 A.A.R. 3249, effective July 10, 2002 (Supp. 02-3). New Section made by final rulemaking at 11 A.A.R. 862, effective February 1, 2005 (Supp. 05-1). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3).

R17-5-211. Motor Carrier Safety: Inspection, Enforcement, Sanction

A. Scope. This Section applies to any transporter subject to:
   1. R17-5-201 through R17-5-209; and
   2. A.R.S. Title 28, Chapter 14.

B. Audits.
   1. The Department may conduct an audit for cause or without cause.
   2. The Department may enter the premises of any transporter for the purpose of conducting an audit.
   3. The Department may inspect a motor vehicle:
      a. Within Arizona at:
C. Violation notification. Within five days after audit completion, the Department shall notify an audited transporter in writing of all violations. The notification shall specify a deadline date for remedy of all violations.

D. Obligation to remedy violations. After receipt of a violation notification, a transporter shall remedy all violations by the specified date to comply with:

1. R17-5-201 through R17-5-209; and
2. A.R.S. Title 28, Chapter 14.

E. Noncompliance: Failure to remedy violations. If the Department determines a transporter does not remedy a violation by the date specified in a violation notice, the Department shall initiate further enforcement action as prescribed under A.R.S. §§ 28-5237 and 28-5238.

F. Danger to public safety. If the Director determines a written violation report establishes probable cause of danger to public safety, the Director shall issue an order by 5:00 p.m. the next business day suspending the Arizona registration of the motor vehicle owned or leased by the transporter, or a driver’s Arizona driver license or nonresident driving privilege.

Historical Note
New Section recodified from R17-4-440 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4230, effective November 15, 2002 (Supp. 02-3). Amended by final rulemaking at 17 A.A.R. 1691, effective August 2, 2011 (Supp. 11-3). Amended by final rulemaking at 24 A.A.R. 15499, effective May 1, 2018 (Supp. 18-2).

ARTICLE 3. PROFESSIONAL DRIVER SERVICES

R17-5-301. Definitions
In addition to the definitions under A.R.S. §§ 28-101 and 32-2351, the following definitions apply to this Article, unless otherwise specified:

“Activity” means a function or service that is provided by a licensed professional driver training school pursuant to A.R.S. Title 32, Chapter 23 or licensed traffic survival school pursuant to A.R.S. Title 28, Chapter 8, Article 7.1 and that is performed by a professional driver training school instructor or traffic survival school qualified instructor as defined in this Article.

“Applicant” means an individual or school, including principals, requesting in the manner set forth in this Article the issuance or renewal of a license or to become a qualified instructor under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article.

“Application date” means the date the Department or private entity receives a signed application from an applicant.

“Audit” means a review of the operations, facilities, equipment, and records of a licensee under this Article, which is performed by the Department or private entity under A.R.S. § 28-3411 or 32-2352 to assess and ensure compliance with all applicable federal and state laws and rules.

“Branch” means a licensed professional driver training school’s or licensed traffic survival school’s business location that is an additional established place of business, but not the school’s principal place of business.

“Business day” means a day other than a Saturday, Sunday, or legal state holiday.

“Business manager” means an owner or employee of a licensed school who has primary and sufficient oversight, supervision, and responsibility for all operations necessary to
ensure full compliance with all applicable federal or state laws, rules, and school guidelines.

“Certificate of completion” means an electronic or paper document that is approved by the Department or private entity and that is issued by a traffic survival school or high school qualified instructor to a student who has demonstrated successful completion of a training or educational session or both conducted under this Article.

“Character and reputation” means a person:

Has not been convicted of a class 1 or 2 felony by a court of competent jurisdiction,

Has not within five years of application date been convicted of any other felony or misdemeanor offense having a reasonable relationship to the functions of the activity or the employment or category for which the qualification is sought, and

Has not within 12 months of application date had an application or an examination required for license or qualification under this Chapter denied or revoked due to fraud or misrepresentation.

“Commercial driver license motor vehicle record” has the same meaning as a CDLIS motor vehicle record as defined in 49 CFR 384.105.

“Department-approved inventory” means educational media and related items or other resources provided and approved by the Department or private entity that are deemed necessary or useful for traffic survival school instruction, which includes curriculum, computer disks or drives, classroom training materials, instructor workbooks, instructor training manuals, or other materials, whether stored in paper or electronic formats.

“Established place of business” means a licensed professional driver training school’s or licensed traffic survival school’s business location that is:

Approved by the Department,

Located in Arizona,

Not used as a residence, and

Where the licensed school performs licensed activities.

“Good standing” means an applicant:

Has not had a similar business license, qualification, or approval suspended, revoked, canceled, or denied within the previous three years of the application date;

Does not have any pending corrective action, as defined under R17-5-323, relating to a Department-issued business license, qualification, or approval;

Has not had a fingerprint clearance card required for licensure under this Article suspended, revoked, or canceled;

Does not owe delinquent fees, taxes, or unpaid balances to the Department or private entity;

Has not had any substantiated derogatory information relevant to the requested license reported to the Department about the applicant from any state agency contacted by the Department; or

Has not been dismissed, or resigned in lieu of dismissal, from a position for cause following allegations of misconduct having a reasonable relationship to the person’s proposed area of licensure or qualification, if the applicant is a former Department employee or a former principal or employee of a licensed professional driver training school or licensed traffic survival school.

“Immediate family member” has the same meaning as prescribed in A.R.S. § 28-2401.

“Inactivation” or “inactive” means a temporary or permanent status, assigned by the Department to a school previously licensed under this Article, which prohibits the school from further engaging in the previously licensed activity after the occurrence of any of the following actions:

- Cancellation of license, as defined in R17-5-323;
- Suspension of license, as defined in R17-5-323;
- Revocation of license, as defined in R17-5-323;
- Non-renewal of license; or
- Relinquishment of license.

“Licensee” means a school licensed by the Department or private entity under A.R.S. § 28-3413 or 32-2371 and this Article, to perform a licensed activity.

“Principal” means any of the following:

If a sole proprietorship, the sole proprietor;

If a partnership, limited partnership, limited liability partnership, limited liability company or corporation, the: Partner;

Manager;

Member;

Officer;

Director;

Agent; or

If a limited liability company or corporation, each stockholder owning 20 percent or more of the limited liability company or corporation; or

If a political subdivision or government agency, the political subdivision or agency head.

“Principal place of business” means a licensed professional driver training school’s or licensed traffic survival school’s administrative headquarters, which shall not be used as a residence.

“Private entity” means an entity that contracts with the Department under A.R.S. § 28-3411 or 32-2352.

“Professional driver training school instructor” means an individual meeting the qualifications under R17-5-303 who can present specific training and educational curriculum to professional driver training school students as provided under this Article.

“Satisfactory driver record” means an applicant has not had within the past 39 months:

A conviction for driving under the influence, reckless or aggressive driving, racing on a highway, or leaving the scene of an accident;

A driver license previously canceled, suspended, revoked, or disqualified for any reason except for failing to meet or maintain the commercial driver license physical qualifications under 49 CFR 391.41 and A.A.C. R17-4-508; and

More than three previous assignments to attend traffic survival school and no pending assignment.

“Traffic survival school qualified instructor” means an individual deemed qualified by the Department or private entity under this Article to conduct instruction of an education session on behalf of a licensed traffic survival school.

**Historical Note**

New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking.
An applicant for a professional driver training school or traffic survival school licensing; Eligibility and Application Requirements

**R17-5-302. Professional Driver Training School and Traffic Survival School Licensing; Eligibility and Application Requirements**

**A.** An applicant for a professional driver training school or traffic survival school license, issued by the Department or private entity under A.R.S. § 28-3411 or 32-2371 and this Section, shall meet all applicable licensing requirements under state law and this Article when applying for an original or renewal license.

**B.** An applicant for a professional driver training school or traffic survival school license shall complete and submit to the Department or private entity an application packet that contains all of the following:

1. An application, completed on a form approved by the Department;
2. Certification that each classroom used for the instruction of students is maintained in compliance with all applicable fire codes and local zoning ordinances;
3. Certification that each classroom used for the instruction of students meets the accessibility requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended;
4. A copy of the following documents relating to the applicant’s business if the applicant is a:
   a. Corporation:
      i. A copy of the articles of incorporation, including any amendments filed with the Arizona Corporation Commission; and
      ii. Any other official documents, including copies of board meeting minutes and annual reports that reflect the most recent change to the corporate name, structure, or officers;
   b. Limited liability company:
      i. A copy of the articles of organization, including any amendments filed with the Arizona Corporation Commission; or
      ii. A copy of the application for registration as a foreign limited liability company filed with the Arizona Corporation Commission and a copy of the certificate of registration issued by the Arizona Corporation Commission to a foreign limited liability company;
   c. Limited partnership or a limited liability partnership:
      i. A copy of a valid certificate of existence issued by the Arizona Office of the Secretary of State;
      ii. A copy, stamped “filed” by the Arizona Office of the Secretary of State, of a certificate of limited partnership, certificate of foreign limited partnership, limited liability partnership form, foreign limited liability partnership form, or statement of qualification for conversion of limited partnership or limited liability partnership; or
      iii. A copy of a valid trade name certificate issued by the Arizona Office of the Secretary of State;
   d. Sole proprietor:
      i. A copy of a valid certificate of existence issued by the Arizona Office of the Secretary of State, or
      ii. A copy of a valid trade name certificate issued by the Arizona Office of the Secretary of State;
5. The name and Arizona address of the school’s statutory agent, as designated in the articles of incorporation, if the applicant is a corporation;
6. Documentation prescribed under A.R.S. § 41-1080 indicating that each applicant’s presence in the United States is authorized under federal law if the applicant is an individual, a sole proprietor, or part of a general partnership;
7. Payment of the license fees prescribed under A.R.S. § 28-3415 or 32-2374 for each activity requested; and
8. A form, approved by the Department, completed for each branch license, if applicable, and accompanied by payment of any applicable branch license fees prescribed under A.R.S. § 28-3415 or 32-2374.

**C.** An applicant shall not use the following in any part of its school name, which is subject to approval by the Department or private entity:

1. The terms “Arizona Department of Transportation,” “Department of Transportation,” “Motor Vehicle Division,” “Motor Vehicle Department,” “Division of Motor Vehicles,” or “Department of Motor Vehicles;” or
2. The acronyms “ADOT,” “DOT,” “MVD,” or “DMV.”

**D.** Professional driver training school applicants must provide the following additional documents with the school’s application packet:

1. A copy of the school’s complete curriculum, including a sample of all written examinations and answer keys, unless the curriculum is provided by the Department or private entity;
2. Verification of liability insurance coverage reflecting at least the minimum amount prescribed under A.R.S. § 32-2393 for each motor vehicle used to provide instruction; and
3. Diagrams detailing a minimum of three separate behind-the-wheel final evaluation routes with a written narrative indicating all required maneuvers, if the applicant will be providing behind-the-wheel driver training.

**Historical Note**

New Section recodified from R17-4-512 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section amended by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

**R17-5-303. Professional Driver Training School Instructor Qualifications and Requirements**

**A.** A professional driver training school instructor shall:

1. Work for a professional driver training school licensed by the Department or private entity under A.R.S. § 32-2371 and R17-5-302;
2. Possess a valid Arizona commercial driver license with applicable endorsements representative of the vehicle to be used in training;
3. Meet the character and reputation requirements as defined in R17-5-301, and
4. Meet all applicable instructor requirements under state law and this Article.

**B.** Each professional driver training school licensed under A.R.S. § 32-2371 and this Article shall maintain a file for each professional driver training school instructor that contains the following:

1. A copy of a valid Arizona commercial driver license with applicable endorsements representative of the vehicle to be used in training, and
2. An annual commercial driver license motor vehicle record which indicates the instructor has maintained a satisfactory driver record as defined in R17-5-301.

C. A business manager of a professional driver training school licensed under A.R.S. § 32-2371 and this Article shall submit to the Department or private entity a list of all of its professional driver training school instructors, including full name and commercial driver license number, at the time of hiring the instructors, within 10 calendar days of making any changes to the instructors as required under R17-5-310, and when renewing the school license as required under R17-5-309.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

R17-5-304. Fingerprint Background Check; Fingerprint Clearance Card
A. An applicant for a license issued under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23, Article 2 and this Article, as applicable, shall:
1. Successfully complete a fingerprint background check conducted by the Arizona Department of Public Safety under A.R.S. § 41-1758.01 and
2. Submit to the Department or private entity a copy of the fingerprint clearance card issued to the applicant under A.R.S. § 41-1758.03 as part of the application packet.
B. An applicant is responsible for all costs associated with obtaining the fingerprint clearance card.
C. A licensee, as applicable, shall maintain a valid fingerprint clearance card while licensed under this Article, and shall provide written notice to the Department or private entity within 10 calendar days if the fingerprint clearance card is cancelled, suspended, or revoked.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

R17-5-305. Traffic Survival School Qualified Instructor Status; Eligibility and Application Requirements
A. An applicant for traffic survival school qualified instructor status shall:
1. Apply through a traffic survival school licensed by the Department or private entity under A.R.S. § 28-3413 and this Article,
2. Possess a valid Arizona driver license,
3. Meet all applicable requirements under this Article, and
4. Meet the good standing and character and reputation requirements as defined in R17-5-301.
B. Each traffic survival school qualified instructor applicant shall complete an application packet that contains the following:
1. An application, completed on a form approved by the Department;
2. A copy of a valid Arizona driver license;
3. Documentation prescribed under A.R.S. § 41-1080 indicating that the applicant’s presence in the United States is authorized under federal law;
4. A motor vehicle record, dated within 30 days of the application date, which indicates that the applicant maintained a satisfactory driver record as defined in R17-5-301;
5. An affidavit from the business manager of the traffic survival school certifying that the qualified instructor applicant has the necessary skills and abilities to give instruction at a professional level; and
6. Payment of authorized fees as required by the private entity for application and administration of the instructor qualification process and for required instructor continuing education, which shall be negotiated by the Department and the private entity and shall be set forth in their contract.

C. An applicant for instructor qualification shall have successfully completed a traffic survival school educational workshop or similar curriculum approved by the Department or private entity before being permitted to instruct any traffic survival school course.

D. An applicant for instructor qualification shall have successfully completed an examination given for qualification of instructors by the Department or private entity as required under R17-5-306 before being permitted to instruct any traffic survival school course.

E. A business manager of a traffic survival school licensed under A.R.S. § 28-3413 and this Article shall submit to the Department or private entity the complete application packet for each qualified instructor applicant.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

R17-5-306. Required Training and Examination of School and Instructor Applicants
A. An applicant for traffic survival school instructor qualification under this Article shall attend Department-approved training and shall pass one or more required examinations administered by the Department or private entity.
B. The Department or private entity shall limit a traffic survival school qualified instructor applicant to three opportunities within 90 days, based on scheduling, to successfully complete and achieve a passing score or grade on each examination required under this Section.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

R17-5-307. Approval or Denial of Application; Hearing; Appeal
A. An application will not be approved by the Department or private entity unless it is properly and fully completed with all required supporting documents and applicable fees as identified in this Article.
B. The Department or private entity shall provide written notification to the professional driver training school or traffic survival school of the approval or denial of a license or traffic survival school instructor qualification. A notice denying the applicant a license or qualification under this Article shall specify the basis for denial and indicate that the applicant may request a hearing on the denial with the Department’s Executive Hearing Office within 30 calendar days of the date on the notice unless the application is withdrawn by the applicant.
C. The Department or private entity may deem a traffic survival school instructor applicant qualified when a completed application is received and the applicant has successfully completed all required training and examinations.
D. Unless the application is withdrawn by the applicant, the Department or private entity may deny an application in which the applicant has:
   1. Failed to have or to document a satisfactory driver record as required under R17-5-305, as applicable;
   2. Failed to meet the good standing or character and reputation requirements of the Department as defined in R17-5-301;
   3. Failed to meet the fingerprint clearance card requirement under R17-5-304, as applicable;
   4. Made a material misrepresentation or misstatement on the application;
   5. Violated a federal or state law or rule reasonably related in a business context to the authority applied for; or
   6. Failed to complete all applicable application requirements under this Article.

E. If timely requested by an applicant under subsection (B), the Department shall schedule and conduct a hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6 and 17 A.A.C. 1, Article 5 for denial of a license.

F. An applicant whose application was previously denied by the Department or private entity for making a material misrepresentation or misstatement on the application is not eligible to reapply for 12 months from the date of previous denial.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

R17-5-308. License Issuance; Effective Date; Expiration; Display
A. The Department or private entity may issue the following licenses upon determining an applicant meets all eligibility and application requirements provided under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article:
   1. Professional driver training school,
   2. Traffic survival school, and
   3. Established place of business (branch).

B. The Department or private entity shall license only a school that employs or contracts at least one professional driver training school instructor who meets the qualifications under this Article or at least one currently qualified traffic survival school instructor, as applicable.

C. A license issued under this Article is:
   1. Effective on the date of issuance;
   2. Effective until its expiration on the last day of each calendar year, except:
      a. A license subject to an active duty military extension shall expire as provided under A.R.S. § 32-4301, and
      b. A license subject to an individual’s limited length of authorized stay shall expire immediately if the individual’s presence in the United States is no longer authorized under federal law; and
   3. Nontransferable under any circumstances.

D. A licensed school shall prominently and publicly display all licenses currently in effect at the school’s principal place of business.

E. A school shall surrender to the Department or private entity within three business days after the date of any license inactivation, as defined in R17-5-301, all:
   1. Licenses;
   2. Records pertaining to the school’s operations and the training of students; and
   3. Department-approved inventory, as applicable and as defined in this Article.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

R17-5-309. Renewal of License
A. A completed renewal, consisting of the following, shall be submitted to the Department or private entity a minimum of 30 calendar days prior to license expiration, notwithstanding A.A.C. R17-1-102, failure to submit a renewal prior to December 1st shall result in the applicant being subject to all original licensing requirements:
   1. A renewal application, completed on a form approved by the Department, including:
      a. An updated list of all principals, instructors, contracted personnel, and employees of the school who are responsible for Arizona school operations, including full name and driver license number; and
      b. The signature of all current principals on the completed application; and
   2. Payment of applicable license fees prescribed under A.R.S. § 28-3415 or 32-2374, for each activity and branch.

B. Notwithstanding A.R.S. § 28-3415 or 32-2374, an annual license issued by the Department or private entity under this Article during the month of December shall not expire until the last day of the subsequent calendar year.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

R17-5-310. Modifications of Original Application Information
A. A licensee or traffic survival school qualified instructor, making or learning of any change in the content of its original application information, other than ownership, shall provide written notification of the change, completed on a form approved by the Department and signed by a principal or business manager, to the Department or private entity within two business days of making the change.

B. A licensed school making a change to a principal or corporate structure shall submit to the Department or private entity a new application for licensing under this Article and all applicable fees, as a new applicant for licensure, within 10 calendar days of making the change.

C. A licensed school submitting a new application to the Department or private entity, as provided under subsection (B), is subject to the fingerprint clearance card requirement under R17-5-304 unless a valid fingerprint clearance card is already on file with the Department.

D. A licensed school shall provide written or electronic notification on a form, approved by the Department, to the Department or private entity within 10 calendar days of making any changes to the licensee’s contact person, business manager, or instructors.
R17-5-311. Professional Conduct; Conflicts of Interest; Advertising

A. A professional driver training school or traffic survival school representative or instructor shall not:
   1. Accompany a student into any Department office or office of an authorized third party driver license or driver license training provider; or
   2. Solicit an individual for any purpose on any premises rented, leased, operated, or owned by the Department or by an authorized third party driver license or driver license training provider.

B. A licensee or traffic survival school qualified instructor shall maintain good standing with the Department at all times while licensed or qualified by the Department or private entity under this Article.

C. A licensee shall not delegate or subcontract any licensed activity authorized by the Department or private entity under this Article.

D. The Department may take corrective action as provided under R17-5-321 and R17-5-323 if the Department or private entity determines or has reason to believe that a licensee or instructor has demonstrated unethical conduct in the performance of official duties, including:
   1. Verbally abusing, intimidating, or sexually harassing a student or potential student; or
   2. Making a false statement that is material to the activities regulated in this Article to any personnel of the Department or private entity.

E. A school shall use for all licensed activities and related advertising purposes only its official business name or its doing-business-as name as indicated on the license issued under this Article.

F. A licensee shall not represent or imply that it is the state of Arizona, the Department, the Motor Vehicle Division, or any government agency in any printed or electronic advertising or promotional material, except to the extent expressly authorized by the Department.

G. Licensee advertising shall not in any way:
   1. Contain false, deceptive, or misleading information;
   2. Imply that the licensee can issue or guarantee issuance of a driver license or endorsement;
   3. Imply that the licensee can influence the Department or an authorized third party provider in the issuance of a driver license or endorsement;
   4. Imply that the licensee can provide any activity the licensee is not licensed by the Department or private entity to perform;
   5. Imply that preferential or advantageous treatment by the Department can be obtained; or
   6. Use or contain a term prohibited under R17-5-302(C).

H. A school licensed by the Department or private entity under this Article may state in its advertising that it is “licensed” or “qualified” by the Department, but shall not indicate that the school is approved, sanctioned, or in any other way endorsed or recommended by the Department.

I. All printed or electronic advertising or promotional material used, issued, or published by a licensee must be pre-approved by the Department or private entity.

J. An instructor, in any official capacity as an instructor or for compensation, shall not provide any classroom instruction or skills training for an immediate family member or a principal or employee of any school that employs the instructor.

K. A full-time employee of the state of Arizona shall not receive any direct pecuniary payments from any fees paid by those who attend a licensed school.

R17-5-312. Cancellation and Continuity of Services to Participants

A. A principal of a school ceasing operations or cancelling courses for any reason shall ensure continuity of services to each student currently enrolled in courses as follows:
   1. A principal shall notify each student currently scheduled for, or enrolled in, a course that the school will be unable to provide the services previously offered 72 hours before the scheduled course; and
   2. A principal shall refund within four business days any payment received by the school for a course not yet provided.

B. A principal of a school ceasing operations shall provide to the Department or private entity, upon request, a written list of all students notified under subsection (A) with an explanation of the final resolution reached as a result of the principal’s contact with the student.

C. A principal’s failure to provide continuity of services to enrolled students as provided under this Section may result in the loss of the principal’s status of good standing with the Department.

R17-5-313. Method of Instruction; Curriculum

A. An instructor shall teach only curriculum approved by the Department or private entity to a student attending a class.

B. An instructor shall not conduct personal business during a time designated for instruction.

C. An instructor shall not solicit students during training classes for businesses other than those licensed by the Department or private entity.

D. A school or instructor shall ensure that a student has both fully attended and successfully completed a course before issuing a certificate of completion to the student.

E. A licensed traffic survival school must use all equipment required by the Department or private entity to present the curriculum to the students, including a minimum, a computer, a PowerPoint compatible projector, a DVD player, and a display monitor visible to all students.

F. Professional driver training school approved curriculum. The Department shall approve, and may modify, in writing, a uniform curriculum that the professional driver training school shall teach as applicable for each activity the licensee is authorized to perform. The curriculum shall be a standard course of instruction used by a professional driver training school for the training and education of students.

G. Traffic survival school approved curriculum. The Department shall approve, and may modify, in writing a uniform curriculum that the traffic survival school shall teach. The curriculum shall be selected and approved on the basis of effectiveness in improving the safety and habits of drivers.
R17-5-314. Certificate of Completion
A. A qualified instructor for traffic survival school or high school driver education program shall accurately complete all required information on a certificate of completion:
1. The instructor providing the final instruction or test shall sign the certificate of completion.
2. The instructor providing the final instruction or test shall sign the certificate of completion if training is provided by multiple instructors.
B. A qualified instructor shall provide a certificate of completion to the student at the conclusion of the course. A traffic survival school qualified instructor shall print the certificate of completion from the web site of the Department’s private entity or the Department’s web site, as applicable.
C. A school qualified instructor shall not make a correction to a certificate of completion. If an error is made, the high school qualified instructor shall:
1. Void the certificate of completion.
2. Write the word “VOID” or “VOIDED” clearly on the face of each voided certificate of completion, and
3. Issue a new certificate of completion.
D. The Department may elect not to accept a certificate of completion from the web site of the Department’s private entity or the Department’s web site, as applicable.
E. A school or qualified instructor shall not withhold timely issuance of a certificate of completion due to a payment dispute between the school and the student.

R17-5-315. Record Retention
A. A licensed traffic survival school shall electronically transmit proof of course completion immediately following each student’s satisfactory completion of a traffic survival school course in a manner and with the basic computer equipment prescribed by the Department or private entity. At a minimum, the computer equipment must be able to temporarily store, and electronically transmit over the internet, the certificates of completion required by the Department or private entity.
B. All records pertaining to a licensed school’s operations and training of students shall be:
1. Stored and securely maintained at the licensee’s principal place of business,
2. Available for inspection by the Department or private entity during business hours, and
3. Retained by the school for three years from the date of course completion.
C. A licensed school shall establish and maintain separate records for each authorized activity.
D. A licensed school shall maintain, for three years, attendance records for each class conducted.

R17-5-316. Traffic Survival School Department-Approved Inventory
A. A traffic survival school licensed under this Article shall:
1. Prohibit public or other unauthorized access to all Department-approved inventory, and
2. Submit to the Department or private entity a written report detailing the circumstances surrounding the loss or theft of any missing or stolen Department-approved inventory.
B. A licensee shall use only Department-approved inventory.
C. A school principal or business manager shall submit to the Department or private entity a written or electronic request for any additional Department-approved inventory the school may require.

R17-5-317. School Responsibilities
While licensed by the Department or private entity under A.R.S. § 28-3413 or 32-2371 and this Article, the school shall:
1. Comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and applicable federal regulations by providing appropriate auxiliary aids and services to students with disabilities requesting reasonable accommodation;
2. Comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and applicable federal regulations. As a requirement of compliance, the school shall:
   a. Provide public notification of its compliance with Title VI by displaying a Department-approved notice to the public;
   b. Take reasonable steps to ensure that Limited English Proficient (non–English speaking) customers have meaningful access to the services or activities performed under this Article, which includes, providing the school’s services and authorized transactions in languages other than English and providing these services at no additional cost to the customer or student;
   c. Report promptly any customer complaints alleging discrimination or failure to meet the requirements of this Section to the Department’s Civil Rights office for processing and investigation. The school shall immediately upon receipt of such complaints provide access to its facilities, books, records, accounts, and other sources of information as may be determined or requested by the Department to be pertinent, in order to ascertain compliance with Title VI; and
   d. Inform and formally train all school officers, principals, employees, and contractors on the requirements to comply with Title VI; and
3. Provide written notice to the Department or private entity within twenty-four hours if the driver license of any of the school’s principals, managers, or instructors is suspended, revoked, cancelled, or disqualified.
R17-5-318. Instructor Responsibilities
A professional driver training school instructor or traffic survival school qualified instructor shall:
1. Attend all ongoing training and continuing education as required by the Department or private entity;
2. Provide written notice to the licensed professional driver training school or traffic survival school within twenty-four hours if the instructor’s driver license is suspended, revoked, cancelled, or disqualified;
3. Conduct training and courses only at training sites approved by the Department or private entity;
4. Conduct the final evaluation on behind-the-wheel final evaluation routes approved by the Department or private entity;
5. Follow and complete the curriculum approved by the Department or private entity for each course conducted; and
6. Conduct at least two courses in a calendar year.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

R17-5-319. Traffic Survival Schools
A. The Department shall assign an individual only to a traffic survival school licensed by the Director under this Article.
B. A traffic survival school or qualified instructor shall allow only students who provide acceptable proof of traffic survival school assignment to register for and attend a traffic survival school course. The following documents are acceptable proof of assignment:
1. Notice of traffic survival school assignment or suspension for failure to attend traffic survival school,
2. An order from a court or other appropriate tribunal from Arizona or another state indicating traffic survival school assignment,
3. Traffic survival school proof of assignment form obtained from the Department,
4. Electronic verification of traffic survival school assignment through the Department’s private entity, or
5. Motor vehicle record.
C. On enrollment of a student in, or on a student’s attendance of, a traffic survival school course, a licensed traffic survival school shall collect the statutory enrollee fee provided in A.R.S. § 28-3411, unless the student has paid the enrollee fee in advance. The licensed traffic survival school also shall collect the records fee prescribed by A.R.S. § 28-446, if applicable, before the student attends the traffic survival school course. The licensed traffic survival school shall fully remit these fees to the private entity within four business days after a student completes the traffic survival school course. If a licensed traffic survival school does not timely remit the enrollee fees, the Department or private entity may notify the traffic survival school that its prospective future students will be required to prepay the enrollee fees until remittances are current. The amount of the enrollee fee charged by the private entity shall be negotiated by the Department and the private entity and shall be set forth in their contract.
D. A traffic survival school or qualified instructor shall not:
1. Conduct courses with a number of students in excess of the classroom’s fire safety capacity reported to the Department or private entity by the licensee under R17-5-321;
2. Conduct courses with more than 30 students per qualified instructor;
3. Exclude a translator, the Director, the private entity, or Department personnel from attending courses;
4. Issue a certificate of completion to a student who has not fully completed the required curriculum; or
5. Issue a certificate of completion for a student whom the instructor did not personally instruct.

E. A licensee shall retain for three years all copies of the student’s acceptable proof of assignment and the signed class roster of attending students.
F. The private entity may develop and administer a web site that allows individuals who are assigned to traffic survival school to locate and enroll online in traffic survival school courses.
G. Only an individual who meets the qualifications under R17-5-305, remains in compliance with this Article, and who is granted and retains traffic survival school qualified instructor status, may be allowed to teach individuals assigned by the Department to attend a licensed traffic survival school.
H. A licensed traffic survival school must hold at least one course every 60 days at the school’s established place of business and each branch, as applicable.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

R17-5-320. High School Driver Education Program
A. The following definitions apply to this Section:
1. “Accountable forms inventory” means a series of distinctly and consecutively numbered documents provided by the Department to an instructor qualified under this Section for:
   a. Recording in a log, the assigned number of each document completed, issued, or voided by a high school qualified instructor; and
   b. Reporting to the Department the assigned number of each document completed, issued, or voided by a high school qualified instructor.
2. “Certified instructor report” means a report prepared and certified monthly by each high school qualified instructor listing all certificates of completion that were issued and voided.
B. The Department shall cooperate with the Arizona Department of Education, under A.R.S. §§ 28-3174 and 32-2353, to enable the issuance of a certificate of completion to a regularly enrolled full-time student as part of a high school driver education program.
C. The Director or private entity shall qualify an instructor approved by the Arizona Department of Education to issue a certificate of completion.
D. A high school qualified instructor may issue a certificate of completion to a regularly enrolled full-time student who:
   1. Successfully completes the classroom course of instruction required by the Arizona Department of Education, which may waive the student’s requirement to take the Department’s written test; or
   2. Successfully completes the skills course of instruction required by the Arizona Department of Education, which may waive the student’s requirement to take the Department’s skills test.
E. A high school qualified instructor shall submit to the Department, no later than the fifth day of each month, all certified instructor reports and certificates of completion issued by the school during the preceding month. A high school qualified instructor who does not issue any certificates of completion during the preceding month shall submit to the Department a certified instructor report indicating “no activity.”

F. A high school qualified instructor shall provide the status of certificates of completion to the Department, upon request, by identifying the certificates by number as either issued, not issued, lost, or stolen.

G. A high school representative shall promptly return all unused or un-issued certificates of completion to the Department, upon request.

H. A certificate of completion constitutes accountable forms inventory to be secured at all times by the high school qualified instructor or other designee of the high school and any misuse, fraud, or negligence by a high school qualified instructor involving the form in consultation with the Arizona Department of Education pursuant to A.R.S. § 28-3174 may lead to Department disqualification of the instructor’s authorization to issue the form.

I. A high school qualified instructor shall submit to the Department all reports required under this Article by regular mail, certified mail, registered mail, electronic mail, or personal delivery. The following dates shall be used to determine whether a report was received within the required timeframes established under this Section:
   1. For regular mail, the postmark date;
   2. For certified or registered mail, the date of receipt by the designated delivery service;
   3. For electronic mail, the send date; and
   4. For personal delivery, the Department’s time and date stamp of receipt.

J. If a high school qualified instructor fails to timely or accurately submit to the Department a certified instructor report required under this Section, the Department may initiate corrective action. The Department may:
   1. Provide an oral or written warning for a first untimely or inaccurate report,
   2. Send a letter of concern for a second untimely or inaccurate report in a 12-month period, and
   3. Request that the Arizona Department of Education disqualify a high school qualified instructor from issuing a certificate of completion under this Article for a third untimely or inaccurate report in a 12-month period.

K. A high school shall develop and maintain a driver education class training record for each student, which shall include at least the following information:
   1. Student’s name;
   2. Student’s phone number;
   3. Student’s driver license or instruction permit number and its expiration date;
   4. Fee amounts collected for any related services;
   5. Date, type, and duration of all classroom lessons and practical instruction;
   6. Make, model, and license plate number of any motor vehicle used to conduct training, as applicable;
   7. Date and results of all tests administered;
   8. Number of certificates of completion issued; and
   9. Name and Department-issued number of each instructor who conducted a lesson or test.

H. The Department or private entity may issue a notice of corrective action to a licensee if the licensee fails to comply with a warning letter, with an audit, inspection or investigation request, or written findings provided by the Department or private entity. Only the Department may initiate a corrective action provided under subsection (G).

I. Each site used by a school as an office, training location, or classroom location shall:
   1. Be inspected and approved by the Department or private entity prior to initial use or relocation,
   2. Be licensed by the Department or private entity, and
   3. Have office hours displayed in a conspicuous location at each site open to the public during the posted hours.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).
J. There shall be a clearly defined and visible separation between a school and any other business if a professional driver training school or traffic survival school is located in an office building, store, or other physical structure shared with any other business or enterprise.

K. Any request by a school for inspection and approval of a site on a recognized Indian reservation shall contain the written permission of the appropriate Tribal authority.

L. Any request by a school for inspection and approval of a site on a military base shall contain the written permission of the appropriate military authority.

M. A school shall submit to the Department or private entity a copy of the written lease or contract agreement or deed of ownership, if the site is owned by the school, for each site, as applicable.

N. Any request by a traffic survival school for inspection and approval of a site to be used for educational sessions shall include the approved fire safety capacity of the classroom(s) at that site and shall be signed by a principal of the traffic survival school.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

R17-5-322. Cease and Desist Order; Hearing and Appeal
A. The Department may immediately issue and serve a cease and desist order on a licensee, as prescribed under A.R.S. § 28-3417 or 32-2394, if the Department or private entity has reasonable cause to believe that the licensee has violated or is violating a federal or state law or rule relating to a duty prescribed under this Article.

B. A cease and desist order issued by the Department to a licensee under this Article shall:
   1. Require the person on receipt of the order to cease and desist from further engaging in the prohibited conduct or in any activity authorized under this Article as specified in the cease and desist order, and
   2. Provide information regarding the person’s right to request a hearing to show cause as to why the Department’s order should not be upheld.

C. On failure or refusal of a licensee to comply with a cease and desist order, or after a requested hearing, the Department may cancel, suspend, or revoke the license of the licensee under A.R.S. § 28-3416 or 32-2391 and R17-5-323.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2).

R17-5-323. Non-compliance; Notice of Corrective Action; Cancellation, Suspension, or Revocation of a Professional Driver Training School License or Traffic Survival School License or Qualification of a Traffic Survival School Instructor; Hearing and Appeal
A. The following definitions apply to this Section:
   1. “Cancellation” means a Department action that withdraws a license or qualification of a traffic survival school instructor issued under A.R.S. Title 28, Chapter 8, Article 7.1 or Title 32, Chapter 23 and this Article.
   2. “Revocation” means a Department action that terminates, for an indefinite period of time, a licensee’s or traffic survival school qualified instructor’s privilege to operate a school or conduct instruction under this Article.
   3. “Suspension” means a Department action that prohibits, for a stated period of time, a licensee or traffic survival school qualified instructor from operating as a school or instructor under this Article.

B. The Department or private entity may initiate corrective action on a licensee or a traffic survival school qualified instructor as provided under A.R.S. Title 28, Chapter 8, Article 7.1, Title 32, Chapter 23, Article 3, or Title 41, Chapter 6, Article 6, and this Article, if satisfactory evidence shows that a licensee or instructor, individually or collectively:
   1. Violated a federal or state law or rule reasonably relating in a business context to a duty prescribed under this Article;
   2. Failed to maintain a status of good standing or character and reputation as defined in R17-5-301; or
   3. Provided false, deceptive, or misleading information to the Department or private entity in either an application or in response to an audit or inspection conducted pursuant to R17-5-321.

C. A corrective action initiated under subsection (B), depending on the severity or number of violations, may include the Department imposing a term of probation; issuing a cease and desist order under A.R.S. § 28-3417 or 32-2394; or requesting a hearing to cancel, suspend, or revoke an existing license under A.R.S. § 28-3416 or 32-2391.

D. A notice of corrective action issued by the Department requesting a hearing to cancel, suspend, or revoke an existing school license shall include:
   1. The grounds for the Department’s action; and
   2. A brief written statement explaining that it will request a hearing be held before the Department’s Executive Hearing Office on the proposed cancellation, suspension, or revocation of a professional driver training school license or a traffic survival school license, as provided under A.R.S. § 28-3416 or 32-2391.

E. A notice of corrective action issued by the Department to cancel, suspend, or revoke an existing qualification of a traffic survival school instructor shall include:
   1. The grounds for the Department’s action; and
   2. A brief written statement of the hearing and appeal rights, including that the instructor may request a hearing with the Department’s Executive Hearing Office within 30 calendar days of the date on the notice for the cancellation, suspension, or revocation of the qualification of a traffic survival school instructor, as provided in A.R.S. §§ 41-1001(12) and 41-1064.

F. The Department shall provide notice and conduct hearings as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5, as applicable.

Historical Note
New Section made by exempt rulemaking under Laws 2013, Ch. 129, § 27 at 21 A.A.R. 1096, effective September 1, 2015 (Supp. 15-2). Amended by final rulemaking at 23 A.A.R. 2045, effective September 5, 2017 (Supp. 17-3).

ARTICLE 4. DEALERS

R17-5-401. Definitions
In addition to the definitions in A.R.S. §§ 28-4301 and 28-4410, the following definitions apply to this Article unless otherwise specified:
   “Dealer” or “motor vehicle dealer” has the same meaning as “motor vehicle dealer” in A.R.S. § 28-4301.
   “Director” has the same meaning as in A.R.S. § 28-101.
   “Owner” means a person who holds the legal title of a motor vehicle.
“Principal place of business” means a licensed place of business from which a wholesale motor vehicle dealer or a broker conducts business and keeps the records of the business.

“State” means the state of Arizona and all its agencies and political subdivisions, their officers and agents.

“Taxpayer identification number” means a number used for tax purposes that is assigned by the Social Security Administration or the Internal Revenue Service.

“VIN” or “Vehicle Identification Number” means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

R17-5-402. Bond Amounts; Dealers, Brokers, and Automotive Recyclers’ Business Licenses

A. As prescribed under A.R.S. § 28-4362, the Department shall require a bond in the amount specified for the following motor vehicle business license applicants:

1. $100,000 for:
   a. A new motor vehicle dealer,
   b. A used motor vehicle dealer, or
   c. A public consignment auction dealer.

2. $25,000 for:
   a. A broker,
   b. A wholesale motor vehicle dealer, or
   c. A wholesale motor vehicle auction dealer.

3. $20,000 for an automotive recycler.

B. An applicant shall submit a bond on the original vehicle dealer bond form prescribed by the Director that meets the requirements in A.R.S. § 28-4362 and these rules. An applicant shall submit a separate, original bond for each application and for each county in which an applicant or licensee has an established place of business or a principal place of business. A power of attorney for the attorney-in-fact shall be attached to the dealer bond, if applicable.

C. An applicant shall sign the dealer bond, in addition to all partners for a partnership, or one officer for an incorporation.

D. The completed bond form shall contain an embossed stamp, seal, or sticker from the bond company.

E. The Department shall not accept a handwritten bond.

**Historical Note**

New Section made by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

R17-5-403. Expired

**Historical Note**


R17-5-404. Dealer Title Requirement for Vehicle Sale

For purposes of A.R.S. § 28-4409(A), the dealer’s name shall be recorded on a title certificate as transferee or purchaser.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 1864, effective August 2, 2003 (Supp. 03-2). Section expired under A.R.S. 1056(J) at 22 A.A.R. 3195, effective October 5, 2016 (Supp. 16-3).

R17-5-405. Dealer Acquisition Contract

A. For the purposes of A.R.S. § 28-4410, a dealer shall prepare a dealer acquisition contract on a Department form with contents as prescribed under subsection (B).

B. A dealer acquisition contract shall contain the following information:

1. The heading “Dealer Acquisition Contract;”
2. The dealer’s name and dealer license number;
3. The dealer’s business address and telephone number;
4. The owner’s name, address, telephone number; driver license number or taxpayer identification number, as applicable; and type of ownership;
5. The VIN; license plate number; licensing state; and model, make, and year of the motor vehicle that has a dealer acquisition contract;
6. If there is a lien holder, for each lien holder:
   a. The lien holder’s name, address, and telephone number;
   b. The lien balance;
   c. The prepayment penalties, if any; and
   d. Other information on the terms and conditions of the lien repayment.

7. A statement by the owner that the motor vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection (B)(6)(a) and the unpaid lien balance is no greater than disclosed under subsection (B)(6)(b);

8. The contracted purchase price and a recital that this amount has been either paid directly to the owner or credited to the owner against the purchase price of another motor vehicle;

9. A statement indicating that the owner is selling and transferring the described motor vehicle to the dealer;

10. An authorization by the owner permitting the dealer to obtain all information necessary to verify the accuracy of the lien balance and assure that the balance is paid and the lien is released;

11. A statement by the owner that the registration document provided to the dealer is the original and most recent registration issued for the vehicle;

12. An agreement indicating whether the owner or dealer is responsible to satisfy the lien balance;

13. An authorization by the owner permitting the dealer to obtain the original title certificate from the lien holder; endorse the owner’s name on the title; and if necessary, transfer the title to the dealer;

14. A statement that if the owner receives the certificate of title, the owner shall immediately deliver the title to the dealer and provide any signature and acknowledgment necessary to complete the title transfer to the dealer;

15. The date when the dealer acquisition contract is executed by each party;

16. The dealer’s signature; and

17. The owner’s signature.

C. A dealer or an owner who adds to a dealer acquisition contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.

D. When a dealer prepares a dealer acquisition contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer’s established place of business for three years after the date that the contract expires or terminates, or the date the motor vehicle is sold.
E. In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer acquisition contract. This Section furnishes only information required in a dealer acquisition contract. This Section does not detail any additional contractual requirements that may be defined under other Arizona statutes.

Historical Note
New Section recodified from R17-4-245 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4234, effective November 15, 2002 (Supp. 02-3). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

R17-5-406. Dealer Consignment Contract
A. For the purposes of A.R.S. § 28-4410, a motor vehicle dealer shall prepare a dealer consignment contract on a form with contents as prescribed under subsection (B).

B. A dealer consignment contract shall contain the following information:
   1. The heading “Dealer Consignment Contract;”
   2. The dealer’s name and dealer license number;
   3. The dealer’s business address and telephone number;
   4. The owner’s name, address, telephone number, driver license number or taxpayer identification number, and type of ownership;
   5. The VIN; license plate number; licensing state; and model, make, and year of the motor vehicle that has a dealer consignment contract;
   6. If there is a lien holder, for each lienholder:
      a. The lien holder’s name, address, and telephone number;
      b. The lien balance;
      c. The prepayment penalties, if any; and
      d. Other information on the terms and conditions of the lien repayment;
   7. A statement by the owner that the vehicle is free and clear of all liens and encumbrances, except those disclosed under subsection (B)(6)(a) and the lien balance is no greater than that disclosed under subsection (B)(6)(b);
   8. An authorization by the owner permitting the dealer to market and sell the vehicle on behalf of the owner at a mutually-agreed upon, specified, minimum price;
   9. An agreement by the dealer to inform any prospective purchaser that the vehicle is on consignment;
   10. An agreement by the dealer that, upon receiving the sale proceeds, the dealer shall immediately satisfy all disclosed liens and ensure that the liens are released;
   11. An agreement by the owner that, upon the completion of the sale and after receiving the sale proceeds, the owner shall promptly deliver and endorse the title certificate for reassignment to the purchaser;
   12. The expiration date of the consignment contract;
   13. An agreement by the dealer to deliver the motor vehicle to the owner at a specified location on the date that the contract expires or terminates;
   14. An agreement by the owner to pay any specified fees due to the motor vehicle dealer on the return of the vehicle, after the expiration or termination of the consignment contract;
   15. The date the contract is executed;
   16. The dealer’s signature; and
   17. The owner’s signature.

C. A dealer or an owner who adds to a dealer consignment contract a provision not described in this Section shall ensure that the provision does not conflict with or alter the meaning of a provision of this Section.

D. When a dealer prepares a dealer consignment contract as prescribed under this Section, the dealer shall give a copy to the owner and keep the original at the dealer’s established place of business for three years after the date that the dealer consignment contract expires or terminates, or the vehicle is sold.

E. In complying with this Section, a dealer shall not interpret or claim compliance to be an approval by the state of the fairness, validity, or legality of a dealer consignment contract. This Section furnishes only information required in a dealer consignment contract. This Section does not detail any additional contractual requirements that may be defined under other Arizona statutes.

Historical Note
New Section recodified from R17-4-246 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Amended by final rulemaking at 8 A.A.R. 4234, effective November 15, 2002 (Supp. 02-3). Section amended by final rulemaking at 23 A.A.R. 1434, effective July 4, 2017 (Supp. 17-2).

R17-5-407. Motor Vehicle Repossession
A. The Department shall not transfer a title when the ownership of a motor vehicle titled in this state or another state reverts through operation of state law to a lienholder of record through repossession unless the following conditions are met:
   1. The motor vehicle is physically located in this state;
   2. A notice of lien is filed with the Department;
   3. A completed affidavit from the lienholder is submitted to the Department stating that the motor vehicle is physically located in this state and was repossessed on default pursuant to the terms of the lien and applicable law and that this state, its agencies, employees, and agents shall not be held liable for relying on the contents of the affidavit; and
   4. In addition to the information required in subsection (A)(3), the affidavit contains the following information:
      a. The (VIN),
      b. The vehicle model year,
      c. The vehicle make,
      d. The registered owner’s name,
      e. The date of repossession,
      f. The state in which the vehicle is titled,
      g. The lienholder company name,
      h. The lienholder agent or representative name,
      i. The lienholder signature, and
      j. The notary or Department agent signature.

B. The Department shall accept out-of-state affidavits of repossession that comply with the requirements in subsections (A)(3), (A)(4), and subsection (C) if all of the following apply:
   1. The affidavit is submitted by an Arizona licensed dealer, and
   2. The Arizona licensed dealer is transferring the title into the dealership’s name.

C. A lienholder may sell a repossessed motor vehicle without transferring the title into the lienholder’s name by completing a Bill of Sale for submission to the Department. The Bill of Sale may be combined with the affidavit of repossession and shall contain the following information:
   1. The buyer’s name;
   2. The sale date;
   3. The buyer’s street address, including the city, state, and zip code;
   4. The name of the new lienholder, if applicable;
   5. The new lien date, if applicable;
ARTICLE 5. MOTOR CARRIER FINANCIAL RESPONSIBILITY

R17-5-501. Definitions

In addition to the definitions provided under A.R.S. §§ 28-4001, 28-4031, 28-5201, and 28-5431, the following terms apply to this Article, unless the context otherwise requires:

“Binder” means a contract for temporary insurance as described in A.R.S. § 20-1120.

“Initial motor vehicle registration” means the first time a motor carrier registers a specific motor vehicle or a vehicle combination in Arizona.

“Insurance company” means an entity that is in the business of issuing motor carrier liability insurance policies.

Historical Note


R17-5-502. Repealed

Historical Note

New Section recodified from R17-4-226 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

R17-5-503. Repealed

Historical Note

New Section recodified from R17-4-226.01 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

R17-5-504. Requirement to Submit Proof of Financial Responsibility; Applicability; Procedure; Exception

A. If a person or motor carrier subject to financial responsibility requirements under A.R.S. § 28-4032 does not insure its motor vehicle or vehicle combination through an insurance company that electronically reports to the Department under A.R.S. § 28-4148 and Article 8 of this Chapter, the person or motor carrier shall submit proof of financial responsibility as prescribed in this Section, and in the amount required under A.R.S. § 28-4033(A):

1. On initial motor vehicle registration, or
2. On written request by the Department.

B. An insurance company, its managing general agent, broker, or agent may submit proof of financial responsibility to the Department on behalf of a person or motor carrier.

C. As proof of financial responsibility, a person or motor carrier shall submit to the Department a photocopy of:

1. A valid liability insurance policy;
2. A binder dated within 90 days of filing with the Department;
3. A completed and signed Form E Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance, issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state, naming the Arizona Department of Transportation as the certificate holder; or
4. A completed and signed Certificate of Liability Insurance form, issued by an insurer that holds a valid certificate of authority or that is permitted to transact surplus lines insurance in this state, naming the Arizona Department of Transportation as the agency;
5. A certificate of self-insurance issued by the Department after a person or motor carrier meets the requirements of R17-5-810 and A.R.S. §§ 28-4007 and 28-4135.

D. Before a binder submitted as proof of financial responsibility expires, a motor carrier shall submit:

1. A binder from an insurance company other than the insurance company named in the first binder; or
2. Proof of financial responsibility listed in subsections (C)(1) or (C)(3) through (5).

E. A person or motor carrier that maintains a valid USDOT number and files proof of financial responsibility with the Federal Motor Carrier Safety Administration under 49 CFR 387 is not required to submit additional proof of financial responsibility under this Section, except on written request by the Department.
MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

R17-5-505. Repealed
New Section recodified from R17-4-446 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1).

R17-5-506. Repealed
New Section recodified from R17-4-447 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1).

R17-5-507. Repealed
New Section recodified from R17-4-448 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 9 A.A.R. 235, effective March 11, 2003 (Supp. 03-1).

ARTICLE 6. IGNITION INTERLOCK DEVICE MANUFACTURERS AND IGNITION INTERLOCK SERVICE PROVIDERS

R17-5-601. Definitions
In addition to the definitions provided under A.R.S. §§ 28-101 and 41-1072, in this Article, unless the context otherwise requires, the following terms apply:

“Alcohol concentration” means the weight amount of alcohol contained in a unit volume of breath or air, measured in grams of ethanol/210 liters of breath or air and expressed as grams/210 liters.

“Alveolar breath sample” means the last portion of a prolonged, uninterrupted exhalation from which breath alcohol concentrations can be determined.

“Anticircumvention feature” means any feature or circuitry incorporated into the ignition interlock device that is designed to prevent human activity that would cause the device not to operate as intended.

“Authorization agreement” or “agreement” means an agreement authorized by the Director that an IISP enters into with the Department to provide ignition interlock services under A.R.S. § 28-1468.

“Breath alcohol test” means analysis of a sample of the person’s expired alveolar breath to determine alcohol concentration.

“Bump starting” means a method of starting a motor vehicle with an internal combustion engine by engaging the manual transmission while the vehicle is in motion.

“Business day” means a day other than a Saturday, Sunday, or state holiday.

“Calibration” means the testing, adjustment, or systematic standardization of an ignition interlock device to determine and verify its accuracy.

“Cancellation” means the termination of a manufacturer’s ignition interlock device certification for ignition interlock device installation.

“Certification” means a status granted by the Department under this Article, which permits a certified ignition interlock device manufacturer to offer an ignition interlock device for installation.

“Certified ignition interlock device,” “CIID,” or “device” means a device that is based on alcohol specific electrochemical fuel sensor technology that meets the NHTSA specifications; that connects a breath analyzer to a motor vehicle’s ignition system; that is constantly available to monitor the alcohol concentration in the breath of any person attempting to start the motor vehicle by using its ignition system; and that deters starting the vehicle by use of its ignition system unless the person attempting to start the motor vehicle provides an appropriate breath sample for the device; and determines whether the alcohol concentration in the person’s breath is below a preset level.

“Circumvent” or “circumvention” means an attempted or successful bypass of the proper functioning of a certified ignition interlock device and includes all of the following:

- The bump start of a motor vehicle with a certified ignition interlock device;
- The introduction of a false sample other than a deep-lung breath sample from the person driving the motor vehicle;
- The introduction of an intentionally contaminated or a filtered breath sample;
- The intentional disruption or blocking of a digital image identification device;
- The continued operation of the motor vehicle after the certified ignition interlock device detects breath alcohol exceeding the presumptive limit prescribed in A.R.S. § 28-1381(G)(3) or, if the person is under 21 years of age, any attempt to operate the motor vehicle with any spirituous liquor in the person’s body;
- Operating a motor vehicle without a properly functioning certified ignition interlock device and;
- When a person, who is required to maintain a functioning certified ignition interlock device is starting or operating the motor vehicle, permits another individual to breathe into the certified ignition interlock device for the purpose of providing a breath alcohol sample to start the motor vehicle or for the rolling retest.

“Corrective action” means an action specified in or reasonably implied from Title 28, Chapter 4, Arizona Revised Statutes, that the Department takes in relation to a person’s driving privilege and the usage or discontinuation of usage of a CIID.

“Customer number” means the system-generated, or other distinguishing number, assigned by the Department to each person conducting business with the Department. The customer number of a private individual is generally the person’s driver license or non-operating identification license number.

“Data logger” means the electronic record of all ignition interlock device activity during the period when the device is installed.

“Data storage system” means a computerized recording of all events monitored by an ignition interlock device, which may be reproduced in the form of specific reports.
“Defective ignition interlock device” means an ignition interlock device that:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Drive cycle” means either the period of time from when a motor vehicle is initially turned on to the next time the ignition is turned off, or the period of time from when an initial breath alcohol test is performed and failed, to the time a breath alcohol test is successfully taken and the ignition is turned off.

“Early recall” means that a person’s ignition interlock device recorded one tampering or circumvention event, or any ignition interlock malfunction, that requires a person to return to a service center within 72 hours.

“Emergency bypass” means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring successful completion of a required breath alcohol test.

“Emergency situation” means a circumstance in which the person informs the IISP or IISP-certified technician that the person’s vehicle needs to be moved to comply with the law, or the person has a valid and urgent need to operate the vehicle.

“Established place of business” means a business location that is:
1. Approved by the Department;
2. Located in Arizona;
3. Not used as a residence; and
4. Where an IISP or its agent or subcontractor provides authorized ignition interlock services.

“False sample” means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the person.

“Filtered breath sample” means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

“Free restart” means a function of a CIID that will allow a person to restart the vehicle, under the conditions provided in R17-5-615, without completing another breath alcohol test.

“FTP” means file transfer protocol, the exchange of files over any network that supports electronic data interchange reporting that is transmitted through the Internet and prescribed by the Department.

“Global positioning system” means the ability of a wireless certified ignition interlock device to identify and transmit its geographic location through the operation of the device.

“Ignition interlock device installation fee” means the fee required in A.R.S. § 28-1462, and established by the Department in R17-5-614, that is paid by a person to an IISP when a CIID is installed on, or transferred to a person’s vehicle.

“Ignition interlock period” means the period in which a person is required to use a CIID that is installed on a vehicle.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“FTP” means file transfer protocol, the exchange of files over any network that supports electronic data interchange reporting that is transmitted through the Internet and prescribed by the Department.

“Global positioning system” means the ability of a wireless certified ignition interlock device to identify and transmit its geographic location through the operation of the device.

“Defective ignition interlock device” means an ignition interlock device that:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Drive cycle” means either the period of time from when a motor vehicle is initially turned on to the next time the ignition is turned off, or the period of time from when an initial breath alcohol test is performed and failed, to the time a breath alcohol test is successfully taken and the ignition is turned off.

“Early recall” means that a person’s ignition interlock device recorded one tampering or circumvention event, or any ignition interlock malfunction, that requires a person to return to a service center within 72 hours.

“Emergency bypass” means an event that permits a vehicle equipped with an ignition interlock device to be started without requiring successful completion of a required breath alcohol test.

“Emergency situation” means a circumstance in which the person informs the IISP or IISP-certified technician that the person’s vehicle needs to be moved to comply with the law, or the person has a valid and urgent need to operate the vehicle.

“Established place of business” means a business location that is:
1. Approved by the Department;
2. Located in Arizona;
3. Not used as a residence; and
4. Where an IISP or its agent or subcontractor provides authorized ignition interlock services.

“False sample” means any sample other than the unaltered, undiluted, or unfiltered alveolar breath sample coming from the person.

“Filtered breath sample” means any mechanism by which there is an attempt to remove alcohol from the human breath sample.

“Free restart” means a function of a CIID that will allow a person to restart the vehicle, under the conditions provided in R17-5-615, without completing another breath alcohol test.

“FTP” means file transfer protocol, the exchange of files over any network that supports electronic data interchange reporting that is transmitted through the Internet and prescribed by the Department.

“Global positioning system” means the ability of a wireless certified ignition interlock device to identify and transmit its geographic location through the operation of the device.

“Ignition interlock device installation fee” means the fee required in A.R.S. § 28-1462, and established by the Department in R17-5-614, that is paid by a person to an IISP when a CIID is installed on, or transferred to a person’s vehicle.

“Ignition interlock period” means the period in which a person is required to use a CIID that is installed on a vehicle.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.

“Ignition interlock service provider” or “IISP” means a person who is an authorized representative of a manufacturer and who is under contract with the Department to install or oversee the installation of ignition interlock devices by the provider’s authorized agents or subcontractors and to provide services to the public related to ignition interlock devices.

“Improper reporting” means any of the following:
1. Does not meet the NHTSA specifications;
2. Does not pass calibration tests; or
3. Does not meet the accuracy and device standards prescribed in these rules.
“Permanent lock-out” means a feature of the CIID in which a motor vehicle will not start until the CIID is reset by an IISP or an IISP-certified technician.

“Person” means a person who is ordered by an Arizona court or the Department to equip each motor vehicle operated by the person with a functioning CIID, and who becomes a customer of an IISP for installation and servicing of the CIID.

“Positive result” means a test result indicating that the alcohol concentration meets or exceeds the set point value.

“Principal place of business” means the administrative headquarters of a manufacturer or an IISP that is located in Arizona, is zoned for commercial, and is not used as a residence.

“Purge” means any mechanism that cleanses or removes a previous breath or reference sample from the device and specifically removes alcohol.

“Real-time” or “real-time reporting” means the instant transmission of unfiltered ignition interlock violations as defined in R17-5-601, and data as prescribed in R17-5-610, including photographs, to the manufacturer’s website for viewing by the Department without delay, as electronic or digital service permits.

“Reference sample device” means a device containing a sample of known alcohol concentration.

“Retest set point” has the same meaning as set point.

“Rolling retest” means a breath alcohol test that is required of a person at random intervals after the motor vehicle is started and that is in addition to the initial test required to start the motor vehicle.

“Service center” means an established place of business approved by the Department from which an IISP or its agents or subcontractors provide ignition interlock services to persons from one or more counties.

“Set point” means an alcohol concentration of 0.020 g/210 liters of breath. The accuracy of a device shall be 0.020 g/210 liters plus or minus 0.010 g/210 liters.

“Tampering” means an overt or conscious attempt to physically disable or otherwise disconnect the CIID from its power source that allows the operator to start the engine without taking and passing the requisite breath test.

“Technician” means a person who is certified and properly trained by an ignition interlock service provider to install, inspect, calibrate, service or remove certified ignition interlock devices.

“Temporary lock-out” means a feature of the CIID which will not allow a motor vehicle to start for five minutes after a breath alcohol test result indicating an alcohol concentration above the set point.

“Vehicle identification number” or “VIN” means the unique code, including serial number, used by an automobile manufacturer to identify a specific motor vehicle.

“Violation” (when referencing acts or omissions on the part of a person in the ignition interlock program) includes, but is not limited to any of the following reportable activities performed by a person which a manufacturer shall promptly report to the Department:

Circumventing the CIID as defined in R17-5-601;

Tampering with the CIID as defined in A.R.S. § 28-1301;

Failing to provide proof of compliance or inspection of the CIID under A.R.S. § 28-1461(E)(4);

Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;

Attempting to operate the vehicle with an alcohol concentration value in excess of the set point if the person is under 21 years of age;

Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute time frame during a person’s drive cycle;

Disconnecting or removing a CIID, except:

On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or

On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.

“Violation reset” means the unplanned servicing and inspection of a CIID and the downloading of information from its data storage system by an IISP as a result of an early recall that requires the manufacturer to unlock the device.

### Historical Note


### R17-5-602. Ignition Interlock Device Manufacturer Certification; Expiration; Cancellation of Certification; Notice

#### A.
An ignition interlock device manufacturer shall obtain certification by the Department under this Article before offering a new ignition interlock device model and before making material modifications to an existing ignition interlock device model for implementation and installation under Arizona law.

#### B.
Ignition interlock device certification by an ignition interlock device manufacturer shall occur prior to the IISP signing an authorization agreement with the Department.

#### C.
After receiving Department certification for a new ignition interlock device model and meeting all the requirements under R17-5-604, the ignition interlock device manufacturer is effectively certified by the Department to offer the certified ignition interlock device model for installation under Arizona law.

#### D.
An ignition interlock device manufacturer shall submit a new application to the Department under R17-5-604 for the certification of each new ignition interlock device model the manufacturer intends to offer for installation.

#### E.
Manufacturer certification issued by the Department under this Article shall automatically expire if:

1. The manufacturer no longer provides at least one currently certified ignition interlock device model for installation under Arizona law; and

2. The manufacturer has no pending application on file with the Department for the certification of a device under R17-5-604.

#### F.
Manufacturer certification of an ignition interlock device that was previously approved by the Department under this Article shall automatically expire within one year after the certification is granted if the manufacturer has not contracted with an
I. A manufacturer shall notify the Department within 24 hours if a
device and meeting all certification requirements under this
Article.

F. After the one-year cancellation period in subsection (F) ends, a
manufacturer may reapply to the Department for certification
by completing a new application for the certification of a
device.

H. If the Department determines that a manufacturer fails to prop-
erty report ignition interlock information and data to the
Department in the manner prescribed in these rules, the
Department may immediately provide written notice to the
manufacturer with the following information:
1. The name of the person and the date of the improper
reporting; and
2. The manufacturer shall send the required record or report
to the Department within ten business days, if applicable.

I. If the manufacturer fails to remedy the issues identified in the
notice within ten business days, the Department may cancel
the manufacturer's device certification.

J. If a manufacturer's certification expires as a result of subsec-
tions (E)(1) and (E)(2), the manufacturer may reapply for cer-
ification by submitting a new application to the Department
for the certification of a device under R17-5-604.

K. A manufacturer shall only appoint one IISP that is contracted
with the Department and serves as an authorized representa-
tive of the manufacturer to provide ignition interlock services
to the public.

L. A manufacturer shall notify the Department within 24 hours if
an IISP is no longer authorized by a manufacturer to install its
CIID.

G. A CIID shall be equipped with a camera, which shall not dis-
tract or impede the driver in any manner from safe and legal
operation of the vehicle, shall record all ignition interlock
activity of the person, and shall provide any visual evidence of
actual or attempted tampering, alteration, bypass, or circum-
vention, and report this information directly to the manufac-
turer.

The camera shall be able to record and store visual evidence of
each person providing a breath alcohol test, and shall meet the
following requirements:
1. At device installation, the camera shall take a reference
picture of the person, which shall be kept on file;
2. A clear photograph shall be taken for each event, includ-
ing initial vehicle start, all rolling restests, and whenever a
violation is recorded;
3. Each photograph shall be a wide-angle view of the front
cabin of the vehicle, including the passenger side, to
ensure the camera can clearly capture the entire face of
the person and any passengers; and
4. The camera shall produce a digital image, identifiable
verification, or a photograph of the person in all lighting
conditions, including brightness, darkness, and low light
conditions.

R17-5-603. Device Requirements, Technical Specifications,
and Standards for Setup and Calibration

A. The accuracy of the CIID shall be determined by analysis of an
external standard generated by a reference sample device.

B. A device shall have a demonstrable feature designed to assure
that a breath sample measured is essentially alveolar.

C. A test of alcohol-free samples shall not yield a positive result.
Endogenously produced substances capable of being present
in the breath shall not yield or significantly contribute to a pos-
itive result.

D. All devices shall meet the setpoint requirements of R17-5-601
when used at ambient temperatures of -20° Celsius to 83° Cel-
sius.

E. A device shall be designed so that anticircumvention features
will be difficult to bypass.
1. Anticircumvention provisions on the device shall include,
but are not limited to, prevention or preservation of any
evidence of circumvention by attempting to use a false or
filtered breath sample or electronically bypassing the
breath sampling requirements of a device.
2. A device shall use special seals or other methods that
reveal attempts to bypass lawful device operation.

F. A CIID shall have global positioning system capability, and
the manufacturer shall electronically and wirelessly download
in real-time from the device and transmit daily to the Depart-
ment, a person’s ignition interlock activity in an FTP batch
file.

G. A CIID shall be equipped with a camera, which shall not dis-
tract or impede the driver in any manner from safe and legal
operation of the vehicle, shall record all ignition interlock
activity of the person, and shall provide any visual evidence of
actual or attempted tampering, alteration, bypass, or circum-
vention, and report this information directly to the manufac-
turer.
or any ignition interlock device malfunction, emit a unique cue, either auditory, visual, or both, to warn a person that an early recall is initiated, requiring the person to return to the IISP in 72 hours for a violation reset.

8. Enter into a permanent lock-out if a person does not return to the IISP for a violation reset within 72 hours after an early recall occurs.

9. When a violation results in a permanent lock-out mode, the device shall:
   a. Immobilize the person’s vehicle;
   b. Uniquely record the event in the data storage system; and
   c. Require a violation reset by the IISP.

10. Enter into a temporary lock-out mode for five minutes when the device detects during the initial breath alcohol test that a person’s breath alcohol concentration is at or above the set point.

11. After the five-minute temporary lock-out, the device shall allow subsequent breath alcohol tests with no further lock-out as long as each subsequent test produces a valid and substantiated breath test.

12. Have security protections and the capability to provide visual evidence of any actual or attempted tampering, alteration or bypass of the device, or circumvention.

J. No modification shall be made to the design or operational concept of a device model after the Department has certified the device for installation under Arizona law, except that:

   1. A software or firmware update required to maintain a device model is permissible if the update does not modify the design or operational concept of the device.
   2. Replacement, substitution, or repair of a part required to maintain a device model is permissible if the part does not modify the design or operational concept of the device.
   3. If a manufacturer determines that an existing Department-certified ignition interlock device model requires any modification, the manufacturer shall immediately notify the Department.

Historical Note

New Section recodified from R17-4-709.02 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-603 renumbered to R17-5-606; new R17-5-603 made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-604. Ignition Interlock Device Certification; Application Requirements

A. A manufacturer shall offer for installation only an ignition interlock device that is certified by the Department under this Section.

B. To certify an ignition interlock device model, a manufacturer shall submit to the Department a properly completed application form that provides:

   1. The manufacturer’s name;
   2. The address of the manufacturer’s principal place of business in this state and telephone number;
   3. The manufacturer’s status as a sole proprietorship, partnership, limited liability company, or corporation;
   4. The name of the sole proprietor or of each partner, officer, director, manager, member, agent, or 20% or more stockholder;
   5. The name and model number of the ignition interlock device and the name under which the ignition interlock device will be marketed; and
   6. The manufacturer’s electronic mail address.

C. The following statements, signed by the manufacturer:

   a. A statement that all information provided on the application form, including all information provided on any attachment to the application form, is complete, true, and correct;
   b. A statement that the manufacturer agrees to indemnify and hold harmless the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona from all liability for:
      i. Damage to property or injury to people arising, directly or indirectly, out of any act or omission by the manufacturer or the manufacturer’s authorized IISP relating to the installation and operation of the ignition interlock device, and
      ii. All court costs, expenses of litigation, and reasonable attorneys’ fees;
   c. A statement that the manufacturer agrees to comply with all requirements under this Article; and
   d. A statement that the manufacturer agrees to immediately notify the Department of any change to the information provided on the application form.

C. A manufacturer shall submit the following additional items with the application form:

   1. A document that provides a detailed description of the ignition interlock device and a photograph, drawing, or other graphic depiction of the device;
   2. A document that contains the complete technical specifications for the accuracy, reliability, security, data collection, recording, and tamper detection capabilities of the ignition interlock device;
   3. An independent laboratory’s report for each device model that:
      a. Presents supporting data to demonstrate that the ignition interlock device meets or exceeds the test results required by the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16713 to 16723, March 30, 2015. The NHTSA specifications and technical corrections are incorporated by reference and are on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007, and the NHTSA Office of Research and Technology, 1200 New Jersey Avenue SE, Washington, D.C. 20590. This incorporation by reference contains no future editions or amendments;
      b. Provides the independent laboratory’s name, address, and telephone number; and
      c. Provides the name and model number of the ignition interlock device tested.

4. A laboratory certification form, signed by an authorized representative of the independent laboratory that prepared the report required under subsection (C)(3), that states all of the following:

   a. The laboratory is not owned or operated by a manufacturer and no other conflict of interest exists.
   b. The laboratory tested the ignition interlock device in accordance with the Model Specifications For Breath Alcohol Ignition Interlock Devices (BAIDs), NHTSA, published at 78 FR 26862 to 26866, May 8, 2013, with the NHTSA technical corrections published at 80 FR 16720 to 16723, March 30, 2015.
The Department shall process an application for ignition interlock devices.

Application Processing; Time Frames; Exception

A. The Department shall process an application for ignition interlock device certification only if an applicant meets all applicable application requirements.
B. The Department shall, within 10 days of receiving an application for certification, provide notice to the applicant that the application is either complete or incomplete.

Historical Note

New Section recodified from R17-4-709.03 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-605 renumbered to R17-5-607; new R17-5-605 made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-605. Application Processing; Time Frames; Exception

A. The Department shall process an application for ignition interlock device certification only if an applicant meets all applicable application requirements.
B. The Department shall, within 10 days of receiving an application for certification, provide notice to the applicant that the application is either complete or incomplete.

The date of receipt is the date the Department receives the application.
2. If an application is incomplete, the notice shall specifically identify what required information is missing.

C. An applicant with an incomplete application shall provide all required information to the Department within 15 days of the date indicated on the notice provided by the Department under subsection (B).
1. After receiving all of the required information, the Department shall notify the applicant that the application is complete.
2. The Department may deny certification of an ignition interlock device if the applicant fails to provide the required information within 15 days of the date indicated on the notice.

D. Except as provided under subsection (F), the Department shall render a decision on an application for certification of an ignition interlock device within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the applicant under subsections (B) or (C)(1).

E. For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for certification of an ignition interlock device:
1. Administrative completeness review time frame: 10 days.
2. Substantive review time frame: 30 days.
3. Overall time frame: 40 days.

F. Established time frames may be suspended by the Department under A.R.S. § 41-1074 for certification of an ignition interlock device until the Department receives all external agency approvals required for certifying a new ignition interlock device model from the Department of Public Safety.

Historical Note

A. The design, material, or workmanship is defective, causing the ignition interlock device model to fail to function as intended;
2. The manufacturer’s product liability insurance coverage is terminated or canceled;
3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
4. The manufacturer or the independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C), the requirements in this Article; or
6. The Department receives a report of device disapproval from an independent laboratory or other external reviewer.

C. The Department shall mail to the manufacturer, written notification of the certification or denial of certification of an ignition interlock device model. A notice denying certification of an ignition interlock device model shall specify the basis for the denial and indicate that the applicant may, within 15 days of the date on the notice, request a hearing on the Director’s decision to deny certification by filing a written request with the Department’s Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5.

D. If a manufacturer timely requests a hearing on the Director’s decision to deny certification of an ignition interlock device model, the Department’s Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.

Historical Note
New Section recodified from R17-4-709.05 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-606 renumbered to R17-5-609; new R17-5-606 renumbered from R17-5-603 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-607. Cancellation of Device Certification; Hearing

A. The Director shall cancel an ignition interlock device model certification and remove the device from its list of CID’s on
1. The design, material, or workmanship is defective, causing the ignition interlock device model to fail to function as intended;
2. The manufacturer’s product liability insurance coverage is terminated or canceled;
3. The manufacturer no longer offers the ignition interlock device model for installation under Arizona law;
4. The manufacturer or independent laboratory provided false or inaccurate information to the Department relating to the performance of the ignition interlock device model;
5. The components, design, or installation and operating instructions have undergone a modification that causes the ignition interlock device model to be out of compliance with the NHTSA specifications in R17-5-604(C);
6. The manufacturer instructs the Department to cancel its certification of the ignition interlock device model;
7. The manufacturer, the IISP, or the device does not comply with this Article or any other applicable rule or statute; or
8. If the manufacturer has not contracted with an IISP authorized by the Department within one year after the device model certification.

B. The Department, on finding any of the conditions described under subsection (A), or on finding that the manufacturer failed to timely remedy the issues identified in the notice provided under R17-5-602(H), shall mail to the manufacturer a notice and order of cancellation of certification for the specific ignition interlock device model. The notice and order of cancellation shall:
1. Specify the basis for the action;
2. Specify the date when the one-year decertification begins and ends; and
3. State that the manufacturer may, within 15 days after receipt of a notice and order of manufacturer device model cancellation, file a written request for a hearing with the Department’s Executive Hearing Office as prescribed under 17 A.A.C. 1, Article 5, to show cause as to why the ignition interlock device certification should not be cancelled.

C. If a hearing to show cause is timely requested, the Department’s Executive Hearing Office shall conduct the hearing as prescribed under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5. The request for a hearing stays the summary cancellation of manufacturer device model certification.

D. Within 10 days after a hearing, the hearing officer shall issue to the manufacturer a written decision, which shall:
1. Provide findings of fact and conclusions of law; and
2. Grant or cancel the certification.

E. If the hearing officer affirms the manufacturer device model cancellation, the manufacturer may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6, within 35 days of the date when a copy of the decision sought to be reviewed is served upon the party affected unless the court grants a stay while the appeal is pending.

F. Within 60 days after the effective date of an order of cancellation, the manufacturer shall, at the manufacturer’s own expense, ensure the removal of all ignition interlock devices that are not certified and facilitate the replacement of each device with a CID.

G. The manufacturer of a previously decertified ignition interlock device model may reapply to the Department for certification of another ignition interlock device model under R17-5-604 after the one-year decertification period ends.

H. After cancellation, the Department shall notify the IISP and the IISP-certified technicians that each of them is prohibited from installing the ignition interlock device for which the device certification was cancelled.

I. Cancellation of a manufacturer’s device model certification prohibits the manufacturer from performing its duties with respect to the device model that has been cancelled and making the device model available for installation in the state for a period of one year from the latest of the following dates when:
1. The Department cancels a manufacturer’s device model certification, or
2. The Department’s Executive Hearing Office cancels the manufacturer’s device model certification.

Historical Note
New Section recodified from R17-4-709.06 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-607 renumbered to R17-5-610; new R17-5-607 renumbered from R17-5-604 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Amended by final
exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

Appendix A. Renumbered

Historical Note

Appendix B. Renumbered

Historical Note

Appendix C. Renumbered

Historical Note

R17-5-608. Modification of a Certified Ignition Interlock Device Model
A. A manufacturer shall notify the Department in writing at least 10 days before a material modification is made to a certified ignition interlock device model.
B. Before providing a previously certified but materially modified ignition interlock device model for installation in a motor vehicle under an order of an Arizona court or the Department, a manufacturer shall:
   1. Submit to the Department a completed application form with the information required under R17-5-604(B) and all additional items required under R17-5-604(C), and
   2. Obtain certification of the materially modified ignition interlock device from the Department.
C. The Department’s certification of a materially modified ignition interlock device model does not affect the original certification of the unmodified model.

Historical Note

R17-5-609. IISP and Manufacturer Responsibilities
A. An IISP shall refer a person only to the IISP’s certified technician.
B. An IISP shall provide the Department and each person with a toll-free telephone number to call to obtain the names and phone numbers of the IISP’s certified technicians, the IISP service center locations, and hours of operation for the IISP service centers.
C. An IISP shall certify each technician by providing adequate training and oversight for the technician to perform one of the activities at a service center, which are installation, inspection, calibration, service, or removal of a CIID.
D. An IISP shall provide to every person operating a motor vehicle equipped with a CIID, and any other persons who will operate the motor vehicle, training on how to operate the motor vehicle. An IISP shall instruct the person on all of the following:
   1. How to use the system;
   2. How to obtain service for the CIID;
   3. How to find answers to any additional questions;
   4. How the alcohol retest feature works;
   5. How drinking alcohol before a test may result in a reading of sensitive or fail;
   6. How the CIID shall not be removed, except by an IISP or IISP-certified technician;
   7. How noncompliance with a regularly scheduled calibration check for a person with a limited or restricted driving privilege shall result in suspension of the person’s driving privilege under A.R.S. § 28-1463 until proof of compliance is submitted to the Department under A.R.S. § 28-1461, and the duration of the person’s certified ignition interlock device requirement shall be extended under A.R.S. § 28-1461;
   8. What the penalties are for circumvention of the CIID;
   9. What the penalties are for tampering with, or misusing the CIID;
   10. What will happen after failing a start-up breath alcohol test;
   11. What will happen after a person has a set of three consecutive valid and substantiated missed rolling retests within an 18-minute time frame during a drive cycle; and that a person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle’s ignition;
   12. What events or actions will result in a temporary or permanent lock-out of the CIID; and
   13. How to provide a properly delivered alveolar breath sample.
E. An IISP shall have each person sign a document stating that the IISP has instructed the person regarding each topic contained in subsections (D) and (L), and has received the manufacturer’s written instructions for operation of the CIID.
F. An IISP shall inform a person that a compliance check on a CIID is required 30 days and 60 days after installation of the device, which shall be done electronically.
G. An IISP shall inform each person to bring the vehicle to a service center for a calibration check within every 77 to 90-day period until the person is eligible for device removal.
H. An IISP shall check each CIID for evidence of tampering at least once every 90 days or more frequently if needed. This anticircumvention check shall be conducted at each person’s calibration check at a service center as required under R17-5-706.
I. An IISP shall ensure that the manufacturer reports to the Department electronically under R17-5-610 if any evidence of tampering is discovered, and the manufacturer shall submit valid and substantiated proof or evidence of a reportable activity. An IISP shall keep visual evidence of a person’s tampering or circumvention for a minimum of three years after the termination of the person’s required ignition interlock period.
J. An IISP shall submit to the Department a list of the IISP-certified technicians, subcontractors, or agents, and service centers at the beginning of the contract with the Department, within 5 business days of making a change to the list previously provided, and on a monthly basis as requested by the Department.
K. An IISP shall comply with the provisions of this Article and A.R.S. Title 28, Chapter 4, Article 5.
L. A manufacturer shall develop and an IISP shall provide each person a reference and problem solving guide at the time of installation that shall include information on the following:
   1. Operating a motor vehicle equipped with the CIID;
   2. Cleaning and caring for the CIID; and
   3. Identifying and addressing any vehicle malfunctions or repairs that may affect the CIID.
M. A manufacturer shall notify the Department within 10 days of a change of address of its principal place of business in this state.
N. A manufacturer or an IISP shall provide a warning label, for each CIID installed, which shall have an orange background and shall include the following:
   1. Be a minimum size of two inches by one inch;
   2. Be printed in a minimum of nine-point font;
   3. Be printed in Arial font, or a font of substantially similar size and legibility; and
   4. Contain the words in black lettering: “Warning! Any person tampering with, circumventing, or otherwise misusing this Ignition Interlock Device, is guilty of a Class 1 misdemeanor.”
O. A manufacturer shall ensure that the IISP or the IISP-certified technician affixes conspicuously and maintains on each installed CIID the warning label described under subsection (N), which may be affixed to the device or to the device’s cord.
P. A manufacturer shall develop written instructions for the installation and removal of an ignition interlock device from a motor vehicle.
Q. While a person maintains a functioning CIID in a vehicle under A.R.S. Title 28, Chapter 4, Article 5, the ignition interlock manufacturer shall electronically provide to the Department and transmit daily to the Department the information and reports prescribed in R17-5-610 and R17-5-615.
R. The manufacturer is responsible for overseeing any agents or sub contractors, including vendors and distributors, as well as overseeing the manufacturer’s IISP to ensure adherence to all performance standards.

Historical Note
New Section reclassified from R17-4-709.08 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Former R17-5-609 renumbered to R17-5-612; new R17-5-610 renumbered from R17-5-606 and amended by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed; new Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-610. Reporting: Reportable Activity
A. A person shall have installed in a motor vehicle, only an ignition interlock device certified by the Department under R17-5-604.
B. A manufacturer shall develop and the IISP shall ensure that each IISP-certified technician complies with the IISP’s written procedures for the installation of a CIID.
C. Certified ignition interlock device installation verification.
   1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours of the device installation.
   2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for installation verification shall contain all of the following information:
      a. Department-assigned service center number;
      b. Person’s full name (first, middle, last and suffix);
      c. Date of birth;
      d. Driver license or customer number;
      e. Report date;
      f. Install date;
      g. Report type;
      h. Technician identification number;
      i. A unique identification number for the CIID;
      j. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
      k. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
D. Certified ignition interlock device calibration check.
   1. A manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours after performing a calibration check on an installed CIID.
   2. A manufacturer shall submit to the Department the following valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), within 10 days by electronic means, which shall include:
      a. A summary report stating why the data logger or any other evidence confirms the occurrence of a violation, including any photographs of the person; and
      b. A data logger that shows at least 12 hours of data before and after the violation.
   3. A manufacturer may submit to the Department the following additional valid and substantiated proof or evidence of a reportable activity related to a violation, as prescribed in subsection (F), if available, within 10 days by electronic means, which may include:
      a. Photographs;
      b. Video recordings;
      c. Written statements; and
      d. Any other evidence relevant to a violation.
   4. The electronic Certified Ignition Interlock Device Summarized Reporting Record for the calibration check shall contain all of the following information:
      a. Department-assigned service center number;
      b. Person’s full name (first, middle, last and suffix);
      c. Date of birth;
      d. Driver license or customer number;
      e. Report date;
      f. Install date;
      g. Report type;
      h. Missed rolling retest count, dates, and times;
      i. Technician identification number;
      j. Alcohol concentration violation count, dates, time, and alcohol concentration;
      k. Tampering violation count, dates, and time;
      l. Circumvention count, dates, and time;
      m. Device download date;
      n. Device download time;
      o. Bypass code indication, date, and time;
      p. A unique identification number for the CIID;
      q. The last six digits of the vehicle identification number that matches the vehicle information on the data logger; and
      r. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID.
E. Certified ignition interlock device removal report.
   1. When a certified ignition interlock device is removed, a manufacturer shall electronically transmit a Certified Ignition Interlock Device Summarized Reporting Record to the Department within 24 hours.
2. The electronic Certified Ignition Interlock Device Summarized Reporting Record for removal of a device shall indicate the condition of noncompliance and contain all of the following information:
   a. Department-assigned service center number;
   b. Person’s full name (first, middle, last and suffix);
   c. Date of birth;
   d. Driver license or customer number;
   e. Report date;
   f. Install date;
   g. Removal date;
   h. Report type;
   i. Technician identification number;
   j. A unique identification number for the CIID;
   k. The last six digits of the vehicle identification number that matches the vehicle information on the data logger;
   l. Whether the Department, a court, or an out-of-state entity requires a person to have a CIID;
   m. Missed rolling retest count, dates, and times;
   n. Device download date; and
   o. Device download time.

F. Reportable activity for a person’s noncompliance with these rules and A.R.S. Title 28, Chapter 4, Article 5, shall be limited to valid and substantiated instances by a person of any of the following:
1. Tampering with a CIID as defined in A.R.S. § 28-1301;
2. Refusing or failing to provide any set of three consecutive valid and substantiated breath samples in response to a requested rolling retest within an 18-minute timeframe during a person’s drive cycle;
3. Failing to provide proof of compliance or inspection of the CIID as required under A.R.S. § 28-1461(E)(4);
4. Attempting to operate the vehicle with an alcohol concentration of 0.08 or more as prescribed in A.R.S. § 28-1461(E)(5) if the person is at least 21 years of age;
5. Attempting to operate the vehicle with an alcohol concentration in excess of the set point if the person is under 21 years of age; 6. Circumvention of a CIID as defined in A.R.S. § 28-5-601; or
7. Disconnecting or removing a CIID, except:
   a. On repair of the vehicle, if the person provided to the IISP, technician, or service center advance notice of the repair and the anticipated completion date; or
   b. On moving the device from one motor vehicle to another motor vehicle if replacement of the device is accomplished within 72 hours of device removal.

G. A person shall not avoid compliance with the rolling retest requirement by turning off a motor vehicle’s ignition. A missed rolling retest is reportable activity for a person’s noncompliance under subsection (F).

H. A manufacturer shall screen each person’s data loggers to ensure that there is no improper reporting.

I. A manufacturer shall ensure that a CIID has the necessary programming to identify each person’s ignition interlock period and each drive cycle to report and send data and violations to the Department as required by these rules.

J. A manufacturer shall review within 10 days all reports generated by the Department and returned to the manufacturer for verification of accurate reporting. If a manufacturer finds that the reported information does not indicate valid and substantiated evidence of a violation, the manufacturer shall immediately contact the Department to correct the person’s record before corrective action is initiated against a person as a result of misreported ignition interlock data.

K. A manufacturer shall immediately contact the Department if the manufacturer finds that the reported information indicates:
   1. An obvious mechanical failure of a CIID;
   2. Obvious errors in the recorded CIID data that cannot be attributed to a person’s actions; or
   3. Obvious errors in the transmission of CIID data to the Department, including misreported instances of tampering.

L. A manufacturer shall ensure that a CIID electronically and wirelessly uploads data in real-time to the manufacturer’s website, that is maintained by the manufacturer, and the manufacturer shall submit all required information and reports in a daily FTP file to the Department.

M. In cases where no electronic or digital service exists, the manufacturer shall store the data and send the data as soon as electronic or digital service is available.

N. A manufacturer shall include the date of the last upload on the person’s account on the manufacturer’s website.

O. A CIID shall have constant communication between the manufacturer’s server and relay unit while the device is in use.

P. All data, including photographs, shall be available to the Department for viewing on the manufacturer’s website within five minutes after the data is recorded on the device, or as soon as electronic or digital reception permits.

Historical Note

Exhibit A. Renumbered

Historical Note
New Exhibit recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Exhibit A renumbered from R17-5-703, Exhibit A, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

Exhibit B. Renumbered

Historical Note
New Exhibit recodified from 17 A.A.C. 4, Article 7 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Exhibit B renumbered to R17-5-703, Exhibit B, by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

Appendix A. Repealed

Historical Note
Appendix A renumbered from R17-5-607, Appendix A, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

Appendix B. Repealed

Historical Note
Appendix B renumbered from R17-5-607, Appendix B, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

Appendix C. Repealed
R17-5-611. Emergency Assistance; Continuity of Service to Persons

A. For events occurring outside of normal business hours, an IISP shall provide to each person a 24-hour emergency toll-free phone number answered by a live person at all times, to provide assistance in the event a CIID fails to operate properly or a vehicle experiences a problem relating to the installation, operation, or failure of a CIID.

1. During normal business hours, if the IISP or technician receives a call for emergency assistance, and determines that a vehicle is experiencing a problem relating to the installation, operation, or failure of a CIID, an IISP or a technician shall respond to the call within 24 hours of the initial contact and shall be available either to:
   a. Provide telephonically, the technical information required for the person to resolve the issue; or
   b. Provide or arrange for appropriate towing or roadside assistance services if unable to resolve the issue telephonically.

2. After receiving a person’s call for emergency or other assistance, the IISP, technician, or manufacturer, as appropriate, shall either:
   a. Make the CIID functional, if possible, within 24 hours, or
   b. Replace or repair the CIID within 48 hours of the initial contact.

B. An IISP shall ensure uninterrupted service to a person for the duration of the person’s ignition interlock period, which shall include facilitating the replacement of a technician, subcontractor, or an employee or agent who goes out of business, is removed, or a technician whose certification is cancelled by the IISP.

1. If a manufacturer terminates the IISP’s authorization, the manufacturer shall obtain each person’s records from the IISP and retain the records according to R17-5-612.

2. At the end or termination of an ignition interlock service authorization agreement, the manufacturer shall provide the Department with electronic access to each person’s ignition interlock records for three years.

3. If a manufacturer authorizes a new IISP, the manufacturer shall notify each person affected by the authorization of the new IISP at least 30 days before the authorization becomes effective.

4. If a manufacturer does not authorize a new IISP, the manufacturer at no cost to the person, shall:
   a. Provide written notification to all persons who are affected by the loss of an IISP or lack of service in an area, at least 30 days before the IISP discontinues service. The written notification shall inform the person of the manufacturer’s responsibility to facilitate removal and replacement of the CIID and shall provide the instructions necessary for the person to successfully exchange the device;
   b. Remove the device from the vehicle of each affected person; and
   c. Facilitate the replacement of each device through a manufacturer with an IISP that can provide service.

5. A manufacturer shall notify the Department within 24 hours of replacing its IISP.

6. An IISP shall submit to the Department an updated list of the IISP’s certified technicians within 5 business days after making a change to the list provided to the Department under R17-5-609(J).

C. Except in an emergency situation, a manufacturer, an IISP, or an IISP’s-certified technician shall not remove another manufacturer’s CIID without the express permission of that manufacturer.

1. If in an emergency situation a manufacturer, an IISP, or the IISP’s-certified technician removes another manufacturer’s CIID, that manufacturer, IISP, or the IISP’s-certified technician shall return the device to the original manufacturer within 72 hours of the emergency removal; and

2. The original manufacturer, on receipt of the device, shall provide to the Department an electronic report of the device removal under R17-5-610, which shall include the transmission of all data stored in its data storage system.

D. In accordance with the IISP’s implementation plan, an IISP shall facilitate the replacement of the IISP’s service center if the service center goes out of business or the service center is closed, and the IISP does not have a service center in the county. An IISP shall notify the Department within 72 hours of replacing a service center location in a county.

1. If a service center closes and is replaced, the manufacturer shall make all reasonable efforts to obtain from the service center being replaced, all the individual ignition interlock records and data required to be retained under R17-5-612. The records shall be provided to, and maintained by the IISP.

2. If an out-of-business or closed service center is not replaced, the manufacturer shall retain the records and data as required under R17-5-612, and shall provide the Department with electronic access to the records and data.

a. The manufacturer shall facilitate removal of all installed CIID’s no longer serviced by the out-of-business or closed service center, and shall bear the cost of replacing each device with a serviceable CIID chosen by the person, even if the replacement device must be provided through an alternate manufacturer.

b. The manufacturer shall, within 30 days, make a reasonable effort to notify its customers of the change of service center or replacement of a device.

3. If the manufacturer cannot comply with subsection (D)(1) or subsection (D)(2), the IISP shall:
   a. Notify its customers and the Department that service will be terminated; and
   b. Remove each device at no cost to the customer.

Historical Note
Appendix C renumbered from R17-5-607, Appendix C, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

R17-5-612. Records Retention; Submission of Copies and Quarterly Reports

A. During the duration of the ignition interlock service authorization agreement, an IISP shall retain each person’s ignition interlock activity records in an electronic format, including a secure database, or a paper format. The retained records shall consist of every document relating to installation, operation, and removal of the CIID. The IISP shall maintain all daily ignition interlock activity records of each person in the device’s data storage system, or in a secure database at a com-
B. Prior to the end or termination of an ignition interlock service authorization agreement, the manufacturer shall obtain all person’s ignition interlock records and provide the Department with electronic access to the records for three years.

C. A manufacturer shall provide copies of each person’s ignition interlock records to the Department within 10 days after Department personnel request copies of records, including records relating to installation and operation of the CIID.

D. A manufacturer shall electronically send to the Department, by the 10th day of January, April, July, and October, a quarterly report containing the following information for the previous three months:
   1. The number of CIID’s the IISP currently has in service;
   2. The number of CIID’s installed since the previous quarterly report; and
   3. The number of CIID’s removed by the IISP since the previous quarterly report.

E. An IISP shall maintain and make available to the Department the ignition interlock records of all persons served by the IISP, records relating to the authorization agreement, and employee background check information at a commercial business location in this state of the manufacturer or the IISP during normal business hours.

Historical Note

R17-5-613. Inspections and Complaints
A. The Department shall investigate any complaint that is related to a CIID or an IISP.

B. An IISP and a manufacturer shall permit and fully cooperate with periodic on-site inspections of the IISP’s service centers and principal places of business of the manufacturer at any time during normal business hours by an authorized representative of the Department, where records relating to the authorization agreement and individual ignition interlock device records are maintained.

C. The Department shall conduct on-site inspections of a manufacturer, or a service center under the provisions of A.R.S. § 41-1009. The inspection shall include an examination of ignition interlock activity, records and verification of an adequate supply of the warning labels that meet the requirements of A.R.S. § 28-1462 and R17-5-609.

Historical Note

R17-5-614. Ignition Interlock Device Installation Fee; Financial Records
A. An IISP shall collect an ignition interlock device installation fee of twenty dollars from each participant for each CIID that is installed in, or transferred to a motor vehicle by an IISP.

B. An IISP shall electronically remit the collected ignition interlock device installation fees paid by all persons to the Department on a monthly basis through a payment account created by the IISP on ServiceArizona.com, or as specified by the Department, by transferring the collected fees paid during the previous month to the Department by the tenth day of the following month.

C. An IISP shall not charge a person an installation fee to replace a defective ignition interlock device.

D. An IISP shall post the amount of the ignition interlock device installation fee and the statutory authority for the ignition interlock device installation fee required by A.R.S. § 28-1462 on the IISP’s website, that is available to all persons with an ignition interlock device requirement, and in a visible location at each of the IISP’s service centers.

E. An IISP must clearly post the amount of all other fees charged to a person for ignition interlock device services.

F. An IISP shall maintain the financial records of the ignition interlock device installation fee collection and transfer to the Department, at an IISP’s established place of business, or in a secure database, for three years from the date of the fee transfer. The Department may review the financial records of an IISP during normal business hours, to ensure compliance with the collection and transfer of the ignition interlock device installation fee to the Department.

Historical Note
New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-615. Rolling Retest; Missed Rolling Retest; Extension of Ignition Interlock Period
A. A manufacturer shall report to the Department any valid and substantiated missed rolling retests, as defined in R17-5-601, that occur during the time period prescribed in subsection (E).

B. A CIID shall have the capability to require a rolling retest and meet the requirements of a rolling retest. A person shall be prompted for the first rolling retest within five to 15 minutes after the initial test required to start an engine, and the device shall prompt for additional rolling retests at random intervals of up to 30 minutes after each previously requested and passed rolling retest.

C. A certified ignition interlock device shall:
   1. Emit a warning light, tone, or both, to alert a person that a rolling retest is required;
   2. Allow a period of six minutes after the warning light, tone, or both, to allow a person to take a rolling retest;
   3. Require a person to perform a new test to restart an engine if it is switched off during or after a rolling retest warning;
   4. Allow a free restart of a motor vehicle’s ignition, within three minutes after the ignition is switched off, without requiring another breath alcohol test, except when a rolling retest is in progress;
   5. Use the set point value for startups and retests;
   6. Record, in its data storage system, the result of each rolling retest; and
   7. Immediately require another rolling retest each time a person refuses to perform a requested rolling retest.

D. Until a person successfully performs a rolling retest, or the engine is switched off, a device shall record in its data storage system, each subsequent refusal or failure of the person to perform the requested rolling retest.

E. The Department shall count one missed rolling retest for a person who refuses or fails to provide a valid and substantiated breath sample in response to a requested rolling retest if not
followed by the person providing a valid and substantiated breath sample within six minutes.

F. Failure to take a rolling retest when a person’s breath alcohol concentration is equal to or exceeds the set point shall not sound the vehicle horn, nor any type of siren, bell, whistle or any device emitting a similar sound, or any unreasonable loud or harsh sound that is audible outside of the vehicle, and shall not cause the engine of the vehicle to shut off.

G. The Department shall extend a person’s ignition interlock period for six months, as provided in A.R.S. § 28-1461(E) for any set of three consecutive missed rolling retests that occur within an 18-minute time frame during a drive cycle.

H. If during one drive cycle, a person who is at least 21 years of age, has two or more breath alcohol concentrations of 0.08 or more, the Department shall count this as one violation, and shall extend a person’s ignition interlock period for six months.

I. If during one drive cycle, a person who is under 21 years of age, has any breath alcohol concentration one or more times, the Department shall count this as one violation, and shall extend a person’s ignition interlock period for six months.

J. Except as provided in subsections (H) and (I), if during one drive cycle, a person has more than one violation as defined in R17-5-601, the Department shall extend a person’s ignition interlock period for six months for each violation.

Historical Note
New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-616. Civil Penalties; Hearing

A. After notice and an opportunity for a hearing, the Director may impose a civil penalty pursuant to A.R.S. § 28-1465, against a manufacturer of a certified ignition interlock device for improper reporting to the Department of ignition interlock data, as defined in R17-5-601, that may cause the Department to erroneously initiate corrective action against a person. The Director may impose and collect a civil penalty against a manufacturer of a certified ignition interlock device, who is responsible for an occurrence of improper reporting, as follows:

1. $100 for the first occurrence, but not to exceed $1,000 per series of occurrences of improper reporting on a specific date;
2. $250 for the second occurrence, but not to exceed $2,500 per series of occurrences of improper reporting on a specific date; and
3. $500 for the third or subsequent occurrence, but not to exceed $5,000 per series of occurrences of improper reporting on a specific date.

B. The Director, on finding that a manufacturer engaged in improper reporting, shall mail to the manufacturer a notice that civil penalties may be imposed for improper reporting. The notice shall:

1. Specify the basis for the action; and
2. State that the manufacturer may, within 15 days after receipt of the notice, file a written request for a hearing with the Department’s Executive Hearing Office as prescribed in 17 A.A.C. 1, Article 5.

C. A manufacturer who is aggrieved by an assessment, decision, or order of the Department under A.R.S. § 28-1465 and this Section may seek judicial review under A.R.S. Title 12, Chapter 7, Article 6.

D. The manufacturer shall pay the civil penalty imposed under this Section to the Department no later than 30 days after the order is final.

E. Action to enforce the collection of a civil penalty assessed under subsection (A) shall be brought by the attorney general or the county attorney in the name of the state in the justice court or the superior court in which the hearing is held.

Historical Note
New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-617. Cease and Desist

A. If the Director has reasonable cause to believe that a party to an IISP authorization agreement is violating any provision of state statute, administrative rule, or the authorization agreement, the Director will immediately issue and serve a cease and desist order by mail to the IISP’s last known address.

B. On receipt of the cease and desist order, the IISP shall immediately cease and desist from further engaging in any activity that is not authorized in state statute, administrative rule, or the agreement, and that is specified in the cease and desist order.

C. On failure of the IISP to comply with the cease and desist order, the IISP may request a hearing with the Department’s Executive Hearing Office under 17 A.A.C. 1, Article 5 within 15 days. On failure of the IISP to comply with the cease and desist order, the Director will immediately cancel the agreement with the IISP.

Historical Note
New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-618. Service Centers; Mobile Services

A. An IISP shall have at least one readily accessible service center in each county in this state that performs all ignition interlock services, including service, calibration, installation, inspection, and removal of a CIID by a technician who is trained and certified by the IISP for the specific service area.

B. An IISP, subcontractor, agent, or an employee who operates a service center, or provides mobile services as an extended service provided by a service center on a temporary or emergency basis, shall meet the requirements in these rules before conducting CIID-related business in this state.

C. A service center shall maintain sufficient staffing to provide an acceptable level of ignition interlock device services during all posted business hours.

D. A technician that provides mobile services shall be stationed and employed at the IISP’s service center and be certified in the ignition interlock service area the technician will provide.

E. When a service center technician provides mobile services, an IISP shall ensure that the service center has another technician or employee available at the service center to provide ignition interlock device services.

F. An IISP’s service center shall:

1. Be located in a permanent, fixed-site facility that accommodates installing, inspecting, downloading, calibrating, monitoring, maintaining, servicing, and removing a CIID;
2. Provide a designated waiting area for a person that is separate from the installation area;
3. Ensure that a person does not witness installation of the CIID;
4. Through the IISP, the IISP-certified technician or employee, provide the necessary training required by R17-5-609(D) for a person to operate a CIID;
5. Ensure that a technician meets the necessary requirements in order to receive and maintain certification before a technician or an IISP conducts ignition interlock device business in this state; and
B. In addition to this information, an IISP shall submit to the
A. An IISP that applies for authorization of an ignition interlock
services in subsection (F)(1);
2. Meet the requirements in subsection (F)(3) through (F)(6);
3. Have permission from the motor vehicle owner to pro-
vide mobile services; and
4. Ensure that a technician provides business identification
to a person requesting service prior to performing ser-
vices, along with the service center certificate and the
technician’s training certificate.
H. A service center that provides mobile services shall not oper-
ate from a tow truck.
I. An IISP that operates a service center, shall ensure that an
IISP-certified technician utilizes all of the following:
1. The analysis of a reference sample such as headspace gas
from a mixture of water and alcohol, the results of which
shall agree with the reference sample predicted value, or
other methodologies approved by the Department. The
preparatory documentation on the reference sample solu-
tion, such as a certificate of analysis, shall be made avail-
able to the Department on request.
2. The set point value established under R17-5-601. All ana-
lytical results shall be expressed in grams of alcohol per
210 liters of breath (g/210L).
3. The most current versions of manufacturer software and
firmware to ensure continuous compliance under this
Article and A.R.S. Title 28, Chapter 4, Article 5.
J. An IISP shall ensure that a motor vehicle used to provide
mobile services from a service center has current vehicle regis-
tration in this state and maintains the required mandatory
insurance and financial responsibility coverage in A.R.S. § 28-
4009.
K. A technician shall ensure that a person who receives mobile
services receives the same level of training and service as
a person who receives services at a service center.
L. The manufacturer shall ensure that a CIID electronically trans-
mits the Summarized Reporting Record for a calibration check
to the Department as provided in R17-5-610(D)(4).

Historical Note
New Section made by final exempt rulemaking at 24
A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-619. Application; IISP Implementation Plan
A. An IISP that applies for authorization of an ignition interlock
service provider contract under A.R.S. § 28-1468 shall submit all
documents and meet all the requirements in the ignition
interlock service provider authorization agreement; in Title 28,
Chapter 5, Article 4, Arizona Revised Statutes; and these rules.
B. In addition to this information, an IISP shall submit to the
Department, with the application, a detailed implementation plan
that outlines the steps and time frames necessary for the
IISP to be fully operational. The implementation plan must
include:
1. The IISP’s plan for establishing a service center in every
county in this state;
2. The IISP’s procedures for imposing progressive discipline
on its employees, agents, or subcontractors who fail to
comply with the requirements of Arizona statute; Department
administrative rules; or the terms of the authorization agreement;
3. A plan for transitioning ignition interlock services to
another IISP if the IISP ceases conducting business or
leaves this state;
4. A means by which the IISP will provide all participant
records and information or electronic access to the
records and information to the ignition interlock device
manufacturer in the event the IISP ceases conducting
business or leaves this state. At the end or termination of
an ignition interlock service authorization agreement, the
manufacturer shall provide the Department with elec-
tronic access to all person’s ignition interlock records for
three years; and
5. Documentation that the IISP is an authorized agent of the
manufacturer and a point of contact for the manufacturer,
including the IISP’s telephone number and e-mail address.
C. An IISP shall be approved by the Director through the applica-
tion for authorization agreement process before offering igni-
tion interlock services in the state.
D. An IISP shall use this process to reapply to the Director for
reauthorization of an ignition interlock service provider con-
tract.

Historical Note
New Section made by final exempt rulemaking at 24
A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-620. Authorization Time Frame; Ignition Interlock
Service Provider
A. The Director shall, within 10 days of the date of receipt of an
application for authorization of an ignition interlock service
provider contract, provide notice to the IISP that the applica-
tion is either complete or incomplete.
1. The date of receipt is the date the Director receives the
application.
2. If an application is incomplete, the dated notice shall spe-
cifically identify the required information that is missing.
B. An applicant with an incomplete application shall provide all
missing information to the Director within 15 days of the
Director’s notice.
1. After receiving all of the required information, the Direc-
tor shall notify the IISP that the application is complete.
2. The Director may deny an IISP’s application if the IISP
fails to provide the required information within 15 days
of the Director’s notice.
C. The Director shall render a decision on an application for
authorization within 30 days of the date on the notice acknowl-
edging receipt of a complete application, provided to the appli-
cant under subsections (A) or (B).
D. If the Director denies an application for authorization, the
Director shall notify the IISP in writing within 20 days after
the denial, and of the grounds for the denial in accordance with
A.R.S. § 28-1468 (E).
E. For the purposes of A.R.S. § 41-1073, the Department estab-
lishes the following time frames for the purpose of reviewing
an application for authorization:
1. Administrative completeness review time frame: 10 days.
2. Substantive review time frame: 30 days.
3. Overall time frame: 40 days.
F. The Director shall use this process for reapplication for autho-
rization of an ignition interlock service provider contract.

Historical Note
New Section made by final exempt rulemaking at 24
A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-621. Service Center Application
A. On approval by the Director of an IISP’s signed application for
authorization to provide ignition interlock services, an IISP
shall submit to the Department a properly completed service center application for approval of the IISP’s service centers.

B. An IISP shall provide the following information to the Department:
1. The service center name;
2. The business address of the established place of business of each service center or business location;
3. The telephone number of each established place of business of each service center or business location;
4. The service center’s legal status as a sole proprietorship, partnership, limited liability company, or a corporation;
5. The name of the sole proprietor, each partner, officer, director, manager, member, agent, or 20% or more stockholder;
6. The name and model number of each CIID the IISP plans to install;
7. An indication of any service centers that will provide mobile services;
8. Any applicable business licenses and the governmental entity; and
9. The following statements signed by the IISP:
   a. A statement that all information provided on the application, including all information provided on any attachment to the application is complete, true, and correct;
   b. A statement that the IISP agrees to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
   c. A statement that the IISP agrees to comply with all requirements in these rules; and
   d. A statement that the IISP agrees to immediately notify the Department of any change to the information provided on the application form.

C. The Department shall process an IISP’s service center application only if the IISP meets all applicable application requirements.

D. The Department shall, within 10 days of receiving a service center application, provide notice to the IISP that the application is either complete or incomplete.
   1. The date of receipt is the date the Department receives the application.
   2. If an application is incomplete, the notice shall specifically identify the required information that is missing.

E. An IISP with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department’s notice.
   1. After receiving all of the required information, the Department shall notify the IISP that the application is complete.
   2. The Department may deny approval of a service center if the IISP fails to provide the required information within 15 days of the date on the notice.

F. The Department shall render a decision on a service center application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (D) or (E).

G. For the purpose of A.R.S. § 41-1073, the Department establishes the following time frames for processing an application for approval of a service center:
   1. Administrative completeness review time frame: 10 days.
   2. Substantive review time frame: 30 days.
   3. Overall time frame: 40 days.

H. If a service center is no longer authorized by a manufacturer to install its CIID, the IISP shall notify the Department within 24 hours.

I. An IISP shall be the authorized representative of a specific manufacturer while the authorization agreement is in effect, for a service center to install the manufacturer’s CIID.

J. If an IISP, subcontractor, or agent opens or relocates a service center, or the service center is operated by another entity, an IISP, subcontractor, or agent shall submit a new service center application for approval.

K. An IISP shall use this process to reapply to the Department for a service center application.

Historical Note
New Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

R17-5-622. Technician Application
A. On approval by the Department of an IISP’s service center application, an IISP shall submit to the Department for approval, a properly completed technician application with the following information:
1. Name of the technician;
2. The technician’s date of birth;
3. The technician’s residence address;
4. The technician’s driver license number;
5. Name of the service center where the technician is employed;
6. Location of the service center where the technician is employed; and
7. The following statements signed by the technician and the IISP:
   a. A statement that all information provided on the application form, including all information provided on any attachment to the application form is complete, true, and correct;
   b. A statement that the technician and the IISP agree to indemnify and hold harmless from all liability the state of Arizona and any department, division, agency, officer, employee, or agent of the state of Arizona;
   c. A statement that the technician agrees to comply with all requirements in these rules; and
   d. A statement that the IISP agrees to comply with all requirements in these rules; and

B. The Department shall process a technician’s application only if a technician meets all applicable application requirements.

C. The Department shall, within 10 days of receiving a technician application, provide notice to the applicant that the application is either complete or incomplete.
   1. The date of receipt is the date the Department receives the application.
   2. If an application is incomplete, the notice shall specifically identify the required information that is missing.

D. An applicant with an incomplete application shall provide all missing information to the Department within 15 days of the date on the Department’s notice.
   1. After receiving all of the required information, the Department shall notify the applicant that the application is complete.
   2. The Department may deny approval of a technician application if the applicant fails to provide the required information within 15 days of the date on the notice.

E. The Department shall render a decision on a technician application within 30 days of the date indicated on the notice acknowledging receipt of a complete application provided to the IISP under subsections (C) or (D).
A. If the Director enters into an IISP's ignition interlock author i-

Self-Certification of Technician

R17-5-702. Records Check; Technician Qualifications; IISP

The definitions provided under A.R.S. §§ 28-101 and R17-5-601

R17-5-701. Definitions

The definitions provided under A.R.S. §§ 28-101 and R17-5-601

apply to this Article unless the context otherwise requires.

Historical Note

New Section recodified from R17-4-801 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed; new Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).

Exhibit A. Repealed

Historical Note

Exhibit A renumbered from R17-5-610, Exhibit A, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

Exhibit B. Repealed

Historical Note

Exhibit B renumbered from R17-5-610, Exhibit B, and repealed by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4).

R17-5-704. Repealed

Historical Note

New Section recodified from R17-4-807 at 7 A.A.R. 3483, effective July 20, 2001 (Supp. 01-3). Section repealed by final rulemaking at 12 A.A.R. 2297, effective August 5, 2006 (Supp. 06-2). New Section made by final rulemaking at 13 A.A.R. 3499, effective December 1, 2007 (Supp. 07-4). Amended by final rulemaking at 20 A.A.R. 3132, effective April 1, 2015 (Supp. 14-4). Section repealed; new Section made by final exempt rulemaking at 24 A.A.R. 1725, effective July 1, 2018 (Supp. 18-2).
The calibration check performed under R17-5-610 shall be performed when the information uploaded from a device indicates that the device has experienced an interruption in service or was completely disconnected. Additionally, the complete device, including the camera and its connection to the vehicle, shall be examined for evidence of tampering while it is still attached to the vehicle. An IISP shall document or photograph any evidence of tampering or circumvention and submit the documentation to the Department as required by these rules and A.R.S. Title 28, Chapter 4, Article 5.

If calibration confirmation test results reveal that the device is not properly calibrated, the device shall be recalibrated to restore the accuracy standards prescribed under R17-5-603 before the device is returned to service.

At least once every 90 days, a technician shall perform a physical inspection of the ignition interlock device, including an anticircumvention check, while it is still attached to the vehicle.

A technician shall perform a physical inspection of the ignition interlock device any time an early recall occurs.

If at any time an individual device model fails to meet the provisions of this Section, the manufacturer, IISP, or IISP-certified technician, as appropriate, shall either:
1. Repair, recalibrate, and retest the device model to ensure that it does meet all applicable standards; or
2. Remove the device model from service.

A person with a CIID installed on a motor vehicle is responsible for obtaining a calibration check of the CIID by the IISP's technician at the IISP's service center within every 77 to 90 days after device installation, and every 77 to 90 days thereafter, during the person's ignition interlock period.

An IISP-certified technician shall perform a calibration check at the IISP's service center at least once every 90 days after device installation, and at least every 90 days thereafter.

A technician shall inspect, maintain, and check each CIID for calibration accuracy and operational performance before the device is placed into, or returned to service.

The calibration test referenced under subsection (D) shall be performed when the information uploaded from a device indicates that the device has experienced an interruption in service or was completely disconnected. Additionally, the complete device, including the camera and its connection to the vehicle, shall be examined for evidence of tampering while it is still attached to the vehicle. An IISP shall document or photograph any evidence of tampering or circumvention and submit the documentation to the Department as required by these rules and A.R.S. Title 28, Chapter 4, Article 5.

If calibration confirmation test results reveal that the device is not properly calibrated, the device shall be recalibrated to restore the accuracy standards prescribed under R17-5-603 before the device is returned to service.

At least once every 90 days, a technician shall perform a physical inspection of the ignition interlock device, including an anticircumvention check, while it is still attached to the vehicle.

A technician shall perform a physical inspection of the ignition interlock device any time an early recall occurs.

If at any time an individual device model fails to meet the provisions of this Section, the manufacturer, IISP, or IISP-certified technician, as appropriate, shall either:
1. Repair, recalibrate, and retest the device model to ensure that it does meet all applicable standards; or
2. Remove the device model from service.
“FEIN” means the federal employer identification number or federal tax identification number used to identify a business entity.

“FTP” means file transfer protocol, which is a common protocol used by the Department for exchanging files over any network that supports EDI reporting transmitted through the Internet or Intranet.

“Information exchange” means EDI reporting where a company or service provider transmits a report to the Department through a connection to a private information network.

“Motor Vehicle Division” means the Arizona Department of Transportation’s Motor Vehicle Division.

“NAIC” means the National Association of Insurance Commissioners.

“Private information network” means the value-added network used by a company or service provider to facilitate EDI transmissions to the Department and to provide other network services where fees are charged for the network connection based on the number of characters and messages transmitted.

“Reportable activity” means the information required to be transmitted to the Department under A.R.S. § 28-4148 and this Article.

“Self-insurer” means a person or entity that has met the qualifications, completed the application process, and received a certificate of self-insurance issued by the Department under R17-5-810.

“Service provider” means a person or entity that reports for an insurance company through a connection to a private information network or an FTP for EDI reporting.

“SR22” means a certification filed, by a company duly authorized to transact business in this state, as proof of financial responsibility for the future, which guarantees that the insured owner or operator has in effect at least the minimum motor vehicle liability insurance coverage required under A.R.S. Title 28, Chapter 9, Article 3.

“SR26” means a certification filed by a company duly authorized to transact business in this state, which notifies the Department that an insured owner or operator required to maintain proof of financial responsibility for the future, under A.R.S. Title 28, Chapter 9, Article 3, is no longer covered under a previously reported SR22.

“Value-added network” means a private network provider that is hired by a company to facilitate EDI or provide other network services.

“X12” means the American National Standards Institute, Accredited Standards Committee, uniform standards for the inter-industry electronic exchange of business transactions by EDI.

“X12 (TS811)” means X12 Transaction Set 811, Consolidated Service Invoice – Statement, version 3050, which is the specific set of EDI transactions developed for the insurance industry in the X12 standard format for automobile liability insurance reporting.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-802. Insurance Company Electronic Reporting

Requirement: Applicability
A. A company that provides motor vehicle liability insurance coverage for an Arizona vehicle shall electronically transmit to the Department all reportable activity under A.R.S. § 28-4148 and R17-5-803 using one of the authorized EDI reporting methods identified in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.

B. A company that issues 1,000 or more SR22 policies per calendar year shall electronically transmit to the Department all SR22 and SR26 activity using one of the Department-authorized EDI reporting methods identified in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies. Each transmission shall include all of the applicable record matching criteria prescribed under R17-5-804 or R17-5-805.

C. The Department shall not accept or record an out-of-state motor vehicle liability insurance policy for a passenger vehicle, even if written by a company authorized to transact business in this state.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-803. Insurance Company Reportable Activity
A. A company shall transmit to the Department:
1. All reportable activity, not previously reported, that was processed by the company seven or fewer days before each reporting date; or
2. A statement of inactivity, if no reportable activity occurred by the reporting date.

B. For the purpose of this Article, reportable activity shall include:
1. A policy cancellation;
2. A policy non-renewal;
3. A new policy issuance;
4. A commercial policy reissuance;
5. A vehicle added to a policy;
6. A vehicle deleted from a policy;
7. A policy reinstatement; and
8. All SR22 and SR26 filings by insurance companies issuing 1,000 or more SR22 policies per calendar year.

C. Reportable activity does not include the addition or deletion of a vehicle to or from a non-vehicle-specific commercial policy.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-804. Record Matching Criteria for a Vehicle-specific Policy
For each vehicle-specific policy transmitted to the Department, a company shall include all of the following information to assist with the matching of policies to Department customers:
1. The complete and valid vehicle identification number;
2. The policy number; and
3. The NAIC number of the reporting company.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective
R17-5-805. Record Matching Criteria for a Non-vehicle-specific Commercial Policy

A. For each non-vehicle-specific commercial policy transmitted to the Department, a company shall include all of the following information to assist with the matching of policies to Department customers:

1. The Department customer number of the insured:
   a. If a policy covers all vehicles registered in the name of a business or organization, the customer number is the FEIN of the business or organization, or a system-generated number; or
   b. If a policy covers all vehicles registered in the name of a private individual, the customer number is the Arizona Driver License number or the non-operating identification license number of the private individual;

2. The policy number; and

3. The NAIC number of the responsible company.

B. If the Department customer number required under subsection (A)(1) is not available to a company, the company may provide the complete and valid vehicle identification number of each vehicle covered under the policy in lieu of the Department customer number.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-806. Department-authorized EDI Reporting Methods; Reporting Schedule

A. A company shall transmit to the Department all reportable activity listed in R17-5-803 using a Department-authorized EDI reporting method specified in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies.

B. A company shall transmit all reportable activity to the Department at least once every seven days.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-807. X12 Data Format for Policy Receipt and Error Return

A. Reporting format. A company shall transmit to the Department all reportable activity using the format prescribed in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies provided by the Department.

B. Error return format. The Department shall return to a company all reporting errors received during a transmission of reportable activity using the X12 error return format prescribed in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies.

C. The Department shall return to a company an acknowledgment that a transmission of reportable activity was received and processed using the format in the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-808. Insurance Company Reporting Errors; Resolution; Noncompliance

A. The Department shall:

1. Return to a company, using the X12 error return format provided in R17-5-807(B), all reporting errors received during or after a transmission; and

2. Instruct the company to correct all reporting errors affecting the Department’s processing of the required data.

B. All companies reporting electronic policy information shall notify the Department prior to making changes to any reporting systems, or previously established policy reporting formats, that may affect the Department’s ability to match and process the information received.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-809. Insurance Company Failure to Submit Required Data; Request for Hearing

If a company fails to submit the data required under A.R.S. § 28-4148, and this Article, the Department shall:

1. Send to the company, a dated written notice, which:
   a. Identifies the business week or reporting period in which the company did not submit the required information;
   b. Informs the company that a failure to respond to the Department’s request within the allotted time-frame, shall result in a referral of the matter to the Arizona Department of Insurance, under A.R.S. § 20-237, which may result in a civil penalty for each violation of up to $250 per day for each day the insurer is in violation of A.R.S. § 28-4148; and
   d. Provides notice of the company’s right to request a hearing with the Arizona Department of Insurance under A.R.S. § 20-237; and

2. Advise the Arizona Department of Insurance if the company fails to comply with the Department’s written notice provided under this Section.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1). Section amended by final expedited rulemaking at 24 A.A.R. 279, effective January 12, 2018 (Supp. 18-1).

R17-5-810. Self-insurance as Alternate Proof of Financial Responsibility; Provisions; Applicability

A. Self-insurance applicant qualification. A person or entity may apply for self-insurance under this Section if the applicant:

1. Owns the minimum number of vehicles prescribed under A.R.S. § 28-4033(A), according to the Arizona Mandatory Insurance Reporting System Guide for Insurance Companies.

2. Demonstrates minimum assets of $1 million on documentation required under subsections (C) and (D);

3. Meets any additional financial responsibility requirements under A.R.S. § 28-4033(A), according to the insured vehicle’s weight and/or intended use; and

4. Provides a business office contact for the company with a current phone number and mailing information.
B. A self-insurance applicant shall provide, on a self-insurance application form provided by the Department, the following information:

1. Applicant’s name;
2. Business name, if applicable;
3. Mailing address, city, state, and ZIP code;
4. A selection of coverage type:
   a. Public liability only; or
   b. Public liability and property damage;
5. Number of vehicles in the applicant’s fleet;
6. A selection list that describes the nature of the applicant’s business;
7. A description of any hazardous materials transported by type, class, and weight;
8. A report of all accidents in the prior 39-month period before the application date;
9. The applicant’s signature and official business title to certify that all information is true and correct; and
10. Acknowledgment by a notary public or by the signature of an authorized Department agent.

C. Supplementary documentation. In addition to a completed self-insurance application form, the applicant shall submit a profit and loss statement certified by a Certified Public Accountant for the 12-month period before the application date. The profit and loss statement shall include one of the following:

1. A balance sheet; or
2. An annual financial report.

D. On approval of an application, the Department shall issue a certificate of self-insurance that is continuously valid, but shall require the self-insurer to submit a 12-month update of supplementary documentation prescribed under subsection (C) on or before July 1 of each successive year.

E. An initial self-insurance applicant or a self-insurer making an annual update shall submit documentation required under subsections (B) through (D) to the following address:

Motor Vehicle Division
Financial Responsibility Unit
P.O. Box 2100, Mail Drop 535M
Phoenix, AZ 85001-2100

F. A self-insurer shall keep a copy of the self-insurance certificate in each covered vehicle at all times.

G. A self-insurer shall submit periodic, written notification updates to the Department of vehicles added or removed from self-insurance coverage. The written notification shall include the vehicle identification number of each vehicle.

H. A self-insurer that terminates self-insurance shall provide new evidence of financial responsibility as required under A.R.S. § 28-4135 for each vehicle previously covered under a self-insurance certificate.

I. In addition to the reasonable grounds prescribed under A.R.S. § 28-4007(C), the Department may cancel a self-insurance certificate in each of the following circumstances:

1. A self-insurer fails to comply with provisions of the Department’s annual update requirement under subsection (D), or
2. A self-insurer no longer owns the covered business or fleet.

J. For the purpose of A.R.S. § 28-4007(C) and this Section, the Department shall conduct a self-insurance cancellation hearing according to the provisions prescribed under 17 A.A.C. 1, Article 5.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

R17-5-811. Certificate of Deposit as Alternate Proof of Financial Responsibility; Applicability
For the purpose of A.R.S. §§ 28-4076(2) and 28-4084, a person depositing a $40,000 certificate of deposit with the state treasurer as alternate proof of financial responsibility may apply the certificate to a maximum of 25 non-commercial vehicles registered in the person’s name.

Historical Note
New Section made by final rulemaking at 13 A.A.R. 858, effective March 6, 2007 (Supp. 07-1).

ARTICLE 9. TRANSPORTATION NETWORK COMPANIES

R17-5-901. Definitions
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.

Historical Note
New Section made by exempt rulemaking under Laws 2015, Ch. 235, § 14, at 21 A.A.R. 1825, effective August 21, 2015 (Supp. 15-3). Section repealed; new Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

R17-5-902. 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
B. 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
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 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 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.

R17-5-905. Transportation Network Company - Record Review
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. §§ 28-9544 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 Network Company - Designated Point of Contact
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.

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.
A. Vehicle for Hire Company Permit; Good Standing

“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.


“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.

**Historical Note**
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

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

A. 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.

B. 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.

**Historical Note**
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**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. The incorporated material is on file with the Department at 206 S. 17th Ave., Phoenix, AZ.

**Historical Note**
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

**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.

**Historical Note**
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).
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).

Historical Note
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

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.

Historical Note
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

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.

Historical Note
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

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).

Historical Note
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).

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.

Historical Note
New Section made by final rulemaking at 23 A.A.R. 223, effective March 6, 2017 (Supp. 17-1).