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.

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Questions about these rules? Contact:

Department: Arizona Department of Transportation
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The release of this Chapter in Supp. 19-2 replaces Supp. 14-2, 1-11 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 Therefore, all superseded material should be retained in a separate binder and archived for future reference.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 2019 is cited as Supp. 19-1.

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.
CHAPTER 7. DEPARTMENT OF TRANSPORTATION - THIRD-PARTY PROGRAMS

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ARTICLE 1. DEFINITIONS

Article 1, consisting of Section R17-7-101, made by final rulemaking at 9 A.A.R. 1630, effective July 5, 2003 (Supp. 03-2).

R17-7-101. Definitions

The following definitions apply to this Chapter unless otherwise specified:

“Accountable inventory” means an item that is reproduced by the Department in a consecutively numbered series for:

- Recording the number of a completed, issued, or voided item in a log; and
- Reporting the number of a completed, issued, or voided item to the Department.

“Activity” means a function or service that is provided by an authorized third party pursuant to A.R.S. Title 28, Chapter 13 and that is performed by a certified individual as defined in this Article.

“Agency head” or “political subdivision head” means the chief officer of an agency or political subdivision or another individual with authority to act for the agency head or political subdivision head.

“Application Date” means the date an application is received by the Department.

“Authorized third party” means an entity that:

- Has written permission from the Department to operate a business under A.R.S. Title 28, Chapter 13; and
- Employs or contracts with at least one certified individual to provide a third-party activity.

“Branch” means an authorized third party’s business location that is an additional established place of business.

“Certified individual” means an individual who is certified by the Department under A.R.S. Title 28, Chapter 13 to perform specified activities for an authorized third party as an employee or contractor. The Department may certify an individual as:

- A commercial driver license examiner,
- A dealer license processor,
- A driver license processor,
- A driver license trainer,
- An office personnel member,
- A tax report processor,
- A title and registration processor,
- A vehicle inspector, or
- A vehicle permit processor.

“Commercial driver license examiner” means an individual certified by the Department to administer class A, B, or C driver license skills tests.

“Concentration Banking System” means a type of state bank account, established by the Arizona State Treasurer’s office, for deposit of monies collected by an authorized third party.

“Contact individual” means a principal or designated individual of an authorized third party who communicates with the Department on behalf of the authorized third party.

“Convenience fee” means the amount exceeding the statutorily prescribed fees and taxes that an authorized third party collects and retains for its services.

“Department” means the Arizona Department of Transportation.

“Dealer license processor” means an individual certified by the Department to:

- Review applications for vehicle dealer licenses;
- Enter information related to the applications in the Department’s database; and
- Issue vehicle dealer licenses under A.R.S. Title 28, Chapter 10.

“Driver license processor” means an individual certified by the Department to perform any one or a combination of driver license processing functions under A.R.S. Title 28 as specified in the authorization agreement between the Department and an authorized third party who has engaged the individual to perform those functions.

“Driver license trainer” means an individual certified by the Department to:

- Educate and train persons, either practically or theoretically, or both, to operate or drive motor vehicles;
- Prepare applicants for an examination given by the Department or an authorized third party driver license provider for a driver license or instruction permit; and
- Charge a consideration or tuition for these services.

“Established place of business” means an authorized third party’s business location that is:

- Approved by the Department,
- Located in Arizona,
- Not used as a residence, and
- Where the authorized third party performs authorized activities.

“Floor plan” means a Department-approved diagram of a building’s interior, as seen from above, that shows the interior dimensions and the location of doors, windows, and equipment.

“Good standing” means an authorized third party applicant or an applicant seeking certification:

- Has not had a similar business license or certification issued suspended, revoked, canceled, or denied within the previous three years of the application date;
- Does not owe delinquent fees, taxes, or unpaid balances to the Department;
- Has not had any substantiated derogatory information relevant to the requested authorization or certification reported to the Department about the applicant from any state agency or from any consumer protection agency contacted by the Department; or
- If the applicant is a former Department employee, a former authorized third party, or a former employee of an authorized third party, has not been dismissed or resigned from a position for cause, including:

  - Misconduct, or
  - Resignation from position:
“Principal place of business” means an authorized third party’s administrative headquarters, which shall not be used as a residence.

“Skills test” means a set of tests, authorized and approved by the Department and administered by the Department or by an authorized third party commercial driver license examiner or driver license processor to determine whether the applicant possesses the required skills for the type of license for which the applicant applies.

“Skills test route” means a public road or highway driving course, identified by an authorized third party and approved by the Department, for administering skills tests to driver license applicants.

“Tax report processor” means an individual certified by the Department to:

- Process fuel tax reports and interstate user fuel tax reports from fuel suppliers, fuel vendors, and motor carriers; and
- File the reports with the Department.

“Test site” means a location, identified by an authorized third party, for administering skills tests to driver license applicants that is:

- Approved by the Department.
- Permanently marked, and
- Off the public road or highway.

“Title and registration processor” means an individual certified by the Department to:

- Review applications for vehicle certificates of title or registrations under A.R.S. Title 28, Chapter 7;
- Enter information related to applications for vehicle certificates of title or registrations into the Department’s database; and
- Issue or deny vehicle certificates of title or registrations.

“Vehicle inspector” means an individual certified by the Department to perform motor vehicle inspections.

“Vehicle permit processor” means an individual certified by the Department to:

- Review applications for permits or registrations under A.R.S. Title 28, Chapter 3, Articles 18 and 19, and Chapter 7;
- Enter information related to the applications in the Department’s database; and
- Issue or deny permits or registrations.

“Vicinity” means the area adjacent to, or in the immediate proximity of, any authorized third party’s places of business.

**Historical Note**


**ARTICLE 2. AUTHORIZATION**

Article 2, consisting of Sections R17-7-201 through R17-7-204, made by final rulemaking at 9 A.A.R. 1630, effective July 5, 2003 (Supp. 03-2).

R17-7-201. Authorization Application Requirements

A. An applicant for third-party authorization shall provide to the Department on request:

1. The applicant’s name, business name, and federal employer identification number;
2. The applicant’s bond status as exempt or nonexempt under A.R.S. Title 28, Chapter 13. If exempt, the applicant must complete a bond exemption form. If nonexempt, the applicant must provide proof of a surety bond pursuant to A.R.S. Title 28, Chapter 13;
3. The name of the person who is the applicant’s principal;
4. The name, title, e-mail address, and telephone number of the applicant’s contact individual;
5. The activities for which the applicant seeks third-party authorization;
6. The address of the applicant’s principal place of business and each established place of business;
7. A statement that the applicant is in good standing;
8. The signature of:
   a. The sole proprietor,
   b. All partners,
   c. A corporate officer,
   d. A limited liability company manager, or
e. The political subdivision head or agency head;
9. 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 Secretary of State;
   iii. A copy of a valid trade name certificate issued by the Arizona Secretary of State; or

d. Sole Proprietor:
   i. A copy of a valid certificate of existence issued by the Arizona Secretary of State; or
   ii. A copy of a valid trade name certificate issued by the Arizona Secretary of State; or

10. A floor plan for each place of business that includes:
   a. A computer-generated graphic,
   b. A blueprint or other photographic reproduction of an architectural plan or technical drawing, or
   c. A nontechnical drawing made by hand using a straightedge;

11. A map, drawing, or narrative description of each skills test route and a photograph or drawing of each test site; and

12. Unless exempt pursuant to A.R.S. § 28-5105, a full set of fingerprints for a criminal records check of each principal who must be at least 18 years of age. The applicant is responsible for the cost of the fingerprinting and criminal records check. Each full set of fingerprints shall be impressed on a fingerprint card:
   a. Supplied by the Department, and
   b. Completed by a law enforcement agency.

B. Unless exempt pursuant to A.R.S. § 28-5105, an applicant for a third-party authorization shall submit, for each principal, a statement on a form provided by the Department with the following information:

1. Name, including other names and birth dates used;
2. Residence address;
3. Any suspension, cancellation, revocation, or denial of any similar business license issued by the Department within five years before the application date; and
4. The individual’s signature witnessed by a notary public or a Department agent designated under A.R.S. § 28-370(A).

C. The authorization application, as provided under subsection (A) and (B), is received within 30 days of application date.

Historical Note

R17-7-202. Notification of Authorization Approval or Denial and Hearing

A. Notification. The Department shall send a written and dated notification of approval or denial of third-party authorization application, in accordance with A.R.S. § 28-5107, by regular mail to the mailing address provided on the application.

B. Administrative Hearing. An applicant whose application for third-party authorization is denied by the Department may request a hearing from the Department on the denial pursuant to A.R.S. § 28-5107 and A.A.C. R17-1-501 through R17-1-514.

Historical Note

R17-7-203. Authorization Agreement

A. An applicant whose third-party authorization application has been approved must sign an authorization agreement with the Department which specifies the terms and conditions of the third-party authorization before performing any third party program activities.

B. The third-party authorization agreement may include an addendum identifying the specific requirements unique to each third party program activity.

Historical Note

R17-7-204. Authorized Third-party Requirements

A. An authorized third party shall maintain compliance with all state and federal laws, Department rules, and authorization agreement provisions.

B. While holding a third-party authorization, any principal or certified individual of an authorized third party shall not have a:
   1. Suspension, cancellation, revocation, or denial of another similar business license or agreement issued by the Department; or
   2. Delinquent fees, taxes, or unpaid balance owed to the Department.

C. Until returned to the Department, an authorized third party shall retain the following records at an established place of business or at the principal place of business:
   1. All logs and copies of completed, issued, or voided accountable inventory;
   2. All unused accountable inventory; and
   3. All other paper and electronic records, including all supporting documents, relating to the activities provided by the authorized third party.

D. On the request of the Department, an authorized third party shall produce and deliver to the Department the records listed in subsection (C).
E. An authorized third party shall maintain a copy of the certificate issued by the Department relating to each type of authorized activity that a certified individual performs at the business location where the certified individual works.

F. An authorized third party shall retain a certified individual’s personnel file for a minimum of one year after the certified individual’s last day of work. The personnel file shall include the certified individual’s:
   1. Dates of employment,
   2. All computer access forms (if applicable), and
   3. Computer access termination form (if applicable).

G. An authorized third party shall comply with the audit and inspection requirements of A.R.S. § 28-5102 and R17-7-401.

H. An authorized third party shall provide a safe work area adequate in size and otherwise suitable to accommodate all authorized activities.

I. An authorized third party shall:
   1. Have facilities, including the vicinity and equipment, pre-approved by the Department;
   2. Have one or more established places of business as approved by the Department; and
   3. Conduct all authorized activities only at the approved established places of business.

J. An authorized third party shall obtain the Department’s written approval before:
   1. Changing the location or floor plan of each established place of business,
   2. Changing a skills test route or test site,
   3. Performing any additional authorized activity,
   4. Conducting any other business authorized under this Chapter.

K. An authorized third party shall provide written notice to the Department, within five business days, of any changes, including full name and address, to the list of certified individuals or the contact individual.

L. An authorized third party that is open to the public shall post at each place of business the sign required by A.R.S. § 28-5101(J), and a sign provided by the Department that states the business:
   1. Is a Department-authorized third-party provider, and
   2. May charge the customer a convenience fee when applicable.

M. An authorized third party shall comply with the application requirements of R17-7-201 and provide the required information 30 days before making any ownership changes.

N. An authorized third party shall attend all ongoing Department-approved training within the time-frames established by the Department in its authorization agreement.

O. An authorized third party shall not employ, contract with, or otherwise engage a current Department employee.

P. An authorized third party shall:
   1. Submit all documents and corrections, according to state laws, rules, and the terms and conditions of its authorization agreement;
   2. Immediately notify the Department of any unlawful actions relating to motor vehicle transactions that become known to the authorized third party;
   3. Require that a customer submit all supporting documentation prescribed by the Department relating to a transaction before updating the Department databases;
   4. Provide written notice to the Department within 24 hours if a certified individual’s:
      a. Driver license is suspended, revoked, canceled, or disqualified by the Department, including a commercial driver license medical suspension under A.A.C. R17-4-508;
      b. Vehicle certificate of title is canceled by the Department;
      c. Vehicle registration is suspended or canceled by the Department;
   5. Conduct skills tests, if applicable, only on test routes approved by the Department; and
   6. Maintain all minimum required insurance coverage as prescribed in the authorization agreement.

Q. An authorized third party shall not solicit an individual for any purpose on premises rented, leased, or owned by the Department or any other business authorized under this Chapter.

Historical Note

R17-7-205. Financial Requirements
If an authorized third party collects monies required to be remitted to the Department under A.R.S. § 28-5101, the authorized third party shall deposit those monies by the next business day following the transaction date in the designated:
   1. Concentration Banking System account, or
   2. Account through an electronic method preapproved by the Department.

Historical Note
New Section R17-7-205 renumbered from R17-7-705 and amended by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).

R17-7-206. Expired

Historical Note
New Section R17-7-206 renumbered from R17-7-706 and amended by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2). Section expired under A.R.S. § 41-1056(J) at 25 A.A.R. 1736, effective December 4, 2018 (Supp. 19-2).

R17-7-207. Expired

Historical Note
New Section R17-7-207 renumbered from R17-7-609 and amended by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2). Section expired under A.R.S. § 41-1056(J) at 25 A.A.R. 1736, effective December 4, 2018 (Supp. 19-2).

ARTICLE 3. CERTIFICATION

Article 3, consisting of Sections R17-7-301 and R17-7-302, made by final rulemaking at 9 A.A.R. 1630, effective July 5, 2003 (Supp. 03-2).

R17-7-301. Certification Application Requirements
A. A certification applicant shall provide to the Department the following:
   1. The applicant’s name, residence address, mailing address, telephone number, and date of birth;
   2. The activities for which the applicant seeks certification;
   3. The dates of any employment of the applicant by the Department;
   4. Whether the Department previously denied an application for any certification of the applicant;
An applicant may be eligible for certification if the applicant:

D. Certified as a certified individual, the names of the last three authorized third parties and professional driving schools that employed or contracted with the applicant, and the dates of the employment or contract work;

8. The applicant’s signature;

9. A statement that the applicant is in good standing;

10. A full set of fingerprints, on a fingerprint card supplied by the Department and completed by a law enforcement agency, for a criminal records check;

11. The applicant’s driving record for the 39 months before the application date, which must be dated within 30 days of the application date; and

12. The official name of the authorized third party at which the applicant will be employed.

B. The applicant is responsible for the cost of the fingerprinting and criminal records check.

C. An applicant for a certification shall submit to the Department a statement with the information listed under R17-7-201(B).

D. An applicant may be eligible for certification if the applicant:

1. Is at least 18 years of age on the application date or 21 years of age, if the applicant requests certification as a commercial driver license examiner, driver license trainer, or a driver license processor who will be performing driver license skills tests;

2. Is in good standing;

3. Successfully completes all training courses required by the Department; and

4. Submits the certification application as provided in subsections (A) through (C) to the Department within 30 days of the application date.

E. An applicant for certification shall:

1. Be employed or under contract for an employer applying for authorization or authorized as an authorized third party.

2. Not have any driver license suspensions, revocations, or cancellations within 39 months of the application date, including convictions related to:
   a. Driving under the influence of intoxicating liquor or drugs,
   b. Reckless driving,
   c. Racing upon the highway, or
   d. Leaving the scene of an accident.

Historical Note

R17-7-303. General Requirements of a Certified Individual

A. A certified individual shall:

1. Submit all documents and corrections, according to all state laws and rules and the authorization agreement between the Department and the authorized third party;

2. Immediately notify the authorized third party of unlawful actions relating to motor vehicle transactions;

3. Require that a customer submit all supporting documentation relating to a transaction before updating the Department databases;

4. Provide notification within 24 hours to the authorized third party if the certified individual’s:
   a. Driver license is suspended, revoked, canceled, or disqualified by the Department;
   b. Vehicle certificate of title is canceled by the Department;
   c. Vehicle registration is suspended or canceled by the Department;

5. Provide notification within 5 business days to the authorized third party of any changes to the certified individual’s name or address; and

6. Attend ongoing Department-approved training, including, if applicable, a commercial driver license refresher training course, before each renewal of the authorization agreement.

B. A certified individual shall not:

1. Witness or notarize signatures on documents relating to a transaction unless the customer submits appropriate identification; or

2. Solicit an individual for any purpose on the premises rented, leased, or owned by the Department or any other business authorized under this Chapter.

Historical Note
New Section R17-7-303 renumbered from R17-7-704 and amended by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).

R17-7-304. Expired

Historical Note

R17-7-305. Expired

Historical Note

ARTICLE 4. AUDITS AND INSPECTION

Article 4, consisting of Section R17-7-401, made by final rulemaking at 9 A.A.R. 1630, effective July 5, 2003 (Supp. 03-2).

R17-7-401. Audits and Inspection

A. During an onsite audit or inspection, employees or agents of the Department, any law enforcement agency, or the Federal Motor Carrier Safety Administration may:
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1. Request, review, audit, inspect, copy, or seize all paper, photographic, audio, and electronic records generated in the performance of any activities under this Chapter, whether in the possession of a current or former authorized third party or a certified individual;

2. Examine the site of any places of business or other location where any of the materials in subsection (A)(1) are kept or may be found, or where any activities under this Chapter are or have been conducted during current or previous periods of authorization or certification; and

3. Interview all or any of the authorized third party’s:
   a. Current or former employees or contractors,
   b. Current or former certified individuals, and
   c. Customers during current or previous periods of authorization or certification.

B. If Department personnel or the Department’s representative conducts an onsite audit outside Arizona under A.R.S. § 28-5102(B)(3), the Department shall charge, and the authorized third party shall timely pay, for the costs of the audit, as well as any fees authorized under A.R.S. § 28-5102. The audit charge and payment shall include the Arizona Department of Administration reimbursement amounts for out-of-state travel authorized by A.R.S. Title 38, Chapter 4, Article 2 and stated in Section II-D of the Arizona Accounting Manual prepared by the Arizona Department of Administration, which is available on the Arizona General Accounting Office web site at www.gao.az.gov.

**Historical Note**

**ARTICLE 5. EXPIRED**

R17-7-501. Expired

**Historical Note**

R17-7-502. Expired

**Historical Note**

**ARTICLE 6. COMMERCIAL DRIVER LICENSE EXAMINATION PROGRAM**

R17-7-601. Definitions

The following definitions apply to this Article, unless otherwise specified:

“CDL” means commercial driver license.

“CDLE” means commercial driver license examination.

“CDLE coach or transit bus” means the program activity for administering examinations for a Passenger (P) endorsement on a CDL.

“CDLE school bus” means the program activity for administering examinations for a School Bus (S) endorsement on a CDL.

“CDLE truck” means the program activity for administering examinations for a Class A, B, or C license.

“Monthly reconciliation report” means an authorized third party CDLE program’s report of accountable inventory.

**Historical Note**

R17-7-602. Activities

The authorized and certified activities for the CDLE Program are:

1. CDLE coach or transit bus,
2. CDLE school bus, or
3. CDLE truck.

**Historical Note**

R17-7-603. Additional Authorization Application Requirements for CDLE Program

In addition to satisfying the requirements of R17-7-201, an applicant for third-party authorization shall:

1. Submit the following:
   a. Photographs and a floor plan of the principal place of business that shows the location of the accountable inventory storage;
   b. Photographs and a floor plan of each established place of business,
   c. A test route that complies with the specifications provided by the Department, and
   d. Photographs and a diagram with the dimensions of any proposed CDL test site. The physical dimensions of the site shall comply with the specifications provided by the Department. The test site shall provide sufficient room to perform all skill maneuvers, be obstacle free and be off the roadway.

2. Provide to the Department a copy of the current lease or other written agreement for the use of the land if the applicant does not own the land on which the place of business or test site is located.

3. Ensure that each place of business and test site:
   a. Meets all local zoning requirements, and
   b. Is not used as a residence.

**Historical Note**

R17-7-604. Additional Certification Application Requirements for Commercial Driver License Examiners

A. In addition to satisfying the requirement of R17-7-301, an applicant for certification as a commercial driver license examiner shall:

1. Possess a valid Arizona driver license of the class and endorsement representative of the examinations to be administered by the commercial driver license examiner;

2. Not have a driver license suspension, cancellation, revocation, or disqualification within 39 months of the appli-
R17-7-605. Additional Authorized CDLE Program Requirements
In addition to satisfying the requirements of R17-7-204, the authorized third party shall:

1. Ensure all vehicles used for examination:
   a. Are representative of the class and type for which the individual is seeking a driver license;
   b. Are maintained in a safe operating condition;
   c. Comply with registration and insurance requirements set forth in A.R.S. Title 28, Chapters 7, 9, 15, and 16; and
   d. Comply with applicable Federal Motor Carrier Safety Regulations;
2. Maintain compliance with applicable federal rules and the federal rules as adopted by the Department under 17 A.A.C. Chapter 5, Article 2;
3. Allow employees or agents of the Department, any law enforcement agency, or the Federal Motor Carrier Safety Administration without prior notice to do any of the following:
   a. Take the tests administered by the authorized third party as if the employee or agent is a test applicant,
   b. Co-score along with the commercial driver license examiner during skills tests to compare pass or fail results,
   c. Retest a sample of drivers who were examined by the authorized third party, or
   d. Provide access to a vehicle for use under this subsection;
4. Maintain the following records at the authorized third party’s principal place of business:
   a. A copy of its current authorization agreement with the Department,
   b. A copy of the current commercial driver license examiner’s certificate for each examiner,
   c. A copy of each completed skills test score sheet for the current calendar year and the past two calendar years,
   d. A copy of the authorized third party’s approved skills test routes and test sites, and
   e. A copy of each commercial driver license examiner’s training record;
5. Submit to the Department by the fifth day of each month, a monthly reconciliation report. If the authorized third party fails to timely submit a monthly reconciliation report, the Department may:
   a. Give an oral or written warning for the first untimely report,
   b. Send a letter of concern for the second untimely report in a 12-month period, or
   c. Suspend or cancel the authorization for the third untimely report in a 12-month period; and
6. Verify each CDL applicant:
   a. Possesses a valid Arizona driver license with a photograph and a valid Department-issued commercial instruction permit for the class and endorsement of the vehicle to be used in the skills test, and
   b. Has successfully completed the CDL written tests.

Historical Note

R17-7-606. Certified Commercial Driver License Examiner Requirements
A. In addition to satisfying the requirements of R17-7-303, a certified commercial driver license examiner shall:
1. Comply with all state and federal laws, rules, and the terms and conditions of the authorization agreement requirements between the Department and the authorized third party;
2. Maintain compliance with all certification requirements as prescribed in R17-7-301;
3. Not administer any examination unless the CDL applicant meets the requirements of all statutes, rules and policies relating to driver licensing;
4. Conduct skills tests only on Department-approved test routes; and
5. Complete, in the presence of the CDL applicant, the score sheet at the time of the skills test. The score sheet is valid for 30 calendar days from the day the CDL applicant completes the skills test.
B. If the commercial driver license examiner’s CDL is suspended, revoked, canceled, or disqualified, the certified commercial driver license examiner shall not administer any CDLE.
C. A commercial driver license examiner shall not accompany an applican into any office or testing location rented, leased, or owned by the Department.

Historical Note
R17-7-702. Additional Authorization Application Requirements for Driver License Training Providers

In addition to satisfying the requirements of R17-7-201, an applicant for third-party authorization shall:

1. Submit the following:
   a. The specified course of instruction which will be offered, and
   b. Sample copies of the contracts that will be offered to prospective students or given to enrolled students.

2. Provide a certified statement that the applicant will meet the minimum professional training standards as set forth by the Department. The minimum professional training standards will be provided to the applicant and included in the authorization agreement.

3. Provide a copy of any current leases or agreements for the use of the land or buildings on which the applicant’s places of business and training sites are located.

4. Ensure that all places of business and training sites:
   a. Meet all local zoning requirements, and
   b. Are not used as a residence.

R17-7-703. Additional Certification Application Requirements for Driver License Trainers

In addition to satisfying the requirements of R17-7-301, an applicant for certification as a driver license trainer shall satisfy all of the following:

1. Pass an examination given by the Department consisting of an actual demonstration or a written test, or both, covering:
   a. Traffic laws;
   b. Safe driving practices;
   c. Operation of motor vehicles;
   d. Knowledge of teaching methods, techniques, and practices; and
   e. Authorized third-party statutes and rules, business ethics, office procedures, and elementary record-keeping;

2. Have at least a high school diploma or its equivalent;

3. Hold a valid Arizona driver license;

4. Be physically and mentally able to safely operate a motor vehicle and to train others in the operation of motor vehicles. To substantiate this requirement, the Department may require a properly signed and completed certificate of medical examination conducted by a person qualified and licensed to practice medicine in this state; and

5. Provide other information the Department deems pertinent for determining the applicant’s good moral character.

Historical Note
New Section made by final rulemaking at 12 A.A.R. 2418, effective August 5, 2006 (Supp. 06-2). Section repealed; new Section made by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).
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7. If an authorized third party driver license training provider enters into a written contract with any person or group of persons receiving training relating to the operation of a motor vehicle, the training provider shall give the original contract to the student or the student’s agent who executes the contract and shall retain a copy of the contract in its records.

8. An authorized third party driver license training provider shall equip each motor vehicle used for driver training with:
   a. If the motor vehicle is equipped with an automatic transmission, at least a dual braking device that enables an accompanying driver license trainer to bring the motor vehicle under control in case of emergency; and
   b. If the motor vehicle is equipped with a standard transmission, at least a dual clutch and braking device that enables an accompanying driver license trainer to bring the motor vehicle under control in case of emergency.

9. An authorized third party driver license training provider must maintain all motor vehicles in safe operating condition at all times.

10. An authorized third party driver license training provider shall conduct training only on test routes approved by the Department.

11. An authorized third party driver license training provider shall not:
   a. Indicate or represent in any advertisement that the training provider can issue or guarantee issuance of a driver license in any jurisdiction,
   b. Imply or represent that the training provider can in any way influence the Department or an authorized third party in the issuance of a driver license, or
   c. Imply or represent that preferential or advantageous treatment from the Department or an authorized third party can be obtained.

12. An authorized third party driver license training provider or a certified trainer shall not accompany any student into any examining office or testing location rented, leased, or owned by the Department or an authorized third party for the purpose of taking a driver license examination.

13. In case of loss or mutilation, a duplicate authorization certificate may be issued by the Department on submission of a properly signed and completed application accompanied by an affidavit setting forth the circumstances. The affidavit must show the date the previously-issued certificate was lost, mutilated, or destroyed, and the circumstances involving its loss, mutilation, or destruction.

14. An authorization for a driver training provider is non-transferable.

Historical Note
New Section made by final rulemaking at 12 A.A.R. 2418, effective August 5, 2006 (Supp. 06-2). Section R17-7-704 renumbered to R17-7-303; new Section R17-7-704 made by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).

R17-7-705. Certified Driver License Trainer Requirements

A. In addition to satisfying the requirements of R17-7-303, a certified driver license trainer shall maintain compliance with all certification requirements as prescribed in R17-7-301.

B. In case of loss or mutilation, a duplicate certification may be issued by the Department on submission of a properly signed and completed application accompanied by an affidavit setting forth the circumstances. The affidavit must show the date the previously-issued certification was lost, mutilated, or destroyed, and the circumstances involving its loss, mutilation, or destruction.

C. A driver license trainer certification is nontransferable.

Historical Note
New Section made by final rulemaking at 12 A.A.R. 2418, effective August 5, 2006 (Supp. 06-2). Section R17-7-705 renumbered to R17-7-205; new Section R17-7-705 made by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).

R17-7-706. Renumbered

Historical Note
New Section made by final rulemaking at 12 A.A.R. 2418, effective August 5, 2006 (Supp. 06-2). Section R17-7-706 renumbered to R17-7-206 by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).

R17-7-707. Repealed

Historical Note
New Section made by final rulemaking at 12 A.A.R. 2418, effective August 5, 2006 (Supp. 06-2). Section R17-7-707 repealed by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).

ARTICLE 8. REPEALED

R17-7-801. Repealed

Historical Note
New Section made by final rulemaking at 12 A.A.R. 2418, effective August 5, 2006 (Supp. 06-2). Section R17-7-801 repealed by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).

R17-7-802. Repealed

Historical Note
New Section made by final rulemaking at 12 A.A.R. 2418, effective August 5, 2006 (Supp. 06-2). Section R17-7-801 repealed by exempt rulemaking at 20 A.A.R. 1138, effective May 1, 2014 (Supp. 14-2).