

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS BOARD OF EXAMINERS

PREAMBLE

- 1. Sections Affected**

	<u>Rulemaking Action</u>
Article 6	New Article
R4-18-601	New Section
R4-18-602	New Section
R4-18-603	New Section
R4-18-604	New Section
R4-18-605	New Section
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 32-1504(A)(1)
Implementing statutes: A.R.S. §§ 32-1501(17), 32-1504(A)(3), 32-1524, 32-1526, 32-1527, 32-1559
- 3. A list of all previous notices appearing in the Register addressing the proposed rules:**

Notice of Rulemaking Docket Opening: 10 A.A.R. 3404; August 27, 2004
- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Dr. Craig Runbeck, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-8242
Fax: (602) 542-3093
E-mail: craig.runbeck@npbpmex.az.gov
- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Board is proposing rules for certification of medical assistants including qualification requirements, initial and renewal application requirements, and time-frames for Board approval or denial of applications. Additionally, the Board is adopting rules that prescribe the medical treatment procedures that may and may not be performed by certified medical assistants under the supervision of a licensed physician.
- 6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the proposed rule, where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:**

The Board did not rely on any study.
- 7. A showing of good cause why the rules are necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of the state:**

Not applicable
- 8. The preliminary summary of the economic, small business, and consumer impact:**

Annual cost/revenue changes are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000.

Notices of Proposed Rulemaking

The Board bears moderate costs for writing rules to implement its statutes and related economic, small business, and consumer impact statement and mailing the new rules to interested persons.

The Board anticipates receiving moderate revenue each year from persons submitting application fees with their certificate applications and certificate issuance fees. The Board should receive moderate revenue each year from certificate renewal fees. This revenue is used to pay the operating costs of the Board, including salaries of Board staff who review qualifications of applicants, process applications, prepare enforcement actions, prepare for Board meetings, and meet other requirements set forth in A.R.S. § 32-4201 *et seq.*

The Board anticipates that it will bear moderate costs to process initial applications each year.

The Board anticipates that it will bear moderate costs to process renewal application each year.

An applicant for a massage therapy license bears minimal costs to apply for a license and pay the \$100 application fee and \$50 certificate issuance fee.

A certificate holder will bear the cost to pay an annual minimal fee of \$100 for renewal of a certificate.

Applicants and the Board benefit from clear and concise standards for applications.

Businesses that hire certified medical assistants benefit from the rules because they can pay a medical assistant to perform certain tasks stated in the rules instead of paying a higher salary to a naturopathic physician to perform the same tasks and the rules ensure that only qualified massage therapists work for them.

Consumers of naturopathic medical services benefit from the rules because the rules assure that certified medical assistants meet minimal competencies.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Dr. Craig Runbeck, Executive Director
Address: 1400 W. Washington, Suite 230
Phoenix, AZ 85007
Telephone: (602) 542-8242
Fax: (602) 542-3093
E-mail: craig.runbeck@npbpmex.az.gov

10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

An oral proceeding will be conducted by the Board at the following location in the state for the purpose of taking oral and written testimony on the proposed rules from members of the public.

Date: December 9, 2004
Time: 11:00 a.m.
Location: 1400 W. Washington, Room B1
Phoenix, AZ 85007

The public record on the proposed rulemaking will close at 5:00 p.m. on December 9, 2004.

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

None

12. Incorporations by reference and their location in the rules:

None

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 18. NATUROPATHIC PHYSICIANS BOARD OF EXAMINERS

ARTICLE 6. NATUROPATHIC MEDICAL ASSISTANTS

Section

R4-18-601. Definitions

R4-18-602. Medical Assistant Qualifications

R4-18-603. Application for Medical Assistant Certification

R4-18-604. Renewal of Medical Assistant Certificate

R4-18-605. Authorized Procedures for Medical Assistants

ARTICLE 6. NATUROPATHIC MEDICAL ASSISTANTS

R4-18-601. Definitions

In addition to the definitions in A.R.S. § 32-1501 and A.A.C. R4-18-101, the following definitions apply to this Article:

1. “Approved medical assistant program” means a course of study for medical assistants that is provided:
 - a. At an institution that is:
 - i. Accredited by the Commission on Accreditation of Allied Health Education Programs,
 - ii. Accredited by the Accreditation of Allied Health Education Programs, or
 - iii. Accredited by an accrediting agency recognized by the United States Department of Education or the Armed Forces of the United States, or
 - b. By an organization recognized by the American Association of Naturopathic Physicians.
2. “Employ” means to compensate by money or other consideration for work performed.
3. “Medical history” means an account of an individual’s past and present physical and mental health including the individual’s illness, injury, or disease.
4. “Medication” means drug defined in A.R.S. § 32-1501 or natural substance defined in A.R.S. § 32-1581.
5. “Naturopathic practice” means a place where the practice of naturopathic medicine defined in A.R.S. § 32-1501 takes place.
6. “Training” means medical assistant educational didactic and hands on instruction completed by an individual at an approved medical assistant program.
7. “Treatment” means any of the acts included in the practice of naturopathic medicine defined in A.R.S. § 32-1501.

R4-18-602. Medical Assistant Qualification

An individual shall complete an approved medical assistant program to qualify for certification as a medical assistant.

R4-18-603. Application for Medical Assistant Certification

An applicant for a medical assistant certificate shall submit an application packet to the Board that contains the following:

1. An application form provided by the Board, signed and dated by the applicant, and notarized that contains:
 - a. The applicant’s name, mailing address, telephone number, and social security number;
 - b. The applicant’s date and place of birth;
 - c. The applicant’s height, weight, eye and hair color;
 - d. The name, address, and telephone number of applicant’s employer, if applicable;
 - e. The name of the licensed physician who will be supervising the applicant, if applicable;
 - f. Where the applicant completed the applicant’s approved medical assistant program, including the name and address of the institution where the approved medical assistant program was completed;
2. A copy of a certificate of completion from an approved medical assistant program or a notarized letter of completion from an approved medical assistant program signed by the person in charge of the approved medical assistant program;
3. A completed and legible fingerprint card; and
4. The fees required by the Board under A.R.S. 32-1527.

R4-18-603. Renewal of Medical Assistant Certificate

An applicant for a renewal certificate shall submit to the Board:

1. A renewal form, provided by the Board, that is signed and dated by the applicant and contains the applicant’s:
 - a. Name,
 - b. Social security number,
 - c. Residence and practice addresses, and
 - d. Telephone number; and
2. The fee required by the Board.

R4-18-604. Authorized Procedures for Medical Assistants

A. A medical assistant may perform the following while under the supervision of a physician:

1. Obtain a patient’s medical history;
2. Obtain a patient’s vital signs;
3. Assist a physician in performing a physical examination, surgical procedure, or treatment;
4. Perform a diagnostic test ordered by a physician including:
 - a. An electrocardiogram;
 - b. A peripheral vein puncture;

Notices of Proposed Rulemaking

- c. A capillary puncture;
- d. Urine analysis;
- e. A hematology test; or
- f. Respiratory function testing;
- 5. Administer a medication:
 - a. By mouth; or
 - b. By subcutaneous or intra muscular route if the medical assistant received training on performing such an administration.
- 6. Monitor and remove an intravenous administration of a medication established by a supervising physician if the medical assistant received training on monitoring and removing such an administration from an approved medical assistant training program.
- 7. Perform physiotherapy that includes the following:
 - a. Whirlpool treatment.
 - b. Diathermy treatment.
 - c. Electronic stimulation treatment.
 - d. Ultrasound therapy.
 - e. Massage therapy.
 - f. Traction.
 - g. Transcutaneous nerve stimulation.
 - h. Colon hydrotherapy, or
 - i. Hot and cold pack treatment.
- B.** A medical assistant shall not:
 - 1. Diagnose, design, or modify a treatment program;
 - 2. Prescribe a medication or natural substance;
 - 3. Provide a patient with a prognosis;
 - 4. Unless authorized by law, perform:
 - a. An ionizing radiographic procedure.
 - b. A surgical procedure.
 - c. A central venous catheterization.
 - d. An acupuncture needle insertion, or
 - e. Manipulative therapy;
 - 5. Administer or establish an intravenous medication;
 - 6. Perform any procedure that requires precise placement of a needle into a patient by single or multiple injections including:
 - a. Sclerotherapy.
 - b. Prolotherapy.
 - c. Mesotherapy, or
 - d. Neurotherapy; or
 - 7. Employ the medical assistant's supervising physician or have any financial interest in a naturopathic practice where the supervising physician is employed.
- C.** While assisting a naturopathic physician or performing procedures delegated to the medical assistant, the medical assistant shall wear a clearly visible tag that states the individual is a medical assistant.

NOTICE OF PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R4-30-201 | Amend |
| R4-30-204 | Amend |
| R4-30-214 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 32-106(A)(1), 32-106(A)(3), and 32-106(A)(4)

Implementing statutes: A.R.S. §§ 32-122.01(A)(2), 32-122.01(A)(3), 32-122.01(B)(2), 32-122.01(B)(3)

3. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening: 10 A.A.R. 4271, October 22, 2004

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sherman Lewis
Address: Board of Technical Registration
1110 W. Washington St., Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4940
Fax: (602) 364-4931
E-mail: sherman.lewis@btr.state.az.us

5. An explanation of the rule, including the Agency's reason for initiating the rule:

Current statutes permit licensure for architects, engineers, geologists, and landscape architects after eight years of education, experience, and completion of required examinations.

Current rules require completion of eight years of education and experience before an applicant is considered qualified to take the required examinations.

These rule changes:

- Permits application and approval to take the required examination for architect, engineer, geologist, and landscape architect applicants after 72 months of education and/or experience;
- Separates applications for examination from applications for licensure;
- Makes it possible for an applicant to meet all requirements for registration at the eight year level without waiting additional time to take the examination;
- Clarifies the Board's ability to recognize national exam scores not administered by the Board;
- Clarifies that communication between applicants and national councils about exams administered by outside agencies is between the applicant and the examining agency;
- Clarifies that Home Inspectors are not included in those groups using multi-division exams and division scoring;
- Clarifies the review process for board administered exams;
- Clarifies that non-board administered exams are controlled by the exam administrators.
- Adds minimum hourly requirements for education areas for architect registration.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the proposed rule, where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material:

Not applicable

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

Not applicable

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

There are significant positive economic impacts for applicants who complete required testing before reaching the required eight years of education and experience. By beginning the testing process at the 72 month education and experience level, the applicant has an opportunity to determine whether there is a need for additional education and/or experience in specific areas by an evaluation of his or her examination results and may take steps to gain additional knowledge in areas of weakness and still complete the examination before reaching the 96 month education and/or experience level required for registration.

Early completion of the examination process allows the applicant to meet all registration requirements at the eight years of education and experience level rather than begin the examination process at that education and experience level. The positive economic impact would be the difference in the applicant's salary for the period of time that it takes the applicant to complete the examination process.

There are moderate positive impacts on small businesses and consumers due to a larger pool of qualified registrants.

There are no significant impacts on other government agencies.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the

Notices of Proposed Rulemaking

economic, small business, and consumer impact statement:

Name: Sherman Lewis
Address: Board of Technical Registration
1110 W. Washington St., Suite 240
Phoenix, AZ 85007
Telephone: (602) 364-4944
Fax: (602) 364-4931
E-mail: sherman.lewis@btr.state.az.us

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

No proceeding is scheduled. Written and/or oral comments will be accepted between 8:00 a.m. and 4:00 p.m., Monday through Friday, at 1110 W. Washington, Suite 240, Phoenix, AZ 85007.

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

None

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 30. BOARD OF TECHNICAL REGISTRATION

ARTICLE 2. REGISTRATION PROVISIONS

Section

- R4-30-201. ~~Professional~~ Registration as an Architect, Assayer, Engineer, Geologist, Landscape Architect, or Land Surveyor.
R4-30-204. Examinations
R4-30-214. Architect Registration

ARTICLE 2. REGISTRATION PROVISIONS

R4-30-201. ~~Professional~~ Registration as an Architect, Assayer, Engineer, Geologist, Landscape Architect, or Land Surveyor

- A. An applicant for ~~professional~~ registration as an architect, assayer, engineer, geologist, landscape architect, or land surveyor shall submit an original and one copy of a completed application package for professional registration that contains the following:
1. Evidence of successful completion of the current national professional examination or waiver of ~~the~~ examination pursuant to A.R.S. § 32-126 and R4-30-203 in the category, and branch if applicable, for which registration is sought. Applicants shall arrange to have their examination results sent directly to the Board from the applicable testing agency holding the examination results;
 2. ~~The information set forth in subsections (B)(1) through (15);~~ Name, residence address, mailing address if different from residence, and telephone number, of the applicant;
 3. Date of birth and social security number of the applicant;
 4. Citizenship or legal residence of the applicant;
 5. Category, and branch of engineering if applicable, for which the applicant is seeking registration;
 6. A detailed explanatory statement and documentation, regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, certification or license held by the applicant in any state or jurisdiction;
 - b. Refusal of any professional or occupational registration, certification or license to the applicant by any state or jurisdiction;
 - c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, certification or license held by the applicant;
 - d. Any alias or other name used by the applicant; and
 - e. Any conviction of the applicant for a felony or misdemeanor, other than a minor traffic violation.

7. State or jurisdiction in which the applicant holds any other professional or occupational registration, certification or license, type of registration, certification or license number, year granted, how registration, certification or license was granted (by examination, education, experience, or reciprocity), and the number of examination hours taken by the applicant;
 8. State or jurisdiction in which the applicant has pending an application for any type of professional or occupational license, registration, or certification, type of license, registration, or certification being sought, and the status of the application;
 9. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution the applicant attended;
 10. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended, unless previously provided to the Board pursuant to R4-30-204;
 11. Name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought; dates of employment; applicant's title; description of the work performed; and number of hours worked per week, unless previously provided to the Board pursuant to R4-30-204;
 12. Names and addresses of immediate supervisors in past and present employment in the category for which registration is sought. An applicant who has been working in the category for which registration is sought for 10 or more years shall provide the names and addresses of all immediate supervisors during the most recent 10-year period. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought, unless previously provided to the Board pursuant to R4-30-204;
 13. A release authorizing the Board to investigate the applicant's education, experience, moral character and repute;
 14. Certificate of Experience Record and Reference Forms from the applicant's present and past immediate supervisors, unless previously provided to the Board pursuant to R4-30-204. The applicant shall also provide Certificate of Experience Record and Reference Forms from additional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board;
 15. Evidence of successful completion, or waiver by the Board, of the applicable in-training examination, unless previously provided to the Board pursuant to R4-30-204. An applicant for registration who has successfully completed an in-training examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona shall submit proof of examination directly from the authority that administered the original examination. An applicant seeking registration as an architect or landscape architect may take the in-training examination at the same time as the professional examination. An applicant seeking registration as an assayer, engineer, geologist, or land surveyor shall pass the applicable in-training examination before admission to the examination;
 16. Certification that the information provided to the Board is accurate, true, and complete; and,
317. The applicable fee.
- B.** An applicant who wishes to sit for professional examination shall submit an original and one copy of a completed application for professional examination, and provide the following:
1. Name, residence address, mailing address if different from residence, and telephone number, of the applicant;
 2. Date of birth and social security number of the applicant;
 3. Citizenship or legal residence;
 4. Category, and branch of engineering if applicable, for which the applicant is seeking registration;
 5. A detailed explanatory statement, regarding:
 - a. Any disciplinary action, including suspension and revocation, taken by any state or jurisdiction on any professional or occupational registration, certification or license held by the applicant in any state or jurisdiction;
 - b. Refusal of any professional or occupational registration, certification or license by any state or jurisdiction;
 - c. Any pending disciplinary action in any state or jurisdiction on any professional or occupational registration, certification or license held by the applicant;
 - d. Any alias or other name used by the applicant; and
 - e. Any conviction for a felony or misdemeanor, other than a minor traffic violation.
 6. State or jurisdiction in which any other professional or occupational registration, certification or license is held, type of registration, certification or license number, year granted, how registration, certification or license was granted (that is, by examination, education, experience, or reciprocity), and the number of examination hours taken by the applicant;
 7. Name of the state or jurisdiction, the type of professional or occupational registration, certification or license the applicant is seeking, and the current status of any professional or occupational application for registration, certification or license pending in any state or jurisdiction;
 8. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, uni-

Notices of Proposed Rulemaking

- versity, or educational institution the applicant attended;
9. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended;
 10. Name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought; dates of employment; applicant's title; description of the work performed; and number of hours worked per week;
 11. Names and addresses of immediate supervisors in past and present employment in the category for which registration is sought. Applicants who have been working in the category for which registration is sought for 10 or more years shall provide the names and addresses of all immediate supervisors during the most recent 10-year period. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought;
 12. A release authorizing the Board to investigate the applicant's education, experience, moral character, and repute;
 13. Certificate of Experience Record and Reference Forms from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference Forms to additional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board;
 14. Evidence of successful completion, or waiver by the Board, of the applicable in-training examination. An applicant for professional registration, who has successfully completed an in-training examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona, shall submit proof of examination directly from the authority that administered the original examination. An applicant seeking professional registration as an architect or landscape architect may take the in-training examination at the same time as the professional examination. An applicant seeking professional registration as an assayer, engineer, geologist, or land surveyor shall pass the applicable in-training examination before to admission to the professional examination;
 15. Certification that the information provided to the Board is accurate, true, and complete.
- B.** If an applicant does not have the required education and experience for registration, the Board may, upon request of the applicant, hold the application for a period of time not exceeding one year from the date the application is filed with the Board. All time-frames adopted pursuant to Title 41, Chapter 6, Article 7.1 are suspended during the above-referenced time.
- C.** An applicant holding a certificate of qualification issued by one of the national registration bodies recognized in R4-30-203(B) shall arrange to have the record forwarded to the Board by the national registration body. If the forms provided by the national registration body contain all the information described in A.R.S. § 32-122.01 and subsection ~~(B)~~ (A), above, the Board may accept the forms in lieu of requiring the applicant to furnish the information directly to the Board.
- D.** The Board staff shall review all applications and, if necessary, refer completed applications to an advisory committee for evaluation. If the application for registration is complete and in the proper form and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible in all other aspects to be registered in the field for which the application was filed, the Board staff or committee shall recommend that the Board certify the applicant as eligible ~~to take the examination or if exempt from examination pursuant to statute or rule, as eligible~~ for registration. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for ~~examination or~~ registration, the Board staff shall make a further investigation of the applicant. The Board staff and committee shall submit recommendations to the Board for approval. The Board may also require an applicant to submit additional oral or written information if the applicant has not furnished satisfactory evidence of qualifications for ~~examination or~~ registration.
- E.** The Board may ~~permit an applicant who has successfully satisfied the requirements of an intern development program approved by the Board to qualify for an appropriate examination.~~ accept documentation that an applicant has passed a written national examination in the area for which registration is sought from a national council of which the Board is a member or professional association approved by the Board.
- F.** The Board shall not accept an application for registration renewal unless the applicant has responded to the questions on the application relating to good moral character and other misconduct and signed the application for renewal. The Board shall return an incomplete application to the applicant which may result in assessment of a delinquent renewal fee ~~under R4-30-106.~~
- G.** An applicant may withdraw an application for registration by written request to the Board. Any fee paid by the applicant is non-refundable. If an applicant withdraws an application, the Board shall close the file. An applicant whose file has been closed and who later wishes to apply for professional registration shall submit a new application package to the Board pursuant to R4-30-201 and R4-30-202.

R4-30-204. Examinations

- A.** An applicant with at least 72 but less than 96 months of satisfactory education and experience who wishes to sit for the professional examination for architecture, assaying, engineering, geology, landscape architecture or land surveying shall submit an original and one copy of a completed application package for professional examination that contains the following:
1. Name, residence address, mailing address if different from residence, and telephone number, of the applicant;
 2. Date of birth and social security number of the applicant;
 3. Citizenship or legal residence of the applicant;
 4. Category, and branch of engineering if applicable, for which the applicant is seeking registration;
 5. Name, mailing address, years attended, graduation date, major, and type of degree received from each college, university, or educational institution the applicant attended;
 6. Certified transcripts sent directly to the Board from the registrar of each college, university, or educational institution the applicant attended;
 7. Evidence of 72 months of satisfactory education or experience in the category for which registration is sought. The name, current address, and telephone number of the applicant's current and former employers in the category for which registration is sought; dates of employment; applicant's title; description of the work performed; and number of hours worked per week;
 8. Names and addresses of immediate supervisors in past and present employment in the category for which registration is sought. If an applicant cannot supply the names and addresses of supervisors for at least three engagements, the applicant shall provide to the Board a written, sworn statement explaining the inability to provide this information, and the names and addresses of three additional references, unrelated to the applicant, at least two of whom are registered in the category for which registration is sought;
 9. A release authorizing the Board to investigate the applicant's education and experience;
 10. Certificate of Experience Record and Reference Forms from the applicant's present and past immediate supervisors. The applicant shall also provide Certificate of Experience Record and Reference Forms to additional references as required by the Board. The applicant shall provide the name, address, and telephone numbers of all references. The applicant shall ensure that completed reference forms are provided to the Board;
 11. Evidence of successful completion, or waiver by the Board, of the applicable in-training examination. An applicant who has successfully completed an in-training examination in another jurisdiction in the category for which registration is sought equivalent to the examination for that category administered in Arizona, shall submit proof of examination directly from the authority that administered the original examination. An applicant seeking professional registration as an architect or landscape architect may take the in-training examination at the same time as the professional examination. An applicant seeking professional registration as an assayer, engineer, geologist, or land surveyor shall pass the applicable in-training examination prior to admission to the professional examination;
 12. Certification that the information provided to the Board is accurate, true, and complete; and
 13. The applicable fee.
- B.** An applicant with at least 96 months of satisfactory education and experience who wishes to sit for the professional examination for architecture, assaying, engineering, geology, landscape architecture or land surveying may submit a combined application for examination and registration which contains the information required in subsection (A) and R4-30-201, and shall pay the applicable fee.
- C.** The Board staff shall review all applications and, if necessary, refer completed applications to an advisory committee for evaluation. If the application for examination is complete and in the proper form and the Board staff or committee is satisfied that all statements on the application are true and that the applicant is eligible to take the examination, the Board staff or committee shall recommend that the Board certify the applicant as eligible to take the examination or as exempt from examination. If for any reason the Board staff or committee is not satisfied that all of the statements on the application are true or that the applicant is eligible in all respects for examination, the Board staff shall make a further investigation of the applicant.
- AD.** ~~All~~ Examinations administered by the Board shall be given at the times and places determined by the Board. Once the Board approves an applicant to sit for ~~any~~ a Board administered examination, the applicant shall communicate all questions and concerns regarding extensions and refunds to the ~~applicable testing agency~~ Board. The applicant shall make any request for additional time or other special examination accommodation to the Board within a reasonable time before the examination date. ~~The Board shall not refund any examination fee paid to a testing agency.~~
- BE.** An applicant who fails to achieve a passing grade on any division of any examination administered by the Board may request re-examination by notifying the Board in writing of the applicant's desire to re-take the examination and paying the appropriate examination fee. An applicant who re-takes any examination shall advise the Board of any changes in the information provided under ~~R4-30-201(B)~~ subsection (A) of this Section and R4-30-202(B) within 30 days from the date of the change. The Board shall close an applicant's file if the Board does not receive written confirmation from the applicant of the applicant's desire to re-take the ~~Board administered~~ examination within one year from the request for re-examination. An applicant whose file has been closed and who later wishes to apply for ~~professional registration examination~~ shall submit a new examination application package to the Board ~~pursuant to R4-30-201 and R4-30-202.~~

Notices of Proposed Rulemaking

- ~~CF.~~ An applicant, except for a home inspector applicant, who has failed any division of ~~an~~ a multi-divisional examination shall be re-examined only on the division failed. ~~The Board shall deny an application if the applicant fails to pass all divisions of an examination within five years after first taking any division of an examination.~~ The applicant shall submit a new application for examination, and retake and pass those divisions of the examination, except the in-training examination, whose results are five or more years old.
- ~~DG.~~ An applicant for a Board administered examination who wishes to review the applicant's examination scores shall file a written request with the Board within 30 days after receiving notification of the failing grade. The applicant may review an examination by making prior arrangements with the staff and paying the applicable fee. The applicant shall complete any review within 60 days of the request for a review. In reviewing multiple choice questions, an applicant may review only those questions that were incorrect.
- ~~EH.~~ An applicant who desires a re-grade of an examination and where applicable, has exhausted all remedies for regrading with the applicable testing agency, shall file a written request with the Board within 30 days after receiving notification of the failing grade or within 30 days after reviewing the examination, whichever is applicable, and pay the applicable fee. The applicant shall identify the questions to be reviewed. The applicant shall state why a review of the item is justified. The applicant shall provide specific facts, data, and references to support any assertion that the solution deserves more credit. The Board shall determine whether it will re-grade the examination ~~or whether it will send the examination to the applicable testing agency for re-grading.~~
- ~~F.~~ If an applicant does not have the required education and experience, the Board may hold the application for a period of time not exceeding one year upon request of the applicant. All time frames adopted pursuant to Title 41, Chapter 6, Article 7.1 are suspended during the above referenced time.
- ~~G.~~ An applicant may withdraw an application for registration or designation by written request to the Board. Any fee paid by the applicant is non-refundable. If an applicant withdraws an application, the Board shall close the file. An applicant whose file has been closed and who later wishes to apply for professional registration or in-training designation shall submit a new application package to the Board pursuant to R4 30 201 and R4 30 202.
- ~~I.~~ Examinations administered by a national council of which the Board is a member or a professional association approved by the Board shall be given at the times and places determined by the testing agency. Once approved to sit for a non-Board administered examination, the applicant shall communicate all questions and concerns regarding extensions, additional time, special accommodation, re-examination and refunds to the applicable testing agency. The Board shall not refund any examination fee paid to a testing agency.
- ~~J.~~ The Board shall deny an application for registration as an architect, assayer, engineer, geologist, landscape architect, or land surveyor if the applicant fails to pass all divisions of the appropriate examination within five years after first taking any division of the examination.

R4-30-214. Architect Registration

- A. An applicant shall provide evidence of successful completion of the National Council of Architectural Registration Boards (NCARB) Internship Development Program (IDP) training requirement or diverse work experience substantially equal to that program that is of a character acceptable to the Board and which includes, but is not limited to, experience in each of the following areas. The total minimum experience shall not be less than 4680 hours and not less than the minimum hours totals for each activity shown below:

<u>Activity</u>	<u>Minimum Hour Totals</u>
1. Programming	<u>80</u>
2. Site and Environmental Analysis	<u>80</u>
3. Schematic Design	<u>120</u>
4. Engineering Systems <u>Coordination</u>	<u>120</u>
5. Building Cost Analysis	<u>80</u>
6. Code Research	<u>120</u>
7. Design Development	<u>320</u>
8. Construction Documents	<u>1080</u>
9. Specifications and Material Research	<u>120</u>
10. Document Checking and Coordination	<u>80</u>
11. Bidding and Contract Negotiation	<u>80</u>
12. Construction Phase – Office	<u>80</u>
13. Construction Phase – Field Observation	<u>120</u>
14. Project Management	<u>120</u>
15. Office Management	<u>80</u>

- B. No change

NOTICE OF PROPOSED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING

PREAMBLE

- | | |
|------------------------------------|---------------------------------|
| 1. <u>Sections Affected</u> | <u>Rulemaking Action</u> |
| R9-10-108 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 36-136(F)

Implementing statute: A.R.S. § 36-405

- 3. A list of all previous notices appearing in the Register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 10 A.A.R. 3838, September 17, 2004

- 4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Kathleen Phillips, Rules Administrator

Address: Department of Health Services
1740 W. Adams, Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

or

Name: Mary Wiley, Assistant Director

Address: Department of Health Services
Division of Licensing Services
150 North 18th Ave.
Phoenix, AZ 85007

Telephone: (602) 364-3066

Fax: (602) 364-4808

E-mail: wileym@azdhs.gov

- 5. An explanation of the rule, including the agency's reasons for initiating the rule:**

A.A.C. R9-10-108, establishing licensing time-frames for health care institution licenses, became effective on August 1, 2002. At the same time 9 A.A.C. 10, Article 1 was revised to include requirements for approvals of architectural plans and specifications, initial and renewal license applications, and a change to a health care institution license and to establish enforcement criteria.

The Department has an entire year of data pertaining to the implementation of the licensing time-frames in R9-10-108 and has determined that 90 calendar days for the Department to conduct a substantive review of a renewal health care institution license application is not sufficient. The complexity of the substantive review, the prioritization of program functions, the sheer volume of renewal health care institution license applications processed by the Department, budgetary constraints, staff turnover and subsequent training time necessary for new staff, and limited resources all contribute to the insufficiency of the licensing time-frame.

During the substantive review the Department conducts an onsite inspection of a functioning health care institution and prepares a statement of deficiencies. These actions can take the Department from half a day to several weeks, dependent on the size of the facility, type of services provided by the facility, availability of facility records, location of the facility, and the level of facility's non-compliance. It is impossible to accurately estimate the time an inspection and subsequent follow-up may take until the inspection is conducted.

In addition, the Department's first priority for inspections is to respond to complaints that allege a threat to the health and safety of a health care institution's patients. Complaint investigations are difficult to predict in terms of the

Notices of Proposed Rulemaking

number of complaints received in a given period of time, complexity of the allegations, and amount of time to inspect and conduct any follow-up including enforcement actions necessary to protect the health and safety of health care institution patients. For example, a licensing surveyor could have an unannounced renewal inspection scheduled in Phoenix when a complaint alleging life-threatening practices is received on a health care institution in Kingman. The licensing surveyor would go to Kingman, do the complaint investigation and any follow-up including, if necessary, enforcement action. During this time, the renewal license inspection is not being completed and the time is being counted against the Department's licensing time-frame.

The Department's second priority is completing the licensing process for an initial health care institution so that the facility can begin operating. Although a health care institution cannot operate until the Department issues a health care institution license to the facility, a licensed health care institution can continue to operate until the Department makes a determination to deny or limit the license if, pursuant to A.R.S. § 41-1064, the facility has submitted a timely and sufficient license renewal application. The Department has determined that completing the initial license process so that a health care institution can begin operating is a higher priority than completing the renewal license process for a health care institution that is already operating and can continue to operate until the Department issues a license denial or limitation on the license.

The Department is also dealing with finite resources. In the example mentioned above, there frequently are no other licensing surveyors available to either investigate the complaint or inspect the licensed health care institutions. In addition, staff turnover has had a serious impact on the Department's ability to accomplish licensing functions. Hiring and training new licensing surveyors directly affects the number of inspections and investigations that can be completed. In order to be effective, training has to include legal issues, inspection and investigative techniques, program-specific requirements, and policies and procedures for licensing. A new licensing surveyor may take up to 1 year to complete the necessary training to be proficient in conducting onsite inspections, complaint investigations, and enforcement actions.

The Department received 591 initial health care institution license applications, 1450 renewal health care institution license applications, and 1951 complaints alleging rule violations in health care institutions in the fiscal year ended June 30, 2004. There were 33 initial licenses issued outside of the licensing time-frame in one licensing program. A total of 591 renewal applications, from the three health care institution licensing programs, were acted on outside the licensing time-frames. Based the factors previously stated, the Department is planning to extend the substantive review time-frame for a renewal health care institution license application from 90 days to 150 days.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review the study, all data underlying each study, and any analysis of the study and other supporting material:

The Department did not review any studies.

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

Not applicable

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

Cost bearers

Increasing renewal licensing time-frames should not result in increased costs for licensed health care institutions. A licensed health care institution is required to submit the application and license fees with the renewal application. The licensed health care institution continues to operate until the Department issues a license denial or limitations on the license. The Department processes the license application and issues a renewal license or denies the renewal application. During fiscal year 2003-2004, the Department issued 1450 health care institution renewal licenses. Of those 1450 renewal licenses, the Department did not meet the licensing time-frames in R9-10-108 for 349 renewal applications and returned \$114,280 in application and licensing fees to licensed health care institutions. Increasing the renewal licensing time-frame will allow the Department to comply with the renewal licensing time-frame requirements and minimize the number of application and licensing fees returned to licensed health care institutions.

Although the Department may return a licensed health care institution's application and licensing fees because the Department did not comply with the licensing time-frames, the licensed health care institution currently bears the cost of submitting application and licensing fees with a renewal health care institution licensing application and the rule does not impose any additional costs.

Beneficiaries

As a result of the rule, the Department expects to collect, retain, and deposit in the general fund approximately \$100,000 more in application and licensing fees on an annual basis. In the fiscal year ending June 30, 2004, the Department returned or did not collect \$114,280 in health care institution renewal application and licensing fees. The rule will extend the licensing time-frame and allow the Department to complete the licensing process within the stated licensing time-frame and retain the application and licensing fees to deposit in the state general fund.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the

Notices of Proposed Rulemaking

economic, small business, and consumer impact statement:

Name: Kathleen Phillips, Rules Administrator

Address: Department of Health Services
1740 W. Adams, Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

E-mail: phillik@azdhs.gov

or

Name: Mary Wiley, Assistant Director

Address: Department of Health Services
Division of Licensing Services
150 N. 18th Ave.
Phoenix, AZ 85007

Telephone: (602) 364-3066

Fax: (602) 364-4808

E-mail: wileym@azdhs.gov

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

The Department has scheduled the following oral proceeding:

Date: November 30, 2004

Time: 2:00 p.m.

Location: 1740 W. Adams, Room 411
Phoenix, AZ 85007

Close of record: 5:00 p.m., November 30, 2004

The Department will accept written comments until the close of record.

Persons with a disability may request a reasonable accommodation by contacting Valerie Grina at grinav@azdhs.gov or (602) 364-2580. Requests should be made as early as possible to allow sufficient time to arrange for the accommodation.

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

None

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follow:

TITLE 9. HEALTH SERVICES

**CHAPTER 10. DEPARTMENT OF HEALTH SERVICES
HEALTH CARE INSTITUTIONS: LICENSING**

ARTICLE 1. GENERAL

Section

R9-10-108. Time-frames

ARTICLE 1. GENERAL

R9-10-108. Time-frames

A. No change

B. No change

Notices of Proposed Rulemaking

- 1. No change
- 2. No change
- 3. No change
- 4. No change
- 5. No change
- C. No change
 - 1. No change
 - a. No change
 - b. No change
 - c. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - a. No change
 - b. No change
 - c. No change
 - 6. No change
 - 7. No change

Table 1

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Time-frame	Substantive Review Time-frame
Approval of architectural plans and specifications R9-10-104	A.R.S. §§ 36-405, 36-406(1)(b), and 36-421	105 days	45 days	60 days
Health care institution initial license R9-10-105	A.R.S. §§ 36-405, 36-407, 36-421, 36-422, 36-424, and 36-425	120 days	30 days	90 days
Health care institution renewal license R9-10-107	A.R.S. §§ 36-405, 36-407, 36-422, 36-424, and 36-425	120 180 days	30 days	90 150 days
Approval of a change to a health care institution license R9-10-109(E)	A.R.S. §§ 36-405, 36-407, and 36-422	75 days	15days	60 days

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

**CHAPTER 3. DEPARTMENT OF PUBLIC SAFETY
TOW TRUCKS**

PREAMBLE

1. Sections Affected

- Article 1
- R13-3-101
- Article 2
- R13-3-201
- R13-3-202
- R13-3-203
- R13-3-204
- Article 3

Rulemaking Action

- Repeal
- Repeal
- Repeal
- Repeal
- Repeal
- Repeal
- Repeal
- Repeal

Notices of Proposed Rulemaking

R13-3-301	Repeal
R13-3-302	Repeal
R13-3-303	Repeal
R13-3-304	Repeal
R13-3-305	Repeal
R13-3-306	Repeal
R13-3-307	Repeal
R13-3-308	Repeal
Article 4	Repeal
R13-3-401	Repeal
R13-3-402	Repeal
Article 5	Repeal
R13-3-501	Repeal
Article 6	Repeal
R13-3-601	Repeal
R13-3-602	Repeal
R13-3-603	Repeal
R13-3-604	Repeal
Article 7	New Article
R13-3-701	New Section
R13-3-702	New Section
Article 8	New Article
R13-3-801	New Section
Article 9	New Article
R13-3-901	New Section
R13-3-902	New Section
R13-3-903	New Section
R13-3-904	New Section
Article 10	New Article
R13-3-1001	New Section
R13-3-1002	New Section
R13-3-1003	New Section
R13-3-1004	New Section
R13-3-1005	New Section
R13-3-1006	New Section
R13-3-1007	New Section
R13-3-1008	New Section
R13-3-1009	New Section
R13-3-1010	New Section
R13-3-1011	New Section
R13-3-1012	New Section
Article 11	New Article
R13-3-1101	New Section
R13-3-1102	New Section
R13-3-1103	New Section
R13-3-1104	New Section
R13-3-1105	New Section
R13-3-1106	New Section
R13-3-1107	New Section
Article 12	New Article
R13-3-1201	New Section
R13-3-1202	New Section
R13-3-1203	New Section
Article 13	New Article
R13-3-1301	New Section
R13-3-1302	New Section
R13-3-1303	New Section

2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 28-1108(D)

Implementing statutes: A.R.S. §§ 28-1108(A) through (F)

3. A list of all previous notices appearing in the Arizona Administrative Register, addressing the proposed rule:

Notice of Rulemaking Docket Opening: 10 A.A.R., 1546 April 16, 2004.

Notices of Proposed Rulemaking

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Sergeant Tim R. Kvochick
Address: P.O. Box 6638
Mail Drop 3016
Phoenix, AZ 85005-6638
Telephone: (602) 602-223-2522
Fax: (602) 223-2980
E-mail: TowTruckUnit@dps.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

This rulemaking is authorized by A.R.S. § 28-1108(D). The rule is being initiated to update regulatory information, tow truck specifications, equipment requirements, tow truck company requirements, sanctions for not following the rules, and the process to appeal sanctions. The rules are primarily for use by tow truck companies, and the Arizona Department of Public Safety.

6. A reference to any study that the agency has reviewed and intends to rely on or does not intend to rely on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material.

None

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

Not applicable

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

These rules impact tow truck companies, members of the motoring public who use tow truck services, the insurance industry, and the Arizona Department of Public Safety. No fee is charged for either the safety inspection or the permit decal. There should be no impact on small tow truck companies because they have been operating under similar rules since 1985.

The rules do not impose a change in business practices nor do they require significant equipment change.

The motoring public, the primary consumer of tow truck services, will benefit by the use of safer equipment and uniformity among tow truck companies. Insurance companies will benefit by paying less money for claims.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Sergeant Tim R. Kvochick
Address: P.O. Box 6638
Mail Drop 3016
Phoenix, AZ 85005-6638
Telephone: (602) (602) 223-2522
Fax: (602) 223-2980
E-mail: TowTruckUnit@dps.state.az.us

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

A video conference oral proceeding to receive public comment will be held. The primary meeting site will be in Phoenix with additional sites in Tucson and Flagstaff.

Date: November 29, 2004.
Time: 8:00 a.m.
Locations: Department of Transportation
Administration Building, Room 186
206 S. 17th Ave.
Phoenix, AZ 85007
Department of Transportation
1221 S. 2nd Ave.
Tucson, AZ 85713
Department of Transportation

1801 S. Milton Road
Flagstaff, AZ 86001

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

None

12. Incorporations by reference and their location in the rules:

Not applicable

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

**CHAPTER 3. DEPARTMENT OF PUBLIC SAFETY
TOW TRUCKS**

ARTICLE 1. GENERAL PROVISIONS REPEALED

Section

R13-3-101. ~~Definitions~~ Repealed

ARTICLE 2. TOW TRUCK PERMITS REPEALED

Section

R13-3-201. ~~Permit required~~ Repealed

R13-3-202. ~~Permit application~~ Repealed

R13-3-203. ~~Inspection by the Department~~ Repealed

R13-3-204. ~~Permit suspension and application refusal~~ Repealed

ARTICLE 3. TOW TRUCK SPECIFICATIONS REPEALED

Section

R13-3-301. ~~Capacities and specifications of towing equipment~~ Repealed

R13-3-302. ~~Tow truck load limitations~~ Repealed

R13-3-303. ~~Prohibition of unauthorized operation~~ Repealed

R13-3-304. ~~Light duty tow trucks~~ Repealed

R13-3-305. ~~Medium duty tow trucks~~ Repealed

R13-3-306. ~~Heavy duty tow trucks~~ Repealed

R13-3-307. ~~Class "X" tow trucks~~ Repealed

R13-3-308. ~~Service trucks~~ Repealed

ARTICLE 4. TOW TRUCK EQUIPMENT SPECIFICATIONS REPEALED

Section

R13-3-401. ~~General tow truck lighting and equipment~~ Repealed

R13-3-402. ~~Tow truck components must be in good operating condition~~ Repealed

ARTICLE 5. QUALIFICATIONS OF TOW TRUCK OPERATORS REPEALED

Section

R13-3-501. ~~Chauffeurs license, skills, and knowledge required~~ Repealed

ARTICLE 6. ENFORCEMENT OF RULES AND REGULATIONS REPEALED

Section

R13-3-601. ~~Revocation or suspension of permit~~ Repealed

R13-3-602. ~~Grounds for suspension of permit~~ Repealed

R13-3-603. ~~Grounds for revocation of permit~~ Repealed

R13-3-604. ~~Appeals from tow truck enforcement action~~ Repealed

ARTICLE 7. DEFINITIONS AND SCOPE

Section

R13-3-701. Definitions

R13-3-702. Scope of Chapter

ARTICLE 8. TOW TRUCK COMPANY REGISTRATION

Section
R13-3-801. Registration

ARTICLE 9. TOW TRUCK REGISTRATION AND ANNUAL TOW TRUCK COMPLIANCE INSPECTION

Section
R13-3-901. Financial Responsibility Requirements for Tow Truck Companies
R13-3-902. Permit Application Form and Procedures
R13-3-903. Change of Ownership
R13-3-904. Annual Safety Inspection by the Department

ARTICLE 10. TOW TRUCK SPECIFICATIONS BY CLASS

Section
R13-3-1001. Light-duty Repossession, Off-highway Tow Truck
R13-3-1002. Light-duty Tow Truck
R13-3-1003. Light-duty Tow Truck with Collision Recovery Capabilities
R13-3-1004. Light-duty Flatbed Tow Truck
R13-3-1005. Light-duty Flatbed Tow Truck with Collision Recovery Capabilities
R13-3-1006. Light-duty Tow Truck-tractor and Semitrailer Combination
R13-3-1007. Medium-duty Tow Truck
R13-3-1008. Medium-duty Flatbed Tow Truck
R13-3-1009. Medium-duty Tow Truck-tractor and Semitrailer Combination
R13-3-1010. Heavy-duty Tow Truck
R13-3-1011. Heavy-duty Flatbed Tow Truck
R13-3-1012. Heavy-duty Tow Truck-tractor and Semitrailer Combination

ARTICLE 11. TOW TRUCK EQUIPMENT REQUIREMENTS

Section
R13-3-1101. Identification Requirements
R13-3-1102. Axle, Wheel and Tire Requirements
R13-3-1103. Brake Requirements
R13-3-1104. Required Equipment
R13-3-1105. Collision Recovery Equipment Requirements
R13-3-1106. Wire Rope Restrictions
R13-3-1107. Cable End Specifications and Installations

ARTICLE 12. REQUIREMENTS OF AGENTS

Section
R13-3-1201. Agent Requirements
R13-3-1202. Requirements for a Tow Truck Company
R13-3-1203. Prohibited Operations

ARTICLE 13. ENFORCEMENT

Section
R13-3-1301. Conditions Warranting Suspension or Revocation of Permit Decal
R13-3-1302. Suspension of Tow Truck Decal
R13-3-1303. Revocation
R13-3-1304. Appeals

ARTICLE 1. GENERAL PROVISIONS REPEALED

R13-3-101. Definitions Repealed

Words and phrases not defined hereinafter shall be consistent with definitions in Title 28, Arizona Revised Statute.

1. "Accident recovery work" means the towing or removal of a vehicle involved in an accident upon any highway or roadway and is damaged to the extent that an investigation by a law enforcement agency is required.
2. "Department" means the Arizona Department of Public Safety.
3. "Director" means the Director of the Department of Public Safety.
4. "Permit" means the Department of Public Safety tow truck permit inspection sticker required on all tow trucks.

5. "Power operated winch" means a winch operated by power including, but not limited to, power take-off, hydraulic, or electric.
6. "Tow truck" means a motor vehicle which is altered or designed for, and used in the business of towing vehicles by means of a flat bed or other specially designed truck that is equipped with a tow sling, tow bar, tow plate or wheel lift apparatus, attached to the rear of the truck; or a crane or hoist that is attached to the bed or frame of the tow truck. Wrecker, garage tow truck, and slide back or roll back car carriers are synonymous and shall be termed "Tow Truck".
7. "Towing service" means the transportation upon the public streets and highways of the state of Arizona of damaged, disabled, unattended or abandoned vehicles together with personal effects and/or cargo by tow trucks. Wrecker service, tow car service, and garage tow truck service are synonymous and shall be termed "Towing Service".

ARTICLE 2. ~~TOW TRUCK PERMITS~~ REPEALED

R13-3-201. ~~Permit required~~ Repealed

A permit of authorization must be obtained from the Department before a tow truck is operated for the purpose of towing vehicles.

R13-3-202. ~~Permit application~~ Repealed

- ~~A.~~ Applications for permits shall be made under oath to the Department of Public Safety in writing upon forms prescribed and furnished by the Department. The application shall contain all information required therein and shall be submitted to the Tow Truck Section, Arizona Department of Public Safety, P.O. Box 6638, Phoenix, Arizona, 85005. The Department shall be notified within ten days of any change of information supplied on the original application.
- ~~B.~~ In filing the application, the applicant expressly agrees, under penalty of suspension or revocation of his/her permit(s), that:
 1. All rules and regulations set forth herein will be followed.
 2. Any person operating a tow truck for his/her company will have the necessary experience and qualifications to operate a tow truck in the manner required by these rules and regulations.
- ~~C.~~ The Department shall issue a permit upon determining that the application was made and filed in good faith, that all submitted information is accurate, that the applicant and the applicant's towing equipment have met the minimum requirement established in law and in these rules and regulations. The Department may deny the application if any of the above conditions are not satisfied.
- ~~D.~~ If at any time a tow truck is sold, leased or otherwise disposed of, the tow truck owner shall notify the Department of the disposition of the truck and the permit issued for said truck shall immediately become null and void. Any person having subsequent control over said truck shall make application to the Department before operating said tow truck as a tow truck within the state.

R13-3-203. ~~Inspection by the Department~~ Repealed

- ~~A.~~ As soon as possible after the tow truck application has been filed, the Department may cause a physical inspection of the tow truck to be conducted. If the tow truck is found to conform to the minimum standards of the class permit requested and the application meets the requirements as set forth in these rules and regulations, and the application is approved, said tow truck shall be issued a permanent identification number by the Director. This identification number shall be affixed inside the cab of the tow truck by the Department inspector.
- ~~B.~~ In addition to the identification number, the tow truck shall be issued an annual permit in the form of an inspection sticker which shall contain such pertinent information as is deemed necessary by the Department. This inspection sticker shall be conspicuously displayed on the outside lower right hand corner of the truck's front windshield.
- ~~C.~~ Annual inspections shall be conducted to determine the condition of the tow truck. A tow truck meeting the minimum standards for its class may be granted a renewal of the permit.
- ~~D.~~ Nothing in these rules shall serve to prohibit any peace officer from conducting an inspection without notice to determine the fitness of a tow truck at any reasonable time and place.
- ~~E.~~ If at any time a tow truck is found to be in need of repair to meet the minimum standards for its class, the annual permit shall be suspended and the tow truck shall be removed from service until such repairs are effected and the tow truck is inspected and recertified by the Department.

R13-3-204. ~~Permit suspension and application refusal~~ Repealed

- ~~A.~~ A tow truck permit may be suspended or an application may be refused for any one or more of the following conditions:
 1. Failure to supply true and accurate information on the permit application and inspection form.
 2. Failure to comply with any of these rules and regulations.
 3. Failure to submit to a tow truck inspection (refer to R13-3-203).
 4. Failure to display on the side of the tow truck, the business name, town and phone number of the tow truck company. The lettering used shall be in bold contrasting colors and at least three inches in height.

ARTICLE 3. ~~TOW TRUCK SPECIFICATIONS~~ REPEALED

R13-3-301. Capacities and specifications of towing equipment Repealed

- A.** The minimum standards for each class of tow truck permits, referred to throughout these rules and regulations, shall be determined solely by the manufacturer's specifications for the capabilities and capacities of the tow trucks and all towing equipment, except that the Department may consider other evidence of such capabilities and capacities when it reasonably believes that the manufacturer's specifications overrate the tow truck's capacity.
- B.** Each tow truck shall be equipped with only those winches and cranes that have been produced and constructed by a manufacturer of such equipment, and which regularly produces winches and cranes of guaranteed quality. However, a winch or crane will not be prohibited by this Section if the tow truck owner submits to the Department certification from one reputable testing laboratory, regularly engaged in the testing of such equipment or similar equipment, indicating that the capacity of the winch or crane is not less than the class for which application has been made. All costs of such testing and certification shall be at the expense of the tow truck owner.

R13-3-302. Tow truck load limitations Repealed

No tow truck shall tow another vehicle unless the tow truck has a manufacturer's rating of 3/4 ton or higher, and the tow truck has been issued the appropriate permit required by these rules and regulations. Trucks with a manufacturer's rating of less than one ton shall not be permitted to do accident recovery work.

R13-3-303. Prohibition of unauthorized operation Repealed

- A.** No person shall stop at the scene of an accident or at or near a disabled vehicle for the purpose of soliciting an engagement for towing service, either directly or indirectly, nor furnish any towing service, unless he/she has been summoned to such scene by the owner or operator of a disabled vehicle or has been requested to perform such services at the request of a law enforcement officer or agency pursuant to that agency's procedures.
- B.** Tow truck operators shall not, without the express authorization of the responsible investigating agency, move any vehicle from a public highway or street or from any public property when such vehicle is abandoned, stolen, damaged, or left unattended, except that, notwithstanding the conditions imposed in R13-3-303(A) of these rules and regulations, operators may, in emergency cases, slide left, right, or otherwise move a vehicle damaged as the result of an accident, if the removal is for the purpose of extracting a person from the wreckage or to remove an immediate hazard to life and/or property. In no event shall the movement be more than is reasonable and necessary.

R13-3-304. Light duty tow trucks Repealed

- A.** At no time shall any light duty tow truck exceed its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly.
- B.** Light duty minimum specifications:
 - 1. A gross vehicle weight rating of at least 8,000 pounds and rated by the manufacturer as one ton or more.
 - 2. A four-speed transmission or the equivalent.
 - 3. A power-assisted service brake system adequate to control the movement of, and to stop and hold the combination of vehicles, under all conditions and on any grade on which they are operated.
 - 4. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.
 - 5. At least dual rear wheels and tires or the equivalent.
- C.** Wrecker (crane) minimum specifications:
 - 1. Total boom capacity of at least four tons.
 - 2. Power-operated winch with a capacity of at least four tons.
 - 3. Hand or electric-powered winches will not be used for accident recovery work.
 - 4. Winch power is determined by a single line pull.
 - 5. At least 100 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.
 - 6. At least 20 feet of 5/16 inch diameter chain with hooks with a safe working load of 1,750 pounds or more.
- D.** Light duty one-car carrier minimum specifications:
 - 1. A gross vehicle rating of at least 8,000 pounds and rated by the manufacturer as one ton or more.
 - 2. A four-speed transmission or the equivalent.
 - 3. A power-assisted service brake system adequate to control the movement of, and to stop and hold the combination of vehicles, under all conditions and on any grade on which they are operated.
 - 4. A parking brake system separate from the service brake system which shall be maintained in good working condition.
 - 5. At least dual rear wheels and tires or the equivalent.
 - 6. A power-operated winch with a capacity of at least four tons with at least 50 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.
 - 7. A bed assembly of at least 3/16 inch steel plate or the equivalent and at least 15 feet in length and at least 7 feet in width.
 - 8. At least 20 feet of 5/16 inch diameter chain with hooks with a safe working load of 1,750 pounds or more.
 - 9. If a tow plate (stinger) is attached to the rear of the tow truck bed or frame and used to raise the wheels of the towed

vehicle off the ground, the stinger must have a tow bar capacity of at least 1,500 pounds.

R13-3-305. Medium duty tow trucks Repealed

- ~~A. At no time shall any medium duty tow truck exceed its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly.~~
- ~~B. Medium duty minimum specifications:~~
- ~~1. A gross vehicle weight rating of at least 15,000 pounds and rated by the manufacturer as 1 1/2 tons or more.~~
 - ~~2. A four-speed transmission or the equivalent.~~
 - ~~3. A power-assisted service brake system adequate to control the movement of and to stop and hold the combination of vehicles under all conditions and on any grade on which they are operated.~~
 - ~~4. When towing vehicles equipped with an air brake system, shall have the equipment necessary to join the air systems together in order to activate the brakes from the cab of the tow truck.~~
 - ~~5. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.~~
 - ~~6. At least dual rear wheels and tires or the equivalent.~~
 - ~~7. At least 35 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.~~
- ~~C. Double boom wrecker (crane) minimum specifications:~~
- ~~1. Total boom capacity of at least ten tons.~~
 - ~~2. Double booms and lines, each to operate jointly and/or independently.~~
 - ~~3. Power-operated winches with a combined capacity of at least ten tons.~~
 - ~~4. At least two winches of not less than five tons each.~~
 - ~~5. Winch power is determined by a single line pull.~~
 - ~~6. At least 150 feet of 3/8 inch diameter wire rope per winch drum with a breaking strength of 12,200 pounds or more.~~
- ~~D. Single boom wrecker (crane) minimum specifications:~~
- ~~1. Boom capacity of at least ten tons.~~
 - ~~2. Boom line winch with a minimum capacity of at least ten tons, with at least 150 feet of 1/2 inch diameter wire rope with a breaking strength of 21,400 pounds or more.~~
 - ~~3. Deck winch minimum capacity of at least ten tons with at least 150 feet of 1/2 inch diameter wire rope with a breaking strength of 21,400 pounds or more.~~
- ~~E. Hydraulic wrecker assemblies minimum specifications:~~
- ~~1. Boom capacity of at least ten tons.~~
 - ~~2. Boom line(s) which operate jointly and/or independently.~~
 - ~~3. Hydraulically operated winches with a combined capacity of at least ten tons, with a deck winch minimum capacity of at least ten tons except that one single boom line winch may be used instead, if it has the capacity of at least ten tons and is used with a deck winch with a minimum capacity of at least ten tons.~~
 - ~~4. At least 150 feet of 3/8 inch diameter wire rope per winch drum with a breaking strength of 12,200 pounds or more.~~
 - ~~5. At least 35 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.~~
- ~~F. Medium duty two car carrier minimum specifications:~~
- ~~1. A gross vehicle weight of at least 15,000 pounds and rated by the manufacturer as two tons or more.~~
 - ~~2. A four-speed transmission or the equivalent.~~
 - ~~3. A power-assisted service brake system adequate to control the movement of, and to stop and hold the combination of vehicles, under all conditions and on any grade on which they are operated.~~
 - ~~4. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.~~
 - ~~5. At least dual rear wheels and tires or the equivalent.~~
 - ~~6. A hydraulically operated winch of at least 6 tons, with at least 50 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.~~
 - ~~7. A bed assembly of at least 1/4 inch steel plate or the equivalent and at least 17 feet in length and at least 7 feet in width.~~
 - ~~8. At least 30 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.~~
 - ~~9. If a tow plate (stinger) is attached to the rear of the tow truck structure and used to raise the wheels of the towed vehicle off the ground, the stinger must have a tow bar capacity of at least 3,500 pounds.~~
- ~~G. Medium duty three car carrier minimum specifications:~~
- ~~1. A gross vehicle weight of at least 22,000 pounds.~~
 - ~~2. A four-speed transmission or the equivalent.~~
 - ~~3. A power-assisted service brake system adequate to control the movement of, and to stop and hold the combination of vehicles, under all conditions and on any grade on which they are operated.~~
 - ~~4. A parking brake system separate from the service brake system which shall be maintained in good working order at all times.~~

Notices of Proposed Rulemaking

5. At least dual rear wheels and tires or the equivalent.
6. A hydraulically operated winch of at least 6 tons, with at least 50 feet of 3/8 inch diameter wire rope with a breaking strength of 12,200 pounds or more.
7. A bed assembly of at least 1/4 inch steel plate or the equivalent and at least 17 feet in length and at least 7 feet in width, a bed assembly over the cab of at least 3/16 inch steel plate or the equivalent and at least 10 feet in length and at least 7 feet in width.
8. At least 30 feet of 3/8 inch diameter chain with hooks with a safe working load of 2,450 pounds or more.
9. If a tow plate (stinger) is attached to the rear of the tow truck structure and used to raise the wheels of the towed vehicle off the ground, the stinger must have a tow bar capacity of at least 3,500 pounds.

R13-3-306. Heavy duty tow trucks Repealed

- A.** At no time shall any heavy duty tow truck exceed its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly, provided that the manufacturer's weights are not in excess of the legal limitations of A.R.S. §§ 28-1008 and 28-1009.
- B.** Heavy duty minimum specifications:
1. A gross vehicle rating of at least 35,000 pounds (usually rated by the manufacturer as 3 1/2 tons).
 2. Tandem rear axles, equipped with dual rear wheels and tires, or the equivalent.
 3. A five-speed main transmission or the equivalent.
 4. A brake system equipped with a truck tractor protection valve.
 5. Full air brakes so constructed and controlled as to permit locking of all rear wheels (air lock).
 6. A dependable parking brake system separate from the service brake system which shall be maintained in good working order at all times.
 7. Required accessories:
 - a. Trailer hitch: pintle hook type or the equivalent.
 - b. one semi trailer converter dolly or fifth wheel mount. Option: If a converter dolly or fifth wheel mount is not owned by the wrecker owner, he must have one immediately available at all times. Documentary proof must be filed with the Department for the above option when the application for permit is filed.
 - c. Chain with hooks meeting the following specifications:
 - i. At least 35 feet of 3/8 inch diameter chain with a safe working load of 2,450 pounds or more.
 - ii. At least 20 feet of 5/8 inch diameter chain with a safe working load of 6,375 pounds or more.
 - d. Air lines: At least 75 feet of auxiliary air lines with the necessary fittings in two sections of appropriate length. These sections will connect to the air supply of the towed vehicle for the purpose of brake application.
- C.** Double boom wrecker (crane) minimum specifications:
1. A total capacity of at least 25 tons.
 2. Double booms and lines each to operate jointly and/or independently.
 3. Power-operated winches combined capacity of at least 25 tons.
 4. At least two winches of at least 12 1/2 tons capacity each.
 5. Winch power is determined by a single line pull.
 6. At least 200 feet of 9/16 inch diameter wire rope with a breaking strength of 27,000 pounds or more.
- D.** Single boom wrecker (crane) minimum specifications:
1. Boom line winch with a minimum capacity of at least 25 tons with at least 200 feet of 3/4 inch diameter wire rope with a breaking strength of at least 51,200 pounds or more.
 2. Deck winch with a minimum capacity of at least 15 tons with at least 200 feet of 5/8 inch diameter wire rope with a breaking strength of at least 33,400 pounds or more.
- E.** Hydraulic wrecker assemblies minimum specifications:
1. Boom capacity of at least 25 tons.
 2. Boom line(s) which operate jointly and/or independently.
 3. Hydraulically operated winches with a combined capacity of at least 25 tons, except that one single boom line winch may be used instead if it has a capacity of at least 25 tons and is used with a deck winch with a minimum capacity of 15 tons.
 4. Double winches on a single boom with a minimum of 200 feet of 5/8 inch diameter wire rope per winch with a breaking strength of 27,000 pounds or more.
 5. A single winch on a single boom with a minimum of 200 feet of 3/4 inch diameter wire rope with a breaking strength of 33,400 pounds or more.
- F.** Heavy duty car carrier minimum specifications:
1. Gross vehicle weight of at least 35,000 pounds, rated by the manufacturer as 3 1/2 tons or more.
 2. Tandem rear axles equipped with dual rear wheels and tires or the equivalent.
 3. A five-speed main transmission or the equivalent.
 4. Full air brakes.

5. Air brakes so constructed and controlled as to permit locking of all rear wheels (air lock).
6. A brake system equipped with truck tractor protection valve.
7. A dependable parking brake system.
8. A hydraulically operated winch with a minimum capacity of ten tons, and at least 50 feet of 7/16 inch wire rope with a breaking strength of 33,400 pounds or more.
9. A bed assembly of at least 3/8 inch steel plate or the equivalent, and at least 21 feet in length and at least 7 feet in width. A bed assembly over the cab of at least 3/16 inch steel plate or the equivalent and at least 10 feet in length and at least 7 feet in width.
10. At least 40 feet of 1/2 inch diameter chain with hooks with a safe working load of 4,240 pounds or more.
11. If a tow plate (stinger) is attached to the rear of the tow truck structure and used to raise the wheels of the towed vehicle off the ground, the tow plate (stinger) must have a tow bar capacity of at least 5,000 pounds.

R13-3-307. Class "X" tow trucks Repealed

- A.** Class "X" tow trucks shall not be used to render assistance or for accident recovery work but may be used for the purpose of towing vehicles from one location to another.
- B.** At no time shall any Class "X" tow truck exceed its manufacturer's gross vehicle weight or the rated capacity of the wrecker assembly.
- C.** Class "X" truck minimum specifications:
 1. A gross vehicle weight rating of at least 7,500 pounds and rated by the manufacturer as a 3/4 ton or more.
 2. A four speed transmission or the equivalent.
 3. Dual rear wheels or the equivalent.
 4. A boom (crane) with a boom capacity of at least three tons and a single line winch capacity of at least three tons.
 5. Wire rope of at least 5/16 inch diameter with a breaking strength of 8,520 pounds or more.
 6. At least 20 feet of 5/16 inch diameter chain with hooks, with a safe working load of 1,750 pounds or more.
 7. Any class X roll back or slideback car carriers must meet the minimum specifications consistent with light, medium or heavy duty classes.
 8. Equipment required is that contained in R13-3-401(E) through (P), (R), (V), (X), (Z), (AA) and R13-3-402.

R13-3-308. Service trucks Repealed

- A.** Service trucks (Class S) shall not be used for accident recovery work but may be used to render assistance to vehicles.
- B.** At no time shall any service truck exceed its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly.
- C.** Service truck minimum specifications:
 1. A gross vehicle weight rating of at least 7,500 pounds and rated by the manufacturer as a three-quarter ton or more.
 2. A four speed transmission or the equivalent.
 3. Dual rear wheels or the equivalent.
 4. A boom (crane) with a:
 - a. Boom capacity of at least three tons and single line winch capacity of at least three tons.
 - b. Wire rope shall be at least 5/16 inch diameter with a breaking strength of at least 8,520 pounds or more.
 - e. At least 20 feet of 5/16 inch diameter chain with hooks with a safe working load of 1,750 pounds or more.
 5. Accessories. Refer to R13-3-401 and R13-3-402 under General Tow Truck Lighting & Equipment Specifications for complete list of accessories required.

ARTICLE 4. TOW TRUCK EQUIPMENT SPECIFICATIONS REPEALED

R13-3-401. General tow truck lighting and equipment Repealed

- A.** Tow trucks shall comply with lighting and equipment requirements for trucks contained in Title 28, A.R.S. Additional equipment requirements relating specifically to tow trucks are contained in the following pages. If more detailed information is needed, a copy of Title 28, A.R.S. may be purchased from the Motor Vehicle Division of the Arizona Department of Transportation.
- B.** Warning lamps & lights required: Warning lights are to be used only at the scene of the service or in towing a vehicle which is damaged to the extent that it presents a hazard to other users of the street or highway. No red light shall be visible from in front of a vehicle.
 1. Flashing type lamps. (Emergency top mount lights):
 - a. The color shall be amber to the front, amber or red to the rear with at least two lamps of at least 6 inches in diameter having a lens surface of at least 28.26 square inches each.
 - b. These lamps are to be mounted as high as practical and with their light visible from the front and rear for a distance of 500 feet under normal atmospheric conditions.
 2. Warning lamps may be wired independently or in conjunction with stop and signal lamps. If tail lamps are also incorporated, then either a separate bulb or a double contact type bulb shall be used.

Notices of Proposed Rulemaking

- C.** A rotating beacon may be used in lieu of the two flashing lamps.
 - 1. At least one beacon is required with amber lens or amber to the front and red to the rear.
 - 2. The beacon shall be mounted as high as practical with its light visible for 360 degrees for a distance of 500 feet under normal atmospheric conditions.
 - 3. Each beacon shall have at least four seal beams or at least two beacons with two seal beams each.
 - 4. The lens size of the beacon shall be at least 9 inches in diameter at its narrowest point, and 5 inches in height with a lens surface of 141.2 square inches. Two smaller beacons may be used only if the total square inches of both at least equal that required of the one above.
 - 5. Beacons shall be wired independently of all other electrical circuits.
 - 6. Strobe lights may be used in lieu of rotating beacons or flashing lights.
- D.** Work lamps:
 - 1. The lens shall be clear.
 - 2. The lens' diameter shall be at least four inches in diameter.
 - 3. There shall be at least two work lamps used in the system.
 - 4. Lamps shall be mounted so as to illuminate the area directly behind the tow truck for a distance of at least 50 feet.
 - 5. Work lamps shall be wired so they are not dependent on the position of the gear shift.
 - 6. Work lamps shall not be in operation while the tow truck is in forward motion.
- E.** Portable tail, stop and signal lamps required:
 - 1. At least two separate lamps with mounting brackets or mounting clips.
 - a. The lens shall be red in color.
 - b. The lens' diameter shall be at least three inches each.
 - 2. Connections shall be made with suitable male and female connectors and flexible rubber or plastic cord. The portable lamps may be wired permanently to the truck's electrical system if a suitable bracket for both cord and lamp is provided.
 - a. All cord shall be measured from rear of tow truck.
 - i. Light duty, service duty, and Class "X": cord length of at least 25 feet.
 - ii. Medium duty: cord length of at least 30 feet.
 - iii. Heavy duty: cord length of at least 75 feet.
 - b. Lamp cords shall be flexible rubber or plastic containing at least four conductors of at least 16 gauge in a single manufactured cable. Single wires taped together are prohibited.
 - 3. Additional portable lamps required on heavy duty tow trucks.
 - a. Clearance lamps shall be incorporated with the portable lamp system and shall be mounted on the sides at the rear of a towed vehicle.
 - b. Clearance lamps shall have red lens and shall be of the type with a visibility range of at least 180 degrees.
 - c. Clearance lamps may be permanently wired to the portable lamp system or may be connected with suitable male and female electrical connectors to the tow truck system.
 - d. Electrical ground connections shall be made through the power supply cable in all portable lamp systems. Systems dependent on a towed vehicle for grounding are not acceptable.
- F.** Use of portable lamps:
 - 1. Tow truck operators are required to affix two tail lights, two stop lights and two signal lights to the rear-most vehicle of any train of vehicles any time of day or night that the vehicles are towed or operated, on any street or highway.
 - 2. When a combination of vehicles is operated during the time that lighted lamps are required, there shall be exhibited on the rear of any towed vehicles at least two red tail lights.
- G.** Head lamps: See A.R.S. § 28-924.
- H.** Tail lamps: See A.R.S. § 28-925.
- I.** Reflectors: See A.R.S. §§ 28-926, 28-929, and 28-932.
 - 1. All tow trucks shall have reflectors and clearance lamps on the front, sides and rear as required as by A.R.S. §§ 28-926, 28-929, and 28-932.
 - 2. Color mounting and visibility of reflectors, clearance lamps and sidemarker lamps shall be consistent with A.R.S. §§ 28-931, 28-932, and 28-933.
- J.** Stop lamps: two See A.R.S. § 28-927. Meeting with specifications outlined under A.R.S. § 28-93(A)(1).
- K.** Directional signals: See A.R.S. § 28-939.
 - 1. All tow trucks are required to be equipped with electrical flashing directional signals.
 - 2. Directional signals shall be connected in a manner so as to permit "4 way" flash.
- L.** Horns: See A.R.S. § 28-954.
- M.** Mufflers: See A.R.S. § 28-955.
- N.** Mirrors: See A.R.S. § 28-956.
 - 1. All tow trucks are to be equipped with two side rear vision mirrors, one at each side.
 - 2. The minimum size per mirror surface is 24 square inches.

- ~~O.~~ Windshield and windshield wipers: See A.R.S. § 28-957.
- ~~P.~~ Certain vehicles must carry flares or other warning devices, i.e. three red fuses (15 minutes), three electric lanterns or three portable reflectors. See A.R.S. § 28-960.
- ~~Q.~~ Clearance lamps and side reflectors:
 - 1. All tow truck assemblies, regardless of their width, shall have clearance lamps and side reflectors as described in A.R.S. § 28-929(2).
 - 2. Two amber cab clearance lamps are required, showing amber to the front and mounted on the outside edge of the cab.
 - 3. Color, mounting, and visibility of reflectors, clearance lamps, and sidemarker lamp shall be consistent with A.R.S. §§ 28-931, 28-932, and 28-933.
- ~~R.~~ Rear fender splash guards: See A.R.S. § 28-958.01.
- ~~S.~~ Shovel and broom:
 - 1. All tow trucks shall have as part of their equipment a shovel and a broom, kept in good condition.
 - 2. The shovel shall be at least a No. 2 and shall be a square point type.
 - 3. The broom shall be a push broom and have at least a 14-inch head.
- ~~T.~~ Oil absorbing material: All trucks operated in metropolitan areas shall have the following: Sand or a commercial oil and grease absorbent, or at least 1155 cubic inches of material or the equivalent of a five-gallon can of material which can be carried in a weatherproof container.
- ~~U.~~ Electric lantern or flashlight: All tow trucks shall have at all times in good working condition a battery powered electric lantern, or a two-cell flashlight in lieu of an electric lantern.
- ~~V.~~ Fire extinguishers: Each tow truck shall be equipped with either:
 - 1. A fire extinguisher having an Underwriters Laboratories rating of 5 B:C or more, or
 - 2. Two fire extinguishers, each of which has an Underwriters Laboratories rating of 4 B:C or more.
- ~~W.~~ Steering wheel clamp: A steering wheel clamp or its equivalent shall be of sufficient strength to adequately lock the steering mechanism of a towed vehicle in a straight forward position.
- ~~X.~~ Tow sling or tow plate:
 - 1. Every tow truck shall be equipped with a tow sling, plate or bar, that is structurally adequate for any weight drawn. Slings or plates shall be properly and securely mounted on the tow truck without excessive slack.
 - 2. The tow plates, slings and tow bears shall be securely attached to the tow vehicle by means of chains and hooks. Attachment chains will have a capacity equal to the weight of the towed vehicle. At least two chains shall be used.
 - 3. There shall be one snatch block of matched size to the rating of the wrecker assembly.
- ~~Y.~~ Attachment chains ("J" hooks):
 - 1. Every towed vehicle shall be coupled to the tow truck with attachment chains of a structural strength equal to the gross weight of the towed vehicle.
 - 2. Attachment chains shall be securely attached to the towing and towed vehicle with no more slack left in the chain or cable than is necessary to permit proper turning.
- ~~Z.~~ Tire chains (skid chains):
 - 1. Tow trucks are to be equipped with one set of tire chains for at least one driving wheel on each side whenever ice or snow makes driving conditions hazardous.
 - 2. Chains shall be maintained in good condition.
- ~~AA.~~ Tire equipment:
 - 1. Tires supporting the tow truck should be of such size and ply that the sum of their capacity as shown by the particular manufacturer shall at least equal the gross laden weight of the tow truck.
 - 2. Tire wear and replacement:
 - a. No tow truck shall be operated on any tire that has fabric exposed through the tread or sidewall.
 - b. Any tire on the front wheels of the tow truck shall have a tread groove pattern depth of at least 4/32 of an inch when measured at any point on a major tread groove.
 - c. Except as provided in subparagraph (b) of this Section, tires shall have a tread groove pattern depth of at least 2/32 of an inch when measured at any point on a major tread groove.
 - d. The Department tow truck inspector shall make the final decision concerning any question arising under this Section.

R13-3-402. ~~Tow truck components must be in good operating condition~~ Repealed

All tow truck components (i.e., winches, booms, cables, cable clamps, thimbles, sheaves, guides, controls, blocks, slings, chains, hooks, and hydraulic components), are to be maintained in good condition at all times. Cable fittings for hooks, slings, etc., shall be assembled by factory recommendations and specifications. All portable equipment (i.e., shovel, broom, reflectors, flashlights, fire extinguisher, etc.), shall be permanent accessories and be available on the truck at all times.

ARTICLE 5. ~~QUALIFICATIONS OF TOW TRUCK OPERATORS~~ REPEALED

R13-3-501. ~~Chauffeurs license, skills, and knowledge required~~ Repealed

Notices of Proposed Rulemaking

- A.** No tow truck owner shall operate or permit anyone to operate a tow truck until the following requirements are fulfilled:
 - 1. Tow truck operators shall have a valid Class "4" or "5" Arizona Chauffeurs license. A.R.S. § 28-414(B).
 - 2. Every operator shall be competent by reason of experience or training to safely operate the type of tow truck or tow trucks allowed by permit.
 - 3. Every operator shall possess the knowledge and ability to rig, move, pick up and transport vehicles without increasing the original damage insofar as possible.
 - 4. Every operator shall be free from the influence of alcoholic beverages, narcotics, or dangerous drugs when on duty.
 - 5. No tow truck company or individual shall operate a tow truck without displaying proof of current insurance in accordance with A.R.S. §§ 28-1251, 28-1253, 28-1255. The tow truck company shall submit proof of current insurance to the Department of Public Safety upon demand.
- B.** Every owner and operator shall be familiar with the laws and rules and regulations pertaining to tow trucks.

ARTICLE 6. ENFORCEMENT OF RULES AND REGULATIONS REPEALED

R13-3-601. Revocation or suspension of permit Repealed

- A.** Any person who violates any rule or Regulation herein may have his or her tow truck permit(s) revoked or suspended by the Director or his authorized subordinate. Such action shall be pursuant to the provisions of A.R.S. § 41-1013.
- B.** In cases where, in the opinion of the Director or his representative, there is a compelling public necessity, the Director or his authorized representative may waive the enforcement of any of these rules and regulations, but all such waivers shall be treated separately for each party and each rule or regulation, and there shall be no collective waivers.

R13-3-602. Grounds for suspension of permit Repealed

A tow truck permit may be suspended for up to one year under the following conditions:

- 1. If the owner or operator violates any rule or regulation herein which does not warrant revocation. The period of suspension shall be determined according to the severity and frequency of the violation.
- 2. If the owner knowingly continues to employ an operator who has been convicted of more than two moving violations under A.R.S. Title 28 during a one year period. The suspension shall be for a period of one year from the date of the third conviction. There shall be no suspension for a violation of this Section unless it is proven that the owner knew or should have known of the operator's convictions.

R13-3-603. Grounds for revocation of permit Repealed

A tow truck permit may be revoked under the following conditions:

- 1. If, while engaged in the operation of a tow truck, an owner or operator is convicted of A.R.S. § 28-692 (driving while under the influence of narcotics, dangerous drugs or intoxicating beverages) or A.R.S. § 28-693 (reckless driving), or has had his/her license to drive suspended under A.R.S. § 28-691 (Implied Consent Law), A.R.S. § 28-473 (License Suspension or Revocation) or A.R.S. § 28-1203 (Suspended, No Insurance, FR).
- 2. If it is discovered that a permit was issued on information supplied by the applicant that the applicant knew or should have reasonably known was false or inaccurate.
- 3. If the owner or operator refuses to make prompt restitution for any avoidable damage caused by his failure to comply with R13-3-501(A)(3) of these rules and regulations.
- 4. If the owner or an operator habitually violates any rule or Regulation herein or A.R.S. § 9-499.05.

R13-3-604. Appeals from tow truck enforcement action Repealed

- A.** Any person who has had a permit denied, or who has suffered any penalty under these rules and regulations, shall have the right to a hearing. A temporary suspension of operation pursuant to Section R13-3-203(E) is not a penalty, and no hearing shall be provided for the persons affected.
- B.** The hearing shall be conducted pursuant to A.R.S. §§ 41-1009, 41-1010, 41-1011, and 41-1013.
- C.** The Director or his authorized representative may, at his discretion, combine requests for hearings into one hearing where there are common parties or issues.
- D.** The hearing shall be conducted by a tow truck hearing board, comprised of the following members: Chairman—Commander of the Special Services Division of the Department, the affected District Commander of the Department, and one representative of the tow truck industry currently permitted and engaged in the business of towing, to be appointed by the Director.
- E.** Any notice required to be given to any party or person shall be in writing pursuant to A.R.S. § 41-1009. Such notice shall be deemed sufficient and complete when deposited in the United States mail, addressed to the last known address of the party to receive the notice as evidenced by the most recent application on file with the Department.
- F.** Within 35 days after the date of the final decision rendered in any hearing, an appeal may be taken to the Superior Court of the county in which any of the conditions of A.R.S. § 12-905(B) apply. Appeals to the Superior Court shall be governed by the provisions of A.R.S. § 12-901 et seq.

ARTICLE 7. DEFINITIONS AND SCOPE

R13-3-701. Definitions

A. The definitions in A.R.S. §§ 28-101 and 41-1701 apply to this Chapter.

B. In this Chapter:

1. "Agent" means an individual who operates a tow truck on behalf of a tow truck company, and includes owners, individuals employed by the tow truck company, and independent contractors.
2. "Alter" means adding, modifying, or removing any equipment or component after a tow truck has received a permit decal from the Department, in a manner that may affect the operation of the tow truck, compliance with A.R.S. § 28-1108 and this Chapter, or the health, safety, or welfare of any individual.
3. "Bed assembly" means the part of a tow truck that is located behind the cab, is attached to the frame, and is used to mount a boom assembly, hoist, winch, or equipment for transporting vehicles.
4. "Boom assembly" means a prefabricated device, consisting of sheaves, one or more winches, and wire rope, that is attached to a tow truck and used to lift or tow another vehicle.
5. "Collision" means an incident involving one or more moving vehicles resulting in damage to a vehicle or its load.
6. "Collision recovery" means initial towing or removing a vehicle involved in a collision from the collision scene.
7. "Department" means the Arizona Department of Public Safety.
8. "Director" means the Director of the Arizona Department of Public Safety or the Director's designee.
9. "Emergency brake" means the electrical, mechanical, hydraulic, or air brake components used to slow or stop a vehicle after a failure of the service brake system.
10. "Flatbed" means an open platform that is located behind the cab and attached to the frame of a truck.
11. "G.V.W.R" means Gross Vehicle Weight Rating; the value specified by the manufacturer of a tow truck as the maximum total combined weight of the tow truck and its load.
12. "Hook" means a steel hook attached to an end of a wire rope or chain.
13. "Inactive tow truck" is any time a tow truck is found to be in need of repair to meet the minimum standards of its class. Such status requires a tow truck company to remove the specified tow truck from service until repairs are completed and the tow truck is inspected and re-certified by the Department. Inactive status is not considered a suspension or revocation of a tow truck permit.
14. "Parking brake system" means the electrical, mechanical, hydraulic, or air brake components used to hold the tow truck or combination under any condition of loading to prevent movement when parked.
15. "Permit decal" means the non-transferable decal that a tow truck company is required to obtain from the Department before operating a tow truck for the purpose of towing a vehicle.
16. "Power-assisted service brake system" means a service-brake system that is equipped with a booster to supply additional power to the service-brake system by means of air, vacuum, electric, or hydraulic pressure.
17. "Power-operated winch" means a winch that is operated by electrical, mechanical, or hydraulic power.
18. "Revocation" is the action taken to rescind Department approval to operate all tow trucks after the Department determines that the tow truck agent is not in compliance with one or more regulations.
19. "Service-brake system" means the electrical, mechanical, hydraulic, or air brake components used to slow or stop a vehicle in motion.
20. "Snatch block" means a metal case that encloses one or more pulleys and can be opened to receive a wire rope and redirect energy from a winch to a towed vehicle.
21. "Steering wheel clamp" means a device used to secure in a fixed position the steering wheel of a vehicle being towed.
22. "Suspension" is the temporary withdrawal of the tow truck permit decal because the Department determines the tow truck and/or agent is not in compliance with one or more regulations.
23. "Tow bar" means a device attached to the rear of a tow truck to secure a towed vehicle to the tow truck by chains or hooks.
24. "Tow plate" means a solid metal support attached to the rear of a tow truck to secure a towed vehicle to the tow truck by chains or hooks.
25. "Tow sling" means two or more flexible straps attached to the boom assembly of a tow truck to hoist a towed vehicle by chains or hooks.
26. "Tow truck" means a motor vehicle designed, manufactured, or altered to tow or transport one or more vehicles. The following vehicles are tow trucks:
 - a. A truck with a flatbed equipped with a winch;
 - b. A truck drawing a semi-trailer or trailer equipped with a winch;
 - c. A motor vehicle that has a boom assembly or hoist permanently attached to its bed, or frame;
 - d. A motor vehicle that has a tow sling, tow plate, or tow bar, under-lift, or wheel-lift permanently attached to the rear of the vehicle; and
 - e. A truck-tractor drawing a semi-trailer equipped with a winch.
27. "Tow truck company" means a company or other private entity that owns, leases, or operates a tow truck that travels on a street or highway to transport a vehicle, including, but not limited to vehicles that are damaged, disabled, unattended, repossessed, or abandoned vehicle.

Notices of Proposed Rulemaking

28. “Truck-tractor protection valve” means a device that supplies air to the service brake system of a trailer to release the service brakes while the trailer is being towed by a truck-tractor, or to activate the service brakes if the supply of air from the truck-tractor to the trailer is disconnected or depleted.
29. “Under-lift” means an electrical, mechanical, or hydraulic device attached to the rear of a tow truck used to lift the front or rear of a vehicle by its axles or frame.
30. “Vehicle” means a device as described in A.R.S. § 28-101.53.
31. “Wheelbase Measurement” means the distance, in inches, from the center of the front axle to the center of the rear-most axle.
32. “Wheel lift” means an electrical, hydraulic, or mechanical device attached to the rear of a tow truck used to lift the front or rear of a vehicle by its tires or wheels.
33. “Winch” means a device used for hoisting, hauling, or pulling.
34. “Wire rope” means flexible, steel wire strands that are twisted or braided together and may surround a hemp or wire core.
35. “Work lamp” means a lighting system that is mounted on a tow truck capable of illuminating an area to the rear of the tow truck.

R13-3-702. Scope of Chapter

This Chapter applies only to a tow truck company and/or its agents.

ARTICLE 8. TOW TRUCK COMPANY REGISTRATION

R13-3-801. Tow Truck Company Registration

- A.** Before a tow truck can be operated for the purpose of towing vehicles, an agent of a tow company must register with the Arizona Department of Public Safety Tow Truck Unit, as follows:
 1. Completion of the registration form by including the following information:
 - a. The name, address, and telephone number of the tow truck company;
 - b. The tow truck owner’s name, address, telephone number, date of birth and social security number. If the owner is a corporation, the corporation’s name, address, and telephone number;
 2. Obtaining the minimum limits of financial responsibility required by A.R.S. §§ 28-4009, 28- 4032, 28-4033, and 28-4135, as applicable, for each tow truck owned, leased, or operated by the company;
 3. Certifying by signature under penalty of suspension or revocation of the permit decal(s) that the tow truck company and all persons operating the tow truck shall:
 - a. Follow all rules and regulations set forth herein, and
 - b. Have the necessary experience and qualifications to operate a tow truck in the manner required by these rules.
- B.** The agent of the tow truck company shall submit the completed registration form and proof of financial responsibility in person to the Department.
 1. A completed registration form shall include:
 - a. Proof of financial responsibility. A Certificate of Insurance shall be used as proof of financial responsibility. The Certificate of Insurance shall include:
 - i. Name of the insured;
 - ii. Name of insurance issuer;
 - iii. Name, address, and telephone number of the insurance issuer;
 - iv. Policy number;
 - v. Vehicle year, make and vehicle identification number for issued policy;
 - vi. Date on which the policy expires; and
 - vii. Amount of coverage.
 - b. The signature of the tow truck company agent shall be notarized or the agent shall sign the application in the presence of a Department officer.
- C.** Any time information provided on the original registration form changes, the tow truck company agent shall submit a new registration form to the Department within 10 calendar days of the change. Failure to notify the Department of such change may result in suspension and/or revocation of a tow truck permit.

ARTICLE 9. TOW TRUCK REGISTRATION AND ANNUAL TOW TRUCK COMPLIANCE INSPECTION

R13-3-901. Tow Truck Registration

- A.** A tow truck company shall obtain an identification number for each tow truck owned, leased, or operated by the company before operating the tow truck to tow a vehicle.
- B.** A tow truck company shall apply for an identification number by completing the Department’s tow truck inspection application. The application shall be obtained from the Department’s Tow Truck Unit in Phoenix or at other locations designated by the Department. The signature of the owner or an agent of the tow truck company shall be notarized, or the owner or agent shall sign the application in the presence of a Department officer.

R13-3-902. Inspection by the Department

- A.** A tow truck shall be inspected for compliance by the Department:
1. As soon as possible after the tow truck registration has been filed;
 2. On an annual basis for each tow truck owned, leased or operated by a tow truck company or individual operator starting with the month indicated on the tow truck company registration form as determined by the Department;
 3. Upon demand of any peace officer.
- C.** Any time a tow truck is found to be in need of repair to meet the minimum standards of its class, the tow truck agent shall place the truck in inactive status until repairs are completed.
- D.** When tow truck inspections are necessary, the tow truck agent will schedule an appointment with the Department for such inspection.
1. Department inspectors shall examine the tow truck for compliance with the safety requirements and specifications for the tow truck class defined by these rules.
 2. At the conclusion of the inspection, the Department shall decide whether the tow truck conforms to the minimum standards of the class permit requested.
 - a. If the Department finds the tow truck does comply with these standards, it will issue a permit decal and inspection report that:
 - i. Specifies the deficiencies found;
 - ii. Recommends corrective measures;
 - iii. Details the time-frame which is available to the tow truck agent to correct the deficiencies.
 - b. If the Department finds the tow truck does not comply with these standards, it will issue an inspection report that:
 - i. Specifies the deficiencies found;
 - ii. Recommends corrective measures;
 - iii. Details the time-frame which is available to the tow truck agent to correct the deficiencies.
- B.** The tow truck company shall request an appointment for its annual inspection within 30 calendar days prior to the permit expiration date.
- C.** A legible copy of the most recent tow truck inspection report shall be kept in the driver's compartment area of the applicable tow truck and be available for review upon demand by any highway patrol or a peace officer. Failure to do so is cause for suspension and/or revocation of a tow truck permit decal.
1. Tow truck permit decals and identification numbers are individually issued to each approved tow truck.
 - a. Permit decals shall be affixed to the lower outside right corner of the tow truck's windshield.
 - b. Identification numbers shall be affixed to the driver's compartment area.
 - c. Failure to maintain a permit decal and/or identification number is cause for suspension and/or revocation of a tow truck permit.
 2. If a tow truck inspection report, permit decal or identification number is lost, damaged, destroyed, or stolen the tow truck company shall immediately notify the Department.
 - a. Notification shall be made in writing to Arizona Department of Public Safety, Tow Truck Unit, P.O. Box 6638, Phoenix, AZ 85005-6638 and include the name of the tow truck agent and the number of the lost, damaged, destroyed, or stolen permit decal and/or identification number decal.
 - b. Upon receipt of such notification, the Department shall issue the appropriate documentation and affix a replacement permit decal(s).

R13-3-903. Changes in Ownership

- A.** If at any time a tow truck is sold, leased or otherwise disposed of, the permit decal issued to said tow truck immediately becomes void.
1. Prior to sale, lease or other disposal of a tow truck, an agent of the tow truck company shall remove and destroy the permit decal.
 2. Within 10 calendar days following the sale, lease or other disposal of the tow truck, an agent of the tow truck company shall notify the Department in writing of such action. The notice shall include:
 - a. Date on which ownership changed or truck was disposed of;
 - b. Whether the truck was sold, or method and reason for other disposal;
 - c. Name of person who sold or disposed of the truck;
 - d. Name and address of person or corporation that purchased the truck; and
 - e. Identification number of tow truck that was sold, leased or disposed of.
 3. Any person having subsequent control over said tow truck must complete the registration and inspection process before operating the tow truck within the State.

ARTICLE 10. TOW TRUCK SPECIFICATIONS BY CLASS

The tow truck company shall ensure that all tow trucks operated meet the applicable class specification, as follows. Failure to ensure such specifications is cause for suspension and/or revocation of tow truck permit decals.

R13-3-1001. Light-duty Repossession Off-highway Tow Truck

A light-duty repossession off-highway tow truck shall have:

1. A minimum G.V.W.R. of 8,600 pounds;
2. A boom assembly with a minimum lifting capacity of 8,000 pounds, if the tow truck uses a boom assembly;
3. A power-operated winch with a minimum lifting capacity of 8,000 pounds with a 3/8-inch diameter wire rope and a minimum breaking strength of 12,200 pounds, if the tow truck has a power-operated winch;
4. A wheel-lift or under-lift with a minimum lifting capacity of 2,500 pounds when the lift is fully extended, if the tow truck has a wheel-lift or under-lift;
5. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1104(E)(9), if the tow truck is equipped with a tow sling, tow plate, or tow bar;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
8. Brakes that meet the requirements of R13-3-1103.

R13-3-1002. Light-duty Tow Truck

A light-duty tow truck shall have:

1. A minimum G.V.W.R. of 10,000 pounds;
2. A boom assembly with a minimum lifting capacity of 8,000 pounds, if the tow truck uses a boom assembly;
3. A power-operated winch with a minimum lifting capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a minimum breaking strength of 12,200 pounds, if the tow truck has a power-operated winch;
4. A wheel-lift or under-lift with a minimum lifting capacity of 2,500 pounds when fully extended, if the tow truck has a wheel-lift or under-lift;
5. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1104(E)(9), if the tow truck is equipped with a tow sling, tow plate, or tow bar;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
8. Brakes that meet the requirements of R13-3-1103.

R13-3-1003. Light-duty Tow Truck with Collision Recovery Capabilities

A light-duty tow truck with collision recovery capabilities shall have:

1. A minimum G.V.W.R. of 15,000 pounds;
2. A boom assembly with a minimum lifting capacity of 8,000 pounds if the tow truck uses a boom assembly;
3. A power-operated winch with a minimum lifting capacity of 8,000 pounds and a minimum of 3/8-inch diameter wire rope with a minimum breaking strength of 12,200 pounds if the tow truck uses a power-operated winch;
4. A wheel-lift or under-lift with a minimum lifting capacity of 3,000 pounds when fully extended if the tow truck uses a wheel-lift or under-lift;
5. Tow sling, tow plate, or tow bar that meets the requirements of R13-3-1104(E)(9) if the tow truck is equipped with tow sling, tow plate, or tow bar;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
8. Brakes that meet the requirements of R13-3-1103.

R13-3-1004. Light-Duty Flatbed Tow Truck

A. A light-duty flatbed tow truck shall have:

1. A minimum G.V.W.R. of 10,000 pounds;
2. A power-operated winch with a minimum lifting capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a minimum breaking strength of 12,200 pounds;
3. A bed assembly with a minimum distributed load capacity of 7,500 pounds;
4. A wheel-lift or under-lift with a minimum lifting capacity of 3,000 pounds if equipped with a wheel-lift or under-lift;
5. Chains or straps and hooks that meet the requirements of R13-3-1104;
6. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
7. Brakes that meet the requirements of R13-3-1103.

B. Unless the G.V.W.R. is 15,001 pounds or more, a light-duty tow truck with flatbed shall not have a wheel-lift, under-lift, tow sling, tow plate, or tow bar.

R13-3-1005. Light-duty Flatbed Tow Truck with Collision Recovery Capabilities

A light-duty flatbed tow truck with collision recovery capabilities shall have:

1. Minimum G.V.W.R. of 15,000 pounds;
2. A power operated winch with a minimum lifting capacity of 8,000 pounds, and 50 feet of 3/8-inch diameter wire rope with a minimum breaking strength of 12,200 pounds;
3. A bed assembly with a minimum distributed load capacity of 7,500 pounds;
4. A wheel-lift or under-lift with a minimum lifting capacity of 3,000 pounds if equipped with a wheel-lift or under-lift;
5. Tow plate or tow bar that meets requirements of R13-3-1104(E)(9) if equipped with a tow plate or tow bar;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
8. Brakes that meet the requirements of R13-3-1103.

R13-3-1006. Light-duty Tow Truck-tractor and Semi-trailer Combination

A light-duty tow truck tractor and semi-trailer combination shall have:

1. Minimum G.V.W.R. of 8,600 pounds for truck or truck-tractor;
2. Minimum G.V.W.R. of 7,500 pounds for a semi-trailer;
3. A power-operated winch with a minimum lifting capacity of 8,000 pounds of 3/8-inch diameter wire rope with a minimum breaking strength of 12,200 pounds;
4. Chains or straps and hooks that meet the requirements of R13-3-1104;
5. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
6. Brakes that meet the requirements of R13-3-1103 and A.R.S. § 28-952(A).

R13-3-1007. Medium-duty Tow Truck

A medium-duty tow truck shall have:

1. Minimum G.V.W.R. of 23,500 pounds;
2. A boom assembly with a minimum lifting capacity of 28,000 pounds;
3. If equipped with two winches, each with a minimum line-pull capacity of 14,000 pounds and consisting of a 7/16 inch diameter wire rope with minimum breaking strength of 16,540 pounds;
4. If equipped with one winch, a minimum line-pull capacity of 28,000 pounds and consisting of a 9/16-inch diameter wire rope with a minimum breaking strength of 27,000 pounds;
5. A wheel-lift or under-lift with a minimum lifting capacity of 6,000 pounds when the lift is fully extended, if the tow truck has a wheel-lift or under-lift;
6. Tow sling, tow plate, or tow bar that meets the requirements of R13-3-1104(E)(9), if so equipped;
7. Chains or straps and hooks that meet the requirements of R13-3-1104;
8. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
9. Brakes that meet the requirements of R13-3-1103.

R13-3-1008. Medium-duty Flatbed Tow Truck

A medium-duty flatbed tow truck shall have:

1. Minimum G.V.W.R. of 23,500 pounds;
2. Power-operated winch with a minimum line pull capacity of 10,000 pounds and consisting of a 7/16-inch diameter wire rope with a minimum breaking strength of 16,540 pounds;
3. A bed assembly with a minimum distributed load capacity of 15,000 pounds;
4. A wheel-lift or under-lift with a minimum lifting capacity of 6,000 pounds, if so equipped;
5. Tow plate or tow bar that meets the requirements of R13-3-1104(E)(9) if the tow truck has a tow plate or tow bar;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
8. Brakes that meet the requirements of R13-3-1103.

R13-3-1009. Medium-duty Tow Truck-tractor and Semi-trailer Combination

A medium-duty tow truck-tractor and semi-trailer combination shall have:

1. Minimum G.V.W.R. of 23,500 pounds for a truck-tractor;
2. Minimum G.V.W.R. of 17,000 pounds for a semi-trailer;
3. Power-operated winch with a minimum line pull capacity of 10,000 pounds of 7/16-inch diameter wire rope with a minimum breaking strength of 16,540 pounds;
4. Chains or straps and hooks that meet the requirements of R13-3-1104;
5. Axles, wheels, and tires that meet the requirements of R13-3-1102; and
6. Brakes that meet the requirements of R13-3-1103 and A.R.S. § 28-952(A)(3).

R13-3-1010. Heavy-duty Tow Truck

A heavy-duty tow truck shall have:

1. Minimum G.V.W.R. of 35,000 pounds;

Notices of Proposed Rulemaking

2. Tandem rear axles;
3. A boom assembly with a minimum lifting capacity of 50,000 pounds;
4. Two power-operated winches with a minimum lifting capacity of 25,000 pounds each and consisting of a 9/16-inch diameter wire rope with a minimum breaking strength of 27,000 pounds;
5. A wheel-lift or under-lift with a minimum lifting capacity of 12,000 pounds when the lift is fully extended, if the tow truck has a wheel-lift or under-lift;
6. Tow sling, tow plate, or tow bar that meets the requirements of R13-3-1104(E)(9), if so equipped;
7. Chains or straps and hooks that meet the requirements of R13-3-1104;
8. Axles, wheels, and tires that meet the requirements of R13-3-1102;
9. Air brakes that meet the requirements of R13-3-1103; and
10. Two air lines, each of which has a minimum length of 75 feet and each end configured so the two ends can be connected between the tow truck and the towed unit to allow the air supply of the tow truck's brake system to be transmitted to the towed unit to activate the emergency and service brake systems of the towed unit.

R13-3-1011. Heavy-duty Flatbed Tow Truck

A heavy-duty flatbed tow truck shall have:

1. Minimum G.V.W.R. of 35,000 pounds;
2. Power-operated winch with a minimum line pull of 20,000 pounds and consisting of a 1/2-inch diameter wire rope with a minimum breaking strength of 21,400 pounds;
3. A bed assembly with a minimum distributed load capacity of 20,000 pounds;
4. A wheel-lift or under-lift with a minimum lifting capacity of 8,500 pounds if so equipped;
5. Tow plate or tow bar that meets the requirements of R13-3-1104(E)(9) if the tow truck has a tow plate or tow bar;
6. Chains or straps and hooks that meet the requirements of R13-3-1104;
7. Axles, wheels and tires that meet the requirements of R13-3-1102, and
8. Air brakes that meet the requirements of R13-3-1103.

R13-3-1012. Heavy-duty Tow Truck-tractor and Semi-trailer Combination

A heavy-duty tow truck tractor and semi-trailer combination shall have:

1. Truck tractor with a minimum G.V.W.R. of 35,000 pounds;
2. Tandem rear axles for both truck and trailer;
3. Power-operated winch with a minimum single line pull of 12,000 pounds and consisting of a 1/2-inch diameter wire rope with a minimum breaking strength of 21,400 pounds;
4. Minimum G.V.W.R. of 30,000 pounds on the trailer;
5. Chains or straps and hooks that meet the requirements of R13-3-1104;
6. Axles, tires, and wheels that meet the requirements of R13-3-1102; and
7. Air brakes that meet the requirements of R13-3-1103 for both truck and trailer.

ARTICLE 11. TOW TRUCK EQUIPMENT REQUIREMENTS

R13-3-1101. Identification Requirements

- A. At all times a tow truck company shall display on both sides of each tow truck its business name, full name of the town or city in which the company is located, and phone number, including prefix. Letters shall be at least three inches high and contrast sharply in color with the background on which the letters are placed.
- B. Failure to ensure all requirements are met is cause for suspension and/or revocation of tow truck permit decal(s).

R13-3-1102. Axle, Wheel, and Tire Requirements

- A. A tow truck shall have:
 1. Axles, wheels, and tires with a manufacturer's capacity rating equal to or greater than the tow truck's G.V.W.R.; and
 2. At all points on major tread grooves, a tread-groove pattern depth of at least 4/32 of an inch on all tires on the steering axle, and 2/32 of an inch on all other tires.
- B. A tow truck shall not have:
 1. Fabric or cord exposed through the tire tread or sidewall;
 2. A tire contacting another tire, suspension, or any other part of the vehicle; or
 3. A tire visibly under-inflated or flat.
- C. Failure to ensure all requirements are met is cause for suspension and/or revocation of tow truck permit decal.

R13-3-1103. Brake Requirements

- A. A tow truck shall have a power-assisted service brake system, separate from the parking brake system, capable of stopping and holding as many vehicles as authorized to tow under this Article under all conditions and on any grade on which the tow truck is operated. If a tow truck's service brake system is actuated by air, the tow truck shall be equipped with:
 1. A truck-tractor protection valve; and

2. An audible or visible low air warning device that actuates at a minimum of 55 psi.
- B.** A tow truck shall have a parking brake system, separate from the service brake system, that is capable of holding as many vehicles as the truck is designed to tow. If the tow truck's parking brake system is actuated by air, the tow truck shall be equipped with:
 1. A truck-tractor protection valve; and
 2. An audible or visible low air warning device that actuates at a minimum of 55 psi.
- C.** Failure to ensure all requirements are met is cause for suspension and/or revocation of tow truck permit decal.

R13-3-1104. Required Equipment

- A.** A light-duty tow truck shall be equipped with straps or 5/16-inch diameter chains with a hook on each end. The straps or chains shall have an identifiable mark indicating a minimum working load limit strength of 3,900 pounds.
- B.** A medium-duty tow truck shall be equipped with straps or 3/8-inch diameter chains with a hook on each end. The straps or chains shall have an identifiable minimum working load limit strength of 7,100 pounds.
- C.** A heavy-duty tow truck shall be equipped with straps or a 1/2-inch diameter chain with a hook on each end. The straps or chains shall have an identifiable mark indicating a minimum working load limit strength of 12,000 pounds.
- D.** A semi-trailer or flatbed shall be equipped with "T" slots, eye bolts, "D" rings, or other means for attaching chains or straps, and four tie-down chains or straps with "J" or "T" hooks.
- E.** All tow trucks shall be equipped with:
 1. Two tie-down straps, if equipped with a wheel-lift or under-lift. If equipped with a tow bar, tow plate, or tow sling, two attachment chains with "J" or "T" hooks;
 2. A minimum of two strobe or beacon lamps, except a light-duty repossession, off-highway tow truck may use a single magnetic lamp. The lamps shall:
 - a. Be mounted on the tow truck as high as practical and be visible from the front and rear of the tow truck for a distance of 500 feet under all atmospheric conditions;
 - b. Show amber to the front and amber or red to the rear; and
 - c. Be wired independently of all other electrical circuits;
 3. A minimum of two work lamps. The lamps shall:
 - a. Have clear lenses;
 - b. Be capable of illuminating the area directly behind the tow truck for a distance of 50 feet; and
 - c. Be wired independently of all other electrical circuits.
 4. Except for a tow truck or tow truck-tractor drawing a semi-trailer or a flatbed tow truck that is not equipped with a wheel-lift, under-lift, tow bar, tow plate or tow sling, two portable lamps consisting of tail lights, brake lights, turn signals, and emergency flashers.
 - a. When towing a vehicle using a tow plate, tow bar, tow sling, wheel-lift, or under-lift, each portable lamp shall be affixed to the rear-most towed vehicle, in plain view, and when activated, visible to traffic traveling in the same direction; and
 - b. Each portable lamp shall be visible from 100 feet under all atmospheric conditions and comply with A.R.S. §§ 28-925(A), 28-939, and 28-927.
 5. One rear-vision mirror on each side of the tow truck. Each mirror shall have a minimum surface area of 24 square inches;
 6. A battery-powered electric lantern or a two-cell flashlight;
 7. A fire extinguisher having an Underwriter's Laboratories rating of 10 B:C or higher. The fire extinguisher shall be filled, readily accessible for use, and mounted securely to the tow truck;
 8. A steering wheel clamp of sufficient strength to lock the steering mechanism in a straight, forward position; and
 9. A tow plate, tow bar, or tow sling that has a manufacturer weight rating that exceeds any load carried on it if the tow truck has a tow plate, tow bar, or tow sling.
- F.** Failure to ensure all requirements are met is cause for suspension and/or revocation of a tow truck permit decal.

R13-3-1105. Collision Recovery Equipment Requirements

- A.** A tow truck with collision recovery capabilities shall be equipped with:
 1. A No. 2 square-point shovel;
 2. A 24-inch push broom;
 3. Twenty pounds of fluid absorbent material stored in a weatherproof container; and
 4. One snatch block for a light-duty tow truck or two snatch blocks for a medium-duty or heavy-duty tow truck. Each snatch block shall meet the manufacturer's capacity specifications for winches.
- B.** Failure to ensure all requirements are met is cause for suspension and/or revocation of a tow truck permit decal.

R13-3-1106. Wire Rope Restrictions

- A.** A wire rope shall not be used in a tow truck if it:
 1. Is kinked;

Notices of Proposed Rulemaking

2. Is crushed more than 32% of original diameter;
3. Has core protrusion along the length of the rope;
4. Has a broken strand; or,
5. Has three or more broken wires in a single strand.

B. Failure to ensure requirements are met is cause for suspension and/or revocation of a tow truck permit decal.

R13-3-1107. Cable End Specifications and Installation

- A.** All wire eye loops used on a tow truck must be protected by a thimble.
- B.** Cable clamps shall not be used on a tow truck.
- C.** Thimbles shall not be cracked, deformed, worn, or loose or have a strand of wire that slips.
- D.** Failure to ensure requirements are met is cause for suspension and/or revocation of tow truck permit decal.

ARTICLE 12. REQUIREMENTS FOR TOW TRUCK AGENTS

R13-3-1201. Agent Requirements

- A.** The tow truck agent shall ensure that all tow truck operators shall:
 1. Possess a valid driver's license for the class of tow truck operated;
 2. Possess a current medical examination certificate in accordance with Federal Motor Carrier Regulation R17-5-202, Title 49, CFR Part 391.41 and carry it in the tow truck;
 3. Have no more than two moving violation convictions per year;
 4. Possess the skill and knowledge to rig, move, pick up, and transport a vehicle without causing avoidable damage to the vehicle or other property;
 5. Not have consumed any alcoholic beverage within four hours of operating the tow truck; and
 6. Not have been convicted of committing a crime involving fraud, embezzlement, or theft in the five years prior to the time of the application and has never been convicted of committing a felony homicide, felony kidnaping, felony assault, felony sexual offense, or felony robbery, and
 7. Be familiar with the laws and Rules and Regulations pertaining to tow trucks.
- B.** Failure to ensure all requirements are met is cause for suspension and/or revocation of tow truck permit decal.

R13-3-1202. Requirements for a Tow Truck Company

- A.** An agent of a tow truck company shall:
 1. Comply with A.R.S. § 28-1108, Title 28 Chapter 3, Articles 1 through 9, Title 28, Chapters 13, 15, 16, and 17 and this Chapter;
 2. Permit a peace officer, or other duly authorized agent of a law enforcement agency, to inspect a tow truck to determine compliance with the requirements of this Chapter. The inspection may be conducted without notice at any reasonable time and place; and
 3. If a tow truck is equipped with a home-made boom assembly and winch, have a certification from a licensed testing facility certifying the tested line-pull of the winch and the tested lifting capacity of the boom assembly.
- B.** Every agent shall be knowledgeable and comply with the laws and Rules and Regulations pertaining to tow trucks.
- C.** Failure to comply is cause for suspension of and/or revocation of the tow truck decals.

R13-3-1203. Tow Truck Operations

- A.** An agent of a tow truck company shall not:
 1. Operate a tow truck without a permit decal, identification number and a legible copy of an inspection report, as defined in these rules;
 2. Transfer a permit decal or tow truck safety inspection report from one tow truck to another;
 3. Tow or move a vehicle from a highway, street, or public property without prior authorization from the owner or operator of the vehicle, the owner's agent, or a law enforcement officer. An agent of a tow company may move, but shall not tow, a vehicle to extract an individual from wreckage or to remove a hazard to life or property at a collision scene;
 4. Use a hand-operated or electric winch for collision recovery work;
 5. Operate in a manner other than the permitted tow truck class;
 6. Use a flatbed tow truck with a GVWR of 15,000 pounds or less to transport more than one vehicle unless the additional vehicle is a golf cart, motor-driven cycle, or trailer that weighs less than 1,500 pounds;
 7. Operate a tow truck that has one or more of the following defects:
 - a. Both beacon or strobe lamps missing or inoperative;
 - b. A missing or defective chain or strap;
 - c. A portable lamp not in compliance with A.R.S. §§ 27-925(A), 28-939 or 28-927, if a portable lamp is required;
 - d. Any steering axle tire with less than 4/32-inch tread depth in one major groove;
 - e. For an axle other than a steering axle, a tire with less than 2/32-inch tread depth and for a dual wheel axle, both tires on the same side with less than 2/32-inch tread depth;
 - f. Any tire with cord exposed by cut or wear;

Notices of Proposed Rulemaking

- g. Any tow plate, tow bar, tow sling, wheel-lift, or under-lift exhibiting excessive wear at any pivot point or any crack in a structural component; or
 - h. Wire rope in violation of R13-3-1107;
 - 8. Equip a tow truck with home-made boom assembly and winch, unless the tow truck company has a certification from a licensed testing facility certifying the tested line-pull of the winch and the testing lifting capacity of the boom assembly;
 - 9. Tow a vehicle using a tow sling, tow plate, or tow bar unless chains or straps and hooks are attached;
 - 10. Transport a vehicle by flatbed or truck, truck-tractor, or semi-trailer unless the vehicle is secured with a minimum of a four-point tie-down, not to include the winch;
 - 11. Tow a vehicle with a wheel-lift, under-lift, tow plate, tow bar, or tow sling unless two safety chains are attached by crossing the two chains with one end of each chain attached to a major structural member of the tow truck and attaching the other end to a major structural member of the towed vehicle with no attachments to the bumpers;
 - 12. Activate strobe or beacon lights other than at the scene of service;
 - 13. Use any vehicle towed or article stored in the towed vehicle for personal or tow truck company use; or
 - 14. Operate a tow truck that exceeds its manufacturer's gross vehicle weight or the manufacturer's rated capacity for the wrecker assembly.
- B.** Failure to comply with these standards is cause for suspension and/or revocation of tow truck permit decal(s).

ARTICLE 13. ENFORCEMENT

R13-3-1301. Conditions Warranting Suspension or Revocation of Permit Decal

- A.** Any person who violates any tow truck rule or regulation may have his/her tow truck permit decal(s) suspended or revoked by the Director or designee.
- 1. In cases where, in the opinion of the Director or designee, there is a compelling public necessity, the Director or designee may waive the enforcement of any of these rules and regulations, but all such waivers shall be treated separately for each party and each rule or regulation, and be in writing.
 - 2. No collective waivers shall be issued.
- B.** A tow truck permit decal may be suspended and/or revoked under the following conditions:
- 1. The owner knowingly continues to employ an operator who has been convicted of more than two moving violations under A.R.S. Title 28 in any 12 month period.
 - a. The suspension shall be for a period of one year from the date of the third conviction.
 - b. There shall be no suspension for a violation of this Section unless it is proven that the owner knew or should have known of the operator's convictions.
 - 2. If, while engaged in the operation of a tow truck, an owner or operator is convicted of A.R.S. § 28-1381 (driving while under the influence of narcotics, dangerous drugs or intoxicating beverages) or A.R.S. § 28-693 (reckless driving).
 - 3. The operator has had his/her license to drive suspended under A.R.S. § 28-1321 (Implied Consent Law), A.R.S. § 28-473 (license suspension or revocation), or A.R.S. § 28-1203 (suspended, no insurance) but continues to operate a tow truck.
 - 4. It is discovered that a permit decal was issued on information supplied by the applicant that the applicant knew or should have reasonably known was false or inaccurate.
 - 5. The agent refuses to make prompt restitution for any avoidable damage caused by his/her failure to comply with any of these rules or regulations.
 - 6. The agent habitually violates any tow truck rule or regulation or A.R.S. § 9-499.05.

R13-3-1302. Suspension of Tow Truck Decal

- A.** The Department may suspend a tow truck permit decal because of violations of one or more regulations.
- 1. The Department will provide a written notice of suspension to the tow truck company that lists:
 - a. The effective date of the suspension;
 - b. The tow truck(s) affected by the suspension;
 - c. The specific violations; and
 - d. The actions necessary to reach compliance under which the Department will end the suspension.
 - 2. A permit decal may be suspended for up to one year. Upon notice of a suspension, the tow truck company shall not operate the identified vehicle(s).
- B.** The tow truck company shall submit a corrective action plan to the Department that lists the steps the tow truck company will take to reach compliance.
- 1. This action plan shall be signed and approved by both the tow truck company and the Department.
 - 2. Failure to submit a plan shall constitute withdrawal from the permit process.
- C.** The period of suspension shall be for a time period up to one year as determined by the Department according to the severity and frequency of the violation.

Notices of Proposed Rulemaking

D. At the end of the suspension period or when the tow truck company complies with the plan to remedy the conditions that led to the suspension, the Department may reinstate the permit decal for the term of original certification or deny reinstatement.

R13-3-1303. Revocation

The Department may revoke approval to operate all tow trucks only after one or more of the above steps have been attempted or when public safety concerns warrant an immediate revocation. A notice of revocation shall be in writing and shall state the reasons for revocation.

R13-3-1304. Appeals

A. Any person who has had an application for a tow truck permit denied or who has suffered any penalty under these rules and regulations shall have a right to a hearing.

1. Inactive status of a tow truck, as defined in R13-3-701, is not a penalty and no hearing shall be provided.
2. The Director or designee may combine requests for hearings into one hearing where there are common parties or issues.
3. The hearing shall be conducted by the Office of Administrative Hearings under A.R.S. § 41-1092, et seq.

B. A request for a hearing shall be made in writing to the Department within 15 calendar days from receipt of the notice of denial, suspension, or revocation.

1. If the request for hearing is not received within the 15-day period, the applicant's right to a hearing is considered waived.
2. However, the applicant may nevertheless be entitled to a hearing if he/she can show that failure to timely request a hearing was beyond the applicant's control.

C. If a hearing is requested, the Department shall notify the applicant at least 20 calendar days in advance of the date set for hearing and include the following:

1. A statement of the time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the statutes and rules involved;
4. A short and plain statement of the matters asserted.

D. Following the hearing, the decision shall be stated in writing and include findings of fact and conclusions of law.

1. A copy of the decision shall be mailed to each party.
2. Within 35 calendar days after the date of the final decision rendered in any hearing, an appeal may be taken to the Superior Court of the county in which any of the conditions of A.R.S. § 12-905 apply. Appeals to the Superior Court shall be governed by the provisions of A.R.S. § 12-901 et seq.