

# NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

## NOTICE OF FINAL RULEMAKING

### TITLE 2. ADMINISTRATION

#### CHAPTER 5. DEPARTMENT OF ADMINISTRATION PERSONNEL ADMINISTRATION

[R06-176]

#### PREAMBLE

- 1. Sections Affected**  
R2-5-502
- Rulemaking Action**  
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. § 41-778(A)  
Implementing statutes: A.R.S. §§ 41-778(B) and 41-783
- 3. The effective date of the rules:**  
July 1, 2006
- 4. A list of all previous notices appearing in the *Register* addressing the final rule:**  
Notice of Rulemaking Docket Opening: 11 A.A.R. 619, February 4, 2005  
Notice of Proposed Rulemaking: 11 A.A.R. 5442, December 30, 2005
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Christine Bronson, Human Resources Consultant  
Address: 100 N. 15th Ave., Suite 261  
Phoenix, AZ 85007  
Telephone: (602) 364-1693  
Fax: (602) 542-2796  
E-mail: Christine.Bronson@azdoa.gov
- 6. An explanation of the rule, including the agency's reason for initiating the rule:**  
The agency is complying with A.R.S. § 41-778, which requires the rules to include a procedure to allow state employees to voluntarily engage in activities that support mentoring, education and youth development of school age youths.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**  
The agency did not review any study relevant to the rule.
- 8. 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
- 9. The summary of the economic, small business, and consumer impact:**  
The proposed rulemaking affects state service employees only and will not have an impact on small businesses and consumers. Any financial impact or administrative expenses should be covered by ordinary operating funds.

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**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

None

**11. A summary of the comments made regarding the rule and the agency response to them:**

An oral proceeding was not scheduled regarding the rule and no comments were received. As part of the rulemaking process, the agency solicited input from ADOA Personnel Managers and staff assigned to the satellite Human Resources (HR) offices. No comments were received.

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

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule?**

No.

**15. The full text of the rules follows:**

TITLE 2. ADMINISTRATION

CHAPTER 5. DEPARTMENT OF ADMINISTRATION  
PERSONNEL ADMINISTRATION

ARTICLE 5. CONDITIONS OF EMPLOYMENT

Section

R2-5-502. Hours of Work

ARTICLE 5. CONDITIONS OF EMPLOYMENT

**R2-5-502. Hours of Work**

- A. State service work week. The state service work week is the period of seven consecutive days starting Saturday at 12:00 a.m. and ending Friday at 11:59 p.m. An agency head may apply to the Director for an exception from the work week period for all or part of an agency workforce. The Director may grant an exception from the work week period to promote efficiency in the state service.
- B. Hours of employment.
  - 1. An agency head shall determine the hours of employment in the work week for each agency employee.
  - 2. An agency head may provide for breaks during the work period consistent with carrying out the duties of the agency.
  - 3. An agency head may require an employee to work overtime.
- C. Flexible work options.
  - 1. An agency head may offer a flexible 40-hour work week option to an employee if the agency head determines the agency's existing services can be maintained.
  - 2. An agency head may offer flex time to an employee for the purpose of mentoring school age youths at a public school, private school, home school, or through a faith-based organization, if the agency head determines the agency's existing services can be maintained. Flex time for the purpose of mentoring shall not:
    - a. Exceed one hour per week per employee;
    - b. Exceed five hours in any calendar month per employee;
    - c. Be paid time;
    - d. Carry forward from one week to the next; or
    - e. Count toward overtime.
- D. Attendance standards.
  - 1. An agency head may establish a standard of attendance.
  - 2. Job abandonment. After an absence of three consecutive work days without approval, an agency head may dismiss the employee under R2-5-803 or may separate the employee without prejudice. The agency head shall provide written notice to the employee's last known address.

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TITLE 13. PUBLIC SAFETY

CHAPTER 3. DEPARTMENT OF PUBLIC SAFETY  
TOW TRUCKS

[R06-175]

PREAMBLE

**1. Sections Affected**

**Rulemaking Action**

R13-3-101	Amend
R13-3-201	Amend
R13-3-202	Amend
R13-3-203	Amend
R13-3-204	Amend
R13-3-301	Amend
R13-3-302	Amend
R13-3-303	Amend
R13-3-304	Amend
R13-3-305	Amend
R13-3-306	Amend
R13-3-307	Amend
R13-3-308	Amend
R13-3-401	Amend
R13-3-402	Amend
R13-3-501	Amend
R13-3-601	Amend
R13-3-602	Amend
R13-3-603	Amend
R13-3-604	Amend
Article 7	New Article
R13-3-701	New Section
R13-3-702	New Section
R13-3-703	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
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

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R13-3-1201	New Section
Article 13	New Article
R13-3-1301	New Section
R13-3-1302	New Section
R13-3-1303	New Section

**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. § 28-1108(D)

Implementing statute: A.R.S. § 28-1108

**3. The effective date of the rules:**

July 1, 2006

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 12 A.A.R. 113, January 6, 2006

Notice of Proposed Rulemaking: 12 A.A.R. 47, January 6, 2006

**5. 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) 223-2522

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**6. An explanation of the rule, including the agency's reason 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.

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

The agency did not review any study related to the rules.

**8. 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

**9. The summary of the economic, small business, and consumer impact:**

These rules affect the towing industry, the Department of Public Safety, and the motoring public using tow truck services.

No fee is charged towing companies for either the safety inspection or the permit decal. The rules do not impose a change in business practices or require additional equipment. The impact on small tow truck companies operating under rules promulgated in 1985 is mitigated by a grace period to accommodate changes in weight standards.

The new weight standards will result in 139 tow trucks no longer eligible for certification and 643 tow trucks changing classification. Total impact, amortized over the grace period, represents 1.1% of the towing industry and \$1.8 million in costs.

The motoring public, the primary consumer of tow truck services, will benefit from safer standards. Currently, under existing rules with lower standards, over one quarter of tow trucks serving the public fail to meet minimum safety and service requirements. The Department of Public Safety will benefit through uniform standards among tow truck companies and a reduction in sub-standard equipment entering the industry.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Minor technical and grammatical changes were made at the suggestion of the G.R.R.C. staff.

**11. A summary of the comments made regarding the rule and the agency response to them:**

A public hearing was held on February 21, 2006, in six locations throughout the state. No changes in the proposed rules were received either orally or in writing.

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

None

**13. Incorporations by reference and their location in the rules:**

Although the rules do not incorporate any material by reference, R12-3-1201A(2) does reference 49 CFR 391.41 pertaining to the medical exam certificate required of a tow truck operator which incorporated by reference in Arizona Administrative Code R17-5-202.

**14. Was this rule previously made as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 13. PUBLIC SAFETY**

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

**ARTICLE 1. GENERAL PROVISIONS**

Section

R13-3-101. Definitions

**ARTICLE 2. TOW TRUCK PERMITS**

Section

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

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

R13-3-203. Inspection by the Department

R13-3-204. Permit ~~suspension and application refusal~~ Suspension and Application Refusal

**ARTICLE 3. TOW TRUCK SPECIFICATIONS**

Section

R13-3-301. Capacities and ~~specifications of towing equipment~~ Specifications of Towing Equipment

R13-3-302. Tow ~~truck load limitations~~ Truck Load Limitations

R13-3-303. Prohibition of ~~unauthorized operation~~ Unauthorized Operation

R13-3-304. Light ~~duty tow trucks~~ Duty Tow Trucks

R13-3-305. Medium ~~duty tow trucks~~ Duty Tow Trucks

R13-3-306. Heavy ~~duty tow trucks~~ Duty Tow Trucks

R13-3-307. Class "X" ~~tow trucks~~ Tow Trucks

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

**ARTICLE 4. TOW TRUCK EQUIPMENT SPECIFICATIONS**

Section

R13-3-401. General ~~tow truck lighting and equipment~~ Tow Truck Lighting and Equipment

R13-3-402. Tow ~~truck components must be in good operating condition~~ Truck Components Must Be in Good Operating Condition

**ARTICLE 5. QUALIFICATIONS OF TOW TRUCK OPERATORS**

Section

R13-3-501. Chauffeurs ~~license, skills, and knowledge required~~ License, Skills, and Knowledge Required

**ARTICLE 6. ENFORCEMENT OF RULES AND REGULATIONS**

Section

R13-3-601. Revocation or ~~suspension of permit~~ Suspension of Permit

R13-3-602. Grounds for ~~suspension of permit~~ Suspension of Permit

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- R13-3-603. Grounds for ~~revocation of permit~~ Revocation of Permit  
R13-3-604. Appeals from ~~tow truck enforcement action~~ Tow Truck Enforcement Action

**ARTICLE 7. DEFINITIONS, SCOPE, AND ENFORCEMENT DATES**

Section

- R13-3-701. Definitions  
R13-3-702. Scope of Chapter  
R13-3-703. Enforcement Dates

**ARTICLE 8. TOW TRUCK COMPANY REGISTRATION**

Section

- R13-3-801. Tow Truck Company Registration

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

Section

- R13-3-901. Tow Truck Registration  
R13-3-902. Inspection by the Department  
R13-3-903. Changes in Ownership

**ARTICLE 10. TOW TRUCK SPECIFICATIONS BY CLASS**

Section

- R13-3-1001. Light-duty Tow Truck  
R13-3-1002. Light-duty Tow Truck with Collision Recovery Capabilities  
R13-3-1003. Light-duty Flatbed Tow Truck  
R13-3-1004. Light-duty Flatbed Tow Truck with Collision Recovery Capabilities  
R13-3-1005. Light-duty Tow Truck-tractor and Semi-trailer Combination  
R13-3-1006. Medium-duty Tow Truck with Collision Recovery Capabilities  
R13-3-1007. Medium-duty Flatbed Tow Truck with Collision Recovery Capabilities  
R13-3-1008. Medium-duty Tow Truck-tractor and Semi-trailer Combination  
R13-3-1009. Heavy-duty Tow Truck  
R13-3-1010. Heavy-duty Tow Truck with Collision Recovery Capabilities  
R13-3-1011. Heavy-duty Flatbed Tow Truck with Collision Recovery Capabilities  
R13-3-1012. Heavy-duty Tow Truck-tractor and Semi-trailer Combination

**ARTICLE 11. TOW TRUCK EQUIPMENT REQUIREMENTS**

Section

- R13-3-1101. Compliance with Chapter and 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. Wire Rope End Specifications and Installation

**ARTICLE 12. REQUIREMENTS FOR TOW TRUCK AGENTS AND COMPANIES**

Section

- R13-3-1201. Tow Truck Agent and Company Requirements

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**ARTICLE 13. ENFORCEMENT**

Section

R13-3-1301. Waiver

R13-3-1302. Suspension or Denial of Tow Truck Permit Decal

R13-3-1303. Appeals

**ARTICLE 1. GENERAL PROVISIONS**

**R13-3-101. Definitions**

Words and phrases not defined hereinafter shall be consistent with definitions in Title 28, Arizona Revised Statute. This Section is automatically repealed on June 1, 2010.

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**

**R13-3-201. Permit ~~required~~ Required**

A permit of authorization must be obtained from the Department before a tow truck is operated for the purpose of towing vehicles. This Section is automatically repealed on June 1, 2010.

**R13-3-202. Permit ~~application~~ Application**

- 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.
- E. This Section is automatically repealed on June 1, 2010.

**R13-3-203. Inspection by the Department**

- 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

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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.
- F. This Section is automatically repealed on June 1, 2010.

**R13-3-204. Permit ~~suspension and application refusal~~ Suspension and Application Refusal**

- 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.
- B. This Section is automatically repealed on June 1, 2010.

ARTICLE 3. TOW TRUCK SPECIFICATIONS

**R13-3-301. Capacities and ~~specifications of towing equipment~~ Specifications of Towing Equipment**

- 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.
- C. This Section is automatically repealed on June 1, 2010.

**R13-3-302. Tow ~~truck load limitations~~ Truck Load Limitations**

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. This Section is automatically repealed on June 1, 2010.

**R13-3-303. Prohibition of ~~unauthorized operation~~ Unauthorized Operation**

- 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.
- C. This Section is automatically repealed on June 1, 2010.

**R13-3-304. Light ~~duty tow trucks~~ Duty Tow Trucks**

- 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



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- 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.
- E. This Section is automatically repealed on June 1, 2010.

**R13-3-305. Medium duty tow trucks ~~Duty Tow Trucks~~**

- 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.

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- 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.
  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.
- H. This Section is automatically repealed on June 1, 2010.

**R13-3-306. Heavy ~~duty tow trucks~~ Duty Tow Trucks**

- 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~~ 28-1099 and 28-1100.
- 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~~ 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.

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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.
- G.** This Section is automatically repealed on June 1, 2010.

**R13-3-307. Class "X" ~~tow trucks~~ Tow Trucks**

- 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), and (V), (X), (Z), (AA) and R13-3-402.

**D.** This Section is automatically repealed on June 1, 2010.

**R13-3-308. Service ~~trucks~~ Trucks**

- 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.

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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.
  - c. 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.

**D.** This Section is automatically repealed on June 1, 2010.

**ARTICLE 4. TOW TRUCK EQUIPMENT SPECIFICATIONS**

**R13-3-401. General ~~tow truck lighting and equipment~~ Tow Truck Lighting and Equipment**

- 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.
- 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.

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- 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 side marker 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. § 28-939(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 and 28-957.01.
- 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~~ subsection (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.

**AB.** This Section is automatically repealed on June 1, 2010.

**R13-3-402.** ~~Tow truck components must be in good operating condition~~ **Truck Components Must Be in Good Operating Condition**

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. This Section is automatically repealed on June 1, 2010.

**ARTICLE 5. QUALIFICATIONS OF TOW TRUCK OPERATORS**

**R13-3-501.** ~~Chauffeurs license, skills, and knowledge required~~ **License, Skills, and Knowledge Required**

- 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 "A," "B," "C," "D," or "G" Arizona Drivers License. A.R.S. § ~~28-414(B)~~ 28-3101.
  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~~ 28-4031, 28-4135. 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.
- C.** This Section is automatically repealed on June 1, 2010.

**ARTICLE 6. ENFORCEMENT OF RULES AND REGULATIONS**

**R13-3-601.** ~~Revocation or suspension of permit~~ **Suspension of Permit**

- 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~~ 41-1092 et seq.
- 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.
- C.** This Section is automatically repealed on June 1, 2010.

**R13-3-602.** ~~Grounds for suspension of permit~~ **Suspension of Permit**

- A.** 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

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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.

**B.** This Section is automatically repealed on June 1, 2010.

**R13-3-603. Grounds for ~~revocation of permit~~ Revocation of Permit**

**A.** 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~~ 28-1381, 28-1382, 28-1383 (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. § ~~28-694~~ 28-1321 (Implied Consent Law), A.R.S. § ~~28-473~~ 28-3473 (License Suspension or Revocation) or A.R.S. § ~~28-1203~~ 28-4135(E) (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.

**B.** This Section is automatically repealed on June 1, 2010.

**R13-3-604. Appeals from ~~tow truck enforcement action~~ Tow Truck Enforcement Action**

**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~~ § 41-1092 et seq.

**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~~ the Office of Administrative Hearings pursuant to A.R.S. § 41-1092, et seq.

**E.** Any notice required to be given to any party or person shall be in writing pursuant to A.R.S. § ~~41-1009~~ 41-1092.04. 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.

**G.** This Section is automatically repealed on June 1, 2010.

**ARTICLE 7. DEFINITIONS, SCOPE, AND ENFORCEMENT DATES**

**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. "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.
2. "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.
3. "Boom assembly" means a 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.
4. "Collision" means an incident involving one or more moving vehicles resulting in damage to a vehicle or its load that requires the completion of a written report of accident under A.R.S. § 28-667(A).
5. "Collision recovery" means initial towing or removing a vehicle involved in a collision from the collision scene.
6. "Denial" means refusal to satisfy a request.
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 as the fully assembled

- weight of a single motor vehicle.
12. "Hook" means a steel hook attached to an end of a wire rope or chain.
  13. "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.
  14. "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.
  15. "Person" means the same as in A.R.S. § 1-215.
  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. "Service-brake system" means the electrical, mechanical, hydraulic, or air brake components used to slow or stop a vehicle in motion.
  19. "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.
  20. "State" means the state of Arizona.
  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 or tow truck agent is not in compliance with one or more requirements of this Chapter.
  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, straps, 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, straps, or hooks.
  25. "Tow sling" means two or more flexible straps attached to the wire rope or boom assembly of a tow truck to hoist a towed vehicle by chains, straps, or hooks.
  26. "Tow truck" means a motor vehicle designed, manufactured, or altered to tow or transport one or more vehicles. The following 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, tow bar, under-lift, or wheel-lift attached to the rear of the vehicle; and
    - e. A truck-tractor drawing a semi-trailer equipped with a winch.
  27. "Tow truck 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.
  28. "Tow truck company" means a person that owns, leases, or operates a tow truck that travels on a street or highway to transport a vehicle, including, but not limited to a vehicle that is damaged, disabled, unattended, repossessed, or abandoned.
  29. "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.
  30. "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.
  31. "Vehicle" means the same as in A.R.S. § 28-101.
  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 winding or unwinding wire rope.
  34. "Wire rope" means flexible steel or synthetic 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 in the business of towing and a tow truck agent.

**R13-3-703. Enforcement Dates**

As of the effective date of Articles 7 through 13, a tow truck agent shall ensure that a tow truck:

1. Introduced into the state on or after the effective date of Articles 7 through 13 meets the requirements of Articles 7 through 13;
2. Registered and operating as a tow truck in the state before the effective date of Articles 7 through 13, either meets the requirements of Articles 7 through 13 or Articles 1 through 6 until June 1, 2010, at which time the tow truck shall



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- meet the requirements of Articles 7 through 13:
3. Sold to a new owner meets the requirements of Articles 7 through 13 before operating as a tow truck within this state;  
or
  4. Not included in the definition of "tow truck" in R13-3-701 before the effective date of Articles 7 through 13, meets the requirements of Articles 7 through 13 within six months of the effective date of Articles 7 through 13 when operating as a tow truck in this state.

**ARTICLE 8. TOW TRUCK COMPANY REGISTRATION**

**R13-3-801. Tow Truck Company Registration**

- A.** A person shall not operate a tow truck to tow a vehicle unless a tow truck agent registers the tow truck company with the Department. The tow truck agent shall:
1. Obtain a tow truck company application from the Department and complete the application 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 and date of birth. If the owner is a corporation, the corporation's name, address, and telephone number;
  2. Obtain and keep in effect at all times the minimum limits of financial responsibility required by A.R.S. §§ 28-4009, 28-4032, 28-4033, 28-4131, and 28-4135, as applicable, for each tow truck owned, leased, or operated by the company; and
  3. Sign the application in the presence of a Notary Public or Department Officer certifying under penalty of suspension of the permit decal that the tow truck company and the tow truck agent shall:
    - a. Comply with this Chapter; and
    - b. Have the necessary experience and qualifications to operate a tow truck in the manner required by this Chapter;
  4. Include with a completed application, proof of financial responsibility that indicates:
    - a. Name of the insured;
    - b. Name, address, and telephone number of the insurance carrier;
    - c. Policy number;
    - d. Date on which the policy expires; and
    - e. Amount of coverage; and
  5. Submit the completed application form and proof of financial responsibility in person to the Department.
- B.** If information provided on the original application form changes, the tow truck agent shall submit a new application form to the Department within 10 calendar days of the change. The Department may suspend a tow truck permit decal for failure to notify the Department of a change.
- C.** If it is discovered that a tow truck permit decal was issued on information supplied by the applicant that the applicant knew or should have reasonably known was false or inaccurate, the Department may suspend the tow truck permit decal.

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

**R13-3-901. Tow Truck Registration**

- A.** A tow truck company shall register each tow truck by obtaining an identification number and permit decal before operating the tow truck to tow a vehicle.
- B.** A tow truck company shall apply for an identification number and permit decal by completing the Department's tow truck inspection application. The company may obtain the application from the Department. The signature on the application of the owner or a tow truck agent shall be notarized or signed in the presence of a Department officer.

**R13-3-902. Inspection by the Department**

- A.** The Department shall inspect a tow truck for compliance with this Chapter:
1. As soon as possible after the tow truck inspection application form is filed and no later than seven days after the form is filed; and
  2. Annually for each tow truck owned, leased, or operated by the tow truck company or the tow truck agent beginning with the month indicated on the tow truck company application form.
- B.** The Department shall issue tow truck permit decals and identification number decals individually for each approved tow truck.
- C.** When an annual tow truck inspection is required under subsection (A), the tow truck agent shall schedule an appointment with the Department within 30 calendar days before the permit decal expiration date.
1. Department inspectors shall examine the tow truck for compliance with the safety requirements and specifications for the tow truck class under this Chapter.
  2. If the Department finds that the tow truck complies with this Chapter, the Department shall issue a permit decal and inspection report.

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3. If the Department finds that the tow truck does not comply with this Chapter, but has no deficiency listed in R13-3-1201(C)(7), the Department shall issue a permit decal and inspection report that:
    - a. Specifies the deficiencies found.
    - b. Requires corrective measures, and
    - c. Allows five calendar days for the tow truck agent to correct the deficiencies.
  4. If the Department finds that the tow truck does not comply with this Chapter because of deficiencies listed in R13-3-1201(C)(7), the Department shall not issue a permit decal but shall issue an inspection report that:
    - a. Specifies the deficiencies found, and
    - b. Requires corrective measures.
- D.** A tow truck agent shall ensure that a legible copy of the most recent tow truck inspection report is kept in the driver's compartment area of the tow truck and is produced upon demand to any peace officer. The Department may suspend a tow truck permit decal for failure to comply with this subsection.
1. A tow truck agent shall ensure that:
    - a. A permit decal is affixed to the lower outside right corner of the tow truck's windshield, and
    - b. An identification number decal is permanently affixed to the driver's compartment area.
  2. The Department may suspend a permit decal for failure to maintain the permit decal or identification number decal in compliance with subsection (D)(1).
  3. If a tow truck inspection report, permit decal, or identification number decal is lost, damaged, destroyed, or stolen, the tow truck company shall immediately notify the Department.
    - a. The tow truck company shall provide notification in writing to Arizona Department of Public Safety, P.O. Box 6638, Phoenix, AZ 85005-6638, and include the name of the tow truck agent who registered the tow truck and the number of the lost, damaged, destroyed, or stolen inspection report, permit decal, or identification number decal.
    - b. Upon receipt of the notification, the Department shall issue the replacement inspection report, permit decal, or identification number decal.

**R13-3-903. Changes in Ownership**

If a tow truck is sold, leased, or otherwise disposed of, the permit decal issued to the tow truck immediately becomes void.

1. Before sale, lease, or other disposal of a tow truck, a tow truck agent shall remove and destroy the permit decal.
2. Within 10 calendar days following the sale, lease, or other disposal of the tow truck, a tow truck agent shall notify the Department in writing of the action. The notice shall include:
  - a. Date on which ownership changed or the tow truck was disposed of;
  - b. Whether the tow truck was sold, leased, or the method and reason for other disposal;
  - c. Name of person who sold, leased, or disposed of the tow truck;
  - d. If applicable, name and address of the person that purchased or leased the tow truck; and
  - e. Vehicle identification number of tow truck that was sold, leased, or disposed of.
3. A person to whom a tow truck is sold, leased, or otherwise disposed of shall complete the registration and inspection process before operating the tow truck to tow a vehicle within this state.

**ARTICLE 10. TOW TRUCK SPECIFICATIONS BY CLASS**

**R13-3-1001. Light-duty Tow Truck**

A light-duty tow truck has a minimum of:

1. A G.V.W.R. of 10,000 pounds;
2. A boom assembly with a rated capacity of 8,000 pounds, if so equipped;
3. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds, if so equipped;
4. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 2,500 pounds when fully extended;
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.

**R13-3-1002. Light-duty Tow Truck with Collision Recovery Capabilities**

A light-duty tow truck with collision recovery capabilities has a minimum of:

1. A G.V.W.R. of 14,001 pounds;
2. A boom assembly with a rated capacity of 8,000 pounds;
3. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds;
4. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with

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a lifting capacity of 3,000 pounds when fully extended;

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.

**R13-3-1003. Light-duty Flatbed Tow Truck**

A light-duty flatbed tow truck has a minimum of:

1. A G.V.W.R. of 10,000 pounds;
2. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds;
3. A bed assembly with a distributed load capacity of 7,500 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 3,000 pounds when fully extended, if so equipped;
5. A tow plate or tow bar that meets requirements of R13-3-1201(C)(16), if so equipped;
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 with Collision Recovery Capabilities**

A light-duty flatbed tow truck with collision recovery capabilities has a minimum of:

1. A G.V.W.R. of 14,001 pounds;
2. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a breaking strength of 12,200 pounds;
3. A bed assembly with a distributed load capacity of 7,500 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 3,000 pounds when fully extended, if so equipped;
5. A tow plate or tow bar that meets requirements of R13-3-1201(C)(16), if so equipped;
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.

**R13-3-1005. Light-duty Tow Truck-tractor and Semi-trailer Combination**

A light-duty tow truck-tractor and semi-trailer combination has a minimum of:

1. A G.V.W.R. of 8,600 pounds for a truck-tractor;
2. A G.V.W.R. of 7,500 pounds for a semi-trailer;
3. A power-operated winch with a line pull capacity of 8,000 pounds and a 3/8-inch diameter wire rope with a 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).

**R13-3-1006. Medium-duty Tow Truck with Collision Recovery Capabilities**

A medium-duty tow truck has a minimum of:

1. A G.V.W.R. of 23,500 pounds;
2. A boom assembly with a rated capacity of 24,000 pounds;
3. A power-operated winch with a line-pull capacity of 20,000 pounds and a 1/2-inch diameter wire rope with a breaking strength of 21,400 pounds, or two power-operated winches each with a line-pull capacity of 10,000 pounds and a 7/16-inch diameter wire rope with breaking strength of 16,540 pounds;
4. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 5,000 pounds when fully extended;
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.

**R13-3-1007. Medium-duty Flatbed Tow Truck with Collision Recovery Capabilities**

A medium-duty flatbed tow truck has a minimum of:

1. A G.V.W.R. of 23,500 pounds;
2. A power-operated winch with a line pull capacity of 10,000 pounds and a 7/16-inch diameter wire rope with a breaking strength of 16,540 pounds;
3. A bed assembly with a distributed load capacity of 15,000 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 3,000 pounds when fully extended, if so equipped;
5. A tow plate or tow bar that meets the requirements of R13-3-1201(C)(16), if so equipped;
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

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8. Brakes that meet the requirements of R13-3-1103.

**R13-3-1008. Medium-duty Tow Truck-tractor and Semi-trailer Combination**

A medium-duty tow truck-tractor and semi-trailer combination has a minimum of:

1. A G.V.W.R. of 23,500 pounds for a truck-tractor;
2. A G.V.W.R. of 17,000 pounds for a semi-trailer;
3. A power-operated winch with a line pull capacity of 10,000 pounds and a 7/16-inch diameter wire rope with a 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).

**R13-3-1009. Heavy-duty Tow Truck**

A heavy-duty tow truck has a minimum of:

1. A G.V.W.R. of 35,000 pounds;
2. Tandem rear axles;
3. A boom assembly with a rated capacity of 50,000 pounds, if so equipped;
4. Two power-operated winches with a line pull capacity of 25,000 pounds each and a 9/16-inch diameter wire rope with a breaking strength of 27,000 pounds, if so equipped;
5. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 12,000 pounds when fully extended;
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;
8. Air brakes that meet the requirements of R13-3-1103; and
9. Seventy-five feet of air line configured so the ends can be connected between the tow truck and the towed unit, allowing the air supply of the tow truck's brake system to be transmitted to the towed unit's service brake system.

**R13-3-1010. Heavy-duty Tow Truck with Collision Recovery Capabilities**

A heavy-duty tow truck has a minimum of:

1. A G.V.W.R. of 35,000 pounds;
2. Tandem rear axles;
3. A boom assembly with a rated capacity of 50,000 pounds;
4. Two power-operated winches with a line pull capacity of 25,000 pounds each and a 9/16-inch diameter wire rope with a breaking strength of 27,000 pounds;
5. A tow sling, tow plate, or tow bar that meets the requirements of R13-3-1201(C)(16), or a wheel-lift or under-lift with a lifting capacity of 12,000 pounds when fully extended;
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;
8. Air brakes that meet the requirements of R13-3-1103; and
9. Seventy-five feet of air line configured so the ends can be connected between the tow truck and the towed unit, allowing the air supply of the tow truck's brake system to be transmitted to the towed unit's service brake system.

**R13-3-1011. Heavy-duty Flatbed Tow Truck with Collision Recovery Capabilities**

A heavy-duty flatbed tow truck has a minimum of:

1. A G.V.W.R. of 33,000 pounds;
2. A power-operated winch with a line pull capacity of 20,000 pounds and a 1/2-inch diameter wire rope with a breaking strength of 21,400 pounds;
3. A bed assembly with a distributed load capacity of 20,000 pounds;
4. A wheel-lift or under-lift with a lifting capacity of 4,000 pounds when fully extended, if so equipped;
5. A tow plate or tow bar that meets the requirements of R13-3-1201(C)(16), if so equipped;
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 has a minimum of:

1. A truck tractor with a G.V.W.R. of 35,000 pounds;
2. Tandem rear axles for both a truck-tractor and semi-trailer;
3. A G.V.W.R. of 30,000 pounds on the semi-trailer;
4. A power-operated winch with a single line pull capacity of 20,000 pounds and a 1/2-inch diameter wire rope with a breaking strength of 21,400 pounds;
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 a truck-tractor and semi-trailer.

#### **ARTICLE 11. TOW TRUCK EQUIPMENT REQUIREMENTS**

##### **R13-3-1101. Compliance with Chapter and Identification Requirements**

- A.** At all times a tow truck agent shall display on both sides of each tow truck the company name, full name of the town or city in which the company is located, and ten digit telephone number. Letters shall contrast sharply in color with the background on which the letters are placed, be readily legible during daylight hours from a distance of 50 feet while the tow truck is stationary, and be maintained in a manner that retains the legibility.
- B.** A tow truck agent shall ensure that all tow trucks meet the requirements of this Chapter. The Department may suspend a permit decal for failure to meet the requirements of this Chapter.

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

- A.** A tow truck agent shall ensure that a tow truck has:
  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 agent shall ensure that a tow truck does 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.

##### **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 the tow truck and its load 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, which is capable of holding the tow truck and its load. 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.

##### **R13-3-1104. Required Equipment**

- A.** A light-duty tow truck shall be equipped with a minimum of 20 feet of recovery straps or 5/16-inch diameter chains with a hook on each end of each section. 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 a minimum of 20 feet of recovery straps or 3/8-inch diameter chains with a hook on each end of each section. The straps or chains shall have an identifiable mark indicating a minimum working load limit strength of 7,100 pounds.
- C.** A heavy-duty tow truck shall be equipped with a minimum of 20 feet of recovery straps or 1/2-inch diameter chains with a hook on each end of each section. 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 appropriate attachment hooks.
- E.** All tow trucks shall be equipped with:
  1. Appropriate load securement devices if equipped with a wheel-lift, under-lift, tow bar, tow plate, or tow sling.
  2. A warning light assembly with a minimum of two light emitting sources. The lights 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 100 feet under normal 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. Two portable lamps consisting of tail lights, brake lights, turn signals, and emergency flashers, if a tow truck is equipped with a wheel-lift, under-lift, tow bar, tow plate or tow sling. Each portable lamp shall be visible from 100 feet under normal atmospheric conditions and comply with A.R.S. §§ 28-925(A), 28-927, and 28-939.
  5. One rear-vision mirror on each side of the tow truck. Each mirror shall have a minimum surface area of 24 square

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inches.

6. An operational 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 securement device of sufficient strength to lock the steering mechanism in a straight, forward position, if a tow truck is equipped with a wheel-lift, under-lift, tow bar, tow plate or tow sling.

**R13-3-1105. Collision Recovery Equipment Requirements**

A tow truck with collision recovery capabilities shall be equipped with at least:

1. One #2 or larger square-point shovel;
2. One 14-inch wide or larger push broom;
3. Five gallons or 20 pounds of fluid absorbent material stored in a weatherproof container; and
4. One snatch block for each installed winch on the tow truck. Each snatch block shall be of a size and rating compatible with the size and rating of the installed wire rope.

**R13-3-1106. Wire Rope Restrictions**

A tow truck agent shall ensure that a wire rope is not used in a tow truck if it:

1. Has kinks, bird caging, or knots;
2. Is crushed more than 33% of original diameter;
3. Has core protrusion along the length of the rope;
4. Has more than 11 broken wires in six diameters of length;
5. Has more than three broken wires in any one strand; or
6. Has more than two broken wires at the end connection or fitting.

**R13-3-1107. Wire Rope End Specifications and Installation**

A tow truck agent shall ensure that:

1. All wire rope eye loops used on a tow truck are protected by a thimble;
2. Cable clamps are not used on a wire rope; and
3. Thimbles are not cracked, deformed, worn, loose, or have a strand of wire that slips.

**ARTICLE 12. REQUIREMENTS FOR TOW TRUCK AGENTS AND COMPANIES**

**R13-3-1201. Tow Truck Agent and Company Requirements**

**A.** A tow truck company shall ensure that each tow truck agent:

1. While operating a tow truck possesses and carries a valid driver's license for the class of tow truck operated;
2. While operating a tow truck possesses and carries a current medical examination certificate in accordance with 49 CFR 391.45 (October 1, 2003) as incorporated by reference in A.A.C. R17-5-202;
3. Does not operate a tow truck if the agent has more than two moving violation convictions within the previous 12 months;
4. Possesses the skill and knowledge to rig, move, pick up, and transport a vehicle without causing avoidable damage to the vehicle or other property;
5. Has not consumed any alcoholic beverage within four hours of operating the tow truck;
6. Is not using or under the influence of alcohol or any of the following substances as defined in A.R.S. § 13-3401 while operating a tow truck:
  - a. Peyote;
  - b. Vapor-releasing substance containing a toxic substance;
  - c. Marijuana;
  - d. Dangerous drugs;
  - e. Narcotic drugs; or
  - f. Prescription-only drug unless the tow truck agent obtains the prescription-only drug pursuant to a valid prescription.
7. Has not been convicted of committing a crime involving fraud, embezzlement, or theft in the five years before operating a tow truck and has never been convicted of committing a felony homicide, felony kidnapping, felony assault, felony sexual offense, or felony robbery;
8. Has not been convicted under 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) while engaged in the operation of a tow truck; and
9. Does not operate a tow truck while the agent's license to drive is suspended under A.R.S. § 28-1321 (Implied Consent Law), A.R.S. § 28-3473 (license suspension or revocation), or A.R.S. § 28-4141 (suspended license, no insurance).

**B.** A tow truck agent shall:

1. Comply with A.R.S. § 28-1108;
2. Permit a peace officer or other duly authorized agent of a law enforcement agency to inspect a tow truck to determine

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compliance with the requirements of this Chapter. The inspection may be conducted without notice at any reasonable time and place; and

3. Have a certification from a licensed testing facility certifying the tested line-pull of the winch or the tested lifting capacity of the boom assembly, if the tow truck is equipped with a homemade boom assembly or homemade winch.

**C.** A tow truck agent shall not:

1. Operate a tow truck without an identification number and a legible copy of a tow truck inspection report, as required by this Chapter;
2. Transfer a permit decal or tow truck 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, a person responsible for maintaining the public property, or a law enforcement officer. The tow truck agent 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 a tow truck for collision recovery work unless certified for collision recovery;
6. Use a flatbed tow truck with a G.V.W.R. of less than 14,001 pounds to transport more than one vehicle unless the additional vehicle is a golf cart, a motor-driven cycle, or a trailer that weighs less than 1,500 pounds;
7. Operate a tow truck that has one or more of the following defects:
  - a. Both warning light assembly lights missing or inoperative;
  - b. All load securement devices missing or defective;
  - c. A portable lamp not in compliance with A.R.S. §§ 28-925(A), 28-927 or 28-939, 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 flat tire or tire with cord exposed by cut or wear;
  - g. Any tow plate, tow bar, tow sling, wheel-lift, or under-lift exhibiting wear in excess of manufacturer standards at any pivot point or any crack in a structural component;
  - h. Wire rope in violation of R13-3-1106;
  - i. Any component not maintained within manufacturer standards; or
  - j. A deficiency noted on an inspection report after the time-frame available to the tow truck agent to correct deficiencies has elapsed;
8. Equip a tow truck with homemade boom assembly or homemade winch, unless the tow truck company has a certification from a licensed testing facility certifying the tested line pull of the winch or the tested lifting capacity of the boom assembly;
9. Tow a vehicle using a tow sling, tow plate, or tow bar unless appropriate load securement devices 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 including 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 chains with one end of each chain attached to a major structural member of the tow truck and the other end attached to a major structural member of the towed vehicle, with no attachments to the bumpers;
12. Tow a vehicle using a tow plate, tow bar, tow sling, wheel-lift, or under-lift unless a portable lamp is affixed to the rear of the rear-most towed vehicle, in plain view, and when activated, visible to traffic traveling in the same direction;
13. Activate warning light assembly except at the scene of service, or when transporting a vehicle that presents a hazard from a collision scene;
14. Use any vehicle towed or article stored in the towed vehicle, unless it is the property of the tow truck company or tow truck agent;
15. Operate a tow truck that exceeds the manufacturer's G.V.W.R. without a load or the manufacturer's rated capacity for the boom or bed assembly;
16. Operate a tow truck that is equipped with a tow plate, tow bar, or tow sling unless the tow plate, tow bar, or tow sling has a manufacturer weight rating that exceeds any load carried on it; or
17. Refuse to make prompt restitution for any damage for which the tow truck company is legally liable.

**D.** The Department may suspend a permit decal for failure to comply with these standards.

**ARTICLE 13. ENFORCEMENT**

**R13-3-1301. Waiver**

If the Director determines there is a compelling public necessity, the Director may waive the enforcement of this Chapter.

1. A person shall make a waiver request in writing.
2. The Director shall separately consider and decide each request for a waiver and each waiver shall only apply to the

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person requesting the waiver.

- 3. The Director shall provide the decision in writing.

R13-3-1302. Suspension or Denial of Tow Truck Permit Decal

- A. The Director may deny or suspend a permit decal for up to one year if a person violates this Chapter.
B. The Department shall provide a written notice of a permit decal suspension to a tow truck company that includes the information specified in A.R.S. § 41-1092.03(A) and lists:
1. The effective date of the suspension;
2. The tow truck affected by the suspension;
3. The specific violation; and
4. The actions necessary for compliance and for the Department to end the suspension.
C. Beginning on the effective date of the suspension, the tow truck company shall not operate the identified tow truck to tow.
D. 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. A tow truck agent shall sign the plan and submit the plan to the Department for approval and signature.
2. Failure to submit a plan within 90 days of written notice of suspension by the Department constitutes withdrawal from the permit process and requires the tow truck company to reapply under Article 9 of this Chapter.
E. If the tow truck company complies with the corrective action plan, the Department shall reinstate the tow truck permit decal.
F. The Department shall not suspend a permit decal for a violation of R13-3-1201(A)(3) unless the tow truck company owner knew or should have known of the tow truck agent's convictions.

R13-3-1303. Appeals

- A. A person that has had issuance of a tow truck permit decal denied or suspended has a right to a hearing.
1. The Director or designee may combine requests for hearings into one hearing where there are common parties or issues.
2. The hearing shall be conducted by the Office of Administrative Hearings pursuant to A.R.S. § 41-1092, et seq.
B. A person shall make a request for a hearing in writing to the Department within 30 calendar days from receipt of the notice of denial or suspension. If the request for a hearing is not received within the 30-day period, the person's right to a hearing is waived, unless the person shows that failure to timely request a hearing was beyond the person's control.
C. If a hearing is requested, the Department shall notify the person in writing at least 30 calendar days before the date set for hearing and include the following in the notice:
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; and
4. A short and plain statement of the matters asserted.
D. A final administrative decision shall be issued pursuant to A.R.S. § 41-1092.08.
1. A copy of the decision shall be mailed to each party.
2. Within 35 calendar days after the date of service of the final decision rendered in the hearing, an appeal may be taken to the Superior Court of the county in which any of the conditions in A.R.S. § 12-905 apply. Appeals to the Superior Court are governed by the provisions of A.R.S. § 12-901 et seq.

NOTICE OF FINAL RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL

[R06-172]

PREAMBLE

Table with 2 columns: Sections Affected and Rulemaking Action. Rows list rule numbers (R13-5-101 to R13-5-312) and their corresponding actions (Amend).



Notices of Final Rulemaking

R13-5-501	Amend
R13-5-503	Amend
R13-5-507	Amend
R13-5-513	Amend
R13-5-702	Amend
R13-5-703	Amend
Article 8	Amend
R13-5-804	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. § 41-1830.12(A)

Implementing statutes: A.R.S. § 38-1101, A.R.S. §§ 38-842(20)(a), 41-1714, 41-1830.11, 41-1830.12, 41-1830.13, and 41-1830.14

**3. The effective date of the rules:**

July 2, 2006

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 4310, October 28, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 4227, October 28, 2005

Notice of Supplemental Proposed Rulemaking: 11 A.A.R. 5189, December 9, 2005

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

Name: Commander. C. H. Johnston, Business Manager

Address: Law Enforcement Merit System Council  
P.O. Box 6638  
Phoenix, AZ 85005

Telephone: (602) 223-2286

Fax: (602) 223-2096

E-mail: Cjohnston@azdps.gov

**6. An explanation of the rule, including the agency's reason for initiating the rule:**

The Law Enforcement Merit System Council (Council) completed a major rewrite of the rules on May 10, 2000. It was anticipated that some minor revisions would be needed following such a major rewrite. A rule revision committee was created to provide an annual review of the rules to assure the rules remained current and clear. This is another revision intended to clarify the rules as proposed by the rules revision committee. Changes to A.R.S. § 38-1101 in the 2004 and 2005 legislative sessions necessitate changes to the discipline and hearing rules (R13-5-702 and R13-5-703). This revision will also incorporate the changes made in an emergency revision in 2004 into the rules permanently.

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

The Council did not review any study related to this rulemaking.

**8. 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

**9. The summary of the economic, small business, and consumer impact:**

Throughout the rulemaking, numbers have been changed to conform to the format established by the Secretary of State and the Governor's Regulatory Review Council. Other changes were made to correct punctuation or misuse of words, in order to clarify the rule. These will now be addressed individually.

**R13-5-101**

*The revision to R13-5-101 will not have an economic impact.* It revises six definitions and adds one additional definition that clarifies the rules.

**R13-5-201**

*The revision to R13-5-201 will have a minor economic impact.* The Department will realize a cost saving by reducing the cost of reproducing paper copies of job descriptions that exist on the DPS web site.

**R13-5-302**

*The revision to R13-5-302 will not have an economic impact.* The revision merely eliminates or relocates a portion of the rule that is the duplication of another rule (R13-5-305). To assure the inspection of examination results is available to employees, a new subsection (I) is added that refers to R13-5-305(G).

**R13-5-304**

*The revision to R13-5-304 will not have an economic impact.* The revision merely moves R13-5-302(J) to R13-5-304 (G). It has been determined that the correction of a manifest error on a list should be in R13-5-304.

**R13-5-305**

*The revision to R13-5-305 will not have an economic impact.* This revision combines language from R13-4-302(H), R13-5-305(F), and R13-5-305(H) into one place. This is the new R13-5-305(G) dealing with the inspection of examination results. This revision also clarifies how an employee returning from military leave is to be given an opportunity to take any promotional exam that was missed and how that employee's placement on any existing promotional list will occur. It also clarifies that an employee who is terminated will be removed from any promotion list. Subsection (P) is being deleted to conform to actual practice and to avoid the need for the Human Resources Bureau to produce a new eligibility list under these circumstances. The old list is certified as being valid until it expires.

**R13-5-307**

*The revision to R13-5-307 will not have an economic impact.* This revision merely changes the amount of time a reinstatement list remains in force to match the duration of other eligibility lists.

**R13-5-309**

*The revision to R13-5-309 will not have an economic impact.* This change clarifies the process of interviewing potential employees.

**R13-5-312**

*The revisions to R13-5-307 will have minimal economic impact.* It will provide a benefit to both the agencies and the employees alike. Employees will be afforded protection during a reduction-in-force. Agencies will find that employees are more willing to accept these positions that were formerly considered to be limited-term positions.

**R13-5-501**

*The revision to R13-5-501 will not have an economic impact.* It will provide a benefit for the agency and the employee alike by clarifying the intent of the rules regarding accrual of leave time for both full-time and part-time employees.

**R13-5-503**

*The revision to R13-5-503 will not have an economic impact.* This revision, along with the revision in R13-5-501 will clarify the method of accruing leave time. There are also some minor changes that are being made to codify the changes made during the emergency rulemaking of March 4, 2004 and to bring the rule in line with the intent of that rule revision.

**R13-5-507**

*The revision to R13-5-507 will not have an economic impact.* It will, however, provide a benefit to the agency by clarifying that a holiday cannot be used to accrue the hours necessary to be eligible to be paid for the holiday.

**R5-13-513**

*The revision to R13-5-513 will not have an economic impact.* This revision changes the definition of "family member" to be consistent with the statutory definition and with that used in R13-5-506. There are also some minor changes that are being made to codify the changes made during the emergency rulemaking of March 4, 2004 and to bring the rule in line with the intent of that rule revision.

**R13-5-702**

*The revision to R13-5-702 will have a minimal economic impact.* The revision will provide a benefit to both the employee and the agency alike by allowing the agency more time to handle investigations and to serve discipline notices when an employee is absent from the agency and an investigation is not possible due to this absence. This revision also will result in a better structural organization of the rule regarding exceptions to the time limit for filing a disciplinary action. It also clarifies that service of disciplinary action shall be completed in accordance with R13-5-104 (D).

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**R13-5-703**

*The revision to R13-5-703 will not have an economic impact.* This revision is necessitated by legislative action in revising A.R.S. § 38-1101. The revision to the statute merely changed time limits for performing duties already required by the Council. This revision also establishes a more reasonable time period for the Council to provide a written decision after a hearing.

**Article 8**

*The revision to Article 8 will not have an economic impact.* This revision merely adds the Retirement System to the title of this Article.

**R13-5-804**

*The revision to R13-5-804 will not have an economic impact.* This revision makes it easier to deal with those employees who are eligible for the Public Safety Personnel Retirement System when changes are made to job titles.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Minor technical and grammatical changes were made between the Notice of Supplemental Rulemaking and this Notice of Final Rulemaking. In addition, for 13-5-101, 13-5-503, and 13-5-507 in the Notice of Proposed Rulemaking, the Council inadvertently used the base text of emergency rules that had expired, which was corrected in the Notice of Final Rulemaking.

**11. A summary of the comments made regarding the rule and the agency response to them:**

No comments were received.

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

Not applicable

**13. Incorporations by reference and their location in the rules:**

Not applicable

**14. Was this rule previously made as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 13. PUBLIC SAFETY**

**CHAPTER 5. LAW ENFORCEMENT MERIT SYSTEM COUNCIL**

**ARTICLE 1. GENERAL PROVISIONS**

Section

R13-5-101. Definitions

**ARTICLE 2. CLASSIFICATION AND COMPENSATION**

Section

R13-5-201. Classification

**ARTICLE 3. EMPLOYMENT**

Section

R13-5-302. Examinations

R13-5-304. Employment

R13-5-305. Promotion

R13-5-307. Reinstatement

R13-5-309. Selection

R13-5-312. ~~Limited Term~~ Limited-Term Appointments

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ARTICLE 5. EMPLOYEE LEAVE

Section

- R13-5-501. Employee Leave Guidelines
- R13-5-503. Annual Leave
- R13-5-507. Holiday Leave
- R13-5-513. Sick Leave

ARTICLE 7. DISCIPLINE AND APPEALS

Section

- R13-5-702. Disciplinary Procedures
- R13-5-703. Appeals to the Council

ARTICLE 8. SEPARATION FROM EMPLOYMENT; RETIREMENT SYSTEM ELIGIBILITY

Section

- R13-5-804. Public Safety Personnel Retirement System Eligibility

ARTICLE 1. GENERAL PROVISIONS

**R13-5-101. Definitions**

In this Chapter, unless otherwise specified, the following terms mean:

- “Abandonment of position” No change
- “Abilities” No change
- “Agency” No change
- “Agency head” No change
- “Allocate or allocation” No change
- “Annual leave” means the leave time accrued ~~monthly~~ biweekly by an employee based on the number of years of state service and may include holiday leave and recognition leave.
- “Appeal” No change
- “Applicant” No change
- “Appointment” No change
- “Background investigation” No change
- “Break-in-service” means a period of absence from agency service of more than ~~30 consecutive working days~~ 240 consecutive working hours resulting from an employee’s resignation, retirement, suspension, layoff, or leave of absence without pay.
- “Business manager” No change
- “Candidate” No change
- “Certified list” No change
- “Civilian employee” No change
- “Classification” No change
- “Classification date” No change
- “Classification specification” No change
- “Classified position” No change
- “Commissioned employee” means a person who is appointed to a classification that requires ~~officer status as defined in A.R.S. § 41-1822 (A) (3)~~ Arizona Peace Officer Standards and Training Board certification as a peace officer.
- “Compensation” No change
- “Compensatory time” No change
- “Competitor” No change
- “Contested case” No change
- “Council” No change
- “Covered position” No change

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“Days”	No change
“Demotion”	No change
“Disabled person”	No change
“Dismissal”	No change
“Duties”	No change
“Eligibility list”	No change
“Employee”	No change
“Entrance rate”	No change
“Examination”	No change
“Examination plan”	No change
“Exempt employee”	No change
“External employment list”	No change
“Fair Labor Standards Act” (FLSA)	No change
“Family <u>and</u> Medical Leave Act (FMLA) leave”	means a leave of absence, with or without pay, taken by an <del>eligible</del> employee under a policy adopted by an agency head from options authorized in the Family and Medical Leave Act. 29 U.S.C. 2611, et- seq.
“For cause”	No change
“Full-time employee”	No change
“Grievance”	No change
“Holiday leave”	No change
“Human Resources”	No change
“Initial probation”	No change
“Intermittent Appointment”	No change
“Internal list”	No change
“Knowledge”	No change
“Limited duty”	No change
“Limited-term appointment”	means an appointment to a position that is designated as temporary, <del>or is not funded by the agency’s legislative appropriation.</del>
“Limited-term employee”	No change
“Manifest error”	No change
“Non-exempt employee”	No change
“Overtime”	No change
“Part-time appointment”	No change
“Part-time employee”	No change
“Pay range”	No change
“Pay status”	No change
“Permanent employee”	No change
“Permanent status”	No change
“Position”	No change
“Position audit”	No change
“Probation”	No change
“Promotion”	No change
“Provisional appointment”	No change
“Qualifications Appraisal Board”	No change
“ <u>Qualifying pay period</u> ”	<u>means a pay period for qualifying service in which an employee is in pay status for at least one-half of the employee’s normally scheduled work week.</u>
“Qualifying service”	No change
“Reallocation”	No change

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“Reappointment” means appointment to a classification previously held by a ~~permanent status~~ an employee who was reassigned to a different classification, ~~during a reduction in force.~~

“Reassignment”	No change
“Recall”	No change
“Reclassification”	No change
“Recognition leave”	No change
“Reduction in force”	No change
“Regular employee”	No change
“Reinstatement”	No change
“Rejection of probation”	No change
“Responsibilities”	No change
“Retirement”	No change
“Separation”	No change
“Skill”	No change
“Special duty assignment”	No change
“Special limited term appointment”	No change
<del>“State”</del>	<del>No change</del>
“Standard performance”	No change
“Standardized scoring”	No change
<u>“State”</u>	<u>No change</u>
“Suspension of pay”	No change
“Telecommuting”	No change
“Time-in-grade”	No change
“Transfer”	No change
“Uncovered appointment”	No change
“Uncovered employee”	No change
“Veteran”	No change
“Work week”	No change

ARTICLE 2. CLASSIFICATION AND COMPENSATION

**R13-5-201. Classification**

- A. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- B. Classification ~~Specifications~~ specifications. The business manager shall document the date of adoption and the latest revision of each classification specification, and shall maintain the master set of all approved classification specifications. Human Resources shall also maintain a set of all approved classification specifications. Copies of a classification specification are open for inspection by an employee and the public ~~during normal business hours.~~ and are available on the DPS web site.
- C. Allocating positions. The Council shall allocate ~~a position~~ positions to the appropriate classification in the Classification Plan. The Council shall allocate ~~a position~~ positions to the same classification when:
  - 1. The duties and responsibilities are substantially similar;
  - 2. The ~~same~~ education, experience, knowledge, skills, and abilities required are substantially similar;
  - 3. The examinations used in choosing qualified candidates are substantially similar; and
  - 4. The pay range may be applied equitably to all positions in the classification.
- D. No change
- E. No change
- F. Modification. The Council may establish a new classification and revise or abolish an existing classification. The Council shall decide when a position in an affected classification needs to be reallocated, taking into account the ~~classification~~

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~~duties, responsibilities and related criteria.~~ factors in subsection (C). The Council shall also determine the probationary or permanent status of an employee affected by reallocation.

- G. No change
- H. Changes in positions. The ~~business manager~~ Council shall reallocate an existing position when a material and permanent change occurs in the duties and responsibilities of the position.
  - 1. No change
    - a. No change
    - b. No change
    - c. No change
  - 2. No change
- I. No change
  - 1. No change
  - 2. No change
- J. No change
- K. No change

ARTICLE 3. EMPLOYMENT

**R13-5-302. Examinations**

- A. No change
- B. No change
- C. No change
  - 1. No change
  - 2. No change
  - 3. No change
  - 4. No change
- D. No change
- E. No change
  - 1. No change
  - 2. No change
  - 3. No change
- F. Scoring an examination. Human Resources shall oversee the scoring of the examination.
  - 1. Human Resources may use a rater for a qualifications appraisal board from within or outside of an agency to score an examination. Human Resources shall select an examination rater who is qualified to appraise the education, experience, and personal qualifications of a competitor.
  - 2. Human Resources shall provide a rater with scoring guidelines and exam answer keys to ensure consistency of scoring, evaluation, and interpretation of test results. All phases of an examination shall have predetermined and clearly defined scoring criteria.
  - 3. ~~If a member of a qualifications appraisal board gives a competitor an average rating below the passing level, but~~ If a majority of the members raters on a qualifications appraisal board give the competitor a passing score, the competitor shall receive a minimum rating of "pass" even if the competitor's average score is below the passing level. If a majority of the raters on a qualifications appraisal board gives the competitor a score below the passing level, the competitor shall be disqualified, even if the competitor's average score is above the passing level.
  - 4. Human Resources shall apply standardized scoring to a multi-phased examination when the number of competitors is 5 ~~five~~ or more.
- G. No change
  - 1. No change
  - 2. No change
- H. Examination results notification. Human Resources shall mail notification of examination results to each competitor. ~~Within 10 business days after the examination results are mailed, a competitor may file with the business manager a written request that the business manager review all examination questions, answers, scoring methods, procedures, and decisions. A competitor requesting a business manager's review shall outline the specific areas the competitor believes are in error.~~
  - 1. ~~If the business manager's review discloses an error, the business manager shall return the examination to Human Resources for correction.~~
  - 2. ~~If an error affects the scores of other competitors, Human Resources shall revise all incorrect scores.~~
  - 3. ~~If the business manager determines the error is not correctable and the defective portion of the exam is critical to the examination process, Human Resources shall re-administer that portion of the examination under guidelines provided by the business manager.~~

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I. Review of examinations. Any employee who has tested for promotion may request an examination review under R13-5-305(G).

~~I.J.~~ No change

~~J.~~ Correcting a manifest error. The business manager shall correct a manifest error that occurs in developing, using, or maintaining an eligibility list. The business manager shall not change the effective date of an eligibility list to correct a manifest error discovered after posting the list.

**R13-5-304. Employment**

A. No change

B. No change

C. No change

D. No change

E. No change

1. No change

2. No change

3. No change

4. No change

F. No change

1. No change

2. No change

3. No change

G. Correcting a manifest error. The business manager shall correct a manifest error that occurs in developing, using, or maintaining an eligibility list. The business manager shall not change the effective date of an eligibility list to correct a manifest error discovered after posting the list.

**R13-5-305. Promotion**

A. No change

B. No change

1. No change

a. No change

b. No change

c. No change

2. No change

C. No change

D. No change

E. No change

~~F.~~ Inspecting an examination. Within 10 days after taking a written promotional examination, a competitor may request permission from the business manager to inspect a copy of the exam for the purpose of identifying an item the competitor believes is incorrect.

~~1.~~ The business manager shall arrange an inspection of an exam during business hours, in an agency office, and in the presence of the business manager or an employee authorized by the business manager.

~~2.~~ The competitor shall advise the business manager of the questions or answers challenged.

~~3.~~ The competitor may make notes concerning items the competitor plans to challenge but shall not otherwise copy a question in the examination.

~~4.~~ The competitor may file a written notice with the business manager questioning an item in the examination and explaining the basis for any challenge. The business manager shall process the challenge consistent with the procedure in R13-5-302.

~~G.F.~~ No change

~~H.~~ Inspection of examination results. Within 10 days after notice of the results of an examination, a competitor may request to review the competitor's examination with the business manager, or an employee authorized by the business manager.

~~1.~~ The business manager or the authorized employee shall oversee the competitor's examination inspection.

~~2.~~ An employee shall not copy questions or answers, nor make any alterations to the examination papers.

~~3.~~ Only the Council, business manager, competitor, competitor's attorney and the agency head may inspect a competitor's examination.

~~4.~~ Within 10 days of a review, a competitor may file a written notice with the business manager questioning examination results on the basis of irregularity, bias, fraud, or scoring error and explaining the basis for any challenge. The business manager shall correct any error in the scoring of the examination.

G. Inspection of examination results. Within 10 days after the examination results are mailed, a competitor may file a written notice with the business manager requesting an opportunity to review the examination for the purpose of determining whether the competitor has a reason for challenging the competitive examination. A competitor requesting a review shall



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outline the specific areas the competitor believes are in error. The competitor shall be allowed to review the examination in the presence of the business manager or an employee authorized by the business manager to determine whether the competitor has a valid basis for a challenge to the examination.

1. The business manager or the authorized employee shall oversee the competitor's examination inspection.
2. An employee shall not copy questions or answers, nor make any alterations to the examination papers.
3. Within 10 days of a review, a competitor may file a written notice with the business manager challenging the examination results on the basis of irregularity, bias, fraud, or scoring error and explaining the basis for any challenge. The business manager shall review the competitor's challenge to determine if the challenge is valid.
4. If the business manager's review discloses an error, the business manager shall return the examination to Human Resources for correction.
5. If an error affects the scores of other competitors, Human Resources shall revise all incorrect scores.
6. If the business manager determines the error is not correctable and the defective portion of the exam is critical to the examination process, Human Resources shall re-administer that portion of the examination under guidelines provided by the business manager.
7. Only the Council, a business manager, competitor, competitor's attorney, or an agency head may inspect a competitor's examination.

~~I.H.~~ No change

~~J.I.~~ Military leave. Human Resources shall allow an employee returning from military leave to take any examination that the employee could have taken if military service had not intervened. If the employee passes the examination, the business manager shall add the employee's name to the appropriate internal eligibility list based on the employee's score.

~~K.J.~~ No change

~~L.K.~~ No change

~~M.L.~~ No change

~~N.M.~~ No change

~~O.N.~~ No change

~~P.~~ Revising a classification. If the Council orders that a classification be revised, Human Resources shall establish a new list for the revised classification and cancel any existing list.

~~Q.O.~~ Removing a candidate from an internal list. The business manager shall remove a candidate from an internal list if:

1. The candidate fails to maintain required qualifications for the classification, or
2. The candidate resigns or is terminated from agency service. ~~or~~
3. ~~The internal list expires.~~

~~R.P.~~ Promotion to the classification of officer. ~~An employee shall be promoted to the classification~~ The business manager shall reclassify an employee to the classification of officer upon certification by the Peace Officer Standards and Training Board.

~~S.Q.~~ No change

1. No change
2. No change
3. No change
4. No change
5. No change
6. No change

~~T.R.~~ No change

#### **R13-5-307. Reinstatement**

- A. Reinstatement list. ~~An employee who separates from an agency may apply for reinstatement within 1 year. An employee may apply for reinstatement within one year from the date of separation.~~ Upon approval of the agency head, Human Resources shall place the former employee's name ~~on~~ at the bottom of a reinstatement list for the last classification held by the employee and any previous or closely related classifications for which the employee is qualified.
- B. Duration of the list. A reinstatement list shall remain in force for a maximum of ~~1 year.~~ 18 months. ~~At the agency head's request, the Council may extend the duration of the list for 6 months periods at a time.~~
- C. Background investigation. All candidates for reinstatement ~~are required to~~ shall pass a background investigation.

#### **R13-5-309. Selection**

- A. No change
- B. Interviewing. ~~If the hiring manager does not select a transfer or the top candidate from the certified list, the hiring manager~~ A manager who is filling a vacancy shall interview all candidates requesting a transfer, ~~and at least one but no more than~~ and may interview up to three candidates from each certified list.
- C. Additional names. If the ~~hiring~~ manager rejects all initial candidates, the ~~hiring~~ manager shall document job-related reasons for their rejection and submit the interview forms to Human Resources. If Human Resources agrees with the ~~hiring~~ manager's reason for rejection, Human Resources shall refer up to 3 more names from ~~the lists~~ each certified list.

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- D. Selection of cadet officer. A candidate ~~receiving a job offer~~ who receives a job offer for a position covered under R13-5-312 (E) and who is not disqualified during the background investigation shall be appointed to the classification by the agency head.
- E. No change
- F. No change

**R13-5-312. Limited-Term Appointments**

- A. Limited-term ~~position appointment~~. ~~A limited term position is either temporary or funded from a source outside an agency's regular legislative appropriation. An appointee to a limited term position shall, after~~ After successfully completing initial probation, an appointee to a limited-term position have obtains the rights of a permanent employee, except for the opportunity to compete for retention against regular employees in a case of layoff due to a reduction-in-force.
- B. ~~Certifying a candidate~~ Employing a limited-term candidate. An eligible candidate is ~~certified~~ employed based upon the candidate's position on the eligibility list and the candidate's willingness to accept a limited-term appointment.
- C. Separation. The agency may separate a limited-term employee ~~at any time before~~ at the expiration of the appointment by notifying the employee in writing. If a provisional or an intermittent employee remains employed in the same classification, the agency shall not separate a limited-term employee except for reasons listed in A.R.S. § 41-1830.15.
- D. No change
  - 1. No change
  - 2. No change
- E. ~~Special limited term~~. Special limited term. A candidate for the classification of officer may be employed in a special ~~limited term~~ limited-term position as a cadet officer or officer trainee for a maximum of ~~3~~ three years pending completion of requirements for the classification of officer.
  - 1. No change
  - 2. No change
    - a. No change
    - b. No change

ARTICLE 5. EMPLOYEE LEAVE

**R13-5-501. Employee Leave Guidelines**

- A. ~~Full-time employee~~. Accrual of leave. ~~A full-time~~ An employee may accrue the following types of paid leave:
  - 1. Annual leave,
  - 2. Holiday leave, and
  - ~~3. Recognition leave, and~~
  - ~~4~~ 3. Sick leave.
- B. Accruing leave. An employee shall accrue leave for a pay period if the employee is in pay status for at least one-half of the employee's normal scheduled work week.
- C. Part-time employees. A part-time employee scheduled to work 20 or more hours in a week shall accrue leave based on the percentage of full-time hours specified in the appointment. An employee scheduled to work less than 20 hours in a week shall not accrue leave.
- ~~B-D~~. No change
- ~~C-E~~. Time accounting record. An agency shall maintain a record of time worked, leave earned, leave taken, and accrued leave balances for an employee. ~~The agency shall periodically provide a leave balance statement to an eligible employee.~~ A non-exempt employee shall report all time worked and all leave taken on a weekly basis. An exempt employee shall report leave taken as directed by agency policy.

**R13-5-503. Annual Leave**

- A. Computing length of service. For determining an annual leave accrual rate, an employee's length of service shall begin on the first day of the first ~~complete month~~ qualifying pay period of employment. Only a ~~complete month of qualifying service~~ qualifying pay period is counted before and after a break-in-service. Previous periods of service as a state employee are counted toward annual leave accrual. Periods of military leave and active military service are included in computing annual leave if the employee ~~complies with~~ meets the requirements of A.R.S. § 38-610.
- B. Accruing annual leave. ~~An employee in pay status for half of a month shall accrue annual leave. A part-time employee scheduled to work 20 or more hours in a week shall accrue annual leave based on the percentage of full time hours specified in the appointment. A part-time employee scheduled to work less than 20 hours in a week shall not accrue annual leave.~~ A full-time employee shall accrue annual leave under the following schedule:

Beginning	Completion	<del>Monthly</del> <u>Biweekly</u> accrual rate
1st year	5th year	<del>4</del> <u>4.62</u> hours
6th year	10th year	<del>2</del> <u>5.54</u> hours

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11th year	20th year	<del>14-6.47</del> hours
21st year		<del>16-7.39</del> hours

- C. Progression of annual leave. An employee shall progress to the next higher accrual rate on the first day of the ~~month~~ pay period following completion of the required length of service.
- D. No change
- E. Maximum accumulation and disposition. An employee may accumulate annual leave without limit during a year. At the end of each year, an employee's annual leave balance shall not exceed 360 hours. It shall be the responsibility of each employee to schedule annual leave to avoid having a balance over 360 hours at the end of the year. If an employee's annual leave balance on January 1 exceeds ~~the allowed maximum 360 hours~~, the agency head may withdraw the excess and deposit the hours as sick leave in the employee's sick leave balance. The agency head may authorize a later date for conversion of excess annual leave if an employee's duty assignment, receipt of recognition leave, injury, or illness prevents timely use of annual leave.
- F. No change

**13-5-507. Holiday Leave**

- A. Paid holidays. ~~The An~~ agency shall observe the holidays authorized under A.R.S. § 1-301.
- B. Eligibility. To be eligible for holiday leave, ~~an a full-time~~ employee shall be in pay status for 10 or more hours in the work week in which the holiday occurs. A part-time employee shall be in pay status for five or more hours in the work week. The holiday hours that would be accrued cannot be used to satisfy any part of this requirement.
  - 1. If a holiday occurs on an employee's regular work day, the employee may be absent with pay for the number of hours the employee is regularly scheduled to work, up to a maximum of ~~8~~ eight hours, unless the employee is required to work to maintain essential ~~State~~ state services.
  - 2. An employee required to work on a holiday shall receive pay for the time worked, and leave ~~credits~~ hours for the number of hours regularly scheduled to work on that day, up to a maximum of ~~8~~ eight hours.
  - 3. If a holiday occurs on a day when an employee is scheduled to work, but the employee is unable to work because of an illness or injury, the employee may take sick leave and accrue holiday leave credits as provided under subsection (C) for the number of hours regularly scheduled to work on that day, up to a maximum of ~~8~~ eight hours.
  - 4. An employee not scheduled to work on a holiday shall receive leave credits, up to a maximum of ~~8~~ eight hours.
  - 5. ~~A part-time employee shall accrue prorated leave based on hours authorized to work.~~
- C. No change
- D. No change

**R13-5-513. Sick Leave**

- A. Definitions. The following definitions shall apply in this Section:
  - 1. "Family sick leave" means:
    - a. Providing personal care or attending to an employee's family member who has a serious illness, injury, or temporary disability;
    - b. A medical appointment for a family member or transporting of a family member ~~for consultation, examination or treatment to a medical appointment~~ by a licensed health care provider; or
    - c. Attendance at the death or funeral of an employee's family member.
  - 2. ~~"Family member" means an employee's spouse, child, brother, sister, and parent by blood, marriage, adoption, or an individual for whom the employee has legal guardianship.~~ "Family member" means a spouse, natural child, adopted child, foster child, stepchild, natural parent, stepparent, adoptive parent, grandparent, grandchild, brother, sister, sister-in-law, brother-in-law, son-in-law, daughter-in-law, mother-in-law, or father-in-law.
- B. Accruing sick leave.
  - 1. A full-time employee shall receive ~~10 4.62~~ hours of sick leave ~~for each month of service~~ biweekly.
  - 2. ~~A part time employee working more than 20 hours per week shall receive sick leave based upon the proportion of full-time hours worked.~~
  - 3-2. The following employees are not eligible for sick leave:
    - a. A part-time employee working less than 20 hours in a week,
    - b. An ~~Intern~~ intern, and
    - c. An ~~Intermittent~~ intermittent employee.
  - 4-3. An ~~eligible~~ employee shall receive sick leave credit if the employee is in pay status for at least ~~one-half~~ one-half of the employee's ~~working days in that month.~~ normally scheduled work week.
  - 5-4. Sick leave may be accrued without limit.
- C. Using sick leave. ~~An eligible employee may use accrued sick leave after 1 month of service.~~ A supervisor shall authorize sick leave if an employee is absent because of:
  - 1. ~~A medical condition~~ An illness that makes the employee unable to perform official duties;
  - 2. An appointment with a licensed health care provider ~~for consultation, examination, or treatment,~~ or
  - 3. Family sick leave.

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- D. Family sick leave limits. Family sick leave shall not exceed 40 hours in a year. An employee may use annual leave to supplement or instead of family sick leave. If an employee has used the authorized 40 hours of family sick leave and exhausted all compensatory and annual leave, the agency head may authorize the employee to use the employee's sick leave.
- E. Supervisory review of sick leave. A supervisor may require supporting documentation for any sick leave. ~~If an employee's use of family sick leave or regular sick leave seems abusive~~ If the employee fails to provide necessary documentation of the use of sick leave or violates any provision of this Section, the employee's supervisor may disapprove the sick leave and charge the absence to the employee's annual leave or leave without pay. When an employee has been on sick leave for 5 five or more consecutive days, the supervisor may require the employee to submit ~~a medical evaluation form, signed by a licensed health care provider,~~ evidence that the employee consulted a doctor.
- F. No change
- G. Medical review. If a supervisor is concerned about a returning ~~employees'~~ employee's fitness for duty, the supervisor may request a medical evaluation under R13-5-315(B), or request that the employee be temporarily assigned to limited duty.
- H. Forfeiture of sick leave. An employee shall forfeit accumulated sick leave upon separation from State ~~state~~ service, unless eligible for payment under the provisions of A.R.S. § 38-615.
- I. Restoring sick leave. If a former employee is recalled, reinstated, or rehired within ~~2~~ two years, an agency shall restore the employee's previous sick leave balance. Sick leave for which the employee received compensation under ~~Arizona Statutes~~ A.R.S. § 38-615 is excluded from restoration.
- J. No change
  1. No change
  2. No change
  3. No change
- K. Agency leave policy. An agency shall establish a sick leave policy that complies with all of the provisions of the ~~Family Medical Leave Act.~~ Family and Medical Leave Act.

ARTICLE 7. DISCIPLINE AND APPEALS

**R13-5-702. Disciplinary Procedures**

- A. No change
- B. No change
- C. Interview of an employee. In conducting an interview of an employee being investigated for possible disciplinary action, an agency shall comply with A.R.S. § 38-1101(A) and (B).
- ~~C.~~ D. Time limit for filing a disciplinary action. An agency shall not file a disciplinary action later than 120 days after the date the agency discovers or should have discovered that the employee engaged in alleged activity constituting cause for discipline. The disciplinary action is deemed to be filed when the notice is filed with the Council, ~~except that:~~
  - ~~1. The 120-day time limit does not run during any criminal investigation by the employee's agency, or any other agency, if the disciplining agency informs the business manager of the pending criminal investigation and provides the business manager with all relevant case numbers and any other information requested by the Council. The agency shall provide a status report every 30 days to the business manager. The agency shall notify the business manager when a case is taken off criminal hold.~~
  - ~~2. At the request of an agency, the Council may, upon a showing of good cause, extend time for an agency to file a disciplinary action up to an additional 60 days.~~
  - ~~3. If a manager or a supervisor is aware of the employee's alleged actions that constitutes criminal offense but fails to act, the 120-day time limit does not run during the period of the manager or supervisor's inaction, if:
    - ~~a. The supervisor or manager is disciplined for failure to act.~~
    - ~~b. The offense is a misdemeanor involving theft or moral turpitude and is discovered within 120 days after the end of the 120-day period for taking disciplinary action.~~
    - ~~c. The offense is a felony.~~~~
- E. Exceptions to the 120-day rule.
  1. The time limit in subsection (D) does not run:
    - a. During a criminal investigation by a law enforcement or prosecutorial agency; or
    - b. During any period of time the employee who is the subject of an investigation is absent from the agency on leave, if the absence prevents the agency from proceeding with the normal investigation and disciplinary review process.
  2. At the request of an agency, the Council may, upon a showing of good cause, extend the time for an agency to file a disciplinary action up to a maximum of 90 days beyond the original 120-day period.
  3. If a manager or supervisor is aware of an employee's alleged actions that constitute a criminal offense but fails to act, the time limit does not run during the period of the manager or supervisor's inaction if the supervisor or manager is disciplined for failure to act and:

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- a. The offense is a misdemeanor involving theft or moral turpitude and is discovered within 120 days after the end of the 120-day period for taking disciplinary action, or
- b. The offense is a felony.

4. The agency shall maintain documentation to support any exception to the 120-day time limit, including the dates during which the time limit does not run.

**D.F.** Notice of disciplinary action. An agency head shall serve a written notice on the employee within 10 days after the agency files the notice of disciplinary action with the Council. Service shall be completed in accordance with R13-5-104(D). The agency head's notice shall include:

- 1. A statement of the nature of the disciplinary action;
- 2. Any prior disciplinary action on which the current discipline is based;
- 3. The effective date of the action;
- 4. A specific statement of the causes; and
- 5. A statement of the employee's right to appeal and the time limit in which the employee must file an appeal with the Council under R13-5-703 (A), (B), and (C).

**E.G.** No change

**F.H.** Effect of dismissal. An employee's dismissal from the agency shall entail:

- 1. Dismissal from all positions held by the employee;
- 2. Removal of the employee's name from all employment or promotional lists; and
- 3. Termination of the employee's pay on the date of dismissal.

**R13-5-703. Appeal to the Council**

**A.** No change

**B.** Form of appeal. To initiate an appeal, an employee shall submit a signed written appeal to the business manager stating the specific grounds for the appeal.

**C.** No change

**D.** No change

**E.** No change

**F.** No change

**G.** No change

**H.** No change

**I.** Conduct of hearings. The Council ~~may shall~~ sit as a whole at a hearing, unless a Council member declares a conflict or is unable to attend, ~~or the chair may designate one or more of its members to hold a hearing.~~ A majority of the Council shall review the record of the hearing before making a decision if only one member is designated to hear the case. Only a Council member who was present at the a hearing, ~~or who reviewed the record~~ may participate in making the decision. The member or Council members designated to preside at a hearing may administer oaths, subpoena and require issue subpoenas for the attendance of witnesses and the production of books or papers, and cause the depositions of witnesses residing within or outside the state to be taken in the manner prescribed by law for depositions in civil cases in the Superior Court of this state.

**J.** No change

**K.** No change

**L.** Discovery.

- 1. Within 20 days after receiving a notice of appeal, the agency shall provide all material relating to the case, including all investigation materials, Within three business days after receiving a written request from the employee, the agency shall provide a complete copy of the investigative file, as well as the names and home or work mailing addresses of all persons interviewed during the course of the investigation, to the employee. For the purpose of this subsection, hand written notes substantially incorporated within a report are not considered part of the investigation ~~materials~~ file.
- 2. Within 20 days after receiving the agency's discovery investigative file, the employee shall provide all material relating to the defense of the employee to the agency.
- 3. After initial discovery, each party shall provide all new material relating to the case to the other party within 10 days after receipt.
- 4. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the employee shall exchange copies of any documents that may be introduced at the hearing and that have not been previously disclosed.
- 5. No later than five business days before the hearing, or if the hearing is scheduled more than 20 days after the notice of appeal was filed, no later than 10 business days before the hearing, the agency and the employee shall exchange the names of all witnesses who may be called to testify. A witness may be interviewed at the discretion of the witness. The parties shall not interfere with any decision of a witness regarding whether to be interviewed. An agency shall not discipline, retaliate against, or threaten to retaliate against, any witness for agreeing or not agreeing to be interviewed or for testifying or providing evidence in the hearing.

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6. No later than five business days before the hearing, the agency and the employee shall provide all documents that will be used at the hearing and a list of intended witnesses to the office of the Council.
- 4-7. If a party fails to provide material as required, the Council may preclude its use at the hearing.
- M. No change
- N. No change
- O. No change
1. No change
    - a. No change
    - b. No change
    - c. No change
  2. No change
  3. No change
- P. Open hearings. The Council's hearings shall be open to the public. The Council may, upon request of a party, exclude non-testifying witnesses from the hearing. The Council may keep excluded witnesses separated and prevent them from communicating with each other until all are examined. ~~The Council may conduct a hearing in executive session under A.R.S. 38-431.03(A)(1).~~
- Q. No change
- R. No change
- S. No change
- T. Settlement of disputes. ~~The parties may agree to settle any matter pending before the Council. The~~ If requested by the employee, the parties shall submit the terms of settlement to the Council. If the Council approves the settlement, the settlement becomes final. If no settlement is reached, or if the proposed settlement is revoked or rejected by the Council, or withdrawn by either party, or if the settlement agreement is later vacated or reversed by a court, neither the settlement discussion nor any resulting agreement shall be admissible against the employee in any hearing before the Council on this the matter.
- U. Decision. ~~The Council shall render a decision in writing within 20 days after a hearing.~~ In arriving at a decision, the Council may consider any disciplinary action taken within the previous 10 years against the employee, if the information is introduced at the hearing. ~~The Council shall state its decision in an open meeting and shall issue the decision in writing within a reasonable time, but not to exceed 45 days, after the hearing.~~ The Council's decision shall contain findings of fact and its order for disposition of the case.

**ARTICLE 8. SEPARATION FROM EMPLOYMENT; RETIREMENT SYSTEM ELIGIBILITY**

**R13-5-804 Public Safety Personnel Retirement System Eligibility**

- A. Membership in the Arizona Public Safety Personnel Retirement System is designated by the Council under ~~A.R.S. § 38-842 (19)(a)~~ A.R.S. § 38-842 (20)(a) Commissioned employees ~~in the following classifications~~ are eligible for membership in the Public Safety Personnel Retirement System:
1. ~~Director,~~
  2. ~~Deputy Director,~~
  3. ~~Assistant Director,~~
  4. ~~Bureau Chief,~~
  5. ~~Commander,~~
  6. ~~Lieutenant,~~
  7. ~~Sergeant II,~~
  8. ~~Sergeant I,~~
  9. ~~Officer,~~
  10. ~~Fixed Wing Pilot, and~~
  11. ~~Rotary Wing Pilot.~~
- B. Employees who were in the following non-commissioned classifications on December 1, 1972, shall be eligible for membership in the Public Safety Personnel Retirement System:
1. Communications Technician, and
  2. Radio Mechanic.

NOTICE OF FINAL RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 2. ARIZONA RACING COMMISSION

[R06-174]

PREAMBLE

**1. Sections Affected**

R19-2-304  
R19-2-308  
R19-2-312  
R19-2-313  
R19-2-314  
R19-2-315  
R19-2-316  
R19-2-317  
R19-2-318  
R19-2-320  
R19-2-328  
R19-2-329

**Rulemaking Action**

Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Amend  
Repeal  
Amend  
Amend  
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. §§ 5-104(A)(2), (A)(5), and (T)

Implementing statute: A.R.S. §§ 5-104 (B) and (I), 5-107.01

**3. The effective date of the rules:**

July 1, 2006

**4. A list of all previous notices appearing in the Register addressing the final rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 816, February 18, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 1648, May 6, 2005

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

Name: Nan Mitchell

Address: Arizona Department of Racing  
1110 W. Washington St., Suite 260  
Phoenix, AZ 85007

Telephone: (602) 364-1700

Fax: (602) 364-1703

**6. An explanation of the rule, including the agency's reason for initiating the rule:**

The rule changes make necessary style and clarity changes and eliminate archaic language to bring the rules into conformance with current industry practices. The rule changes were initiated at the direction of the Arizona Racing Commission at the request of industry stakeholders. The rules specify requirements for entry into kennel areas at greyhound tracks, delete references to the sale of tip sheets, specify the responsible person for the entry of greyhounds in a race, define more clearly the types of medication and medical equipment that licensees may possess on the grounds of a greyhound track, expand the means of identifying a greyhound so that modern technology can be employed and allow race entries to be made by facsimile.

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

The agency did not rely on any study in this rulemaking.

**8. 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:**

None

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**9. The summary of the economic, small business, and consumer impact:**

There may be costs to the Permittee regarding establishment of secured kennels and 24-hour security during the race meet. Other costs to licensees, permittees, and the Department regarding implementation of the rules are not known at this time.

**10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

There have been numerous non-substantive changes made to modernize the language in the rules.

**11. A summary of the comments made regarding the rule and the agency response to them:**

The agency did not receive any written comments to the rules.

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

None

**13. Incorporations by reference and their location in the rules:**

None

**14. Was this rule previously made as an emergency rule?**

No.

**15. The full text of the rules follows:**

**TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING**

**CHAPTER 2. ARIZONA RACING COMMISSION**

**ARTICLE 3. GREYHOUND RACING**

Section

R19-2-304.	Permittee Responsibilities
R19-2-308.	Owners, Kennel Owners, and Trainers
R19-2-312.	Registration and Transfers
R19-2-313.	Leases
R19-2-314.	Weights and Weighing
R19-2-315.	Schooling
R19-2-316.	Entries and Subscriptions
R19-2-317.	Rules of the Race
R19-2-318.	<del>Hurdle Races Repealed</del>
R19-2-320.	Objections
R19-2-328.	Transportation of Greyhounds
R19-2-329.	Disposition of Greyhounds

**ARTICLE 3. GREYHOUND RACING**

**R19-2-304. Permittee Responsibilities**

- A. A permittee shall maintain the grounds in a neat, clean, and safe condition. If a steward determines that compliance does not exist, ~~he or she~~ the steward shall require that the permittee immediately bring the grounds into compliance.
- B. ~~It shall be the responsibility of the A permittee to prevent any~~ shall not allow a person, corporation, firm, or association not licensed by the Department ~~from to doing do or performing perform~~ any act ~~or acts~~ at ~~it's~~ the permittee's track ~~which that~~ requires a license under A.R.S. Title 5, Chapter 1, or ~~under~~ these rules.
- C. ~~Each A permittee department head shall be responsible for seeing~~ shall ensure that ~~his or her~~ employees of the permittee are licensed and shall furnish the Department a list of ~~said~~ the employees upon request.
- D. A permittee shall take all steps necessary to deny ~~the privileges of a license to anyone whose license has been revoked or suspended, to keep such person off the grounds of the permittee, and to prevent a person who has been ruled off from entering the grounds of the permittee.~~ access to the permittee grounds by a person who has been ruled off or whose license has been revoked or suspended.
- E. ~~No~~ A permittee or any of its employees shall not obstruct in any way a representative of the Department acting in the performance of ~~his or her~~ official duties.
- F. ~~No~~ A permittee shall not knowingly allow on its grounds any betting or other ~~operations~~ operation in contravention of any law of ~~the state of Arizona or of the United States.~~
- G. ~~The A permittee shall forthwith report all observed~~ who knows of a ~~violations~~ violation of any racing ~~regulation rule~~ or



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statute shall immediately report the violation to the Department and shall cooperate with the Department and state, federal, and local authorities in investigations ~~investigation thereof of the violation~~.

- H.** A permittee shall provide the following services at the track:
1. An adequate security force ~~whose duties that shall include:~~
    - a. ~~Maintaining~~ Maintain order;
    - b. ~~Excluding~~ Exclude from the grounds all handbooks, touts, and operators of gambling devices;
    - c. ~~Excluding~~ Exclude from the grounds all persons ruled off by the stewards or the Department;
    - d. ~~Excluding~~ Exclude from the grounds all persons not eligible for a license, pursuant to A.R.S. § 5-108, and all other undesirables; and
    - e. ~~Reporting forthwith~~ Report immediately to the stewards any licensee who, while on the premises of the permittee, creates a disturbance, is intoxicated, interferes with any racing operation, or acts in an abusive or threatening manner to any racing official or other person.
  2. A security guard stationed at the kennel area entrance ~~whose duties that shall include:~~
    - a. ~~Denying~~ Deny entrance to all persons not holding a license or credentials issued by the Department or a Department pass issued by the permittee; and
    - b. ~~Allowing~~ Allow any person seeking employment with the permittee to have access to ~~that~~ the kennel area for a period of one day, ~~provided that if:~~
      - i. ~~Such~~ The person is given a numbered card or temporary badge;
      - ii. A list of recipients of the numbered cards or temporary badges is provided to the track office of the Department upon request; and
      - iii. The numbered card or badge is retrieved by the security guard when ~~such~~ the person leaves the restricted area.
  3. During a race meeting, a permittee shall provide 24-hour security at the entrance to the kennel compound. The permittee shall establish a system to monitor those who enter and leave the compound ensuring that only licensed personnel, authorized visitors, and those whose duties clearly require entry to the area are permitted access. A public safety officer or Department employee in the performance of official duties shall be granted access to the kennel compound. An unlicensed visitor shall be accompanied by a licensee or security personnel and shall obtain a temporary badge before entering the kennel compound. The licensee requesting the admittance of a visitor is responsible for the conduct of the visitor and shall ensure that the visitor complies with all Department rules.
  - ~~3-4.~~ A furnished office, including utilities and necessary office equipment, for exclusive use of Department employees and officials;
  - ~~4-5.~~ A uniformed security official approved by the Department to shall be on duty in the test area during its regular business hours whose duty shall be to:
    - a. ~~provide~~ Provide security; and
    - b. ~~monitor~~ Monitor the collection procedure and sealing of samples taken from the greyhounds;
  - ~~5-6.~~ Adequate space and facilities so that the testing personnel may perform inspections, tests, and other collection procedures;
  - ~~6-7.~~ First aid quarters to be available during racing hours.
  - ~~7.~~ A copy of all tip sheets offered for sale in the parking area or elsewhere on the grounds of the permittee to be furnished daily to the stewards not later than three hours before first post.
- ~~I.~~ No tip sheets, pamphlets, or other printed matter purporting to predict the outcome of a race other than official programs and newspapers shall be sold in the betting area.
- ~~J-I.~~ A permittee shall ensure that wagering. Wagering shall be conducted upon the grounds of a the permittee is done only under the pari-mutuel method as provided by statute and these rules and by the use of such mechanical or other equipment as required by the Department may require. A permittee shall ensure that there is no Bookmaking bookmaking or betting other than by the pari-mutuel method is prohibited.
- ~~K-J.~~ No A permittee shall not allow the official racing of greyhounds on any track under its control unless:
1. All track rules ~~shall be~~ are posted conspicuously and a copy of ~~said~~ the track rules ~~shall be~~ is filed with the Department;
  2. The conditions of the race ~~have been~~ are written by the racing secretary at the meeting;
  3. The entries ~~have been~~ are made in accordance with the requirements ~~set forth~~ in R19-2-316; and
  4. No change
5. ~~K.~~ No change
- ~~L.~~ On a daily basis, and Each day as soon as the entries have been closed and compiled and the declarations have been made, the a permittee shall post a list thereof of the entries in a conspicuous place.
- ~~M.~~ A list of all officials and directors of the permittee and of track and racing officials, together with such pertinent rules as the Department may designate, shall be printed on a daily racing program. A permittee shall print a racing program each day that contains a list of permittee, track and racing officials, and permittee directors, along with pertinent rules designated by the Department.

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- N. ~~No~~ A permittee shall ~~may not~~ allow an official to act until ~~his~~ the official's appointment has been approved by the Department; provided, however, that in the case of sickness or inability to act, the provisions of R19-2-309(A)(5) ~~of these rules~~ apply.
- O. The A permittee shall provide a photo finish and videotape device approved by the Department ~~for the purpose of to recording record~~ all official races. ~~Said~~ The photographs and videotapes may be used to aid the stewards in determining the finishes of races. ~~Permittees~~ A permittee shall retain for three months all official race photographs and videotapes. The Department may require that specific photographs and videotapes be retained for a longer period ~~of time~~ or be transmitted to the Department for ~~subsequent use in~~ administrative or judicial proceedings.
- P. Any automatic timing device installed by the permittee must have the approval of the Department. The Department shall approve any automatic timing device installed by a permittee.
- Q. Each permittee ~~All permittees~~ shall ~~furnish the Department with~~ provide annual financial statements audited and certified by a firm approved by the auditor general.
  - 1. The audit shall ~~be conducted in accordance~~ comply with audit standards prescribed by the auditor general.
  - 2. The financial statements shall be prepared in accordance with generally accepted accounting practices.
- 3. ~~R. The following shall be submitted as information shall accompanying accompany the financial statements in on a form prescribed provided by the Department:~~
  - a. 1. The total amount of salaries and bonuses expense,
  - b. 2. Legal and ~~Accounting expense~~ accounting expenses attributable to racing-related matters;
  - e. 3. An explanation of the types of revenues and expenses classified in accounts titled "other";
  - d. 4. ~~Such other~~ Additional information ~~as shall be requested by the Commission or the Department, and~~
  - 4. ~~Financial statements of permittees granted original permits prior to July 1, 1982, shall be on a calendar year basis. Financial statements of permittees granted original permits after July 1, 1982, may be on a fiscal or calendar year basis at the discretion of the Director.~~
  - 5. Financial statements shall be submitted within 120 calendar days of the end of the ~~fiscal year or~~ calendar year.

**R19-2-308. Owners, Kennel Owners, and Trainers**

- A. An Owners owner, kennel owners owner, and trainer trainers are obligated to know the Rules of Racing as adopted by the Commission ~~shall comply with the rules in this Article.~~
- B. Owners, kennel owners, trainers, and their employees shall accept the ~~The~~ decisions of the stewards on all questions to which the stewards' authority extends, are final, subject to the right of appeal to the Department pursuant to R19-2-322.
- C. When a trainer ~~and or~~ assistant trainer ~~are to be~~ is absent from the kennel or grounds where the trainer's greyhounds are racing, ~~they~~ the trainer or assistant trainer shall provide a substitute licensed trainer or assistant trainer ~~to assume complete responsibility responsible~~ for all the greyhounds, ~~under their care, and they shall both~~ Both the absent and substitute trainer shall sign a "Trainers' Responsibility Form" ~~which must be approved by the stewards.~~
- D. ~~No~~ An owner, kennel owner, trainer, assistant trainer, race track employee, or other person licensee shall not accept, directly or indirectly, any bribe, gift, or gratuity in any form ~~which intends to or might~~ with the intent to influence the results result of any race.
- E. ~~Every kennel owner or trainer who does not have his or her greyhound at the weighing-in room promptly at the time appointed shall have such greyhound scratched; in addition, said kennel owner or trainer may be liable for a civil penalty. The trainer of an entered greyhound shall bring the greyhound to the weighing-in room at the appointed time unless the stewards grant additional time for extenuating circumstances. If the greyhound is not brought to the weighing-in room at the appointed time, the stewards shall scratch the greyhound and the trainer may be fined for failing to do so.~~
- F. ~~Trainers~~ A trainer shall report ~~greyhounds any greyhound,~~ under ~~their~~ the trainer's care or supervision, that ~~are is~~ off racing form or ~~are is~~ in poor physical condition to the racing secretary, who shall immediately notify the stewards. ~~Greyhounds~~ A reported greyhound ~~so reported~~ shall not be eligible to enter or to start until approved by the track veterinarian and schooled to the satisfaction of the stewards. ~~Violators of~~ A trainer who violates this rule ~~may be is~~ subject to a civil penalty; or suspension; or to ruling off.
- G. ~~No~~ An owner, kennel owner, or trainer shall ensure that no medicine, antiseptic, fluid, or ~~any other~~ matter containing any color ~~that may causing cause~~ the marring of identification marks ~~shall be is~~ used on any part of a greyhound.
- H. ~~Any~~ An owner, kennel owner, trainer, or other person licensee interested with an interest in any greyhound ~~or greyhounds~~ at a meeting licensed by the Commission, who ~~shall bet~~ places a wager with or through any handbook, shall be:
  - 1. ~~ejected~~ Ejected from the grounds of the permittee; ~~and shall be~~
  - 2. ~~refused~~ Refused admission to the grounds of all other licensed permittees in the state of Arizona; ~~and~~ In the case of the owner of any greyhound, the entries of said owner shall be refused for all Arizona tracks.
  - 3. Denied entry of any greyhound by all permittees in Arizona.
- I. ~~All owners, kennel owners, and trainers of greyhounds and their employees are subject to the laws of the state of Arizona and to the rules adopted by the Commission immediately upon making entry to run on a track in Arizona.~~
- J. ~~No~~ A licensed trainer shall not have any an ownership interest in a greyhound ~~of which he or she is not the trainer~~ located at the same track at which the trainer trains unless the trainer trains the greyhound. For purposes of this rule, a reversionary interest in a greyhound, pursuant to a lease or other agreement ~~which that~~ transfers control of the ~~greyhound grey-~~

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~~hound, is not to be considered an "ownership interest."~~

- J.** ~~The kennel owner or trainer shall ensure that each greyhound owner is licensed before the greyhound runs in a race.~~

**R19-2-312. Registration and Transfers**

- A.** The National Greyhound Association of Abilene, Kansas, (NGA) ~~shall be recognized as is~~ the official breeding registry of all greyhounds. The Greyhound Greyhound Publications, Inc., Information System ~~shall be recognized as is~~ the official recordkeeping agency of all greyhound performances and ~~shall maintain~~ maintains the past performance lines on every greyhound raced at ~~an official a~~ track licensed by a racing jurisdiction. The Department may certify any greyhound whose ~~act of registration with the approved registry~~ is attributable to arbitrary, discriminatory, or other unreasonable action or inaction on the part of ~~such agencies either agency~~.
- B.** If for any reason the Greyhound Information System ceases operation, the kennel owner ~~will be solely~~ is responsible for furnishing the racing secretary with the last six past performance lines when applicable.
- C.** The registry and ~~record-keeping recordkeeping~~ agency agencies ~~shall be are~~ self-funding, ~~insofar as practicable, and shall be authorized to may~~ charge reasonable fees for their services ~~to attain this objective~~.
- D.** A greyhound shall not be entered for racing or schooling at any official track unless it:
1. ~~has been~~ Is tattooed or permanently identified in a manner acceptable to the NGA; and
  2. Is registered in the NGA stud book; and
  3. ~~unless the Has its~~ last six performance lines, if applicable, and the racing history of the greyhound, are made available to the racing secretary from the Greyhound Information System.
- E.** The NGA breeding registry ~~shall furnish the furnishes~~ all necessary and proper information to the Greyhound Greyhound Information System when ~~such~~ greyhounds are registered and named. A reasonable fee per start shall be deducted ~~form~~ from the weekly purses by the track and paid to the Greyhound Information System.
- F.** ~~Every official~~ Each track shall ~~submit~~ provide a copy of the official chart of ~~each of~~ its races to the Greyhound Information System.
- G.** The Department ~~shall have access at all times to the~~ NGA Breeding Registry and transfer files and ~~to the~~ Greyhound Publications, Inc., Information System ~~shall be available to Department officials upon request~~.
- H.** In case of emergency, written authority from the NGA to sign declarations of partnerships shall be given to the racing secretary, ~~by a telegram promptly confirmed in writing~~.
- I.** ~~The part An~~ owner of ~~any a~~ greyhound cannot assign ~~his or her the owner's~~ share or any part of it without the written consent of the other partners; ~~the said The~~ consent ~~to shall~~ be filed with the racing secretary.
- J.** A certificate of registration for ~~each a~~ greyhound shall be filed with the racing secretary at the race track where ~~said the~~ the greyhound is to be schooled, entered, or raced.
- K.** ~~All The~~ certificates of registration shall be available at all times for inspection by the stewards.
- L.** ~~All A~~ transfer of any title to, leasehold in, or other interest in greyhounds schooled, entered, or racing at any track under the jurisdiction of the Department shall be registered and recorded with the National Greyhound Association of Abilene, Kansas.
- M.** ~~No The Department shall not recognize a~~ title, leasehold, or other interest in ~~any a~~ greyhound ~~shall be recognized by the Department until such the~~ title, leasehold, or other interest ~~shall be is~~ evidenced by written instrument ~~duly~~ filed with and recorded by the National Greyhound Association of Abilene, Kansas: ~~Certified and certified~~ copies thereof ~~shall be of the instrument are~~ filed with the Department and the racing secretary at the race track where ~~said the~~ the greyhound is to be schooled, entered, or raced.
- N.** ~~Whenever If~~ a greyhound is sold or transferred, or any interest in a greyhound is sold or transferred, during a meeting ~~and or~~ after the greyhound has been registered ~~in for the a~~ meeting, a copy of the bill of sale shall be filed with the racing secretary and forwarded by ~~him or her the racing secretary~~ to the Department.
- O.** ~~When If~~ a greyhound is sold with its engagements, or any part of them, the seller cannot strike it out of any ~~such~~ engagements. In all cases of ~~sale by private treaty sales,~~ the written acknowledgment of both parties that the greyhound was sold with the engagements is necessary to entitle the seller or buyer to the benefit of this rule. If certain engagements are specified, only those are sold with the greyhound. ~~When If~~ the greyhound is sold by public auction, ~~the advertised conditions of the sale are sufficient evidence,~~ and if certain engagements are specified, only those engagements are sold with the greyhound.
- P.** If a greyhound or any interest in a greyhound is sold to a disqualified person, ~~said the~~ the greyhound's racing engagements ~~shall be are~~ void as of the date of sale.
- Q.** In case of transfer of a greyhound with its engagements, such the greyhound shall not be eligible to start in any stakes, unless ~~at the usual time of the running of the stakes or prior thereto~~ the transfer of the greyhound and its engagements ~~shall be is provided~~ exhibited, when demanded, to the racing secretary.
- R.** ~~No A~~ transfer of a greyhound or engagement ~~may shall not~~ be made for the purpose of avoiding disqualification. ~~The A~~ person(s) person making or receiving such that makes or receives a transfer to avoid disqualification may have a civil penalty invoked or be ruled off by the stewards.
- S.** ~~All partnerships A~~ partnership shall be registered register with the Department, ~~and the The~~ partnership shall provide the name and address of every person having with an interest in a greyhound, the relative proportions of ~~such the~~ interest, and

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the terms of any sales with contingencies or arrangements, ~~must be~~ which are signed by ~~all parties~~ each party or by ~~their~~ an authorized agent, and ~~shall be filed~~ file this information with the racing secretary. This ~~copy~~ information shall be ~~provided to the Department before the beginning of the race meet.~~ transmitted immediately before the opening of the racing meeting to the office of the Department. All persons and each of them listed on the partnership registration are shall be jointly and severally liable for all stakes and forfeits.

- T. ~~All statements~~ Statements of partnerships, ~~of sales with contingencies, or of arrangements,~~ shall declare who receives the winnings, to whom winnings are payable, in whose name the greyhound shall run, and ~~with whom~~ who has the power of entry or declaration of forfeit rests, ~~and a copy of the~~ This information shall be ~~transmitted immediately~~ provided to the Department upon request.

**R19-2-313. Leases**

- A. The lessee of a greyhound shall file a copy of the ~~National Greyhound Association lease agreement~~ Uniform Greyhound Certificate of Lease agreement with the Department. The lease agreement shall include:
1. The name of the greyhound,
  2. The name and address of the owner,
  3. The name and address of the lessee,
  4. The kennel name, ~~if any,~~ of each party, and
  5. The terms of the lease.
- B. ~~No~~ A corporation ~~having with~~ more than ~~ten~~ 10 stockholders who are the registered or beneficial owners of stock or membership in the corporation ~~shall~~ may not lease ~~any~~ a greyhound owned or controlled by it to any person or partnership for racing purposes.
- C. ~~No~~ The Department shall not grant an owner's license ~~shall be granted~~ to a lessee of ~~any~~ a corporation ~~referred to described in subsection (B) of this Section.~~
- D. A corporation ~~which leases~~ leasing greyhounds for racing purposes in this state, ~~its stockholders, and its members~~ shall file with the Department, upon request, a report ~~containing such information~~ listing the stockholders and members, as well as additional business information the Department may specify. More than one owner may be indicated on the program by the use of the name of one owner and the phrase "et al".

**R19-2-314. Weights and Weighing**

- A. ~~All greyhounds~~ Each greyhound shall be weighed in not less than one hour before the time of the first race of the day.
- B. Before ~~any~~ a greyhound is allowed to school or to race at ~~any~~ a track, the owner or trainer shall establish the racing weight ~~with the clerk of scales of each the greyhound he or she enters with the clerk of scales.~~
- C. At weighing-in time, ~~should there be~~ if there is a variation of more than ~~1 1/2~~ two pounds ~~either way~~ from the greyhound's established weight, the stewards shall order ~~said the~~ the greyhound scratched.
- D. At weighing-out time, if a greyhound loses ~~weight in excess of~~ more than two pounds while in the lockout kennels, the stewards shall order ~~said the~~ the greyhound scratched. However, upon opinion from the veterinarian that ~~such the~~ the loss of weight while in the lockout kennels does not impair the racing condition of the greyhound, the stewards may allow ~~said the~~ the greyhound to race.
- E. No change
- F. The established racing weight of a greyhound may be changed ~~from time to time~~ on written request of the owner or trainer and by consent of the stewards, ~~provided such~~ if the change is made at least four calendar days before the greyhound is allowed to race at the new weight.
1. ~~All greyhounds having established~~ A greyhound with a weight change of more than one pound shall be schooled at least ~~one or more times~~ once at the discretion of the stewards at the new established weight before being eligible for starting.
  2. ~~Greyhounds~~ A greyhound that ~~have~~ has not raced or schooled officially for ~~a period of~~ three weeks shall be allowed to establish new racing weight with the consent of the stewards and shall be schooled officially immediately upon receipt of ~~said the~~ the consent.
- G. The stewards ~~shall have the privilege~~ have the authority to order that of weighing a greyhound entered in a race be weighed at any ~~period from the time it enters~~ from entry into the lockout kennel until post time.
- H. Immediately after being weighed in, ~~the a greyhounds~~ greyhound shall be placed in a lockout ~~kennels~~ kennel under the supervision of the paddock judge, ~~and no owner or other person excepting~~ Only the paddock judge, veterinarian, kennel master, clerk of scales, lead-out, steward, or Department representative shall be allowed in or near the lockout kennels.

**R19-2-315. Schooling**

- A. ~~All official~~ A schooling ~~raees~~ race shall be at a distance not less than the distance nearest to 5/16 mile in use at the track.
- B. No change
- C. ~~No hand~~ Hand schooling ~~will~~ shall not be considered official.
- D. ~~Any~~ A greyhound that has not raced for ~~a period of~~ 10 racing days or more shall be officially schooled at least once at its racing weight before being eligible for entry.
- E. ~~All greyhounds~~ A greyhound in an official schooling ~~raees~~ race shall ~~be raced~~ race at ~~their~~ its established racing weight

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and shall be started ~~start~~ from the box wearing blankets.

- F. ~~Any~~ An owner, trainer, or authorized agent ~~licensed by the Department who has is responsible for greyhounds under his or her care and management~~ that are booked to race on tracks licensed by the Commission, and who permits ~~said the~~ greyhounds to be officially schooled on any track in Arizona or elsewhere ~~which that~~ is not approved by the Commission during these bookings, shall be subject to the immediate license revocation of his or her license.
- G. ~~Any~~ A greyhound may be ordered on the official schooling list by the stewards at any time for good cause and shall be schooled officially and satisfactorily before being allowed to enter a race.
- H. Each permittee shall provide a photo finish camera, approved by the Department, ~~to be in operation~~ that operates at all official schooling races.
- I. ~~Each~~ A permittee shall make provision for an adequate number of official schooling races, to be run both before and during ~~the a~~ meeting, to allow for the qualification of ~~older~~ greyhounds. ~~Each permittee shall make provision for an adequate number of official schooling races for the training of pups. Each pup never having started shall be entitled to run its first two schooling races out of a box in a four dog race.~~
- J. ~~Any~~ A greyhound that fails to meet the established qualifying time ~~as established~~ shall not be permitted to start in a race other than ~~in~~ a futurity or stakes races.
- K. Official schooling shall be maintained throughout a meeting up to at least one week ~~prior to~~ before the ~~closing date thereof~~ last scheduled date of the meeting.
- L. ~~Distance~~ The distance of official schooling races and number of greyhounds in these races shall appear on the Form chart.
- ~~M.~~ All greyhounds running in a hurdle race shall be officially schooled over the hurdles.
- ~~N.~~ M. No change
- ~~O.~~ N. ~~No~~ A greyhound on the veterinarian's list or stewards' suspension list shall not be school schooled officially except as set forth provided in R19-2-317(E)(6),

**R19-2-316. Entries and Subscriptions**

- A. Condition for entry
  - 1. ~~No~~ The racing secretary shall not allow a greyhound ~~shall to~~ be entered in a race unless the full name of every person having an ownership in a the greyhound or accepting the trainer's percentage or having any interest in its winnings is registered with the racing secretary ~~before it starts at any meeting~~. Every A change in such a greyhound's ownership or interest ~~thereafter~~ made during that meeting shall be registered with the racing secretary; a copy of this shall be delivered promptly to the Department by the racing secretary of the track where the greyhound is racing.
  - 2. ~~No~~ The racing secretary shall not allow a greyhound ~~shall to~~ be entered in a race unless the conditions ~~set forth~~ in R19-2-313 pertaining to registration are met.
  - 3. ~~No~~ The racing secretary shall not allow a greyhound ~~shall be permitted~~ to enter or ~~to~~ start unless it is conditioned by a licensed trainer or owner-trainer.
  - 4. ~~No~~ The racing secretary shall not allow a greyhound ~~shall to~~ enter or start in a race unless it has been fully identified and tattooed. ~~All A persons person~~ who ~~participate~~ participates in any manner in establishing the identity of a greyhound, including the breeder, owner, trainer, and identifier, ~~are is~~ responsible for the accuracy of the information ~~they~~ the person provide provides.
  - 5. The stewards ~~shall have the right to call on~~ may require any a person in whose name a greyhound is entered to produce proof that the greyhound ~~entered~~ is not the property, either wholly or in part, of any person who is disqualified, or to produce proof of the extent of ~~his or her~~ the person's interest ~~or property~~ in the greyhound. ~~In default of such proof being given to their satisfaction~~ If the stewards are not satisfied as to the ownership of the greyhound, the stewards they may declare the greyhound out of the race.
  - 6. ~~Each~~ A permittee shall establish a qualifying time for its 3/8- and 5/16-mile races. The permittee shall notify the ~~Department~~ stewards at least three days before the first day of official racing of the qualifying time established and specify time which, while in effect, shall be continuously posted on the notice board at the track and approved by the stewards.
    - a. ~~Any~~ A change in the established qualifying time ~~established~~ during the course of a meeting ~~shall~~ may only be made only with the approval of the ~~Department~~ stewards.
    - b. ~~Any~~ The racing secretary shall not allow a greyhound to enter or race if the greyhound ~~that~~ fails to meet the established qualifying time ~~as established~~ shall not be permitted to start other than except in a futurity or stakes race.
  - 7. A greyhound ~~shall not be~~ is not eligible to enter or race if:
    - a. No change
    - b. The owner or trainer is ruled off the track or suspended until ~~said the~~ greyhound is made eligible either by reinstatement of its owner or trainer or a transfer or a bona fide sale to an ownership or trainer acceptable to the stewards.
    - c. No change
    - d. No change
  - 8. No change

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9. At least ~~four~~ three past performances of a greyhound shall be available for the program.
  10. ~~Owners~~ A trainer shall be expected to retire a ~~remove an off-form~~ greyhound ~~off form~~ from the active list. Failure to do so shall constitute is grounds for suspension of ~~said~~ the greyhound.
  11. ~~Greyhounds~~ A greyhound that ~~have~~ has been retired for conditions or worming shall be brought back to racing weight before being entered.
  12. ~~All greyhounds~~ The stewards may allow a greyhound that ~~have~~ has not raced in three or more weeks ~~or more~~ shall be allowed to establish new racing weight ~~with the consent of the stewards~~.
  13. ~~A~~ The racing secretary shall not allow a greyhound in season ~~shall not be permitted~~ on the track nor shall she be eligible to school officially or to race if in milk.
- B. No change
1. The racing secretary is ~~the person authorized to receive~~ receives entries and declarations.
  2. ~~Every~~ Each entry in a race shall be in the name of the registered owner or in the kennel name.
  3. The racing secretary shall not allow a greyhound ~~shall not be qualified~~ to run in any race unless it has been and continues to be duly entered ~~for the same~~.
  4. Any ~~A~~ greyhound eligible at the time of entry ~~shall continue~~ continues to be qualified, except in an overnight event in which ~~it~~ the greyhound shall be eligible at the time of the start.
  5. A kennel owner, trainer, or ~~their~~ authorized agent may enter a greyhound in person, by telephone, ~~by telegram~~ by facsimile, or in writing.
  6. No change
  7. ~~If any~~ An entry from ~~any a~~ person or of ~~any a~~ greyhound that stands suspended or expelled is ~~received, such entry shall be void, and the~~ The Department shall refund any money paid for such a void entry, if any, shall be refunded. Any money or prize prizes won under said entry shall be returned. A person who wins money with a void entry shall return the money to the Department.
    - a. No change
    - b. ~~Any~~ A person ~~having with~~ an interest in a greyhound less than the interest ~~or property of any other~~ another person is not entitled to assume any of the rights or duties of an owner as provided by these rules, including the right of entry and declaration.
    - c. No change
    - d. No change
    - e. ~~If a miscarriage~~ the invalidity of any entry ~~of or~~ declaration in a stakes race is alleged, satisfactory proof that the entry or declaration was ~~mailed or telegraphed~~ timely made shall be presented within a reasonable time or ~~it~~ the entry or declaration shall be deemed not received.
  8. ~~If any entry from any person or of any greyhound that stands suspended or expelled is received, such entry shall be void and the money paid for such entry, if any, shall be refunded. Any money or prize won under said entry shall be returned.~~
- C. Closing
1. The racing secretary shall close entries Entries for purse races ~~shall close~~ at the advertised time, ~~advertised and no~~ An entry shall not be received after that time. If a race fails to fill, additional time for entries may be granted by the stewards.
  2. ~~In the absence of notice to the contrary by the permittee, entries~~ Entries and declarations for stakes ~~rac~~es ~~which that~~ close during or on the eve of a racing meeting shall close at the office of the racing secretary ~~who shall make provisions therefor~~. Closing sweepstakes at all other times shall be at the office of the permittee.
  3. ~~When the time for closing is designated, entries~~ The racing secretary shall not accept entries and or declarations for stakes ~~cannot be received thereafter~~ after the designated time.
  4. A greyhound ~~shall not become a starter~~ may not start in a stakes race unless it has passed the entry box on the day on which entries for the stakes race are taken.
  5. There ~~should~~ shall be at least six ~~separate~~ different kennel owners in ~~any given~~ each race, ~~and no~~ An owner or trainer shall ~~may~~ have no more than two greyhounds in ~~said a~~ race without the ~~expressed~~ permission of the ~~Department~~ stewards. The requirements of this subsection are applicable to all greyhound races, including all ~~so-called~~ short field races of five or fewer greyhounds. Prior approval of the ~~Department~~ stewards must shall first be ~~secured~~ obtained before conducting any race ~~where in which~~ five or fewer greyhounds are entered.
  6. ~~In the event the number of~~ If the number of entries to any purse race ~~is in excess~~ exceeds of the number of greyhounds that ~~may~~, because of track limitations, ~~be permitted to~~ may start, the starters for the race shall be determined by lot in the presence of those making entries.
  7. The post position of greyhounds ~~in starting~~ shall be assigned by lot or drawing supervised by the stewards and the racing secretary, at a time and place ~~properly~~ posted on the trainer's bulletin board, The draw shall occur at least one day ~~previous to~~ before the running of the ~~rac~~es race, so that any and all owners, trainers, or authorized agents interested may be present.
    - a. ~~No alteration shall~~ A change shall not be made in any entry after closing of entries, but an error may be corrected.

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- b. ~~Every~~ Each greyhound entered for a purse shall be a starter unless it is declared or scratched.
8. The permittee ~~shall have the right to~~ may withdraw or ~~to~~ change any unclosed race.
9. ~~Entries which have closed shall be compiled without delay by the racing secretary and conspicuously posted. Following the close of entries, the racing secretary shall compile and conspicuously post the entries.~~
10. The holder of a ~~any~~ claim, whether it be a mortgage bill, ~~or~~ sale, or lien of any kind, against a greyhound, shall ~~be required to file the same~~ the claim with the racing secretary ~~previous to~~ before the time the greyhound is entered. ~~Failure to do so shall forfeit the holder's~~ The claimholder shall forfeit all rights in the any winnings of the greyhound ~~previous to the time his or her~~ before the claim is properly filed.
- D. No change
1. ~~The entrance to a purse race shall be free unless~~ Unless otherwise stipulated in the conditions of ~~the a~~ race; ~~there is no charge to enter a greyhound in a purse race.~~ When the conditions require an entrance fee, the fee ~~must~~ shall accompany the entry.
2. ~~The~~ A person entering a greyhound is ~~liable for~~ shall pay the nominating, sustaining, and starting fees. ~~Neither the subscriber nor such subscriber's transferee shall receive any refund of such fees because of the death or withdrawal of a greyhound or because of a mistake in its entry if the greyhound is eligible, except~~ Except as provided in subsections (D)(3) and (D)(4) fees are nonrefundable.
3. Entrance ~~money fees to a purse race that is run is~~ are not refundable ~~either for failure of a greyhound to start or for death of a greyhound~~ unless otherwise provided for in the conditions of a the race.
4. ~~The entrance money~~ Entry, starting, and subscription fees ~~in every race~~ shall be distributed as provided for in the conditions of the race. If a race is not run, all stakes or entrance money shall be refunded.
5. ~~No entry, subscription, or right of entry under it shall become void on the~~ The death of the nominator or subscriber ~~does not void entry, subscription, or right of entry of a greyhound.~~
6. A greyhound ~~shall not become a starter for~~ may not start in a race unless ~~there has been duly paid any stake or entrance money payable in respect to~~ for that race is paid.
7. A person entering a greyhound ~~thereby becomes~~ is liable for the entrance money or stake.
8. ~~An~~ The entry of a greyhound in a sweepstakes is a subscription to the sweepstakes, ~~and making the subscriber is liable for stake and forfeit fees; should he or she~~ If the subscriber properly transfer transfers the entry, ~~he or she~~ the subscriber is liable for stake and forfeit fees only in case of default to if the transferee defaults. Similarly, ~~the~~ The seller of a greyhound with an engagements engagement is liable for stake or forfeit fees if the engagement is not kept.
- a. ~~When~~ If a person is prevented by these rules from entering or starting a greyhound for ~~any~~ a race without paying arrears for which ~~such~~ the person would not otherwise be liable, ~~such~~ the person may, by paying ~~same~~ the arrears, enter or start the greyhound and have the arrears placed on the forfeit list as due to ~~such~~ the person.
- b. If ~~a~~ the seller of a greyhound with an engagements engagement is compelled to pay arrears ~~through~~ because of the purchaser's default, ~~such~~ the seller may place the amount of the forfeit list as due from the purchaser to the seller. This rule ~~shall also apply~~ applies in the transfer of an entries entry when the transferee defaults.
- c. ~~The racing secretary, with~~ With the approval of the stewards, ~~the racing secretary shall have full authority to~~ may waive the obligations incurred by this Section. ~~according to the circumstances of the case.~~
- d. If the racing secretary ~~should allow~~ permits a greyhound to start in a race without ~~it's~~ the entrance money or stake having been paid, ~~such~~ the racing secretary ~~shall be~~ is liable for ~~the~~ the entrance money or stake.
9. ~~Any~~ An entry in a sweepstakes is a subscription and ~~cannot~~ may not be withdrawn.

R19-2-317. Rules of the Race

A. Prerace Pre-race activity

1. ~~All greyhounds~~ A greyhound shall race under ~~their~~ its registered owner's name as shown on ~~their~~ the registration papers or upon Department approval.
2. All races shall ~~be off start~~ at a regular ~~interval~~ intervals. Post times ~~will~~ shall be based upon the number of races scheduled to run daily. The intervals ~~are to~~ shall be set by the permittee with the approval of the stewards.
3. ~~All greyhounds~~ A greyhound shall be identified and exhibited in the paddock before post time of the race in which ~~they are~~ it is entered.
4. ~~All greyhounds~~ A greyhound shall wear the regulation muzzle and blanket while racing. ~~The Muzzle~~ muzzle and ~~blankets~~ blanket of each greyhound shall be carefully examined:
- a. ~~in~~ In the paddock by the paddock judge before the ~~greyhounds~~ greyhound ~~leave~~ leaves for the post; ~~and shall again be examined~~
- b. ~~before~~ Before the stewards at the stewards' stand; and
- c. ~~by~~ By the starter at the starting box.
5. After the greyhounds have entered the track, ~~not more than 15 minutes shall be consumed in~~ the parade of the greyhounds to the post shall be no longer than 15 minutes, unless ~~further~~ a delay is unavoidable.
6. No change
7. ~~When~~ If a greyhound is injured ~~by any accident~~ after weigh-in, ~~it~~ the greyhound may be excused by the stewards; on the advice of the track veterinarian and shall not be considered ~~to have started in the race~~ a starter.

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B. No change

1. ~~No race shall be called~~ A race is not declared official by the stewards unless the lure is in advance of ~~precedes the~~ greyhounds at all times during the race; ~~if~~ If, at any time during the race, any a greyhound or greyhounds catch or pass catches or passes the lure, the stewards shall declare it "no race" and all monies wagered shall be refunded.
2. No change
3. No change
4. If a greyhound bolts the course, runs in the opposite direction, or does not run the entire prescribed distance for the race, ~~it shall forfeit all rights in the race~~ are forfeited and no matter where it ~~finished,~~ finishes the stewards shall declare the finish of the race ~~the same as if said the greyhound were was~~ not a contender. However, ~~for the purpose of the rule, said the~~ greyhound shall be considered a starter.
5. No change
6. If it appears that a greyhound may interfere with the running of the race because of failure to leave the starting box, ~~because of or~~ accident, or for any other reason, ~~any a~~ person under the supervision of the stewards ~~stationed around the track~~ may remove ~~said the~~ greyhound from the track. However, ~~for the purpose of the rule, said the~~ greyhound shall be considered a starter.
7. If a race is marred by jams, spills, or racing circumstances other than accident ~~to~~ regarding the machinery ~~and or~~ outside interference ~~while a race is being run,~~ and three or more greyhounds finish, the stewards shall declare the race ~~finished official,~~ but if ~~less~~ fewer than three greyhounds finish, the stewards shall declare it "no race" and all monies wagered shall be refunded.
8. No change
9. ~~All greyhounds~~ A greyhound ruled off for fighting or quitting is ~~are~~ suspended ~~for life~~ on any track operating under the jurisdiction of the Commission.
10. ~~Any act of~~ If the owner, trainer, or handler of a greyhound is found guilty of an act which that would tend to prevent prevents the greyhound from running its best, ~~and winning if possible shall mean suspension of all persons found guilty of complicity~~ the Department shall suspend the license of the owner, trainer, or handler.

C. Dead heats

1. When a race results in a dead heat, the ~~heat~~ race shall not be run off. When two greyhounds run a dead heat for first place, all prizes to which the first and second greyhounds ~~would have been~~ are entitled shall be divided equally between them; ~~this~~ This applies in dividing prizes whatever the number of greyhounds running a dead heat and whatever places for which the dead heat is run.
2. ~~Each greyhound that runs a dead heat for a race or place shall be deemed a winner of that race or place and shall be liable as such winner to any penalty attaching to the same. When a dead heat for win occurs, each greyhound involved in the dead heat shall be considered a winner and is liable for any penalty attached to the winning of the race.~~
3. If the ~~dividing~~ owners of the greyhounds involved in a dead heat cannot agree as to which of them is to have a on the ~~disbursement of a cup or other prize which that~~ cannot be divided, the ~~question shall be determined~~ cup or prize shall be determined by lot.

D. No change

1. Winnings ~~shall~~ include all prizes earned up to the time appointed for the start; ~~and~~ shall apply to all races ~~in any country wherever run,~~ and shall embrace Winnings shall include earnings from a walking walk over or receiving forfeit, but do not include second and third money, or the value of any non-monetary prize ~~not of money or not paid in money.~~ Winnings during the year shall be ~~reckoned~~ determined from the preceding January 1 ~~preceding~~.
2. No change
3. In estimating the net value of a race to the winner, all sums contributed by ~~it's~~ the owner or nominator ~~shall be~~ are deducted from the amount ~~it~~ won.
4. ~~Winners or losers of hurdle races shall not be considered winners or losers on the flat and vice versa.~~

E. No change

1. Declarations in purse races shall be made by the kennel owner, trainer, or authorized agent to the racing secretary or his or her assistant at least one-half hour before the time designated for the drawing of post positions on the day ~~pre-~~ vious to ~~before~~ the day on which the greyhound is to race, or at ~~such the~~ the time ~~as the~~ appointed by the racing secretary ~~may appoint.~~
2. Declarations in sweepstakes shall be made in the same manner as provided for making entries ~~therein in~~ sweepstakes to the racing secretary, who shall record the day and hour of receipt and give early publicity ~~thereto to the sweep-~~ stakes.
3. No change
4. The declaration of a greyhound ~~out of an engagement~~ is irrevocable.
5. ~~Any~~ A greyhound ~~which that~~ is withdrawn from a race after the overnight entries are ~~finally~~ closed ~~shall be~~ is deemed a scratch. ~~Such a~~ The declared greyhound shall lose all preference accrued up to that date unless excused by the stewards.
  - a. No change



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- b. ~~Any scratches~~ The owner or trainer of a greyhound that is scratched that occur that are the result of a because of a violation of a racing rule shall carry a penalty and/or a suspension be penalized or suspended of said greyhound for a period of six racing days. Scratches for other causes shall may be disciplined at the discretion of the stewards.
- c. ~~However, if any owner or~~ If a trainer fails to have the a greyhound entered at the track at the appointed time for weighing in, and as a result said causing the scratch of the greyhound is scratched, the stewards shall impose a forfeiture and may suspend or fine the person responsible.
- d. ~~If three or more greyhounds are withdrawn or scratched in any one race, the stewards may cancel said~~ the race.
- e. No change
- 6. ~~All greyhounds~~ A greyhound scratched from a race because of overweight or underweight shall receive a ~~seven-day six-day~~ suspension and shall school back before starting in an official race. ~~Greyhounds so scratched~~ Scratched greyhounds may school during their suspension.

**R19-2-318. Hurdle Races Repealed**

- ~~A. The jumps or hurdles used by any permittee shall be of a type approved by the Department and must extend from the inside rail across the racing strip to the opposite rail.~~
- ~~B. The jumps or hurdles used by any permittee shall be not less than 30 inches high and shall be constructed of a material or substance not injurious to the greyhounds participating.~~
- ~~C. The lure used in a hurdle race shall be of a type approved by the Department and shall be operated in a consistent manner by the lure operator.~~
- ~~D. Greyhounds running in a hurdle race shall jump or hurdle not less than four jumps or hurdles. No jump or hurdle shall be placed less than 25 yards from the entrance or exit to a turn.~~
- ~~E. Greyhounds running in a hurdle race shall be properly schooled in hurdle racing in the presence of a steward at least two times at the track where they are to race and shall, in the opinion of a steward, be sufficiently experienced before they can be entered.~~
- ~~F. If a greyhound fails to go over all hurdles in a race it shall forfeit all rights in the race, and no matter where the greyhound finished, the stewards shall declare the race the same as if the greyhound were not a contender. No refund shall be made for pari mutuel tickets purchased on such greyhound. Touching the hurdles is permissible and shall not disqualify the greyhound.~~
- ~~G. Greyhounds who have been running in hurdle races on any track in Arizona during the calendar year must be schooled at least twice on the flat before being entered in a race on the flat.~~
- ~~H. All hurdle racing over courses established by a permittee shall be in conformity with the rules of greyhound racing as adopted by the Commission where such rules consistently apply.~~
- ~~I. Winners or losers of hurdle races shall not be considered winners or losers on the flat and vice versa.~~

**R19-2-320. Objections**

- ~~A. Every An~~ objection to a greyhound shall may be made by an owner, or his or her the owner's authorized agent, by a trainer of some other another greyhound engaged in the same race, or by the officials of the course. ~~Such An~~ objection shall be made to the stewards, who may require that the objection be made in writing with a copy thereof sent immediately to the Director.
- ~~B. The stewards may require a cash deposit of \$200 to cover costs and expenses in of~~ determining an objection. The deposit posted herein may be forfeited if the stewards determine the objection should prove to be is without foundation.
- ~~C. Any If the stewards are not able to decide an objection which cannot be decided by the stewards during the meeting, the stewards shall require that the objection shall be made in writing and lodged with forwarded to the Director.~~
- ~~D. Any An~~ objection, unless otherwise provided, shall be made within 72 hours after the race is run and shall be determined by the stewards.
- ~~E. Any An~~ objection of a greyhound pertaining to any matter occurring in a race, except as otherwise provided, shall be made before the official numbers of the greyhounds' place in the race are posted on the odds board stewards declare the race official.
- ~~F. Any objections to a greyhound that has run in a race on the grounds that it was not trained by a licensed trainer, or that the names of all those having ownership in it or an interest in its winnings have not been registered with the secretary, shall be made not later than the day after that upon which the race was run.~~
- G. No change
- H. No change
- I. No change
- J. Pending the disposition by the stewards, Director, or Commission of any question, both the greyhound which finished first and any ~~greyhound~~ greyhound which is claimed to be the winner shall be liable ~~to~~ for all penalties attaching to the winner of ~~that the~~ the race until the matter is decided.
- K. No change
- L. ~~No~~ A person shall not lodge an unsubstantiated objection with the stewards.

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M. No change

N. ~~Permission~~ To withdraw an objection, the person that made the objection shall obtain the permission of the stewards-~~is necessary before an objection may be withdrawn.~~

**R19-2-328. Transportation of Greyhounds**

A. When transported within the state, all greyhounds shall be hauled in crates designed for the sole purpose of transporting greyhounds. These crates shall ~~be~~ be a minimum of ~~2~~ two feet wide, ~~3~~ three feet long, and 34 inches high.

B. No change

C. No change

D. No change

E. No change

F. No change

G. No change

H. No change

1. ~~Greyhound names, if applicable~~ The name of each greyhound.

2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association.

3. ~~Name of owners/lessees~~ The names of owners or lessees.

4. ~~Date of shipping/receiving~~ The date of shipping or receiving.

5. Purpose (breeding, racing, training), and

6. Name of hauling company and ~~drive~~ driver.

I. No change

**R19-2-329. Disposition of Greyhounds**

A. Racing kennels, breeding farms, or other operations shall maintain a log as to the disposition of individually registered greyhounds at the end of their breeding, racing, or non-racing careers. The log shall include:

1. ~~Greyhound names~~ The name of each greyhound.

2. Left and right ear tattoo numbers or other permanent identification acceptable to the National Greyhound Association.

3. ~~Name~~ The names of owners/ or lessees.

4. Date career ended and reason why, and

5. Destination.

B. Every effort shall be made to adopt the greyhounds not ~~use~~ used for racing, or breeding purposes.

C. Greyhounds transported to an adoption agency, breeding farm, or other location at the end of their breeding, racing, or non-racing careers ~~shall be~~ are subject to the transportation ~~rules~~ requirements ~~as set forth~~ in R19-2-328.