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From the Publisher

ABOUT THIS PUBLICATION

The paper copy of the *Administrative Register* (A.A.R.) is the official publication for rules and rulemaking activity in the state of Arizona.

Rulemaking is defined in Arizona Revised Statutes known as the Arizona Administrative Procedure Act (APA), A.R.S. Title 41, Chapter 6, Articles 1 through 10.

The Office of the Secretary of State does not interpret or enforce rules published in the *Arizona Administrative Register* or *Code*. Questions should be directed to the state agency responsible for the promulgation of the rule as provided in its published filing.

The *Register* is cited by volume and page number. Volumes are published by calendar year with issues published weekly. Page numbering continues in each weekly issue.

In addition, the *Register* contains the full text of the Governor's Executive Orders and Proclamations of general applicability, summaries of Attorney General opinions, notices of rules terminated by the agency, and the Governor's appointments of state officials and members of state boards and commissions.

ABOUT RULES

Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number). Rules activity published in the *Register* includes: proposed, final, emergency, expedited, and exempt rules as defined in the APA.

Rulemakings initiated under the APA as effective on and after January 1, 1995, include the full text of the rule in the *Register*. New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.

WHERE IS A "CLEAN" COPY OF THE FINAL OR EXEMPT RULE PUBLISHED IN THE REGISTER?

The *Arizona Administrative Code* (A.A.C.) contains the codified text of rules. The A.A.C. contains rules promulgated and filed by state agencies that have been approved by the Attorney General or the Governor's Regulatory Review Council. The *Code* also contains rules exempt from the rulemaking process.

The printed *Code* is the official publication of a rule in the A.A.C., and is prima facie evidence of the making, amendment, or repeal of that rule as provided by A.R.S. § 41-1012. Paper copies of rules are available by full Chapter or by subscription. The *Code* is posted online for free.

LEGAL CITATIONS AND FILING NUMBERS

On the cover: Each agency is assigned a Chapter in the *Arizona Administrative Code* under a specific Title. Titles represent broad subject areas. The Title number is listed first; with the acronym A.A.C., which stands for the *Arizona Administrative Code*; following the Chapter number and Agency name, then program name. For example, the Secretary of State has rules on rulemaking in Title 1, Chapter 1 of the *Arizona Administrative Code*. The citation for this chapter is 1 A.A.C. 1, Secretary of State, Rules and Rulemaking

Every document filed in the office is assigned a file number. This number, enclosed in brackets, is located at the top right of the published documents in the *Register*. The original filed document is available for 10 cents a page.

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This publication is available online for free at www.azsos.gov.

ADMINISTRATIVE CODE
A price list for the *Arizona Administrative Code* is available online. You may also request a paper price list by mail. To purchase a paper Chapter, contact us at (602) 364-3223.

PUBLICATION DEADLINES
Publication dates are published in the back of the *Register*. These dates include file submittal dates with a three-week turnaround from filing to published document.

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Participate in the Process

Look for the Agency Notice

Review (inspect) notices published in the *Arizona Administrative Register*. Many agencies maintain stakeholder lists and would be glad to inform you when they proposed changes to rules. Check an agency's website and its newsletters for news about notices and meetings.

Feel like a change should be made to a rule and an agency has not proposed changes? You can petition an agency to make, amend, or repeal a rule. The agency must respond to the petition. (See A.R.S. § 41-1033)

Attend a public hearing/meeting

Attend a public meeting that is being conducted by the agency on a Notice of Proposed Rulemaking. Public meetings may be listed in the Preamble of a Notice of Proposed Rulemaking or they may be published separately in the *Register*. Be prepared to speak, attend the meeting, and make an oral comment.

An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

Write the agency

Put your comments in writing to the agency. In order for the agency to consider your comments, the agency must receive them by the close of record. The comment must be received within the 30-day comment timeframe following the *Register* publication of the Notice of Proposed Rulemaking.

You can also submit to the Governor's Regulatory Review Council written comments that are relevant to the Council's power to review a given rule (A.R.S. § 41-1052). The Council reviews the rule at the end of the rulemaking process and before the rules are filed with the Secretary of State.

Arizona Regular Rulemaking Process



Definitions

Arizona Administrative Code (A.A.C.): Official rules codified and published by the Secretary of State's Office. Available online at www.azsos.gov.

Arizona Administrative Register (A.A.R.): The official publication that includes filed documents pertaining to Arizona rulemaking. Available online at www.azsos.gov.

Administrative Procedure Act (APA): A.R.S. Title 41, Chapter 6, Articles 1 through 10. Available online at www.azleg.gov.

Arizona Revised Statutes (A.R.S.): The statutes are made by the Arizona State Legislature during a legislative session. They are compiled by Legislative Council, with the official publication codified by Thomson West. Citations to statutes include Titles which represent broad subject areas. The Title number is followed by the Section number. For example, A.R.S. § 41-1001 is the definitions Section of Title 41 of the Arizona Administrative Procedures Act. The “§” symbol simply means “section.” Available online at www.azleg.gov.

Chapter: A division in the codification of the *Code* designating a state agency or, for a large agency, a major program.

Close of Record: The close of the public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments, either written or oral.

Code of Federal Regulations (CFR): The *Code of Federal Regulations* is a codification of the general and permanent rules published in the *Federal Register* by the executive departments and agencies of the federal government.

Docket: A public file for each rulemaking containing materials related to the proceedings of that rulemaking. The docket file is established and maintained by an agency from the time it begins to consider making a rule until the rulemaking is finished. The agency provides public notice of the docket by filing a Notice of Rulemaking Docket Opening with the Office for publication in the *Register*.

Economic, Small Business, and Consumer Impact Statement (EIS): The EIS identifies the impact of the rule on private and public employment, on small businesses, and on consumers. It includes an analysis of the probable costs and benefits of the rule. An agency includes a brief summary of the EIS in its preamble. The EIS is not published in the *Register* but is available from the agency promulgating the rule. The EIS is also filed with the rulemaking package.

Governor's Regulatory Review (G.R.R.C.): Reviews and approves rules to ensure that they are necessary and to avoid unnecessary duplication and adverse impact on the public. G.R.R.C. also assesses whether the rules are clear, concise, understandable, legal, consistent with legislative intent, and whether the benefits of a rule outweigh the cost.

Incorporated by Reference: An agency may incorporate by reference standards or other publications. These standards are available from the state agency with references on where to order the standard or review it online.

Federal Register (FR): The *Federal Register* is a legal newspaper published every business day by the National Archives and Records Administration (NARA). It contains federal agency regulations; proposed rules and notices; and executive orders, proclamations, and other presidential documents.

Session Laws or “Laws”: When an agency references a law that has not yet been codified into the Arizona Revised Statutes, use the word “Laws” is followed by the year the law was passed by the Legislature, followed by the Chapter number using the abbreviation “Ch.,” and the specific Section number using the Section symbol (§). For example, Laws 1995, Ch. 6, § 2. Session laws are available at www.azleg.gov.

United States Code (U.S.C.): The Code is a consolidation and codification by subject matter of the general and permanent laws of the United States. The Code does not include regulations issued by executive branch agencies, decisions of the federal courts, treaties, or laws enacted by state or local governments.

Acronyms

A.A.C. – *Arizona Administrative Code*

A.A.R. – *Arizona Administrative Register*

APA – *Administrative Procedure Act*

A.R.S. – *Arizona Revised Statutes*

CFR – *Code of Federal Regulations*

EIS – *Economic, Small Business, and Consumer Impact Statement*

FR – *Federal Register*

G.R.R.C. – *Governor's Regulatory Review Council*

U.S.C. – *United States Code*

About Preambles

The Preamble is the part of a rulemaking package that contains information about the rulemaking and provides agency justification and regulatory intent.

It includes reference to the specific statutes authorizing the agency to make the rule, an explanation of the rule, reasons for proposing the rule, and the preliminary Economic Impact Statement.

The information in the Preamble differs between rulemaking notices used and the stage of the rulemaking.



NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Expedited Rulemaking. The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of the expedited rules should be addressed to the agency promulgating the rules. Refer to Item #5 to contact the person charged with the rulemaking.

**NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 9. HEALTH SERVICES
CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES**

[R18-266]

PREAMBLE

- | | |
|---|---------------------------------|
| 1. <u>Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
| R9-25-301 | Amend |
| R9-25-303 | Amend |
| R9-25-305 | Amend |
| Table 8.1 | Amend |
| R9-25-1003 | Amend |
- 2. Citations to the agency's statutory authority for the rulemaking to include the authorizing statute (general) and the implementing statute (specific):**
 Authorizing statutes: A.R.S. §§ 36-136(A)(7), 36-136(G), 36-2202, and 36-2209(A)(2)
 Implementing statutes: A.R.S. §§ 36-2202, 36-2204, and 41-1072 through 41-1079
- 3. The effective date of the rules:**
 December 4, 2018
- 4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed expedited rulemaking:**
 Notice of Rulemaking Docket Opening: 24 A.A.R. 2321, August 17, 2018
 Notice of Proposed Expedited Rulemaking: 24 A.A.R. 2492, September 7, 2018
- 5. The agency's contact person who can answer questions about the rulemaking:**
- | | |
|------------|--|
| Name: | Terry Mullins, Bureau Chief |
| Address: | Arizona Department of Health Services
Bureau of Emergency Medical Services and Trauma System
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007-3248 |
| Telephone: | (602) 364-3150 |
| Fax: | (602) 364-3568 |
| E-mail: | Terry.Mullins@azdhs.gov |
| or | |
| Name: | Robert Lane, Chief |
| Address: | Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 200
Phoenix, AZ 85007 |
| Telephone: | (602) 542-1020 |
| Fax: | (602) 364-1150 |
| E-mail: | Robert.Lane@azdhs.gov |
- 6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S. § 41-1027, to include an explanation about the rulemaking:**
 Recently, drug manufacturers have limited the availability of many medications, leading to shortages and making it difficult for ambulance services and emergency medical services providers to obtain medications they are required by rule to have available. The Department is addressing this on-going medication shortage issue by removing Tables 5.2, 5.3, and 5.4 from the rules and making corresponding cross-reference changes and removal of obsolete requirements. To protect the health and safety of patients, the Director will approve similar Tables on the Department's website, which can be updated in a more timely manner to reflect medication shortages, following recommendations by the Medical Direction Commission. The same web address will be used for other documents cited in the rules in 9 A.A.C. 25. A.R.S. § 36-2205(B) gives the Department exempt rulemaking authority to



establish and make changes to the protocols in Article 5, and the changes to Article 5 have been made by exempt rulemaking. However, corresponding changes in other Articles to address the medication shortage issue and ensure consistent rules cannot be made through exempt rulemaking and are being made through expedited rulemaking. Since the changes being made in Articles 3, 8, and 10 just provide the web address for the location of the Tables, update an existing web address in the rules to the new web address to ensure consistency and simplify the reference, and remove an obsolete requirement, the Department believes that these changes are consistent with the purpose for A.R.S. § 41-1027 in that this rulemaking does not increase the cost of regulatory compliance, does not increase a fee, or reduce a procedural right of regulated persons, and either implements changes identified in a five-year-review report, removes obsolete subsections, or clarifies language of a rule without changing its effect.

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

The Department did not review or rely on any study for this rulemaking.

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

Not applicable

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

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

10. A description of any changes between the proposed expedited rulemaking, including supplemental notices, and the final expedited rulemaking:

Between the proposed expedited rulemaking and the final expedited rulemaking, no changes were made to the rulemaking.

11. Agency's summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments:

The Department did not receive public or stakeholder comments about the rulemaking since filing the Notice of Proposed Expedited Rulemaking.

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

There are no other matters prescribed by statute applicable specifically to the Department or this specific rulemaking.

a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

The rules in Articles 3 and 8, and 10 require the issuance of a specific agency authorization, which is authorized by A.R.S. § 36-2204(3) for training programs and A.R.S. § 36-2212 for ambulance services, so a general permit is not applicable.

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

Federal laws do not apply to the rules in 9 A.A.C. 25.

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

No such analysis was submitted.

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

None

14. Whether the rule was previously made, amended, or repealed as an emergency rules. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:

The rule was not previously made as an emergency rule.

15. The full text of the rule follows:

**TITLE 9. HEALTH SERVICES
CHAPTER 25. DEPARTMENT OF HEALTH SERVICES
EMERGENCY MEDICAL SERVICES**

ARTICLE 3. TRAINING PROGRAMS

Section

- R9-25-301. Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))
- R9-25-303. Changes Affecting a Training Program Certificate (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))
- R9-25-305. Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

**ARTICLE 8. AIR AMBULANCE REGISTRATION**

Section

Table 8.1. Minimum Equipment and Supplies Required on Air Ambulances, By Mission Level and Aircraft Type (Authorized by A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)

ARTICLE 10. GROUND AMBULANCE VEHICLE REGISTRATION

Section

R9-25-1003. Minimum Equipment and Supplies for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))

ARTICLE 3. TRAINING PROGRAMS**R9-25-301. Application for Certification (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))**

- A. To apply for certification as a training program, an applicant shall submit an application to the Department, in a Department-provided format, including:
1. The applicant's name, address, and telephone number;
 2. The name, telephone number, and e-mail address of the applicant's chief administrative officer;
 3. The name of each course the applicant plans to provide;
 4. Attestation that the applicant has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references for the courses specified in subsection (A)(3);
 5. The name, telephone number, and e-mail address of the training program medical director;
 6. The name, telephone number, and e-mail address of the training program director;
 7. Attestation that the applicant will comply with all requirements in A.R.S. Title 36, Chapter 21.1 and 9 A.A.C. 25;
 8. Attestation that all information required as part of the application has been submitted and is true and accurate; and
 9. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B. An applicant may submit to the Department a copy of an accreditation report if the applicant is currently accredited by a national accrediting organization.
- C. The Department shall certify a training program if the applicant:
1. Has not operated a training program that has been decertified by the Department within five years before submitting the application,
 2. Submits an application that is complete and compliant with requirements in this Article, and
 3. Has not knowingly provided false information on or with an application required by this Article.
- D. The Department:
1. Shall assess a training program at least once every 24 months after certification to determine ongoing compliance with the requirements of this Article; and
 2. May inspect a training program according to A.R.S. § 41-1009:
 - a. As part of the substantive review time-frame required in A.R.S. §§ 41-1072 through 41-1079, or
 - b. As necessary to determine compliance with the requirements of this Article.
- E. The Department shall approve or deny an application under this Article according to Article 12 of this Chapter.
- F. A training program certificate is valid only for the name of the training program certificate holder and the courses listed by the Department on the certificate and may not be transferred to another person.

R9-25-303. Changes Affecting a Training Program Certificate (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

- A. No later than 10 days after a change in the name, address, or e-mail address of the training program certificate holder listed on a training program certificate, the training program certificate holder shall notify the Department of the change, in a Department-provided format, including:
1. The current name, address, and e-mail address of the training program certificate holder;
 2. The certificate number for the training program;
 3. The new name, new address, or new e-mail address and the date of the name, address, or e-mail address change;
 4. If applicable, attestation that the training program certificate holder has insurance required in R9-25-302(C) that is valid for the new name or new address;
 5. Attestation that all information submitted to the Department is true and correct; and
 6. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- B. No later than 10 days after a change in the training program medical director or training program director, a training program certificate holder shall notify the Department, in a Department-provided format, including:
1. The name and address of the training program certificate holder;
 2. The certificate number for the training program;
 3. The name, telephone number, and e-mail address of the new training program medical director or training program director and the date of the change; and
 4. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- C. A training program certificate holder that intends to add a course shall submit to the Department a request for approval, in a Department-provided format, including:



1. The name and address of the training program certificate holder;
 2. The certificate number for the training program;
 3. The name, telephone number, and e-mail address of the applicant's chief administrative officer;
 4. The name of each course the training program certificate holder plans to add;
 5. Attestation that the training program certificate holder has the equipment and facilities that meet the requirements established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references for the courses specified in subsection (C)(4);
 6. Attestation that all information required as part of the request is true and accurate; and
 7. The signature or electronic signature of the applicant's chief administrative officer or the chief administrative officer's designated representative and date of signature or electronic signature.
- D. For notification made under subsection (A) of a change in the name or address of a certificate holder, the Department shall issue an amended certificate to the training program certificate holder that incorporates the new name or address but retains the date on the current certificate.
- E. The Department shall approve or deny a request for the addition of a course in subsection (C) according to Article 12 of this Chapter.
- F. A training program certificate holder shall not conduct a course until an amended certificate is issued by the Department.

R9-25-305. Supplemental Requirements for Specific Courses (Authorized by A.R.S. §§ 36-2202(A)(3) and (4) and 36-2204(1) and (3))

- A. Except as specified in subsection (B), a training program certificate holder shall ensure that a certification course offered by the training program:
1. Covers knowledge, skills, and competencies comparable to the national education standards established for a specific EMCT classification level;
 2. Prepares a student for:
 - a. A national certification organization examination for the specific EMCT classification level, or
 - b. A standardized certification test under the state certification process;
 3. Has no more than 24 students enrolled in each session of the course; and
 4. Has a minimum course length of:
 - a. For an EMT certification course, 130 hours;
 - b. For an AEMT certification course, 244 hours, including:
 - i. A minimum of 100 contact hours of didactic instruction and practical skills training, and
 - ii. A minimum of 144 contact hours of clinical training and field training; and
 - c. For a Paramedic certification course, 1000 hours, including:
 - i. A minimum of 500 contact hours of didactic instruction and practical skills training, and
 - ii. A minimum of 500 contact hours of clinical training and field training.
- B. A training program director shall ensure that, for an AEMT certification course or a Paramedic certification course, a student has one of the following:
1. Current certification from the Department as an EMT or higher EMCT classification level,
 2. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program, or
 3. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level.
- C. A training program director shall ensure that for a course to prepare an EMT-I(99) for Paramedic certification:
1. A student has current certification from the Department as an EMT-I(99);
 2. The course covers the knowledge, skills, and competencies established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references;
 3. The minimum course length is 600 hours, including:
 - a. A minimum of 220 contact hours of didactic instruction and practical skills training, and
 - b. A minimum of 380 contact hours of clinical training and field training; and
 4. A minimum of 60 contact hours of training in anatomy and physiology are completed by the student:
 - a. As a prerequisite to the course,
 - b. As preliminary instruction completed at the beginning of the course session before the didactic instruction required in subsection (C)(3)(a) begins, or
 - c. Through integration of the anatomy and physiology material with the units of instruction required in subsection (C)(3).
- D. A training program director shall ensure that for an EMT refresher course:
1. A student has one of the following:
 - a. Current certification from the Department as an EMT or higher EMCT classification level,
 - b. Documentation of completion of prior training in an EMT course or a course for a higher EMCT classification level provided by a training program certified by the Department or an equivalent training program,
 - c. Documentation of current registration in a national certification organization at the EMT classification level or higher EMCT classification level, or
 - d. Documentation from a national certification organization requiring the student to complete the EMT refresher course to be eligible to apply for registration in the national certification organization;
 2. A student has documentation of current certification in adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs;
 3. The EMT refresher course covers the knowledge, skills, and competencies in the national education standards established at the EMT classification level;
 4. No more than 32 students are enrolled in each session of the course; and



5. The minimum course length is 24 contact hours.
- E. A training program authorized to provide an EMT refresher course may administer a refresher challenge examination covering materials included in the EMT refresher course to an individual eligible for admission into the EMT refresher course.
- F. A training program director shall ensure that for an ALS refresher course:
 1. A student has one of the following:
 - a. Current certification from the Department as an AEMT, EMT-I(99), or Paramedic;
 - b. Documentation of completion of a prior training course, at the AEMT classification level or higher, provided by a training program certified by the Department or an equivalent training program;
 - c. Documentation of current registration in a national certification organization at the AEMT or Paramedic classification level; or
 - d. Documentation from a national certification organization requiring the student to complete the ALS refresher course to be eligible to apply for registration in the national certification organization;
 2. A student has documentation of current certification in:
 - a. Adult, pediatric, and infant cardiopulmonary resuscitation through instruction consistent with American Heart Association recommendations for emergency cardiovascular care by EMCTs, and
 - b. For a student who has current certification as an EMT-I(99) or higher level of EMCT classification, advanced emergency cardiac life support;
 3. The ALS refresher course covers:
 - a. For a student who has current certification as an AEMT or documentation of completion of prior training at an AEMT classification level, the knowledge, skills, and competencies in the national education standards established for an AEMT;
 - b. For a student who has current certification as an EMT-I(99), the knowledge, skills, and competencies established according to A.R.S. § 36-2204 for an EMT-I(99) as of the effective date of this Section and available through the Department at www.azdhs.gov www.azdhs.gov/ems-regulatory-references; and
 - c. For a student who has current certification as a Paramedic or documentation of completion of prior training at a Paramedic classification level, the knowledge, skills, and competencies in the national education standards established for a Paramedic;
 4. No more than 32 students are enrolled in each session of the course; and
 5. The minimum course length is 48 contact hours.
- G. A training program authorized to provide an ALS refresher course may administer a refresher challenge examination covering materials included in the ALS refresher course to an individual eligible for admission into the ALS refresher course.

ARTICLE 8. AIR AMBULANCE REGISTRATION

Table 8.1. Minimum Equipment and Supplies Required on Air Ambulances, By Mission Level and Aircraft Type (Authorized by A.R.S. §§ 36-2202(A)(3), (4), and (5); 36-2209(A)(2); and 36-2212)

X = Required

ALS = Advanced Life Support Mission

BLS = Basic Life Support Mission

CC = Critical Care Mission

FW = Fixed-Wing Aircraft

RW = Rotor-Wing Aircraft

MINIMUM EQUIPMENT AND SUPPLIES	FW	RW	BLS	ALS	CC
A. Ventilation and Airway Equipment					
1. Portable and fixed suction apparatus, with wide-bore tubing, rigid pharyngeal curved suction tip, tonsillar and flexible suction catheters, 5F-14F	X	X	X	X	X
2. Portable and fixed oxygen equipment, with variable flow regulators	X	X	X	X	X
3. Oxygen administration equipment, including tubing; non-rebreathing masks (adult and pediatric sizes); and nasal cannulas (adult and pediatric sizes)	X	X	X	X	X
4. Bag-valve mask, with hand-operated, self-reexpanding bag (adult size), with oxygen reservoir/accumulator; mask (adult, pediatric, infant, and neonate sizes); and valve	X	X	X	X	X
5. Airways, oropharyngeal (adult, pediatric, and infant sizes)	X	X	X	X	X
6. Laryngoscope handle with extra batteries and bulbs, adult and pediatric	X	X	-	X	X
7. Laryngoscope blades, sizes 0, 1, and 2, straight; sizes 3 and 4, straight and curved	X	X	-	X	X
8. Endotracheal tubes, sizes 2.5-5.0 mm cuffed or uncuffed and 6.0-8.0 mm cuffed	X	X	-	X	X
9. Meconium aspirator	X	X	-	X	X
10. 10 mL straight-tip syringes	X	X	-	X	X



11. Stylettes for Endotracheal tubes, adult and pediatric	X	X	-	X	X
12. Magill forceps, adult and pediatric	X	X	-	X	X
13. Nasogastric tubes, sizes 5F and 8F, Salem sump sizes 14F and 18F	X	X	-	X	X
14. End-tidal CO ₂ detectors, colorimetric or quantitative	X	X	-	X	X
15. Portable automatic ventilator with positive end expiratory pressure	X	X	-	X	X
B. Monitoring and Defibrillation					
1. Automatic external defibrillator	X	X	X	-	-
2. Portable, battery-operated monitor/defibrillator, with tape write-out/recorder, defibrillator pads, adult and pediatric paddles or hands-free patches, ECG leads, adult and pediatric chest attachment electrodes, and capability to provide electrical discharge below 25 watt-seconds	X	X	-	X	X
3. Transcutaneous cardiac pacemaker, either stand-alone unit or integrated into monitor/defibrillator	X	X	-	X	X
C. Immobilization Devices					
1. Cervical collars, rigid, adjustable or in an assortment of adult and pediatric sizes	-	X	X	X	X
2. Head immobilization device, either firm padding or another commercial device	-	X	X	X	X
3. Lower extremity (femur) traction device, including lower extremity, limb support slings, padded ankle hitch, padded pelvic support, and traction strap	-	X	X	X	X
4. Upper and lower extremity immobilization splints	-	X	X	X	X
D. Bandages					
1. Burn pack, including standard package, clean burn sheets	X	X	X	X	X
2. Dressings, including sterile multi-trauma dressings (various large and small sizes); abdominal pads, 10" x 12" or larger; and 4" x 4" gauze sponges	X	X	X	X	X
3. Gauze rolls, sterile (4" or larger)	X	X	X	X	X
4. Elastic bandages, non-sterile (4" or larger)	X	X	X	X	X
5. Occlusive dressing, sterile, 3" x 8" or larger	X	X	X	X	X
6. Adhesive tape, including various sizes (1" or larger) hypoallergenic and various sizes (1" or larger) adhesive	X	X	X	X	X
E. Obstetrical					
1. Obstetrical kit (separate sterile kit), including towels, 4" x 4" dressing, umbilical tape, sterile scissors or other cutting utensil, bulb suction, clamps for cord, sterile gloves, at least 4 blankets, and a head cover	X	X	X	X	X
2. An alternate portable patient heat source or 2 heat packs	X	X	X	X	X
F. Miscellaneous					
1. Sphygmomanometer (infant, pediatric, and adult regular and large sizes)	X	X	X	X	X
2. Stethoscope	X	X	X	X	X
3. Pediatric equipment sizing reference guide	X	X	X	X	X
4. Thermometer with low temperature capability	X	X	X	X	X
5. Heavy bandage or paramedic scissors for cutting clothing, belts, and boots	X	X	X	X	X
6. Cold packs	X	X	X	X	X
7. Flashlight (1) with extra batteries	X	X	X	X	X
8. Blankets	X	X	X	X	X
9. Sheets	X	X	X	X	X
10. Disposable emesis bags or basins	X	X	X	X	X
11. Disposable bedpan	X	X	X	X	X
12. Disposable urinal	X	X	X	X	X
13. Properly secured patient transport system	X	X	X	X	X
14. Lubricating jelly (water soluble)	X	X	X	X	X



15. Small volume nebulizer	X	X	-	X	X
16. Glucometer or blood glucose measuring device with reagent strips	X	X	X	X	X
17. Pulse oximeter with pediatric and adult probes	X	X	X	X	X
18. Automatic blood pressure monitor	X	X	X	X	X
G. Infection Control (Latex-free equipment shall be available)					
1. Eye protection (full peripheral glasses or goggles, face shield)	X	X	X	X	X
2. Masks	X	X	X	X	X
3. Gloves, non-sterile	X	X	X	X	X
4. Jumpsuits or gowns	X	X	X	X	X
5. Shoe covers	X	X	X	X	X
6. Disinfectant hand wash, commercial antimicrobial (towelette, spray, or liquid)	X	X	X	X	X
7. Disinfectant solution for cleaning equipment	X	X	X	X	X
8. Standard sharps containers	X	X	X	X	X
9. Disposable red trash bags	X	X	X	X	X
10. High-efficiency particulate air mask	X	X	X	X	X
H. Injury Prevention Equipment					
1. Appropriate restraints (such as seat belts) for patient, personnel, and family members	X	X	X	X	X
2. Child safety restraints	X	X	X	X	X
3. Safety vest or other garment with reflective material for each personnel member	-	X	X	X	X
4. Fire extinguisher	X	X	X	X	X
5. Hazardous material reference guide	X	X	X	X	X
6. Hearing protection for patient and personnel	X	X	X	X	X
I. Vascular Access					
1. Intravenous administration equipment, with fluid in bags	X	X	-	X	X
2. Antiseptic solution (alcohol wipes and povidone-iodine wipes)	X	X	-	X	X
3. Intravenous pole or roof hook	X	X	-	X	X
4. Intravenous catheters 14G-24G	X	X	-	X	X
5. Intraosseous needles	X	X	-	X	X
6. Venous tourniquet	X	X	-	X	X
7. One of each of the following types of intravenous solution administration sets: a. A set with blood tubing, b. A set capable of delivering 60 drops per cc, and c. A set capable of delivering 10 or 15 drops per cc	X	X	-	X	X
8. Intravenous arm boards, adult and pediatric	X	X	-	X	X
9. IV pump or pumps (minimum of 3 infusion lines)	X	X	-	X	X
10. IV pressure bag	X	X	-	X	X
J. Medications					
1. Agents required in Tables 5.2 and, if applicable, 5.3 for a table of agents, established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov/ems-regulatory-references , that an administrative medical director may authorize based on the EMCT classification	X	X	X	X	X

ARTICLE 10. GROUND AMBULANCE VEHICLE REGISTRATION

R9-25-1003. Minimum Equipment and Supplies for Ground Ambulance Vehicles (Authorized by A.R.S. § 36-2202(A)(5))

A. A ground ambulance vehicle used for either BLS or ALS level of service shall contain the following operational equipment and supplies:

1. A portable and a fixed suction apparatus;
2. Wide-bore tubing, a rigid pharyngeal curved suction tip, and a flexible suction catheter in the following French sizes:
 - a. Two in 6, 8, or 10; and
 - b. Two in 12, 14, or 16;



3. One fixed oxygen cylinder or equivalent with a minimum capacity of 106 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
 4. One portable oxygen cylinder with a minimum capacity of 13 cubic feet, a minimum pressure of 500 p.s.i., and a variable flow regulator;
 5. Oxygen administration equipment including: tubing, two adult-size and two pediatric-size non-rebreather masks, and two adult-size and two pediatric-size nasal cannula;
 6. One adult-size, one child-size, one infant-size, and one neonate-size hand-operated, disposable, self-expanding bag-valve with one of each size bag-valve mask;
 7. Nasal airways in the following French sizes:
 - a. One in 16, 18, 20, 22, or 24; and
 - b. One in 26, 28, 30, 32, or 34;
 8. Two adult-size, two child-size, and two infant-size oropharyngeal airways;
 9. Two large-size, two medium-size, and two small-size cervical immobilization devices;
 10. Two small-size, two medium-size, and two large size upper extremities splints;
 11. Two small-size, two medium-size, and two large size lower extremities splints;
 12. One child-size and one adult-size lower extremity traction splints;
 13. Two full-length spine boards;
 14. Supplies to secure a patient to a spine board;
 15. One cervical-thoracic spinal immobilization device for extrication;
 16. Two sterile burn sheets;
 17. Two triangular bandages;
 18. Three sterile multi-trauma dressings, 10" x 30" or larger;
 19. Fifty non-sterile 4" x 4" gauze sponges;
 20. Ten non-sterile soft roller bandages, 4" or larger;
 21. Four sterile occlusive dressings, 3" x 8" or larger;
 22. Two 2" or 3" adhesive tape rolls;
 23. Containers for biohazardous medical waste that comply with requirements in 18 A.A.C. 13, Article 14;
 24. A sterile obstetrical kit containing towels, 4" x 4" dressing, scissors, bulb suction, and clamps or tape for cord;
 25. One blood glucose testing kit;
 26. A meconium aspirator adapter;
 27. A length/weight-based pediatric reference guide to determine the appropriate size of medical equipment and drug dosing;
 28. A pulse oximeter with both pediatric and adult probes;
 29. One child-size, one adult-size, and one large adult-size sphygmomanometer;
 30. One stethoscope;
 31. One heavy duty scissors capable of cutting clothing, belts, or boots;
 32. Two blankets;
 33. One thermal absorbent blanket with head cover or blanket of other appropriate heat-reflective material;
 34. Two sheets;
 35. Body substance isolation equipment, including:
 - a. Two pairs of non-sterile disposable gloves;
 - b. Two gowns;
 - c. Two masks that are at least as protective as a National Institute for Occupational Safety and Health-approved N-95 respirator, which may be of universal size;
 - d. Two pairs of shoe coverings; and
 - e. Two sets of protective eye wear;
 36. At least three pairs of non-latex gloves; and
 37. A wheeled, multi-level stretcher that is:
 - a. Suitable for supporting a patient at each level,
 - b. At least 69 inches long and 20 inches wide,
 - c. Rated for use with a patient weighing up to or more than 350 pounds,
 - d. Adjustable to allow a patient to recline and to elevate the patient's head and upper torso to an angle at least 70° from the horizontal plane,
 - e. Equipped with a mattress that has a protective cover,
 - f. Equipped with at least two attached straps to secure a patient during transport, and
 - g. Equipped to secure the stretcher to the interior of the vehicle during transport using the fastener required under R9-25-1002(38).
- B.** In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide BLS shall contain at least:
1. The minimum supply of agents required in Table 5-2 a table of agents, established according to A.R.S. § 36-2204 and available through the Department at www.azdhs.gov/ems-regulatory-references, that an administrative medical director may authorize for an EMT;
 2. ~~By January 1, 2016, the~~ The capability of providing automated external defibrillation;
 3. Two 3 mL syringes; and
 4. Two 10-12 mL syringes.
- C.** In addition to the equipment and supplies in subsection (A), a ground ambulance vehicle equipped to provide ALS shall contain at least the minimum supply of agents required in Table 5-2 a table of agents, established according to A.R.S. § 36-2204 and available



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

6. An agency's explanation why the expedited rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c):

Pursuant to A.R.S. § 41-1027(A)(7), the Department is engaged in this expedited rulemaking to incorporate the changes proposed in the Department's recent five-year review report on 17 A.A.C. Chapter 4, Article 8, Motor Vehicle Records, approved by the Governor's Regulatory Review Council on March 6, 2018. The Department has determined that it would be more appropriate and would better serve the public to relocate R17-1-202, MVD Record Copy Charges and its corresponding Table 1 to 17 A.A.C. Chapter 4, Article 8, Motor Vehicle Records. This relocation requires the removal of the following definitions from R17-1-201, Definitions, and relocation to A.A.C. R17-4-801, Definitions: "batch", "interactive", "reasonable costs", and "support document" since they do not appear in the remaining Sections of this Article.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on 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 Department did not review or rely on any study relevant to the rules.

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

Not applicable

9. The agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2):

The Department is exempt from an economic, small business, and consumer impact statement for these rules.

10. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking:

None

11. An agency's summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments:

The Department did not receive any public or stakeholder comments regarding this rulemaking.

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

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rules require a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used:

These rules do not require the issuance of a permit, license, or agency authorization.

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

No federal laws apply to the rules.

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

No analysis was submitted to the Department.

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

This rulemaking does not incorporate any materials by reference.

14. The full text of the rules follows:

TITLE 17. TRANSPORTATION
CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATION

ARTICLE 2. FEES

Table with 2 columns: Section and Description. Rows include R17-1-201. Definitions, R17-1-202. MVD Record Copy Charges Repealed, and Table 1. Certified and Uncertified Motor Vehicle Record Fees Repealed.

ARTICLE 2. FEES

R17-1-201. Definitions

In addition to the definitions prescribed under A.R.S. §§ 28-440 and § 44-6851, the following terms apply to this Article:

"Automated clearing house" has the same meaning as provided under A.A.C. R17-8-401.



“Batch” means a query command method that initiates simultaneous production of an electronic file or series of requests that may have delayed results.

“Certified record” means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.

“Electronic payment” means money which is exchanged electronically, including credit card payments, credit transfer, electronic checks, direct debit, and person-to-person payments.

“Interactive” means an electronic query command method individually initiated by a person that produces immediate results.

“Reasonable costs” means 10 cents for each page of standard reproduction of documents and the actual costs for reproduction of documents which require special processing plus the reasonable clerical costs incurred in locating and making the documents available billed at the rate of \$10 per hour per person.

“Special MVR” means a motor vehicle record that is comprised of the least possible subset of information necessary to respond to the type of request received.

“Stale-dated” means a check presented at the paying bank six months or more after the issue date of the check. A stale-dated check is not an invalid check, but the paying bank may deem the check an irregular bill of exchange and return it unpaid.

“Support document” means any customer record maintained by the agency in an electronic, hardcopy, or microfilm file storage format.

R17-1-202. MVD Record Copy Charges Repealed

In accordance with A.R.S. §§ 12-351 and 28-446, for each separate request, the Division shall assess a charge as provided in Table 1. Certified and Uncertified Motor Vehicle Record Fees. Therefore, a fee is collected if the request results in a motor vehicle record or “No Record Found.”

Table 1. Certified and Uncertified Motor Vehicle Record Fees Repealed

Description	Method of Delivery	Amount
A certified record:	Over the counter immediate or overnight service; Mail in request; or Electronic interactive.	\$5
	Electronic batch.	\$3
A certified support document:	Over the counter immediate or overnight service; or Mail in request.	\$5
An uncertified record:	Over the counter immediate service; Mail in request; or Electronic interactive.	\$3
	Electronic batch; or Over the counter overnight service.	\$2
An uncertified support document:	Over the counter immediate or overnight service; or Mail in request.	\$3
An uncertified Special MVR:	Over the counter immediate and overnight service; Mail in request; or Electronic interactive.	\$1.50
Civil subpoena support documentation:	Over the counter immediate and overnight service; or Mail in request.	Reasonable costs.
Any photocopied item: (Does not include... etc.)	Over the counter immediate and overnight service; or Mail in request.	25¢ per page.



NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

[R18-268]

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action
2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):
3. The effective date of the rule:
4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the Notice of Final Expedited Rulemaking:
5. The agency's contact person who can answer questions about the rulemaking:
6. An agency's explanation why the expedited rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c):
7. A reference to any study relevant to the rule that the agency reviewed and either relied on 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:
8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:
9. The agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2):
10. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking:



guage consistent with the rest of the Section.

In R17-4-802, amended the proposed verbiage to “as indicated on the motor vehicle record request form or at the request of the Department” for better clarity.

In R17-4-803, removed “MVD” from the heading of the Section since the distinction is unnecessary.

Minor grammatical and non-substantive technical changes were made upon review.

11. An agency’s summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments:

The Department did not receive any public or stakeholder comments regarding this rulemaking.

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

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rules require a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used:

These rules do not require the issuance of a permit, license, or agency authorization.

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

The manner in which the Department may release information from MVRs is regulated by the Federal Driver’s Privacy Protection Act of 1994 (DPPA), 18 USC 2721-2725, and A.R.S. Title 28, Chapter 2, Article 5. The DPPA stipulates who may receive personal information from MVRs and its applicable penalties. These rules follow the permissible uses as prescribed in A.R.S. § 28-455, which is in keeping with the DPPA. The DPPA does not impose the criteria needed to request a record nor the length of time covered in a driver MVR. Therefore, the Department has determined that the rules in Article 8 are not more stringent than the corresponding federal law.

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

No analysis was submitted to the Department.

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

This rulemaking does not incorporate any materials by reference.

14. The full text of the rules follows:

**TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES**

ARTICLE 8. MOTOR VEHICLE RECORDS

Section	
R17-4-801.	Definitions
R17-4-802.	Motor Vehicle Record Request
R17-4-803.	Reserved Record Copy Charges
Table 1.	Certified and Uncertified Motor Vehicle Record Fees

ARTICLE 8. MOTOR VEHICLE RECORDS

R17-4-801. Definitions

In addition to the definitions under A.R.S. §§ 28-101 and 28-440, the following definitions apply to this Article, unless otherwise specified:

“Batch” means a query-command method that initiates simultaneous production of an electronic file or series of requests that may have delayed results.

“Certified record” means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.

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

“Customer number” means the system-generated, or other distinguishing number, assigned by the ~~Division~~ Department to each person ~~conducting business with the Division~~ with a record on the Department’s database, which includes the driver license number assigned to a person for a driver license, identification card, or instruction permit.

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

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

“Driver license number” means the system-generated, or other distinguishing number, assigned by the Division to a person for a driver license, identification card, or instruction permit record.

“Driver record” means a motor vehicle record more specifically defined to include any data that pertains to a driver license, identification card, instruction permit, or driver related activities.

“Interactive” means an electronic query-command method individually initiated by a person that produces immediate results.



“Reasonable costs” has the same meaning as defined in A.R.S. § 12-351.

“Requester” means the person, as defined ~~under~~ in A.R.S. § 41-1001, requesting a motor vehicle record.

“Special MVR” means a motor vehicle record that is comprised of the least possible subset of information necessary to respond to the type of request received.

“Support document” means any customer record maintained by the Department in an electronic, hardcopy, or microfilm file storage format.

“Title and registration record” means a motor vehicle record more specifically defined to include any data that pertains to a vehicle title or registration record.

R17-4-802. Motor Vehicle Record Request

- A. Identification requirements. The requester of a motor vehicle record shall present valid ~~photo~~ identification as indicated on the motor vehicle record request form or at the request of the Department at the time a motor vehicle record request is made.
- B. Charges and exemptions. The requester of a motor vehicle record shall pay the appropriate motor vehicle record copy charge under ~~A.A.C. R17-1-202~~ R17-4-803, unless exempt under A.R.S. § 28-446.
- C. Motor vehicle record types. Under this Article, the ~~Division~~ Department may release any of the following motor vehicle record types:
 - 1. Title and Registration record, uncertified;
 - 2. Title and Registration record, certified;
 - 3. Driver 39-month record, uncertified;
 - 4. Driver five-year record, certified;
 - 5. Driver extended history record, certified; ~~and~~
 - 6. Special MVR, uncertified;
 - 7. Commercial driver license record, uncertified;
 - 8. Support documents, uncertified; and
 - 9. Support documents, certified.
- D. ~~Permissible use record request~~ Search Criteria. A requester who has a permissible use under A.R.S. § 28-455, except as indicated under subsection (E) when using the permissible use under A.R.S. § 28-455(C)(11), shall provide at least one of the items of information listed in this subsection when requesting a motor vehicle record. The requester may need to provide additional information as needed in order to locate the record.
 - 1. For a title and registration motor vehicle record:
 - a. Vehicle identification number,
 - b. License plate number, or
 - c. Vehicle owner’s full name.
 - 2. For a driver motor vehicle record:
 - a. The full name of the person whose record is requested, or
 - ~~b. Driver license number, or~~
 - ~~e-b. Customer number.~~
- E. ~~Non-permissible use Consent to release motor vehicle record request~~. A requester who ~~does not have a~~ uses the permissible use under A.R.S. § 28-455, ~~but who presents either a notarized Consent To Release Motor Vehicle Record - General form #96-0276 or 28-455(C)(13) shall present a properly signed Consent To Release Motor Vehicle Record - One-Time form #96-0463 from the person whose motor vehicle record is requested shall provide the items of information listed in this subsection when requesting a motor vehicle record. A requester who uses the permissible use under A.R.S. § 28-455(C)(11) shall present a properly signed Consent To Release Motor Vehicle Record - General form from the person whose motor vehicle record is requested if that person has not previously submitted this form to the Department. In addition, a requester who uses the permissible use under A.R.S. § 28-455(C)(11) shall provide the items of information listed in this subsection.~~ The Consent To Release Motor Vehicle Record forms are available at all Customer Service and Authorized Third Party Provider offices and online at <http://mvd.azdot.gov/mvd/FormsandPub/mvd.asp> <https://www.azdot.gov>.
 - 1. For a title and registration motor vehicle record:
 - a. ~~The vehicle identification number and license plate number~~ Two items under subsection (D)(1), and
 - ~~The vehicle owner’s full name, or~~
 - ~~e-b. The vehicle owner’s residence address.~~
 - 2. For a driver motor vehicle record:
 - a. The name and ~~driver license number or~~ customer number of the person whose record is requested, and
 - b. The person’s date of birth, or
 - c. The person’s address, or
 - d. The person’s Arizona driver license expiration date.
- F. General consent to release information. The ~~Division~~ Department shall record a person’s general consent to release information on the person’s driver and title and registration records.
 - 1. The general consent to release information is valid until revoked, in writing, by the person.
 - 2. A person may submit the written notice of revocation:
 - a. In person, at a Customer Service office or Authorized Third Party Provider; or
 - b. By mail, ~~at to~~ Motor Vehicle Division, ~~1801 W. Jefferson St., P.O. Box 2100, Mail Drop 500M, Phoenix, Arizona 85007-2100~~ AZ 85001-2100.



G. Insurance companies requesting a driver or title and registration record. The ~~Division~~ Department shall not release to an insurer, broker, managing general agent, authorized agent or insurance producer any information in a person’s driving record pertaining to a traffic violation that occurred 40 months or more before the date of a request for the release of the information.

R17-4-803. ~~Reserved Record Copy Charges~~

In accordance with A.R.S. §§ 12-351 and 28-446, for each separate request, the Department shall assess a charge as provided in Table 1. Certified and Uncertified Motor Vehicle Record Fees. Therefore, a fee is collected if the request results in a motor vehicle record or “No Record Found.”

Table 1. Certified and Uncertified Motor Vehicle Record Fees

<u>Description</u>	<u>Method of Delivery</u>	<u>Amount</u>
<u>A certified record:</u>	<u>Over-the-counter immediate or drop-off service; Mail-in request; or Electronic interactive.</u>	<u>\$5</u>
	<u>Electronic batch.</u>	<u>\$3</u>
<u>A certified support document:</u>	<u>Over-the-counter immediate or drop-off service; or Mail-in request.</u>	<u>\$5</u>
<u>An uncertified record:</u>	<u>Over-the-counter immediate service; Mail-in request; or Electronic interactive.</u>	<u>\$3</u>
	<u>Electronic batch; or Over-the-counter drop-off service.</u>	<u>\$2</u>
<u>An uncertified support document:</u>	<u>Over-the-counter immediate or drop-off service; or Mail-in request.</u>	<u>\$3</u>
<u>An uncertified Special MVR:</u>	<u>Over-the-counter immediate or drop-off service; Mail-in request; or Electronic interactive.</u>	<u>\$1.50</u>
<u>Civil subpoena support documentation:</u>	<u>Served by a process server.</u>	<u>Reasonable costs</u>
<u>Any photocopied item: (Does not include... etc.)</u>	<u>Over-the-counter immediate or drop-off service; or Mail-in request.</u>	<u>25¢ per page</u>

**NOTICE OF FINAL EXPEDITED RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 8. DEPARTMENT OF TRANSPORTATION
FUEL TAXES**

(Authority: A.R.S. §§ 28-366, 28-5602 et seq.)

[R18-269]

PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R17-8-601	Amend
R17-8-602	Amend
R17-8-603	Amend
R17-8-604	Amend
R17-8-605	Amend
R17-8-606	Amend
R17-8-607	Amend
R17-8-608	Amend
R17-8-609	Amend
R17-8-610	Amend
R17-8-611	Amend



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

Authorizing statutes: A.R.S. § 28-366

Implementing statutes: A.R.S. §§ 28-373, 28-401, 28-5602, 28-5605, 28-5606, 28-5610, 28-5611, 28-5612, 28-5613, 28-5614, 28-5615, 28-5616, 28-5617, 28-5618, 28-5619, 28-5620, 28-5621, 28-5622, 28-5623, 28-5625, 28-5626, 28-5924, and 28-5925

3. The effective date of the rule:

December 4, 2018

4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the Notice of Final Expedited Rulemaking:

Notice of Rulemaking Docket Opening: 24 A.A.R. 2636, September 21, 2018

Notice of Proposed Expedited Rulemaking: 24 A.A.R. 2625, September 21, 2018

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

Name: Candace Olson, Rules Analyst
Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007
Telephone: (602) 712-4534
E-mail: COlson2@azdot.gov
Web site: http://www.azdot.gov/about/GovernmentRelations

6. An agency’s explanation why the expedited rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c):

Pursuant to A.R.S. § 41-1027(A)(7), the Department is engaged in this expedited rulemaking to incorporate the changes proposed in the Department’s recent five-year review report on 17 A.A.C. Chapter 8, Article 6, Motor Fuel Refunds, approved by the Governor’s Regulatory Review Council on April 3, 2018. The Department determined that these rules should be updated and improved to better detail how one can apply for an applicable motor fuel or use fuel tax refund from the Department. These changes include: eliminating outdated, inconsistent, and incorrect text; amending and adding language to clarify information for better understandability and accuracy; allowing applicants to submit one request for multiple whole month periods versus one application per month; allowing applicants to submit documentation electronically; and expanding the types of use fuel vendors by providing the refund requirements for mobile fueling vendors. In addition, the wording of R17-8-603(B) is confusing and can be read as allowing for unlicensed entities to apply for a refund which is inconsistent with A.R.S. § 28-5626, which requires use fuel sellers to be licensed as a vendor, and thus the Department does not enforce this subsection as written so it is being removed.

Additional changes include making minor technical changes to ensure conformity to the rulemaking format and style requirements of the Arizona Administrative Procedure Act and the Office of the Secretary of State.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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 Department did not review or rely on any study relevant to the rules.

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

Not applicable

9. The agency is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2):

The Department is exempt from an economic, small business, and consumer impact statement for these rules.

10. A description of any changes between the proposed expedited rulemaking and the final expedited rulemaking:

In R17-8-601, amended the definition of “cardlock use fuel facility” to state that it has the same meaning as cardlock facility as defined in A.R.S. § 28-5605 in order to clarify and ensure consistency with statute.

In R17-8-601, amended the definition of “contaminated fuel” by removing “as prescribed” and the statutory reference for “motor fuel” since the word is defined later in this Section.

Minor grammatical and non-substantive technical changes were made upon review.

11. An agency’s summary of the public or stakeholder comments or objections made about the rulemaking and the agency response to the comments:

The Department did not receive any public or stakeholder comments regarding this rulemaking.

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

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rules require a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used:

While these rules detail the requirements for the issuance of a type of fuel tax refund and do not directly require the issuance of a permit or license, per statutory requirements some of the refunds require eligible claimants to be licensed; this includes: a supplier, an interstate user, a restricted distributor, and a use fuel vendor. The license for these entities would



be considered a general permit since for each license type the facilities, activities, or practices in the class are substantially similar in nature.

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

There are federal fuel taxes, but these rules are for the requirements to make a claim for a refund of the state fuel taxes and are separate from the federal fuel taxes and the federal fuel tax laws.

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

No analysis was submitted to the Department.

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

This rulemaking incorporates no materials by reference.

14. The full text of the rules follows:

**TITLE 17. TRANSPORTATION
CHAPTER 8. DEPARTMENT OF TRANSPORTATION
FUEL TAXES**

ARTICLE 6. MOTOR FUEL REFUNDS

Section

R17-8-601.	Definitions and General Provisions
R17-8-602.	Exports
R17-8-603.	Use Fuel Vendors
R17-8-604.	Off-Highway
R17-8-605.	Idle Time
R17-8-606.	Tribal Government
R17-8-607.	Tribal Member
R17-8-608.	Transport of Forest Products; Healthy Forest Initiative
R17-8-609.	Motor Vehicle Fuel Used in Aircraft
R17-8-610.	Motor Fuel Losses Caused by Fire, Theft, Accident, or Contamination
R17-8-611.	Bulk Purchase of Motor Use Fuel

ARTICLE 6. MOTOR FUEL REFUNDS

R17-8-601. Definitions and General Provisions

A. Definitions. The following definitions apply to this Article unless otherwise specified:

“Application” means a request for refund of motor fuel taxes, made on a form provided by the ~~Division~~ Department.

“~~Authorized representative~~” means a person who has authority to file an application on behalf of the Claimant, as authorized by a ~~notarized power of attorney~~.

“~~Card lock~~ Cardlock use fuel facility” has the same meaning as a ~~vendor as prescribed under A.R.S. § 28-5601(40), and satisfies requirements under cardlock facility as defined in A.R.S. § 28-5605.~~

“Claimant” means the taxpayer or ~~an authorized representative~~ a person who has the authority to file an application on behalf of the taxpayer, as authorized by a ~~notarized power of attorney~~, also referred to as applicant.

“Complete application” means an application that includes all supporting documentation and schedules for the period of the refund claim, Claimant claimant signature, and provides all information required on the application.

“Contaminated Fuel” means motor fuel ~~under A.R.S. § 28-5601(18)~~, which is accidentally tainted, and which is unusable for highway use.

“Daily log” means notations made by a driver of a commercial motor vehicle which records a daily record of duty status as specified under 49 CFR 395.8.

“Declaration of Status” means a statement on a form provided by the ~~Division~~ Department that a light class or exempt use class vehicle qualifies for use fuel tax differential under A.R.S. § 28-5606(B)(2).

“~~Daily log~~” means notations made by a driver of a commercial motor vehicle which records a daily record of duty status as specified under 49 CFR 395.5.

“Destination state” means a state in the United States, other than the state of Arizona.

“Diversion” means delivery of motor fuel to a destination state other than the intended destination as signified on a carrier bill of lading.

“Exempt use class motor vehicle” means a vehicle exempt from gross weight fees under A.R.S. § 28-5432.

“GPS” means ~~a~~ the Global Positioning System, a navigation system of satellites and receiving devices used to compute vehicle position and time information.

“Highway” has the same meaning prescribed under as defined in A.R.S. § 28-5601(11) ~~28-5601~~, and also includes a:

- Port of entry,
- Weigh station, or
- Public rest area.

“Idle status” means a vehicle that is stationary, its engine continues to operate, and it is located in Arizona, but off-highway.

“Licensee” has the same meaning as defined in A.R.S. § 28-5613.



- “Light class motor vehicle” has the same meaning as ~~prescribed under~~ defined in A.R.S. § ~~28-5601(17)~~ 28-5601.
- “Licensee” has the same meaning as ~~prescribed under~~ A.R.S. § 28-5613.
- “Mexican Pedimento” means an authorizing permit document issued by ~~Mexico’s state-owned, nationalized petroleum company~~ Mexico.
- “Motor fuel” has the ~~same~~ meaning ~~prescribed under~~ as defined in A.R.S. § ~~28-5601(18)~~ 28-5601.
- “Motor fuel tax” means any tax on motor fuel imposed under A.R.S. Title 28, Chapter 16, Article 1.
- “Notification date” means the date on a notice sent by the ~~Division~~ Department.
- “Off-highway” means any location that is not on a highway in this state.
- “Person” has the same meaning ~~prescribed under~~ as defined in A.R.S. § ~~28-5601(21)~~ 28-5601.
- “~~Power take-off~~ Power take-off” means the operation of vehicle-mounted, auxiliary equipment that is powered by energy supplied by the same engine that propels the motor vehicle, but does not include equipment related to the operation of a vehicle and powered by the vehicle’s engine, including air conditioning, alternator, automatic transmission, and power steering.
- “Tribal agreement” means an agreement between the ~~Division~~ Department and a Native American tribe for the administration of motor fuel taxes.
- “Trip” means travel within or through Arizona’s state borders with a designated beginning and ending location.
- “Use class motor vehicle” has the ~~same~~ meaning ~~prescribed under~~ as defined in A.R.S. § ~~28-5601(37)~~ 28-5601.
- “Use fuel” has the same meaning as ~~prescribed under~~ defined in A.R.S. § ~~28-5601(38)~~ 28-5601.
- “Use fuel tax differential” means the difference between the use fuel tax rate applicable to light class motor vehicles or exempt use class motor vehicles, and the use fuel tax rate applicable to use class motor vehicles.
- “Vendor” has the same meaning as ~~prescribed under~~ defined in A.R.S. § ~~28-5601(40)~~ 28-5601.
- “VIN” means Vehicle Identification Number.

B. General Provisions.

1. Scope. For purposes of administering A.R.S. § 28-5612 this Article applies to a person or licensee under A.R.S. §§ 28-5612 and 28-5613.
2. Application.
 - a. A complete application for refund of motor fuel tax shall be submitted to the ~~Division~~ Department.
 - i. ~~A claimant may combine several months’ totals and submit to the Department one application for refund.~~
 - ii. ~~A complete application shall be for the whole calendar month and not for a partial month.~~
 - iii. ~~Supplemental applications for refunds covering the same period already paid are not permitted.~~
 - b. An application for refund for an amount of \$10 or less:
 - i. ~~Shall shall~~ be accepted only once within a consecutive six-month period, ~~and~~
 - ii. ~~If the aggregate monthly total of a request for refund is less than \$10 the applicant may combine several month’s totals on one request for refund.~~
 - e. ~~A Claimant shall submit to the Division a separate application for refund for each calendar month.~~
 - ~~d.c.~~ When the ~~Division~~ Department determines that an application is incomplete under these rules and A.R.S. Title 28, Chapter 16, Article 1, the ~~Division~~ Department shall suspend processing of the application for refund and
 - i. Notify the ~~Claimant~~ claimant of the deficiencies, and
 - ii. Return the application to the ~~Claimant~~ claimant.
 - ~~e.d.~~ A ~~Claimant~~ claimant whose application is returned as incomplete under A.R.S. Title 28, Chapter 16, Article 1 and these rules shall have 60 days from the notification date to remedy the deficiencies.
 - ~~f.e.~~ If the ~~Claimant~~ claimant fails to remedy the deficiencies under subsection ~~(B)(2)(d)~~ (B)(2)(c) within 60 days of the notification date and return a complete application, the ~~Division~~ Department shall deny the application for refund.
 - ~~f.f.~~ If the ~~Division~~ Department denies an application because the ~~Claimant~~ claimant failed to remedy a deficiency, the deadline to submit a new application shall be governed by the time-frames established in subsection (B)(3).
3. Application filing. A complete application for refund shall be submitted to the ~~Division~~ Department as provided within the following table:

Refund Type	Claimant Status	
	Licensee	Non-Licensee
Sections	Licensee	Non-Licensee
R17-8-602. Exports	3 years from date of export	3 months from date of export
R17-8-603. Use Fuel Vendor Vendors	3 years from date of sale	6 months from date of sale
R17-8-604. Off-Highway	3 years from date of purchase	6 months from date of purchase
R17-8-606. Indian Tribal Government	If no Tribal Agreement with the Division Department, 6 months from date of purchase	
R17-8-607. Indian Tribal Member		
R17-8-608. Transport of Forest Products; Healthy Forest Initiative	March 1st of the year following calendar year consumed	
R17-8-609. Motor Vehicle Fuel Used in Aircraft	6 months from date of purchase	
R17-8-610. Motor Vehicle Fuel Losses Caused by Fire, Theft, Accident, or Contamination	3 years from date of event	6 months from date of event
R17-8-611. Bulk Purchase of Motor Use Fuel	3 years	6 months

4. Filing location and timely filing. A ~~Claimant~~ claimant shall submit an application under this Article to the ~~Division~~ Department as provided under A.R.S. § 1-218, and this subsection:
 - a. Hand delivered, ~~certified or registered mail~~ or other delivery service requiring a street address:
 - i. Arizona Department of Transportation, ~~Motor Vehicle~~ Division Financial Management Services



Fuel, Licensing, & Tax Refund Compliance Unit
1801 W. Jefferson St., Rm. 201
Phoenix, AZ 85007

- ii. Hand delivered: the Division Department time and date stamp will be used to determine whether a complete application was received within the required time-frames established under subsection (B)(3).
- iii. ~~Certified or registered mail~~ Other delivery service: the date of receipt by the designated delivery service shall be used to determine whether an application was received by the Division Department within the required time-frame established under subsection (B)(3).
- b. United States Postal Service, including certified or registered mail:
 - i. Arizona Department of Transportation, ~~Motor Vehicle Division~~ Financial Management Services
Fuel, Licensing, & Tax Refund Compliance Unit, ~~Mail Drop 521M~~
P.O. Box 2100, Mail Drop 521M
Phoenix, AZ 85001.
 - ii. ~~The Regular mail~~: the postmark date will be used to determine whether an application was received by the Division Department within the required time-frames established under subsection ~~(B)(3)~~.
 - iii. Certified or registered mail: the date of receipt by the designated delivery service shall be used to determine whether an application was received by the Department within the required time-frame established under subsection (B)(3).
 - c. Other method as indicated on the Department's website at www.azdot.gov.
5. Supporting documentation.
 - a. The Division Department shall accept any of the following forms of documentation to support a claim for refund, which may be admissible to the same extent as an original:
 - i. Photocopies;
 - ii. Duplicates, ~~or (reprints)~~;
 - iii. Document image; ~~or~~
 - iv. Electronic copy, as indicated on the Department's website at www.azdot.gov.
 - b. The Division Department shall not return documentation submitted to support an application for refund once an application for refund has been accepted as complete.
 - c. If the Division Department determines that the supporting documentation required under these rules does not provide sufficient evidence of motor fuel tax paid, the Division Department may require the Claimant claimant to produce additional information.
 - d. Failure to produce additional documentation as requested by the Division Department, within the time prescribed under ~~R17-8-601(B)(2)(c)~~ subsection (B)(2)(d), shall result in a denial of refund request being issued by the Division Department.
6. Record retention and review.
 - a. A licensee shall maintain the records relied upon to support the application for refund as specified under A.R.S. Title 28, Chapter 16, Article 1 and these rules, and produce those records to the Division Department when requested.
 - b. Unless required by A.R.S. Title 28, Chapter 16 to maintain records relied upon to substantiate an application for refund for a shorter or longer period of time, a licensee shall retain the records required to support an application for refund for three years from the issuance date of refund by the Division Department.
 - c. The Division Department reserves the right to review a Claimant's claimant's records used to substantiate an application for refund under these rules.
7. If at any time, the Division Department discovers an overpayment of motor fuel tax refunded to a Claimant claimant under these rules, the Division Department shall recover payment under A.R.S. § 28-5612.
8. Notification; violation; suspension; administrative hearing.
 - a. Denial of request for refund. If the Division Department denies an applicant's request for refund the Division Department shall send notification of denial to the Claimant claimant.
 - b. Administrative Hearings. Hearings, rehearings, and appeals shall be noticed and conducted in accordance with A.R.S. § 28-5924 and A.A.C Title 17, Chapter 1, Article 5.
 - c. Suspension due to violation of A.R.S. § 28-5612.
 - i. If the Division Department finds that a Claimant claimant is in violation of A.R.S. § 28-5612, the Division Department shall send notification to the Claimant claimant identifying the violation.
 - ii. A Claimant claimant determined by the Division Department to be in violation of state laws and regulations under A.R.S. § 28-5612 and these rules, may be suspended from filing motor tax fuel refunds for six consecutive months from the notification date of the Division Department for motor fuel tax paid during the suspension period.
 - iii. If a suspension is set aside under A.R.S. § 28-5612, a Claimant claimant may again apply to the Division Department for refund.
 - iv. The time-frame requirements under subsection (B)(3) shall not toll while pursuit of remedy by the Claimant claimant or the Division Department under this subsection.

R17-8-602. Exports

- A. To qualify under this Article for a refund of Arizona use fuel tax paid on motor fuel exported, a Claimant claimant shall provide the following documents to support a request complete application for refund:
 1. Export to another state within the United States:
 - a. Terminal, carrier, or bulk plant bill of lading or delivery ticket showing the point of origin and destination of the motor fuel;
 - b. Invoice or monthly supplier report schedule indicating that the Arizona tax was paid;
 - c. Motor fuel invoice or shipping document reflecting final destination and gallons exported;
 - d. Tax report establishing that the destination state's tax was reported;



- e. Name and license number issued by the destination state of the licensee responsible for payment of motor fuel tax and tax reporting to the destination state; and
- f. If the export of motor fuel is a diversion, the ~~Claimant~~ claimant shall provide the following documents to the ~~Division~~ Department:
 - i. A carrier bill of lading; and
 - ii. Other documentation which supports the delivery of motor fuel to a specific location, other than its intended destination, ~~and.~~
- 2. Exports to Mexico:
 - a. Documentation under subsection (A)(1),
 - ~~b. Documentation that Petróleos Mexicanos authorized the motor fuel import,~~
 - ~~e-b.~~ U.S. Department of Commerce export documentation, and
 - ~~d-c.~~ Copy of Mexican Pedimento indicating authorization for import and verification of the motor fuel import.
- 3. Exports to Navajo Nation:
 - a. Documentation under subsection (A)(1),
 - b. Name and license number of the Navajo Nation distributor,
 - c. Copy of Navajo Nation manifest or copy of the Navajo Nation monthly motor fuel ~~distribution~~ distributor tax return, and
 - d. Invoice showing the Navajo Nation tax was included in total amount due.
- B. The description of the motor fuel exported shall be identical on all documentation submitted in support of a request for refund of motor fuel tax paid on export.

R17-8-603. Use Fuel Vendors

- A. To qualify for refund of the use fuel tax differential, a use fuel vendor shall submit to the ~~Division~~ Department:
 - 1. A complete application as prescribed under R17-8-601;
 - 2. Supplier or restricted distributor invoice, documenting the use fuel taxes that the vendor paid for the fuel; and
 - 3. Supporting documentation:
 - a. For sales of use fuel dispensed from a pump which is labeled for use class ~~and into a light class vehicles or exempt use class vehicle~~, a fuel log of use fuel tax differential sales, submitted on a format approved by the ~~Division~~ Department that includes the following vendor information:
 - i. Vendor name;
 - ii. ~~Vendor address~~ Department-issued retail branch number;
 - iii. Retail branch ~~location~~ physical address;
 - iv. ~~Division-issued~~ Department-issued vendor license number;
 - v. Date of sale to consumer;
 - vi. License plate number and name of jurisdiction that issued the license plate of the motor vehicle into which the fuel was dispensed;
 - vii. Number of gallons of use fuel that were purchased and dispensed into the fuel tank of a qualifying vehicle ~~under subsection (D)(2)~~;
 - viii. Amount of fuel tax refunded to purchaser; and
 - ix. Purchaser's name and signature indicating receipt of the refund made by a vendor of use fuel, submitted on a vendor use fuel refund log, provided by the ~~Division~~ Department.
 - b. ~~For sales of use fuel dispensed from a pump that is labeled for light class or exempt use class only, items under subsection (A)(1) and (2) For use fuel vendors who have sales of use fuel dispensed from both a pump labeled for use class and from a pump labeled for light class or exempt use class, a report of the total pump sales for each type.~~
- ~~B.~~ The ~~Division~~ shall not accept an application for a period that a vendor of use fuel was not licensed under A.R.S. § 28-5605, except as provided under this subsection.
 - ~~1. An application for a period that a vendor was not licensed under A.R.S. § 28-5605 will be accepted by the Division if the Claimant submits an application to the Division for a vendor license at the time initial application for refund is submitted.~~
 - ~~2. The unlicensed use fuel vendor shall demonstrate compliance with A.R.S. § 28-5605(B), at the time of the applicable use fuel sale to the satisfaction of the Division by the following means:~~
 - ~~a. Photographs,~~
 - ~~b. Diagrams,~~
 - ~~c. Statements, and~~
 - ~~d. Any other documentation approved by the Division which demonstrates compliance.~~
- ~~CB.~~ A licensed use fuel vendor shall maintain the following records under R17-8-601(B)(6):
 - 1. Records of daily sales to light class or exempt use class motor vehicles which provides details for each use fuel sale to include the following:
 - a. Gallonage,
 - b. Transaction date,
 - c. Price per gallon, and
 - d. Product description;
 - ~~2. Acquisition Purchase~~ Purchase invoices of use fuel;
 - 3. Inventory records of use fuel; and
 - 4. Vendor use fuel refund log under subsection (A)(3)(a).
- ~~DC. Cardlock~~ Cardlock use fuel facility.
 - 1. Applicability. For purposes of receiving a refund from the ~~Division~~ Department for use fuel sold to a light class or exempt use class vehicle at a ~~cardlock cardlock~~ use fuel facility, the vendor shall:
 - a. Submit documentation ~~to the Division~~ under subsection (A)(3), except subsection (A)(3)(a)(ix), to the Department;



- b. Have controlled access to the ~~card-lock~~ cardlock use fuel facility in compliance with A.R.S. § 28-5605;
 - c. Restrict use of a ~~card-lock~~ cardlock use fuel facility to those approved purchasers that have completed a Declaration of Status; and
 - d. Shall maintain records under subsection ~~(C)~~ (B).
2. Declaration of Status.
- a. A vendor shall require that a purchaser of use fuel for use in light class or exempt use class vehicles complete and submit to the vendor a Declaration of Status for each vehicle that will have the ability to obtain fuel at a ~~card-lock~~ cardlock use fuel facility ~~labeled for light class or exempt use class vehicles.~~
 - b. A Declaration of Status must be completed for each additional vehicle prior to purchase of motor fuel at a ~~card-lock~~ cardlock use fuel facility.
 - c. A Declaration of Status shall be made on a form provided by the ~~Division~~ Department and may be obtained at www.azdot.gov.
 - d. The original signature of the purchaser shall be included on the Declaration of Status.
 - e. A vendor who operates a ~~card-lock~~ cardlock use fuel facility must retain all original Declarations of Status received from a purchaser in the vendor's files under R17-8-601(B)(6), and shall make the Declarations of Status available for review by the ~~Division~~ Department.
3. Labeling. A ~~card-lock~~ cardlock vendor shall comply with state law by placing a label with verbiage and specifications as required under A.R.S. § 28-5605.
- a. ~~Card-lock~~ Cardlock use fuel facilities shall post a use fuel tax rate label provided by ~~Division~~ the Department.
 - b. Vendors found in violation of labeling regulations shall be subject to penalties under A.R.S. § 28-5605.

D. Mobile fueling vendor.

1. Applicability. For purposes of receiving a refund from the Department for use fuel sold and delivered directly from a mobile vehicle into a light class or exempt use class vehicle fuel tank for other than the dispenser's own consumption, the vendor shall:
- a. Submit documentation under subsection (A)(3), except subsection (A)(3)(a)(ix), to the Department; and
 - b. Shall maintain records under subsection (B).
2. Declaration of Status.
- a. A vendor shall require that a purchaser of dispensed use fuel complete and submit to the vendor a Declaration of Status for each light class or exempt use class vehicle that will have the ability to obtain fuel with a mobile fueling vendor.
 - b. A Declaration of Status must be completed for each additional vehicle prior to delivery of motor fuel by a mobile fueling vendor.
 - c. A Declaration of Status shall be made on a form provided by the Department and may be obtained at www.azdot.gov.
 - d. The original signature of the purchaser shall be included on the Declaration of Status.
 - e. A vendor who operates a mobile fueling operation must retain all original Declarations of Status received from a purchaser in the vendor's files under R17-8-601(B)(6), and shall make the Declarations of Status available for review by the Department.
3. Labeling. A mobile fueling vendor shall comply with state law by placing a label with verbiage and specifications as required under A.R.S. § 28-5605.
- a. Mobile fueling vendors shall post on their fueling dispenser a use fuel tax rate label provided by the Department.
 - b. Vendors found in violation of labeling regulations shall be subject to penalties under A.R.S. § 28-5605.

R17-8-604. Off-Highway

- A. The ~~Division~~ Department shall refund under this Article the Arizona motor fuel tax paid on the motor fuel consumed in Arizona while the vehicle is off-highway.
- B. ~~A~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:
- 1. System or manual motor fuel log summary by VIN which includes the following:
 - a. Items under subsection (C)(1)(a), and
 - b. Mileage consumed off-highway, when applicable;
 - 2. Equipment and vehicle listing which includes year, make, ~~model, gallon capacity,~~ equipment type, VIN or equipment serial number, and gross vehicle weight; and
 - 3. Proof of fuel purchase which may include:
 - a. Motor fuel invoices,
 - b. Motor fuel purchase receipts, and
 - c. Computerized fuel purchase statement, ~~and,~~
 - d. ~~International Fuel Tax Agreement reports.~~
- C. A ~~Claimant~~ claimant shall provide the following documentation to the ~~Division~~ Department for the identified refund types:
- 1. Refrigeration unit:
 - a. Fuel log summary consisting of, at a minimum, the following information:
 - i. Fuel type,
 - ii. Date fuel dispensed,
 - iii. Number of gallons dispensed, and
 - iv. Identification number of equipment or vehicle into which the fuel was dispensed.
 - b. Equipment or vehicle ~~identification number~~ listing which includes year, make, equipment type, VIN or equipment serial number, and gross vehicle weight.
 - 2. Power take-off: A motor fuel consumption study under this Section shall be conducted at the ~~Claimant's~~ claimant's expense, and shall be approved by the ~~Division~~ Department prior to the initial application for refund, and shall include the following information:



- a. A description of the methodology used to determine the percentage of exempt motor fuel consumed by the ~~power take-off~~ power take-off;
 - b. A list of all equipment using motor fuel;
 - c. All operations where motor fuel is consumed;
 - d. Testing and study components shall be a true representation of the operation of business as follows:
 - i. Vehicles shall be grouped into similar categories based on similar ~~power take-off~~ power take-off units and similar gross vehicle weight.
 - ii. Vehicles selected shall be representative of the category as to age, make, model, and engine size.
 - iii. Each vehicle category shall be tested individually to determine the amount of motor fuel consumed by the ~~power take-off~~ power take-off unit.
 - iv. If a vehicle category contains:
 - (1) Less than four vehicles, all vehicles must be included in the test study.
 - (2) Thirty or fewer vehicles, then at least three vehicles must be included in the test sample.
 - (3) More than 30 and fewer than 151 vehicles, then at least 10 percent of the vehicles must be included in the test sample.
 - (4) More than ~~454~~ 150 vehicles, then at least 15 vehicles must be included in the test sample.
 - e. Explanation of the measuring method used to determine fuel consumption by vehicles, equipment, and machinery, which shall include manufacturer specifications;
 - f. Results of a period of a study which shall include a period covering cyclical or seasonal impacts which ~~includes~~ captures low and high points of fuel usage for exempt or non-exempt purposes;
 - g. Results from a test or study shall be a duration of at least two weeks; and
 - h. The approved ~~power take-off~~ power take-off percentage may then be used for three years or shall be updated as requested by the ~~Division~~ Department.
3. Idle time ~~as prescribed~~ under R17-8-605.

R17-8-605. Idle Time

- A. Under the provisions of this Article, the ~~Division~~ Department shall refund the Arizona motor fuel tax imposed on the motor fuel consumed by a ~~Claimant's~~ claimant's vehicle while in idle status.
- B. ~~In addition to the A~~ complete application for refund, ~~as prescribed~~ under R17-8-601, a ~~Claimant~~ shall ~~provide~~ include the following documentation ~~to the Division~~ to verify the quantity of motor fuel consumed by a vehicle while in idle status:
 - 1. Documentation that proves the total quantity of motor fuel purchased by the ~~Claimant~~ claimant in Arizona during refund period:
 - a. An invoice that contains the following information:
 - i. Date of purchase,
 - ii. Seller's name,
 - iii. Physical address where motor fuel was purchased,
 - iv. Number of gallons of motor fuel purchased,
 - v. Type of motor fuel purchased, and
 - vi. Price per gallon of motor fuel.
 - b. A fuel log shall be maintained that contains the following information:
 - i. The date that the motor fuel was placed in the fuel tank of a motor vehicle;
 - ii. The ~~vehicle make, model, year, and VIN~~ identification number of the equipment or vehicle in which the motor fuel was placed; and
 - iii. The number of gallons of motor fuel placed in ~~a~~ the fuel tank.
 - c. In lieu of subsections (B)(1)(a) and (b), a licensee may submit a summary of the fuel purchases made by the ~~Claimant~~ claimant for the vehicle during the refund period. The summary shall contain the same information required to be on a fuel invoice under subsection (B)(1)(a).
 - 2. Documentation that proves that the ~~Claimant's~~ claimant's vehicle was located in Arizona, off-highway, at the time it was in idle status, and the length of time the vehicle was in idle status, using one or more of the following methods:
 - a. Nonscheduled route:
 - i. A logbook, approved by the ~~Division~~ Department, maintained for each vehicle that identifies the date and time when the idle status started, the date and time when the idle status ended, and a physical description of the location of the vehicle during the idle status that establishes that the vehicle was in Arizona, but located off-highway.
 - ii. The driver shall make an affirmative statement in the driver's daily log that the engine was operating during the idle status and shall prepare the logbook entries simultaneously with the idle status.
 - iii. The ~~Claimant~~ claimant shall retain trip schedules or bills of lading to support the logbook entries.
 - b. Scheduled route:
 - i. Published schedule which includes arrival at and departure from fixed locations at prescribed times; or
 - ii. A record of average wait times recorded in a daily log consisting of arrival at and departure from fixed locations at prescribed times, approved by the ~~Division~~ Department; and
 - iii. The ~~Claimant~~ claimant shall document that the engine remained running during the scheduled stops.
 - c. Global Positioning System:
 - i. A report from a GPS, approved pursuant to subsection (C).
 - ii. The ~~Claimant~~ claimant shall maintain trip schedules or bills of lading to support GPS reports.
 - 3. Documentation that proves the quantity of motor fuel consumed by the ~~Claimant's~~ claimant's vehicle while in idle status:
 - a. The ~~Claimant~~ claimant shall document the number of the gallons of motor fuel consumed per hour to maintain idle status by one or more of the following methods:



- i. Engine manufacturer's standard specifications that establish the quantity of motor fuel consumed per hour while the vehicle is in idle status.
 - ii. Computerized system that computes the quantity of motor fuel consumed per hour while in idle status.
 - iii. A study or test that determines motor fuel consumption per hour while in idle status, prior to the period covered by the refund claim.
 - b. A study under this Section shall meet the following specifications:
 - i. The study shall be conducted at the ~~Claimant's~~ claimant's expense,
 - ii. The methodology shall be approved by the ~~Division Department~~ prior to conducting the study under subsection (C),
 - iii. The fuel consumption characteristics of the vehicles and their operation during the period of the refund shall not vary significantly from the conditions that existed during the study, and
 - iv. The results of the study shall be approved by the ~~Division Department~~ prior to the time period covered under the refund claim.
- C. The ~~Division Department~~ shall review and approve the method used and the data captured by a GPS or manual report prior to the initial claim for refund and the report shall include the following components:
 - 1. A description of the methodology used to determine the percentage of exempt use fuel consumption;
 - 2. A list of all equipment consuming use fuel;
 - 3. A description of all of the vehicle operations where use fuel is consumed;
 - 4. Whether vehicles are traveling scheduled routes, and whether seasonal or cyclical events affect use fuel;
 - 5. Testing and study components shall be a true representation of operation of business as follows:
 - a. Vehicles shall be grouped into similar categories based on similar units and similar gross vehicle weight.
 - b. Each vehicle category must be tested individually to determine the idle time fuel consumption.
 - c. Vehicles selected for testing shall be representative of the category as to age, make, model, and engine size.
 - 6. Study components under R17-8-604(C)(2)(d)(iv);
 - 7. Explanation of the measuring method used to determine fuel consumption by vehicles, equipment, and machinery, which shall include manufacturer specifications;
 - 8. Study results under this subsection shall include ~~a period~~ periods covering cyclical or seasonal impacts which ~~includes captures~~ low and high points of fuel usage for exempt or non-exempt purposes;
 - 9. Results from a test or study shall be of duration of at least two weeks; and
 - 10. The approved idle time study may then be used for three years or shall be updated as requested by the ~~Division Department~~.
- D. A ~~Claimant~~ claimant shall submit technical documentation that details the operating system of any system or manual study used including, but not limited to, the following:
 - 1. Identification of the computer system, including the name of the manufacturer, name of the software, and software version number;
 - 2. Identification of vehicle engines on which the software will be used by the ~~Claimant~~ claimant, including makes, models, years, and fuel types;
 - 3. Description of the methodology used by computer system to determine idle status;
 - 4. Description of the methodology used to determine fuel consumption while in idle status;
 - 5. Description of the methodology used to determine the location of the vehicle during idle status; and
 - 6. Operating policies and procedures for the systems that are used in the ~~Claimant's~~ claimant's business operations.
- E. The ~~Claimant~~ claimant shall provide additional supporting documentation if there is any update to the system study for which documentation was initially submitted and approved.
 - 1. A ~~Claimant~~ claimant shall submit to the ~~Division Department~~ an updated study under this Section three years from the date of ~~Division Department~~ approval or at the ~~Division's Department's~~ request.
 - 2. A study under this Section shall be conducted at the ~~Claimant's~~ claimant's expense.
 - 3. The methodology used in support of a study under these rules shall be approved by the ~~Division Department~~ prior to conducting the study under subsection (C).
 - 4. If the ~~Division Department~~ rejects the results of a study, a ~~Claimant~~ claimant may request a hearing under A.R.S. § 28-5924.

R17-8-606. Tribal Government

- A. The ~~Division Department~~ shall refund the Arizona motor fuel tax imposed on the motor fuel consumed by a vehicle owned or leased to a tribal government under this Article.
- B. ~~A~~ A complete application for refund, as prescribed under R17-8-601, shall include all of the following supporting documentation for each vehicle:
 - 1. Detailed fuel receipt statement which includes the following purchase information:
 - a. Date of fuel purchase,
 - b. Gallonage,
 - c. Location,
 - d. Fuel type, and
 - e. ~~Purchaser's~~ Seller's name and address;
 - 2. Fuel purchase summary by vehicle which includes documentation under subsection (B)(1); ~~or~~
 - 3. Bulk motor fuel purchase invoice; which includes:
 - a. Gallonage,
 - b. Delivery location,
 - c. Fuel type, and
 - d. Tax rate paid; and
 - 4. If vehicle is leased, a copy of the lease agreement.



C. A vehicle and equipment listing shall be maintained by the tribal government to include year, make, ~~model, gallon capacity, and equipment type~~, VIN or equipment serial number, and gross vehicle weight.

R17-8-607. Tribal Member

A. Enrolled members of a tribe may make application to the ~~Division~~ Department, as prescribed under R17-8-601, for a refund of the Arizona motor fuel taxes on fuel purchased on the reservation of the tribe in which the member is enrolled, provided the motor fuel was not used off the reservation for a commercial purpose.

B. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:

1. Copy of the vehicle registration,
2. Copy of the Tribal member identification card,
3. Receipt of motor fuel purchased on the reservation, and
4. Signed statement certifying motor fuel was used for non-commercial purposes under A.R.S. § 28-5610(A).

R17-8-608. Transport of Forest Products; Healthy Forest Initiative

A. A claim for refund, pursuant to A.R.S. § 28-5614(B), of the tax on motor fuel used to transport forest products on Arizona highways shall comply with the requirements of R17-8-601.

B. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation ~~obtained from the Arizona Department of Commerce~~:

1. ~~A completed Healthy Forest Enterprise Use Fuel Vehicle Schedule~~, An equipment and vehicle listing which includes year, make, equipment type, VIN or equipment serial number, and gross vehicle weight;
2. Certification letter issued by the Arizona ~~Department of Commerce~~ Authority pursuant to A.R.S. § 41-1516 for the same period of time as the refund claim~~;~~;
3. Memorandum of Understanding between the Arizona ~~Department of Commerce~~ Authority and the ~~Claimant~~ claimant pursuant to A.R.S. § 41-1516~~;~~;
4. Individual Vehicle Project Mileage and Fuel Report Summaries Reports for each vehicle, and project;
5. Purchase invoices of use fuel; and
- 5-6. Changes to the Arizona ~~Department of Commerce~~ Authority Certification when applicable.

R17-8-609. Motor Vehicle Fuel Used in Aircraft

A. A claim for the refund of the tax, pursuant to A.R.S. § 28-5611(A)(2) or non-agricultural purposes under A.R.S. § 28-5611(B), on motor vehicle fuel used to power aircraft shall comply with the requirements of R17-8-601 and subsections (B) and (C) of this Section.

B. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:

1. Motor fuel log summary by aircraft which includes:
 - a. Purchase date,
 - b. Name and location of vendor of fuel to show that Arizona motor fuel tax was included in the purchase price,
 - c. Gallons dispensed,
 - d. Fuel type, and
 - e. Manner consumed~~;~~;
2. List of aircraft to include, year, make model, and N-number assigned by the Federal Aviation Administration~~;~~ and
3. Purchase invoice indicating items under subsection (B)(1) and amount of tax paid ~~amount~~.

C. Motor vehicle fuel used to power aircraft for agricultural purposes shall, in addition to subsection (B), include a flight log detailing the purpose of use.

R17-8-610. Motor Fuel Losses Caused by Fire, Theft, Accident, or Contamination

A. A ~~Claimant~~ claimant may apply to the ~~Division~~ Department for a refund of the tax on motor fuel lost due to fire, theft, accident, or contamination.

B. A request for refund pursuant to A.R.S. §§ 28-5610 or 28-5611 of the tax on motor fuel that is lost due to fire, theft, accident, or contamination shall comply with the requirements of R17-8-601.

C. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:

1. Signed statements from persons with personal knowledge regarding the facts and circumstances of the loss, including:
 - a. Date of loss or contamination,
 - b. Location where the loss or contamination occurred,
 - c. Detailed explanation regarding the nature of the loss or contamination,
 - d. Name and contact information of persons who witnessed loss or contamination,
 - e. Quantity of fuel lost or contaminated, and
 - f. Disposition of the contaminated ~~motor~~ fuel.
2. Copies of records that substantiate the date of acquisition and quantity acquired of the fuel lost as well as the fact the Arizona motor fuel tax was paid by the ~~Claimant~~ claimant when the fuel was acquired.

R17-8-611. Bulk Purchase of ~~Motor~~ Use Fuel

A. A request for refund of taxes paid on the bulk purchase of ~~motor use~~ fuel dispensed into a light class, or exempt use class vehicle, shall be submitted to the ~~Division~~ Department, as prescribed under R17-8-601(B), on an application provided by the ~~Division~~ Department.

B. Bulk ~~motor use~~ fuel shall be purchased and consumed in Arizona to qualify for refund.

C. ~~An~~ A complete application for refund, as prescribed under R17-8-601, shall include the following supporting documentation:

1. Invoice that contains the following information:
 - a. Name and address of vendor,



- b. Tax rate,
 - c. Product type,
 - d. Delivery date,
 - e. Quantity of fuel,
 - f. Invoiced amount, and
 - g. A statement from the seller of the ~~motor use~~ fuel that the ~~motor use~~ fuel is non-dyed use fuel.
2. Fuel usage log which includes the following information:
 - a. Date fuel dispensed,
 - b. VIN of vehicle into which fuel was dispensed,
 - c. Gallons dispensed, and
 - d. Fuel type.
 3. Annual vehicle listing to include make, model, year, ~~and~~ VIN, and gross vehicle weight.



- 8. **A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
- 9. **The summary of the economic, small business, and consumer impact, if applicable:**
Pursuant to A.R.S. § 28-2007, the Department is exempt from the rulemaking requirements of A.R.S. Title 41, Chapter 6, so an economic, small business, and consumer impact statement is not required.
- 10. **A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking and the final rulemaking package (if applicable):**
Not applicable
- 11. **An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**
Not applicable
- 12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**
There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.
 - a. **Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**
Not applicable
 - b. **Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**
There are no federal laws directly applicable to this rule.
 - c. **Whether a person submitted an analysis to the agency that compares a rule's impact of the competitiveness of business in this state to the impact on business in other states:**
No analysis was submitted to the Department.
- 13. **A list of any incorporated by reference material and its location in the rule:**
This rulemaking incorporates no materials by reference.
- 14. **Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**
Not applicable
- 15. **The full text of the rules follows:**

TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

ARTICLE 3. VEHICLE REGISTRATION

Section
R17-4-313. ~~Transferred~~ Public Safety Fee

ARTICLE 3. VEHICLE REGISTRATION

R17-4-313. ~~Transferred~~ Public Safety Fee

- A.** Pursuant to A.R.S. § 28-2007, at the time of the initial or renewal registration of a vehicle, the owner or lessee shall pay a public safety fee as determined in subsection (B).
 - 1. An owner or lessee who registers a vehicle for more than one year shall be assessed a fee for each registration year at the applicable fee rate known at the time of registration.
 - 2. The fee will be assessed for the initial registration and upon each transfer of ownership of a permanent trailer.
 - 3. The fee will be assessed for each vehicle in a fleet.
 - 4. The fee will be assessed on a vehicle registered in Arizona and a part of the International Registration Plan.
 - 5. The fee will be assessed upon each transfer of any vehicle by the new owner.
- B.** The Department determines the annual amount for the public safety fee based upon the following:
 - 1. A vehicle owned or leased by the following shall pay a fee of \$ 0.
 - a. An Arizona resident who is a member of the U.S. armed forces, including a National Guard or reserve unit, who is deployed in support of a worldwide contingency operation of the U.S. armed forces;
 - b. An educational, charitable and religious associations or institution not used or held for profit;
 - c. A government entity, which includes foreign government, a consul or any other official representative of a foreign government, the United States, a state or political subdivision of a state, or an Indian tribal government;
 - d. A nonresident military member;
 - e. A public health services officer;
 - f. A Supplemental Security Income recipient;
 - g. A survivor of a fallen first responder or a fallen military member;



- h. A U.S. Department of Veterans Affairs grant recipient who qualifies for an exemption from the vehicle license tax pursuant to A.R.S. § 28-5802;
- i. A veteran who is certified by the U.S. Department of Veterans Affairs to be 100% with a disability and drawing applicable compensation; or
- j. A widow or widower who qualifies for an exemption of taxation of property pursuant to A.R.S. § 42-11111.
- 2. The owner or lessee of the following shall pay a reduced fee of \$5:
 - a. A registered street legal golf cart, or
 - b. A registered street legal off-highway vehicle that is eligible for the reduced vehicle license tax pursuant to A.R.S. § 28-5801.
- 3. All other vehicle owners or lessees shall pay a fee, rounded up to the nearest quarter dollar, calculated as follows:
public safety fee = [(110% × D - E) - (\$5 × R)] ÷ V
where:
 - “D” is the Department of Public Safety’s highway patrol budget for a fiscal year.
 - “E” is the amount of unencumbered balance in the highway patrol fund that exceeds 10% of the prior fiscal year’s deposits of the public safety fee.
 - “R” is the vehicles defined in subsection (B)(2), and
 - “V” is the Department’s estimate of the number of full public safety fees to be collected within the fiscal year for which the calculation is being made.
- C. If a vehicle is owned by more than one owner or lessee prescribed under subsections (B)(1)(d), (e), (f), (g), or (j), the fee of \$0 applies only to the qualified person and the fee as determined in subsection (B)(3) is applied proportionally to any additional owner or lessee.
- D. If an owner or lessee prescribed under subsections (B)(1)(f), (g), (h), (i), or (j) owns or leases more than one vehicle, the owner or lessee shall pay the fee as determined in subsection (B)(3) for each additional vehicle.
- E. If an owner or lessee prescribed under subsection (B)(1)(a) owns or leases more than two vehicles, the owner or lessee shall pay the fee as determined in subsection (B)(3) for each additional vehicle.
- F. The public safety fee shall be specified and available on the Department’s web site at www.azdot.gov and detailed on the registration renewal notice for the vehicle.
- G. The fee is nonrefundable and non-transferable.



NOTICES OF AGENCY OMBUDSMAN

The Administrative Procedure Act requires the publication of Notices of Agency Ombudsman. Agencies shall publish annually in the Register the name or names of those employees who are designated by the agency to assist members of the public or regulated community in seeking information or assistance from the agency. (A.R.S. § 41-1006)

NOTICE OF AGENCY OMBUDSMAN
DEPARTMENT OF WATER RESOURCES

[M18-83]

- 1. The agency name: Department of Water Resources
2. The ombudsman's:
a. Name: John R. Riggins
b. Title: Compliance Officer and Ombudsman
c. Specific agency division: Legal Division
3. The ombudsman's office address to include the city, state and zip code:
Address: Department of Water Resources
1110 W. Washington, Suite 310
Phoenix, AZ 85007
4. The ombudsman's area code and telephone number, fax number and e-mail address, if available:
Telephone: (602) 771-4782
Fax: (602) 771-8687
E-mail: jrriggins@azwater.gov



GOVERNOR EXECUTIVE ORDER

Executive Order 2018-02 is being reproduced in each issue of the Administrative Register as a notice to the public regarding state agencies' rulemaking activities.

This order will appear in the Register until its expiration on December 31, 2018, and has been reproduced in its entirety as submitted.

EXECUTIVE ORDER 2018-02

Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Service-Oriented Agencies

[M18-46]

WHEREAS, burdensome regulations inhibit job growth and economic development; and

WHEREAS, job creators and entrepreneurs are especially hurt by red tape and regulations; and

WHEREAS, in 2015 the State of Arizona implemented a moratorium on all new regulatory rulemaking by State agencies through executive order, and renewed the moratorium in 2016 and 2017; and

WHEREAS, in 2017 the State of Arizona eliminated or repealed 676 needless regulations; and

WHEREAS, estimates show these eliminations saved job creators more than \$48 million in operating costs; and

WHEREAS, 161,000 private sector jobs have been added to Arizona since January 2015; and

WHEREAS, all government agencies of the State of Arizona should continue to promote customer-service-oriented principles for the people that it serves; and

WHEREAS, each State agency shall continue a critical and comprehensive review of its administrative rules and take action to reduce the regulatory burden, administrative delay, and legal uncertainty associated with government regulation; and

WHEREAS, each State agency should evaluate its administrative rules using any available and reliable data and performance metrics; and

WHEREAS, overly burdensome, antiquated, contradictory, redundant, and nonessential regulations should be repealed; and

WHEREAS, Article 5, Section 4 of the Arizona Constitution and Title 41, Chapter 1, Article 1 of the Arizona Revised Statutes vests the executive power of the State of Arizona in the Governor;

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and laws of the State of Arizona hereby declare the following:

- 2. A State agency subject to this Order, shall not conduct any rulemaking, whether informal or formal, without the prior written approval of the Office of the Governor. In seeking approval, a State agency shall address one or more of the following as justification for the rulemaking:
a. To fulfill an objective related to job creation, economic development, or economic expansion in this State.
b. To reduce or ameliorate a regulatory burden while achieving the same regulatory objective.
c. To prevent a significant threat to the public health, peace, or safety.
d. To avoid violating a court order or federal law that would result in sanctions by a federal court for failure to conduct the rulemaking action.
e. To comply with a federal statutory or regulatory requirement if such compliance is related to a condition for the receipt of federal funds or participation in any federal program.
f. To comply with a state statutory requirement.
g. To fulfill an obligation related to fees or any other action necessary to implement the State budget that is certified by the Governor's Office of Strategic Planning and Budgeting.
h. To promulgate a rule or other item that is exempt from Title 41, Chapter 6, Arizona Revised Statutes, pursuant to section 41-1005, Arizona Revised Statutes.
i. To address matters pertaining to the control, mitigation, or eradication of waste, fraud, or abuse within an agency or wasteful, fraudulent, or abusive activities perpetrated against an agency.
j. To eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government.
3. A State agency subject to this Order, shall not publicize any directives, policy statements, documents or forms on its website unless such are explicitly authorized by Arizona Revised Statutes or Arizona Administrative Code.
4. A State agency subject to this Order, shall coordinate with the Office of Economic Opportunity to prepare a statement of estimated regulatory costs analyzing the economic impact of agency rules, including an analysis of the effort of such rules on the creation and retention of jobs within the State of Arizona.
5. A State agency subject to this Order, shall review the agency's rules related to license reciprocity and identify opportunities to decrease burdens for qualified professionals who relocate to Arizona, whether administrative or legislative, and report these opportunities to the office of the Governor no later than July 1, 2018.



- 6. A State agency subject to this Order, shall review the agency’s rules to identify opportunities for veterans by recognizing the skills, credentials, and training received during military service in place of some or all of the training requirements for a specific license, and include additional opportunities in the report to the office of the Governor no later than July 1, 2018.
- 7. For the purposes of this Order, the term “State agencies,” includes without limitation, all executive departments, agencies, offices, and all state boards and commissions, except for: (a) any State agency that is headed by a single elected State official, (b) the Corporation Commission and (c) any board or commission established by ballot measure during or after the November 1998 general election. Those State agencies, boards and commissions excluded from this Order are strongly encouraged to voluntarily comply with this Order in the context of their own rulemaking processes.
- 8. This Order does not confer any legal rights upon any persons and shall not be used as a basis for legal challenges to rules, approvals, permits, licenses or other actions or to any inaction of a State agency. For the purposes of this Order, “person,” “rule,” and “rulemaking” have the same meanings prescribed in Arizona Revised Statutes Section 41-1001.
- 9. This Executive Order expires on December 31, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona.

Douglas A. Ducey
GOVERNOR

DONE at the Capitol in Phoenix on this Twelfth day of February in the Year Two Thousand and Eighteen and of the Independence of the United States of America the Two Hundred and Thirty-Sixth.

ATTEST:
Michele Reagan
SECRETARY OF STATE

REGISTER INDEXES

The *Register* is published by volume in a calendar year (See “General Information” in the front of each issue for more information).

Abbreviations for rulemaking activity in this Index include:

PROPOSED RULEMAKING

PN = Proposed new Section
PM = Proposed amended Section
PR = Proposed repealed Section
P# = Proposed renumbered Section

SUPPLEMENTAL PROPOSED RULEMAKING

SPN = Supplemental proposed new Section
SPM = Supplemental proposed amended Section
SPR = Supplemental proposed repealed Section
SP# = Supplemental proposed renumbered Section

FINAL RULEMAKING

FN = Final new Section
FM = Final amended Section
FR = Final repealed Section
F# = Final renumbered Section

SUMMARY RULEMAKING**PROPOSED SUMMARY**

PSMN = Proposed Summary new Section
PSMM = Proposed Summary amended Section
PSMR = Proposed Summary repealed Section
PSM# = Proposed Summary renumbered Section

FINAL SUMMARY

FSMN = Final Summary new Section
FSMM = Final Summary amended Section
FSMR = Final Summary repealed Section
FSM# = Final Summary renumbered Section

EXPEDITED RULEMAKING**PROPOSED EXPEDITED**

PEN = Proposed Expedited new Section
PEM = Proposed Expedited amended Section
PER = Proposed Expedited repealed Section
PE# = Proposed Expedited renumbered Section

SUPPLEMENTAL EXPEDITED

SPEN = Supplemental Proposed Expedited new Section
SPEM = Supplemental Proposed Expedited amended Section
SPER = Supplemental Proposed Expedited repealed Section
SPE# = Supplemental Proposed Expedited renumbered Section

FINAL EXPEDITED

FEN = Final Expedited new Section
FEM = Final Expedited amended Section
FER = Final Expedited repealed Section
FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING**EXEMPT**

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XM = Exempt amended Section
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X# = Exempt renumbered Section

EXEMPT PROPOSED

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PXM = Proposed Exempt amended Section
PXR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED

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RULES EFFECTIVE DATES CALENDAR

A.R.S. § 41-1032(A), as amended by Laws 2002, Ch. 334, § 8 (effective August 22, 2002), states that a rule generally becomes effective 60 days after the day it is filed with the Secretary of State's Office. The following table lists filing dates and effective dates for rules that follow this provision. Please also check the rulemaking Preamble for effective dates.

January		February		March		April		May		June	
Date Filed	Effective Date										
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1/12	3/13	2/12	4/13	3/12	5/11	4/12	6/11	5/12	7/11	6/12	8/11
1/13	3/14	2/13	4/14	3/13	5/12	4/13	6/12	5/13	7/12	6/13	8/12
1/14	3/15	2/14	4/15	3/14	5/13	4/14	6/13	5/14	7/13	6/14	8/13
1/15	3/16	2/15	4/16	3/15	5/14	4/15	6/14	5/15	7/14	6/15	8/14
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1/31	4/1			3/31	5/30			5/31	7/30		



July		August		September		October		November		December	
Date Filed	Effective Date										
7/1	8/30	8/1	9/30	9/1	10/31	10/1	11/30	11/1	12/31	12/1	1/30
7/2	8/31	8/2	10/1	9/2	11/1	10/2	12/1	11/2	1/1	12/2	1/31
7/3	9/1	8/3	10/2	9/3	11/2	10/3	12/2	11/3	1/2	12/3	2/1
7/4	9/2	8/4	10/3	9/4	11/3	10/4	12/3	11/4	1/3	12/4	2/2
7/5	9/3	8/5	10/4	9/5	11/4	10/5	12/4	11/5	1/4	12/5	2/3
7/6	9/4	8/6	10/5	9/6	11/5	10/6	12/5	11/6	1/5	12/6	2/4
7/7	9/5	8/7	10/6	9/7	11/6	10/7	12/6	11/7	1/6	12/7	2/5
7/8	9/6	8/8	10/7	9/8	11/7	10/8	12/7	11/8	1/7	12/8	2/6
7/9	9/7	8/9	10/8	9/9	11/8	10/9	12/8	11/9	1/8	12/9	2/7
7/10	9/8	8/10	10/9	9/10	11/9	10/10	12/9	11/10	1/9	12/10	2/8
7/11	9/9	8/11	10/10	9/11	11/10	10/11	12/10	11/11	1/10	12/11	2/9
7/12	9/10	8/12	10/11	9/12	11/11	10/12	12/11	11/12	1/11	12/12	2/10
7/13	9/11	8/13	10/12	9/13	11/12	10/13	12/12	11/13	1/12	12/13	2/11
7/14	9/12	8/14	10/13	9/14	11/13	10/14	12/13	11/14	1/13	12/14	2/12
7/15	9/13	8/15	10/14	9/15	11/14	10/15	12/14	11/15	1/14	12/15	2/13
7/16	9/14	8/16	10/15	9/16	11/15	10/16	12/15	11/16	1/15	12/16	2/14
7/17	9/15	8/17	10/16	9/17	11/16	10/17	12/16	11/17	1/16	12/17	2/15
7/18	9/16	8/18	10/17	9/18	11/17	10/18	12/17	11/18	1/17	12/18	2/16
7/19	9/17	8/19	10/18	9/19	11/18	10/19	12/18	11/19	1/18	12/19	2/17
7/20	9/18	8/20	10/19	9/20	11/19	10/20	12/19	11/20	1/19	12/20	2/18
7/21	9/19	8/21	10/20	9/21	11/20	10/21	12/20	11/21	1/20	12/21	2/19
7/22	9/20	8/22	10/21	9/22	11/21	10/22	12/21	11/22	1/21	12/22	2/20
7/23	9/21	8/23	10/22	9/23	11/22	10/23	12/22	11/23	1/22	12/23	2/21
7/24	9/22	8/24	10/23	9/24	11/23	10/24	12/23	11/24	1/23	12/24	2/22
7/25	9/23	8/25	10/24	9/25	11/24	10/25	12/24	11/25	1/24	12/25	2/23
7/26	9/24	8/26	10/25	9/26	11/25	10/26	12/25	11/26	1/25	12/26	2/24
7/27	9/25	8/27	10/26	9/27	11/26	10/27	12/26	11/27	1/26	12/27	2/25
7/28	9/26	8/28	10/27	9/28	11/27	10/28	12/27	11/28	1/27	12/28	2/26
7/29	9/27	8/29	10/28	9/29	11/28	10/29	12/28	11/29	1/28	12/29	2/27
7/30	9/28	8/30	10/29	9/30	11/29	10/30	12/29	11/30	1/29	12/30	2/28
7/31	9/29	8/31	10/30			10/31	12/30			12/31	3/1



REGISTER PUBLISHING DEADLINES

The Secretary of State's Office publishes the Register weekly. There is a three-week turnaround period between a deadline date and the publication date of the Register. The weekly deadline dates and issue dates are shown below. Council meetings and Register deadlines do not correlate. Also listed are the earliest dates on which an oral proceeding can be held on proposed rulemakings or proposed delegation agreements following publication of the notice in the Register.

Deadline Date (paper only) Friday, 5:00 p.m.	Register Publication Date	Oral Proceeding may be scheduled on or after
August 3, 2018	August 24, 2018	September 24, 2018
August 10, 2018	August 31, 2018	October 1, 2018
August 17, 2018	September 7, 2018	October 9, 2018
August 24, 2018	September 14, 2018	October 15, 2018
August 31, 2018	September 21, 2018	October 22, 2018
September 7, 2018	September 28, 2018	October 29, 2018
September 14, 2018	October 5, 2018	November 5, 2018
September 21, 2018	October 12, 2018	November 13, 2018
September 28, 2018	October 19, 2018	November 19, 2018
October 5, 2018	October 26, 2018	November 26, 2018
October 12, 2018	November 2, 2018	December 3, 2018
October 19, 2018	November 9, 2018	December 10, 2018
October 26, 2018	November 16, 2018	December 17, 2018
November 2, 2018	November 23, 2018	December 24, 2018
November 9, 2018	November 30, 2018	December 31, 2018
November 16, 2018	December 7, 2018	January 7, 2019
November 23, 2018	December 14, 2018	January 14, 2019
November 30, 2018	December 21, 2018	January 22, 2019
December 7, 2018	December 28, 2018	January 28, 2019
December 14, 2018	January 4, 2019	February 4, 2019
December 21, 2018	January 11, 2019	February 11, 2019
December 28, 2018	January 18, 2019	February 19, 2019
January 4, 2019	January 25, 2019	February 25, 2019
January 11, 2019	February 1, 2019	March 4, 2019
January 18, 2019	February 8, 2019	March 11, 2019
January 25, 2019	February 15, 2019	March 18, 2019
February 1, 2019	February 22, 2019	March 25, 2019
February 8, 2019	March 1, 2019	April 1, 2019
February 15, 2019	March 8, 2019	April 8, 2019
February 22, 2019	March 15, 2019	April 15, 2019



GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES

The following deadlines apply to all Five-Year-Review Reports and any adopted rule submitted to the Governor’s Regulatory Review Council. Council meetings and *Register* deadlines do not correlate. We publish these deadlines as a courtesy.

All rules and Five-Year Review Reports are due in the Council office by 5 p.m. of the deadline date. The Council’s office is located at 100 N. 15th Ave., Suite 402, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit <http://grrc.az.gov>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2018

[M18-01]

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
<i>Tuesday</i> November 21, 2017	<i>Tuesday</i> December 19, 2017	<i>Wednesday</i> January 3, 2018	<i>Tuesday</i> January 9, 2018
<i>Tuesday</i> December 19, 2017	<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> January 30, 2018	<i>Tuesday</i> February 6, 2018
<i>Tuesday</i> January 23, 2018	<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> February 27, 2018	<i>Tuesday</i> March 6, 2018
<i>Tuesday</i> February 20, 2018	<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> March 27, 2018	<i>Tuesday</i> April 3, 2018
<i>Tuesday</i> March 20, 2018	<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> April 24, 2018	<i>Tuesday</i> May 1, 2018
<i>Tuesday</i> April 17, 2018	<i>Tuesday</i> May 22, 2018	<i>Wednesday</i> May 30, 2018	<i>Tuesday</i> June 5, 2018
<i>Tuesday</i> May 22, 2018	<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> June 26, 2018	<i>Tuesday</i> July 10, 2018
<i>Tuesday</i> June 19, 2018	<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> July 31, 2018	<i>Tuesday</i> August 7, 2018
<i>Tuesday</i> July 24, 2018	<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> August 28, 2018	<i>Wednesday</i> September 5, 2018
<i>Tuesday</i> August 21, 2018	<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> September 25, 2018	<i>Tuesday</i> October 2, 2018
<i>Tuesday</i> September 18, 2018	<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> October 30, 2018	<i>Tuesday</i> November 6, 2018
<i>Tuesday</i> October 23, 2018	<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> November 27, 2018	<i>Tuesday</i> December 4, 2018
<i>Tuesday</i> November 20, 2018	<i>Tuesday</i> December 18, 2018	<i>Thursday</i> January 3, 2019	<i>Tuesday</i> January 8, 2019
<i>Tuesday</i> December 18, 2018	<i>Tuesday</i> January 22, 2019	<i>Tuesday</i> January 29, 2019	<i>Tuesday</i> February 5, 2019

* Materials must be submitted by **5 PM** on dates listed as a deadline for placement on a particular agenda. Placement on a particular agenda is not guaranteed.