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From the Publisher

ABOUT THIS PUBLICATION

The authenticated pdf of the Administrative Register (A.A.R.) posted on the Arizona Secretary of State’s website is the official published version for 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 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 notices of rules terminated by the agency and rules that have expired.

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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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

New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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 authenticated pdf of Code Chapters posted on the Arizona Secretary of State’s website are the official published version of rules in the A.A.C. 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.very 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.
Arizona Regular Rulemaking Process

**START HERE**

APE, statute or ballot proposition is passed. It gives an agency authority to make rules. It may give an agency an exemption to the process or portions thereof.

Agency opens a docket. Agency files a Notice of Rulemaking Docket Opening; it is published in the Register. Often an agency will file the docket with the proposed rulemaking.

Agency drafts proposed rule and Economic Impact Statement (EIS); informal public review/comment.


Notice of meetings may be published in Register or included in Preamble of Proposed Rulemaking.

Agency opens comment period.

Agency decides not to proceed and does not file final rule with G.R.R.C. within one year after proposed rule is published. A.R.S. § 41-1021(A)(4).

Agency decides not to proceed and files Notice of Termination of Rulemaking for publication in Register. A.R.S. § 41-1021(A)(2).


Oral proceeding and close of record. Comment period must last at least 30 days after publication of notice. Oral proceeding (hearing) is held no sooner than 30 days after publication of notice of hearing.

Substantial change?

If no change then

Rule must be submitted for review or terminated within 120 days after the close of the record.

A final rulemaking package is submitted to G.R.R.C. or A.G. for review. Contains final preamble, rules, and Economic Impact Statement.

G.R.R.C. has 90 days to review and approve or return the rule package, in whole or in part; A.G. has 60 days.

After approval by G.R.R.C. or A.G., the rule becomes effective 60 days after filing with the Secretary of State (unless otherwise indicated). Final rule is published in the Register and the quarterly Code Supplement.

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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.
Definitions


_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.


_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

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 SUPPLEMENTAL PROPOSED RULEMAKING

This section of the Arizona Administrative Register contains Notices of Supplemental Proposed Rulemakings. After an agency has filed a Notice of Proposed Rulemaking and it is published in the Register, an agency may decide to make substantial changes to the rule after it is proposed.

The agency prepares a Notice of Supplemental Proposed Rulemaking with these proposed changes. When filed, the notice is published under the deadline schedule in the back of the Register.

The Notice of Supplemental Proposed Rulemaking shall be published in the Register before holding any oral proceedings (A.R.S. § 41-1022).

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the proposed rules should be addressed to the agency that promulgated the rules. Refer to item #4 below to contact the person charged with the rulemaking and item #11 for the close of record and information related to public hearings and oral comments.

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE

CHAPTER 6. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS

INSURANCE DIVISION

[R22-177]

PREAMBLE

1. Citations to the agency’s Notice of Rulemaking Docket Opening, the Notice of Proposed Rulemaking, and any other Notices of Supplemental Proposed Rulemaking (if applicable) as published in the Register as specified in R1-1-409(A). A list of any other related notices published in the Register as specified in R1-1-409(A):

   Notice of Rulemaking Docket Opening: 27 A.A.R. 1147, July 30, 2021
   Notice of Proposed Rulemaking: 27 A.A.R. 1140, July 30, 2021
   Notice of Supplemental Proposed Rulemaking: 28 A.A.R. 681, April 1, 2022

2. Articles, Parts, or Sections Affected (as applicable) Rulemaking Action

   R20-6-407 Amend

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

   Authorizing statute: A.R.S. § 20-143
   Implementing statute: A.R.S. § 20-1095.01(C)

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

   Name: Mary E. Kosinski
   Address: Department of Insurance and Financial Institutions
   100 N. 15th Ave., Suite 261
   Phoenix, AZ 85007-2630
   Telephone: (602) 364-3476
   Email: mary.kosinski@difi.az.gov
   Website: https://difi.az.gov

5. An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

   In 2018, the Legislature enacted sweeping changes to the Service Company statutes found at Arizona Revised Statutes (“ARS”) §§ 20-1095 through 20-1095.10 (“Service Company Act”) (Laws 2018, 2nd Reg. Sess., Ch. 150, § 1). Further changes have been enacted since that time (Laws 2021, Ch. 5, §§ 16 - 18 and Laws 2021, Ch. 163, § 1). The Arizona Department of Insurance and Financial Institutions, Division of Insurance (“Division”) has already expired rule R20-6-408 to reflect the elimination of motor vehicle service contract programs. Section R20-6-407 requires changes to capture the current statutory requirements enacted in the Service Company Act.

6. 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 Division did not review and does not propose to rely on any study relevant to this rulemaking.

7. An explanation of the substantial change which resulted in the supplemental notice:

   On July 30, 2021, the Division published the Notice of Proposed Rulemaking (27 A.A.R. 1141, July 30, 2021). In response, the Department received multiple requests for an Oral Proceeding which it conducted on November 4, 2021 (27 A.A.R. 1596, October 1, 2021). The Division conducted additional informal meetings with stakeholders on January 5, 2022 and February 4, 2022. Agendas for those meetings were published both on the Department’s website and on the state public meetings website at (https://publicmeetings.az.gov/).

   On April 1, 2022, the Division published a Notice of Supplemental Proposed Rulemaking (28 A.A.R. 681, April 1, 2022) to make...

Upon publication of the Notice of Supplemental Proposed Rulemaking, the Department received a request for an Oral Proceeding which it conducted on June 14, 2022 (28 A.A.R. 1009, May 13, 2022). The Department conducted an additional informal meeting with stakeholders on June 22, 2022. The Department published the Agenda for this follow-up meeting on the state public meetings website.

This Notice of Supplemental Proposed Rulemaking removes the following language from subsection (G)(2): “f. Notifies the contract holder that the denial of a claim can be appealed if the contract holder can produce a home inspection report or maintenance records, or other applicable supporting documents.” Stakeholders objected to this language stating that its inclusion would require them to rewrite and refile their forms which would incur additional expenses.

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:**

The rulemaking regulations service companies which is of statewide interest to persons purchasing service contracts. The rulemaking does not diminish a previous grant of authority granted to the Division.

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

According to A.R.S. § 41-1055(A)(1):

- The rulemaking is not designed to change any conduct of service companies not already required by statute. Instead, the rule clarifies statutory terms that are vague, itemizes what an applicant must submit when applying for a permit or a renewal of a permit while allowing for the late-renewal of a permit, defines the term of a permit, provides guidance on meeting the financial responsibility requirements of A.R.S. § 20-1095.04, and notifies service companies of the provisions the Division will be reviewing in policy form filings.

- The purpose of notifying service companies about policy forms is to promote more understandable forms which should allow consumers to make more informed decisions when entering into service contracts. Having informed consumers should reduce the complaints received by the Division about service company contracts and the time and attention that service companies must expend when responding to those complaints.

According to A.R.S. § 41-1055(A)(2):

- The costs incurred by service companies are not expected to impact revenues or payroll expenditures. Instead, the costs incurred are compliance costs incurred during the permitting process and forms approval process. Having more understandable policy forms should reduce costs to service companies incurred when responding to complaints filed with the Division.

- Industry groups have not articulated any specific costs. The Division believes that it has selected an alternative that imposes the least burden and costs to persons regulated by the rule. However, industry groups are invited to provide the Division with any incurred cost information that may be helpful to the Division when formulating its Economic Impact Statement.

According to A.R.S. § 41-1055(A)(3):

- The employee listed in Item 10 may be contacted to submit or request additional data on the information included in the economic, small business and consumer impact statement.

10. **The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:**

   Name: Mary E. Kosinski
   Address: Department of Insurance and Financial Institutions
   100 N. 15th Ave., Suite 261
   Phoenix, AZ 85007-2630
   Telephone: (602) 364-3476
   Email: mary.kosinski@dif.az.gov

11. **The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

No proceeding is currently scheduled. Persons who wish to request an Oral Proceeding on this supplemental proposed rulemaking should make a written request to the person listed in item 10. Requests must be received within 30 days of the publication of this Notice of Supplemental Proposed Rulemaking. A.R.S. § 41-1023(C). If requested, the Oral Proceeding will be conducted at least 30 days after the receipt of any such request.

In lieu of an oral proceeding, interested parties may submit public comments to: public_comments@dif.az.gov. Please use “Service Company Supplemental Rulemaking II” in the subject line of the email.

If no one requests an oral proceeding, the public comment period will close 30 days after the publication date of this Notice of Supplemental Proposed Rulemaking. If anyone requests an oral proceeding, the public comment period will close at 11:59 p.m. on the date of the Oral Proceeding.

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:**

No other matters prescribed by statute are applicable to the Division 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:**
A.R.S. § 20-1095.01 requires a service company to obtain a permit from the Division before it can issue service contracts. The rule does not require a permit. Instead, the rule notifies applicants about applying for the permit, the term of the permit, how to comply with the financial requirements for obtaining a permit, and how to renew the permit.

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:
   No federal law is applicable to the subject of the rule.

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 formal analysis has been submitted to the Division that compares the rule’s impact of the competitiveness of business in this state to the impact of business in other states.

13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:
   No materials are incorporated by reference.

14. The full text of the rules follows:

TITLE 20. COMMERCE, FINANCIAL INSTITUTIONS, AND INSURANCE
CHAPTER 6. DEPARTMENT OF INSURANCE AND FINANCIAL INSTITUTIONS
INSURANCE DIVISION

ARTICLE 4. TYPES OF INSURANCE COMPANIES

R20-6-407. Service Companies

A. Scope. This rule shall apply to all service companies except those which are exempt under A.R.S. § 20-1095.02.

B. Definitions. The definitions in A.R.S. § 20-1095 apply to this rule.

1. “Gray Market” auto means an imported motor vehicle which has not been certified for all safety, emission, and other federal and state standards prior to the arrival of the vehicle into the United States. “Contract Holder” has the same meaning as “consumer” as defined in A.R.S. § 20-1095(1).

2. “Service” within the meaning of Article 11, Chapter 4, Title 20 includes reimbursement for towing, car rental, lodging or travel breakdown expenses. “Department” means the Arizona Department of Insurance and Financial Institutions.

3. The “Contract Holder” means the consumer as defined in A.R.S. § 20-1095(1). “Director” means the Director of the Department.

4. “Division” means the Division of Insurance of the Department.

5. “Insolvent” as used in A.R.S. § 20-1095.08(3) means total liabilities are equal to or exceed total assets.

6. “Provider” means a person who is contractually obligated to the service contract holder under the terms of a service contract. “Provider” is synonymous with “service company” and “obligor” as defined in A.R.S. § 20-1095(6).

7. “Reasonable time” or “Reasonable period of time”:
   a. As used in A.R.S. § 20-1095.06(C)(2), means at the time of purchase or mailed or electronically delivered but not more than 10 business days after the purchase date of the contract. The service company must be able to provide proof of delivery if requested by the Department.
   b. As used in A.R.S. § 20-1095.09(A)(4), is what an ordinary person would consider “reasonable” under the totality of the circumstances.

8. “Solvent” as used in A.R.S. § 20-1095.03(A)(1) means total assets exceed total liabilities.

9. “Subcontractor” means a person or business having a contractual relationship with a service company to provide work or services which a service company has agreed to perform under a service contract. If required by the type of work being performed, all subcontractors must be licensed.

C. Application for a service company permit.

1. Application form. The application for a service company permit under this rule shall be on the form designated by the Director which shall contain the following information: Division and shall be transmitted through an electronic online system if such a system is designated on the Department’s website. An application must be complete and have all attachments to be considered by the Division.
   a. The name of applicant;
   b. Arizona address of applicant;
   c. The home office address of applicant;
   d. Type of entity (e.g., corporation, partnership);
   e. Type of equipment to be serviced;
   f. Fiscal year of applicant;
   g. A list of suspensions, revocations or other disciplinary or rehabilitative actions against the service company in this or any other jurisdiction.
   h. Application shall be signed under oath and acknowledged by the chief executive officer, chairman of the board of directors, or other person having power of attorney, in which case the power of attorney shall be attached.

2. The following items shall be attached to the application form and shall complete the application. Application shall contain the following information:
A copy of the service company’s most recent financial statement, sworn to and certified by the owner, duly elected officer, or a certified public accountant.

Evidence of having deposited cash or acceptable securities pursuant to A.R.S. § 20-1095.04.

Surety bond in lieu of deposit under subparagraph (b) on a form acceptable to the Director.

Initial nonrefundable permit fee of $100 with each new application.

A biographical affidavit, on a form approved by the director, for each officer, director, manager, or person owning 25% or more of the service company, and for each officer, director, manager, or person owning 25% or more of an entity which owns the service company.

A copy of the service company’s service contract, application, claim forms, brochures, and other forms used in connection with the sale.

Respondent’s full legal name;

Applicant’s federal employer identification number (EIN);

Applicant’s trade name or trade names, if applicable;

Applicant’s state of domicile;

Applicant’s form of business entity (corporation, limited liability company, etc.);

Applicant’s addresses, phone numbers, email address or email addresses and website address or website addresses;

Name, address, and phone number or email address for each contact person of the applicant;

A list of the applicant’s officers, directors, LLC managers, and persons owning 25% or more of the service company, and for each officer, director, manager, or person owning 25% or more of an entity that owns the service company;

If the applicant intends to use a service contract administrator, the name and contact information for the applicant’s service contract administrator;

The applicant’s fiscal year end date;

A summary of the applicant’s financial position including current assets, current liabilities, equity and income;

The name and signature of an officer of the applicant; and

Any other information the Division deems necessary to aid in the approval of the application.

3. Application attachments. The applicant shall include the following as part of the application:

A copy of the service company’s most recent financial statement sworn to and certified by the owner, duly elected officer or a certified public accountant.

Evidence of compliance with the financial security requirements of A.R.S. § 20-1095.03(A)(3).

A biographical affidavit, on a form approved by the Division, for each officer, director, LLC manager, or person owning 25% or more of the service company, and for each officer, director, manager, or person owning 25% or more of an entity that owns the service company.

A list of any actions taken against the applicant in any jurisdiction by a regulatory agency or state attorney general.

4. Application fee. At the time of filing the application, the applicant shall pay the nonrefundable application fee prescribed by A.R.S. § 20-167 and fixed by the Division.

D. Deposit. A service company providing a deposit of cash or alternatives to cash pursuant to A.R.S. § 20-1095.04 shall maintain the deposit in the amount required and such deposit shall not be encumbered. The deposit shall not be released except pursuant to one of the following:

1. The service company provides a bond or mechanical reimbursement policy which covers the outstanding service contract liabilities.

2. All outstanding service contracts and liabilities thereunder have been assumed by a service company, in good standing, with the approval of the director, acknowledged by the assuming service company’s administrator and acknowledged by endorsement by the mechanical reimbursement insurer or surety.

3. Evidence satisfactory to the director that:

a. That all claims have been settled;

b. That there is no reason to believe there are any unreported claims, and

d. That the service company is financially able and agrees to be financially responsible for any valid unreported claims.

1. Term of permit. A service company permit shall have a term that begins on the date that the Division either grants or renews a service company permit and expires at midnight on the last day of the month, three months after the service company’s fiscal year-end date.

2. The Division is not required to issue a paper copy of the service company permit. However, the Division will make a copy of the service company permit available by electronic or other means.

3. Expiration of a service company permit.

a. Unless the Division receives an application and full payment of fees for renewal prior to the end of the service company permit term, the service company permit expires.

b. A service company whose permit term has expired shall not offer, extend, or renew a service contract.

c. A service company whose permit has expired shall continue to fulfill the obligations of its in-force contracts and shall maintain the security required under A.R.S. § 20-1095.03(3) until such time that all of the service company’s contractual obligations to contract holders are fulfilled.

E. Service contract, approval of forms and service company permit renewal and late-renewal.

1. Service company permit renewal and late-renewal.

If after the service company permit has expired, the service company wishes to offer, extend, or renew a service contract, the service company shall submit all contract, claim and application forms, brochures, and other advertising material to the Director for approval not less than 30 days prior to the proposed effective date thereof. No form, brochure or other printed material may be used until approved by the Director or has been on file with the Director more than 30 days.
2. No service contract shall be approved unless it contains a provision permitting the cancellation of the contract. The cancellation provision shall provide for a pro rata refund after deducting for administrative expenses associated with the cancellation. No claim incurred or paid shall be deducted from the amount to be returned. The cancellation provision shall not contain both cancellation penalty and a cancellation fee.

3. No service contract or application shall be approved unless it:
   a. Is written in nontechnical, readily understood language, using words with common everyday meanings;
   b. Provides, for the performance of services within a reasonable period of time of the request for such services by the holder of the contract;
   c. Discloses on the face of the application and the contract:
      i. The name, address and telephone number of the service company;
      ii. The name, address and telephone number of the service contract administrator, if any;
      iii. The name of the individual who sold the service contract;
   d. Clearly, conspicuously and plainly states:
      i. The services to be performed by the service company and the terms and conditions of such performance;
      ii. The service fee or deductible charge, if any, to be charged, or applied, for service calls and/or each covered repair;
      iii. Each of the systems, products, appliances and components covered by the contract;
      iv. The period during which the contract will remain in effect;
      v. All limitations respecting the performance of services, including any restrictions as to time periods when services may be required or will be performed;
      vi. The cost of the service contract;
      vii. Those specific items or components which are excluded from coverage in large bold type;
      viii. The conditions, if any, under which the service contract or coverage may be reinstated after coverage has been voided by acts or omissions by the service contract holder;
      ix. The material acts or omissions by the contract holder which cancel or void coverage;
   e. The coverage may be cancelled or voided due to acts or omissions of the service company, its assignees or subcontractors for their failure to provide correct information of their failure to perform the services or repairs provided in a timely, competent, workmanlike manner;
   f. The contract can be cancelled or voided due to acts or omissions of the service company, its assignees or subcontractors for their failure to provide correct information of their failure to perform the services or repairs provided in a timely, competent, workmanlike manner;
   g. Any additions or deletions to the officers, directors, LLC managers, or persons owning 25% or more of the service company, or to an entity that owns the service company since the last report to the Division.
   h. Any actions taken against the service company in any jurisdiction by a regulatory agency or state attorney general not previously reported to the Division.
   i. Evidence of continuing compliance with the financial security requirements of A.R.S. § 20-1095.03(A)(3).
   j. Any additions or deletions to the officers, directors, LLC managers, or persons owning 25% or more of the service company, or to an entity that owns the service company since the last report to the Division.
   k. Any actions taken against the service company in any jurisdiction by a regulatory agency or state attorney general not previously reported to the Division.
   l. A biographical affidavit, on a form approved by the Division, for each new person identified in subsection (3)(c).

1. Timely renewal. A service company seeking to renew its permit shall file with the Division a renewal application, consisting of the renewal application form, all required attachments and the renewal fee after the end of its fiscal year but before the expiration of its permit term. A service company shall transmit the renewal application through an electronic online system if such a system is designated on the Department’s website. A renewal application must be complete, have all required attachments and the renewal fee to be considered as having been received by the Division.

2. Renewal form. A service company shall use the renewal form designated by the Division. The renewal shall contain the following information:
   a. Service company name appearing on the permit, and the service company’s Arizona license number and EIN;
   b. Any additions or deletions to the service company’s trade name or trade names, addresses, phone numbers and website addresses;
   c. Any changes to the service company’s contact person or contact persons or service contract administrator, or their contact information;
   d. A summary of the applicant’s financial position including current assets, current liabilities, equity and income; and
   e. Any other information the Division deems necessary to aid in the renewal of the permit.

3. Renewal attachments. The service company shall attach the following to the renewal:
   a. A copy of the service company’s financial statement as of the end of the service company’s most recently completed fiscal year, sworn to and certified by the owner, duly elected officer or a certified public accountant.
   b. Evidence of continuing compliance with the financial security requirements of A.R.S. § 20-1095.03(A)(3).
   c. Any additions or deletions to the officers, directors, LLC managers, or persons owning 25% or more of the service company, or to an entity that owns the service company since the last report to the Division.
   d. A biographical affidavit, on a form approved by the Division, for each new person identified in subsection (3)(c).
   e. Any actions taken against the service company in any jurisdiction by a regulatory agency or state attorney general not previously reported to the Division.

4. Renewal fee. At the time of filing the renewal, the service company shall pay a nonrefundable renewal fee as prescribed by A.R.S. § 20-167 and fixed by the Division.

5. Late-renewed application and fee.
   a. Late-renewal period. A service company whose permit term has expired may file a renewal application up to 90 days after the expiration of the permit term. After the 90-day period, a renewal application will not be accepted by the Division and the service company must file a service company permit application with the Division according to subsection (C) of this Section.
b. A service company whose permit term has expired shall not offer, extend, or renew a service contract until the permit is renewed or a new permit is issued by the Division.

c. Fee. In addition to the nonrefundable renewal fee required under subsection (E)(4) of this Section, the service company shall pay a nonrefundable additional fee of $25 per day starting the calendar day after the permit term expiration and ending on the date the service company files a complete renewal application.

d. Term of a late-renewed permit. The term of a late-renewed permit shall begin on the date the Division renews the permit and shall end on the last day of the permit term.

F. Disapproval of contracts, applications or advertising. The director may disapprove any service contract, application or advertising material that is in violation of this rule by issuing an order specifying in what respect the service contract, application or advertising material violates this rule. Any person aggrieved by such an order can demand a hearing thereon in accordance with A.R.S. § 20-1095.09.

Deposits of cash or alternatives to cash.

1. Contracts issued, renewed, or extended on or after August 3, 2018. For any contract that a service company issues, extends, or renews from and after August 3, 2018, a service company may not satisfy the financial responsibility requirements of A.R.S. § 20-1095.04 by means of providing a deposit of cash or alternatives to cash.

2. Contracts issued, renewed, or extended before August 3, 2018. If a service company provided a deposit of cash or alternatives to cash covering service contracts that were issued, last extended, or last renewed prior to August 3, 2018, the service company shall maintain the deposit in the amount required to cover those contracts and the deposit shall not be encumbered.

3. Release of deposits of cash or alternatives to cash. As it relates to financial responsibility requirements fulfilled by a deposit of cash or alternatives to cash, the Director shall only release the deposit upon one of the following:

   a. The service company provides a surety bond or mechanical reimbursement policy that covers the outstanding service contract liabilities secured by the cash or alternatives to cash.

   b. The Division has approved the assumption of outstanding service contracts and liabilities by another service company that has acknowledged the assumption of the outstanding contracts and that shall provide each affected contract holder an endorsement issued by the mechanical reimbursement insurer or surety.

   c. The service company provides evidence satisfactory to the Division that:
      i. The outstanding service contracts and liabilities have expired or have been cancelled in accordance with the service contract terms;
      ii. All claims under the service contracts have been settled; and
      iii. The service company is financially able and agrees to be financially responsible for any valid unreported claims.

G. Permit expiration; renewal. Filing of forms.

1. Each permit issued pursuant to this rule shall expire at midnight on the last day of the service company’s fiscal year. Thereafter, the service company shall have 90 days in which to file its completed renewal application including its certified financial statement and pay the renewal fee of $100. A permit shall remain in effect upon the service company’s timely payment of the renewal fee, timely filing of its annual financial statement and completed renewal application. An incomplete application will not be considered received until it is complete.

2. Any late filing of the renewal application, financial report or late payment of the renewal fee shall be subject to a late fee of $25 per day. Such late fee shall not release the service company of liability for other violations of these rules or other laws.

1. Contracts to be submitted for approval. A service company shall submit contracts for the Division’s approval according to A.R.S. § 20-1095.06. A service company is not required to submit advertisements or marketing materials for approval by the Division but shall abide by the provisions of Title 20, Chapter 2 - Article 6, Chapter 4 - Article 11, and this Section regarding misrepresentations in the sales of service contracts.

2. Requirements for approval. No service contract form shall be approved unless it:
   a. Complies with A.R.S. § 20-1095.06;
   b. Identifies the covered products under the contract and, in bold-faced type, preferably in a larger font, the specific items or components of those products which are excluded;
   c. States the service fee or deductible charge, if any, to be charged, or applied, for service calls and each covered repair or each covered repair;
   d. Specifies in clear and easily understood language the specific circumstances under which a contract holder may engage a subcontractor who is not recommended by the service company without becoming financially responsible under the contract and whether pre-authorization is required prior to engaging a subcontractor who is not recommended by the service company;
   e. Specifies in clear and easily understood language the service company’s financial responsibilities to the contract holder when any of the systems, products or appliances covered by the contract cannot be replaced or repaired;
   f. If applicable, states the conditions under which the service contract or coverage may be reinstated;
   g. States the dates of coverage under the service contract including any delay in coverage that differs from the purchase date of the contract which would extend the coverage term of the contract and any terms that govern renewal of the service contract; and
   h. If providing a pro rata refund upon cancellation of the service contract before the end of the coverage period of the service contract, the service contract shall contain language in conformance with A.R.S. § 20-1095.06(D)(4).

3. Disapproval of contracts. The Division may disapprove any service contract that is in violation of Title 20, Chapter 4 - Article 11, or this subsection (G). The service company may request a hearing to appeal the disapproval according to A.R.S. § 20-161.
NOTICES OF FINAL EXEMPT RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Exempt Rulemaking.

It is common for an agency to be exempt from some of the steps outlined in the rulemaking process as specified in Arizona Revised Statutes, Title 41, Chapter 6, Articles 1 through 10, otherwise known as the Arizona Administrative Procedure Act (APA). An agency’s exemption is written in laws - under the APA, or in statute by the Arizona State Legislature, or under a referendum or initiative passed into law by Arizona voters.

The Office makes a distinction when publishing certain exempt rulemakings, as provided in these laws, on a case-by-case basis, as determined by an agency’s exemption. Other rule exemption types are published elsewhere in the Register.

Notices of Final Exempt Rulemaking were originally proposed with specific conditions, such as requiring the notice to be published in the Register, or requiring public input, or a public hearing on the rule.

Notices of Final Exempt Rulemaking include Register publication dates where the original Notice of Proposed Exempt Rulemaking was published.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R22-178]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action
   R12-4-504 Amend

2. Citations to the agency’s statutory authority to include the authorizing statute (general) and the implementing statute (specific):
   Authorizing statute: A.R.S. §§ 5-302 and 5-311(A)(1)
   Implementing statute: A.R.S. §§ 5-311(A)(5), 5-321(H), 5-321(K), 5-321.01, and 41-1005

3. The effective date of the rule and the agency’s reason it selected the effective date:
   September 26, 2022
   a. If the agency selected a date earlier than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):
      Not applicable
   b. If the agency selected a date later than the 60 days effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason or reasons the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(B):
      Not applicable

4. A list of all previous notices published in the Register as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:
   Not applicable

5. The agency's contact person who can answer questions about the rulemaking:
   Name: Celeste Cook, Rules and Policy Manager
   Address: Arizona Game and Fish Department
            5000 W. Carefree Hwy.
            Phoenix, AZ 85086
   Telephone: (623) 236-7390
   Email: CCook@azgfd.gov

   Please visit the AZGFD website to track the progress of this rule; view the regulatory agenda, five-year review reports, and learn about other agency rulemaking matters.

6. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:

   An exemption from Executive Order 2019-01 was provided for the rulemaking request by Buchanan Davis, Natural Resource Policy Advisor, Governor’s Office, in an email dated September 8, 2021.

   R12-4-504. Watercraft Registration; Fees; Penalty for Late Registration; Staggered Registration Schedule
   The rule establishes motorized watercraft registration, watercraft transfer, duplicate registration and decal, and dealer certificate of number fees, penalty for late registration, and a staggered watercraft registration schedule.

   Under A.R.S. § 5-321, a penalty is authorized where a motorized watercraft registration is not renewed by the current expiration date. This penalty is not assessed when the ownership of the watercraft has been transferred or more than 12 months have passed since the expiration date of the most recent registration period.
The intent in allowing the exemption was to “discount” those days in which the Department is not open to the public and was unable to process a request to renew a watercraft registration. With the implementation of the online watercraft registration system, a person can renew their watercraft registration 24 hours a day, seven days a week including Saturday, Sunday, and state holidays. The ability to process a transaction at any time makes the reason for providing an exemption unnecessary for state operations.

Because the Department’s website allows a person to renew their watercraft registration 24 hours a day, seven days a week the Commission proposes to repeal the penalty exemption for watercraft registrations that expire on a Saturday, Sunday, or state holiday.

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

The agency did not rely on any study in its evaluation of or justification for the rule.

8. A showing of good cause why the rule 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:

The rulemaking proposes to remove the exemption afforded to persons whose watercraft registration expires on a Saturday, Sunday, or State holiday. The Department processes approximately $94,050 in late penalty fees annually. The Department processes approximately 108,615 watercraft registration renewals annually with approximately 57% of those transactions taking place online.

The Commission anticipates these repeal of the exemption will result in a slight increase in revenue which will aid the Department in carrying out its duties effectively in managing the state’s wildlife resources, and provide quality recreational wildlife opportunities and access for the regulated community. License, permit, stamp, and tag fees that are increased will most significantly affect members of the regulated community, both resident and nonresident, and the Department.

It is important to note, buying and registering a watercraft is a voluntary activity and only a person who chooses to purchase and operate a watercraft may incur a late registration penalty fee. However, from the time the person first registers the watercraft they are aware of the expiration date associated with that watercraft. In addition, the Department allows a person to register their watercraft up to six months prior to the expiration date.

The Commission anticipates the repeal of the penalty exemption will most significantly affect persons regulated by the rule, both resident and nonresident, and the Department. The Commission believes persons regulated by the rule may incur a late registration penalty fee. However, in order to avoid paying the late registration fee the person need only register their watercraft before the current registration expiration date.

The Commission anticipates the rulemaking will benefit the Department. The Commission believes any penalty fees collected as a result of the rulemaking will help generate revenue sufficient to assist the Department in addressing rising operational expenses and carrying out its duties effectively.

The Commission anticipates the rulemaking will not impose increased monetary or regulatory costs on other state agencies and political subdivisions of this State.

The Commission anticipates the rulemaking may impact individuals and businesses, both large and small; however, the Commission has determined that the impact will not be significant enough to negatively impact business revenues or payroll expenditures.

The Commission anticipates the rulemaking will have a minimal impact on persons regulated by the rule. The penalty fee is $5 per late registration renewal. While it is not possible to quantify the number or dollar amount of late fees that are being waived as a result of the exemption, the Commission anticipates the frequency of online watercraft registration will continue to rise and the instances of persons paying the late penalty fee will decrease over time.

The Commission anticipates the exempt rulemaking will not significantly affect a person’s ability to practice an activity or have a significant impact on a person’s income, revenue, or employment in this state related to that activity.

The Commission anticipates the exempt rulemaking will not impact public or private employment.

The Commission anticipates the exempt rulemaking will not have a significant impact on State revenues and no impact on the general fund.

The Commission has determined that there are no alternative methods of achieving the objectives of the proposed exempt rulemaking and that the benefits of the proposed exempt rulemaking outweigh the costs.

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

To be determined

11. A summary of the public stakeholder comments made about the rulemaking and the agency response to the comments, (if applicable):

The Commission approved the Notice of Draft Exempt Rulemaking at the February 11, 2022 Commission Meeting. While a public comment period is not required under A.R.S. § 41-1005, the Department posts the Notice of Draft Exempt Rulemaking to its website and notifies the public via eNews and email to encourage public participation in the exempt rulemaking process. The exempt rulemaking was posted to the Department’s website for the purpose of public comment from February 18, 2022 to present. No public or stakeholder comments were received in response to the proposed exempt rulemaking.
12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. Additional matters include but are not limited to:

a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason 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:
   Federal law is not directly applicable to the subject of the rules. The rules are based on state law.

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:
   The Department did not receive any analyses.

13. A list of any incorporated material and its location in the rule:
   Not applicable

14. Whether the rule was previously made, amended, repealed, or renumbered as an emergency rule. If so, shall state where the text changed between the emergency and exempt rulemaking packages:
   Not applicable

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES
CHAPTER 4. GAME AND FISH COMMISSION
ARTICLE 5. BOATING AND WATER SPORTS

R12-4-504. Watercraft Fees; Penalty for Late Registration; Staggered Registration Schedule

A. The following fees are required, when applicable as authorized under A.R.S. §§ 5-321 and 5-322:

1. Motorized watercraft registration fees are assessed as follows:
   a. Twelve feet and less: $20
   b. Twelve feet one inch through sixteen feet: $22
   c. Sixteen feet one inch through twenty feet: $30
   d. Twenty feet one inch through twenty-six feet: $35
   e. Twenty-six feet one inch through thirty-nine feet: $39
   f. Thirty-nine feet one inch through sixty-four feet: $44
   g. Sixty-four feet one inch and over: $66
   h. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).


6. Abandoned or unreleased watercraft application fee: $100.

7. Unclaimed towed watercraft application fee: $100.

B. The Department or its agent shall collect the entire registration fee for a late registration renewal and a penalty fee of $5, unless exempt under A.R.S. § 5-321(L) or the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.

C. All new watercraft registrations expire 12 months after the date of issue.

D. Resident and nonresident watercraft registration renewals:

1. Shall be valid for a period of 7 to 18 months depending on the expiration month.
   a. This provision applies to the initial renewal period only.
   b. The Department shall prorate fees accordingly.

2. May be renewed up to six months prior to the expiration month.

3. Shall expire on the last day of the month indicated by the last two numeric digits of the AZ number, as shown in the following table:

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...
E. Watercraft dealer, manufacturer, and governmental use registration renewals expire on October 31 of each year.
F. Livery and all other commercial use registration renewals expire on November 30 of each year.
NOTICES OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J) OR 41-1052(M)

This section of the Arizona Administrative Register contains Notices of Expiration of Rules under A.R.S. § 41-1056(J) and 41-1052(M).

Under § 41-1056(J), if an agency does not file a five-year rule review report with the Governor's Regulatory Review Council (Council), including, when applicable, a revised report; or if an agency does not file an extension before the due date of the report; or if an agency files an extension but does not submit a report within the extension period; the rules scheduled for review expire and are no longer enforceable.

Under § 41-1052(M), an agency that seeks to expire a rule or rules may file a notice of intent to expire with the Council.

The Council prepares these notices which lists the expired rules and the notices are filed with the Office for publication in the Register. The rules are then removed from the Code Chapter as specified in the notice.

NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1056(J)
GOVERNOR'S REGULATORY REVIEW COUNCIL
DEPARTMENT OF ADMINISTRATION
RISK MANAGEMENT DIVISION

1. Agency name: Department of Administration
2. Title and its heading: 2, Administration
3. Chapter and its heading: 10, Department of Administration - Risk Management Division
4. Article and its heading: 5, Environmental Losses

As required by A.R.S. § 41-1056(J), the Council provides notice that the following rule expired as of March 1, 2022:

R2-10-502: Contracting for Site Investigation, Feasibility Study, Remediation, and Other Related Environmental Work

Signature of Nicole Sornsin
Nicole Sornsin
Council Chair

August 2, 2022
Date

NOTICE OF EXPIRATION OF RULES UNDER A.R.S. § 41-1052(M)
GOVERNOR'S REGULATORY REVIEW COUNCIL
DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

1. Agency name: Department of Transportation
2. Title and its heading: 17, Transportation
3. Chapter and its heading: 4, Department of Transportation - Title, Registration, and Driver Licenses
4. Article and its heading: 3, Vehicle Registration

As required by A.R.S. § 41-1052(M), the Council provides notice that the following rule expired as of August 2, 2022:

R17-4-313: Public Safety Fee

Signature of Nicole Sornsin
Nicole Sornsin
Council Chair

August 2, 2022
Date
NOTICES OF RULEMAKING DOCKET OPENING

Under the APA, effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. An agency may file the Notice of Rulemaking Docket Opening along with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAFE DRINKING WATER

1. Title and its heading: 18, Environmental Quality
   Chapter and its heading: 4, Department of Environmental Quality - Safe Drinking Water
   Article and its heading: 1, Primary Drinking Water Regulations
   Section numbers: R18-4-101, R18-4-107 and R18-4-127 (Sections may be added, deleted, or modified as necessary)

2. The subject matter of the proposed rule:
The Arizona Department of Environmental Quality (ADEQ) proposes to update the drinking water rules prohibiting the use of lead pipes, solder, and flux in A.A.C. Title 18, Chapter 4, Article 1 (Primary Drinking Water Regulations) to conform to the EPA’s final regulation entitled “Use of Lead Free Pipes, Fittings, Fixtures, Solder, and Flux for Drinking Water,” codified at 40 CFR 143.10 - 143.20 (“Lead Free” Rule). This rulemaking will not increase regulatory burden beyond what is required by the Safe Drinking Water Act, as amended, and the Lead Free Rule. This rulemaking is necessary to protect public health and ensure continued receipt of the full allotment of Public Water System Supervision grants.

3. A citation to all published notices relating to the proceeding:
None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:
Name: Scott Geiger
Address: Arizona Department of Environmental Quality
         1110 W. Washington St.
         Phoenix, AZ 85007
Telephone: (602) 771-4408
Email: Geiger.Scott@azdeq.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
To be announced in the Notice of Proposed Expedited Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:
To be announced in the Notice of Proposed Expedited Rulemaking.
WHEREAS, government regulations should be as limited as possible; and
WHEREAS, burdensome regulations inhibit job growth and economic development; 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, 2017, 2018, 2019, 2020 and 2021; and
WHEREAS, the State of Arizona eliminated or improved 231 burdensome regulations in 2021 and for a total of 3,047 needless regulations eliminated or improved since 2015; and
WHEREAS, estimates show these eliminations saved job creators nearly $11.6 million in operating costs in 2021 for a total of over $169.1 million in savings since 2015; and
WHEREAS, in 2021, for every one new necessary rule added to the Administrative Code, 25 have been repealed or improved; and
WHEREAS, COVID-19 has been hard on small businesses and the economy, and administrative barriers should be removed for their sake; 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 to conduct 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 while protecting the health, peace and safety of residents; and
WHEREAS, each State agency should continue to evaluate its administrative rules using any available and reliable data and performance metrics; 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:

1. A State agency subject to this Order shall not conduct any rulemaking, including regular, expedited, emergency and exempt, 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 justifications 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 on the public, while achieving the same regulatory objective.
   c. To prevent a significant threat to 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 new 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 which are antiquated, redundant or otherwise no longer necessary for the operation of state government.
2. After the public comment period and the close of the rulemaking record, a State agency subject to this Order shall not submit the proposed rules to the Governor’s Regulatory Review Council without a written final approval from the Office of the Governor. Before considering rules submitted by a State agency, the Governor’s Regulatory Review Council must obtain from the State agency the initial approval, referenced in Section 1, and the final approval from the Office of the Governor.
3. A State agency that submits a rulemaking request pursuant to this Order shall recommend for consideration by the Governor’s Office at least three existing rules to eliminate for every one additional rule requested by the agency.
4. 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 the Arizona Revised Statutes or Arizona Administrative Code. Any material that is not specifically authorized must be removed immediately.

5. A State agency that issues occupational or professional licenses shall prominently post on the agency’s website landing page all current state policies that ease licensing burdens and the exact steps applicants must complete to receive their license using these policies. State agencies should provide information that applies to all applicants, but have a designated area on the landing page that includes licensing information specifically for military spouses, active duty service members and veterans and all policies that make it easier for these applicant groups to receive their license. Examples of reduced licensing burdens include “universal recognition” of out-of-state licenses, availability of temporary licenses, fee waivers, exam exemptions and/or allowing an applicant to substitute military education or experience for licensing requirements. A landing page feature may link to an internal agency web page with more information, if necessary. All information must be easy to locate and written in clear and concise language.

6. A State agency that issues occupational or professional licenses must track veteran and military spouse status of applicants immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2022.

7. All State agencies that are required to issue occupational or professional licenses by “universal recognition” (established by A.R.S. § 32-4302) must track all applications received for this license type immediately and report that information to the Governor’s Office on an annual basis, starting July 1, 2021. Before any agency denies a professional or occupational license applied for under A.R.S. § 32-4302, the agency shall submit the application and justification for denial to the Office of the Governor for review before any official action is taken by the agency. The Governor’s Office should be notified of any required timeframes, whether in statute or rule, for approval or denial of the license by the agency.

8. 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.

9. 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 section 41-1001, Arizona Revised Statutes.

10. This Executive Order shall expire when the provisions of this executive order are adopted in statute and become law.

IN WITNESS THEREOF, 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 nineteenth day of January in the year Two Thousand and Twenty Two and of the Independence of the United States of America the Two Hundred and Forty-Sixth.

ATTEST:

Katie Hobbs
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
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
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
XN = Exempt new Section
XM = Exempt amended Section
XR = Exempt repealed Section
X# = Exempt renumbered Section

EXEMPT PROPOSED
PXN = Proposed Exempt new Section
PXMM = Proposed Exempt amended Section
PXMR = Proposed Exempt repealed Section
PX# = Proposed Exempt renumbered Section

EXEMPT SUPPLEMENTAL PROPOSED
SPXN = Supplemental Proposed Exempt new Section
SPXM = Supplemental Proposed Exempt amended Section
SPX# = Supplemental Proposed Exempt renumbered Section

FINAL EXEMPT RULEMAKING
FXN = Final Exempt new Section
FXM = Final Exempt amended Section
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FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING
EN = Emergency new Section
EM = Emergency amended Section
ER = Emergency repealed Section
E# = Emergency renumbered Section
EEXP = Emergency expired

RECODIFICATION OF RULES
RC = Recodified

REJECTION OF RULES
RJ = Rejected by the Attorney General

TERMINATION OF RULES
TN = Terminated proposed new Sections
TM = Terminated proposed amended Section
TR = Terminated proposed repealed Section
T# = Terminated proposed renumbered Section

RULE EXPIRATIONS
EXP = Rules have expired
See also “emergency expired” under emergency rulemaking

CORRECTIONS
C = Corrections to Published Rules
**2022 Arizona Administrative Register**

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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 under A.R.S. § 41-1013(B)(15).

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 305, Phoenix, AZ 85007. For more information, call (602) 542-2058 or visit https://grrc.az.gov.

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* 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.
GOVERNOR'S REGULATORY REVIEW COUNCIL
NOTICE OF ACTION TAKEN AT THE AUGUST 2, 2022 MEETING

A. CONSENT AGENDA ITEMS:

Five-Year Review Reports:

1. DEPARTMENT OF HEALTH SERVICES
   Title 9, Chapter 25, Articles 3-4
2. DEPARTMENT OF HEALTH SERVICES
   Title 9, Chapter 8, Article 3
3. DEPARTMENT OF HEALTH SERVICES
   Title 9, Chapter 25, Articles 1, 2, 5
4. DEPARTMENT OF HEALTH SERVICES
   Title 9, Chapter 2, Article 1
5. DEPARTMENT OF HEALTH SERVICES
   Title 9, Chapter 25, Article 6
6. DEPARTMENT OF ENVIRONMENTAL QUALITY
   Title 18, Chapter 16, Articles 2-5
7. DEPARTMENT OF ENVIRONMENTAL QUALITY
   Title 18, Chapter 9, Article 9
8. DEPARTMENT OF ECONOMIC SECURITY
   Title 6, Chapter 12
9. DEPARTMENT OF AGRICULTURE
   Title 3, Chapter 2, Articles 1-11
10. AGRICULTURAL EMPLOYMENT RELATIONS BOARD
    Title 4, Chapter 2, Articles 1-4
11. DEPARTMENT OF CHILD SAFETY
    Title 21, Chapter 1, Article 1

COUNCIL ACTION: CONSENT AGENDA APPROVED

B. CONSIDERATION AND DISCUSSION OF RULEMAKINGS:

1. DEPARTMENT OF ADMINISTRATION (Expedited Rulemaking)
   Title 2, Chapter 7
   Amend: R2-7-101, R2-7-B306, R2-7-B307, R2-7-C302, R2-7-C306, R2-7-C307, R2-7-C315, R2-7-505, R2-7-511, R2-7-B901, R2-7-B902, R2-7-B903
   Repeal: R2-7-501

COUNCIL ACTION: APPROVED WITH CHANGES TO R2-7-B902(C)

C. CONSIDERATION AND DISCUSSION OF FIVE-YEAR REVIEW REPORTS:

1. DEPARTMENT OF ADMINISTRATION
   Title 2, Chapter 10, Articles 1-2, 4-6

COUNCIL ACTION: APPROVED

2. ARIZONA COMMISSION ON THE ARTS
   Title 2, Chapter 2, Articles 1-2

COUNCIL ACTION: TABLED TO AUGUST 30, 2022 STUDY SESSION AND SEPTEMBER 7, 2022 COUNCIL MEETING

3. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
   Title 9, Chapter 28, Articles 6, 7

COUNCIL ACTION: TABLED TO AUGUST 30, 2022 STUDY SESSION AND SEPTEMBER 7, 2022 COUNCIL MEETING

D. CONSIDERATION AND DISCUSSION OF ONE-YEAR REVIEW REPORTS:

1. BOARD OF PHYSICAL THERAPY
   Title 4, Chapter 24, Article 1
E. CONSIDERATION AND DISCUSSION OF NOTICE OF INTENT TO EXPIRE PURSUANT TO A.R.S. § 41-1052(M):

1. DEPARTMENT OF TRANSPORTATION
   Title 17, Chapter 4, Article 3
   Expire: R17-4-313
   COUNCIL ACTION: APPROVED

F. CONSIDERATION AND DISCUSSION OF ONE-YEAR EXTENSION REQUEST FOR THE FIVE-YEAR REVIEW REPORT ON 18 A.A.C. 15 FROM THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA
   COUNCIL ACTION: APPROVED