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Arizona Administrative REGISTER

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~ Administrative Register Contents ~

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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Rules can be: made (all new text); amended (rules on file, changing text); repealed (removing text); or renumbered (moving rules to a different Section number).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New rules in this publication (whether proposed or made) are denoted with underlining; repealed text is stricken.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. 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.

Arizona Administrative REGISTER

December 26, 2025

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PUBLISHER
SECRETARY OF STATE
Adrian Fontes

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

ADMINISTRATIVE CODE
The *Arizona Administrative Code* is available online at www.azsos.gov.

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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The Office of the Secretary of State is an equal opportunity employer.

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.

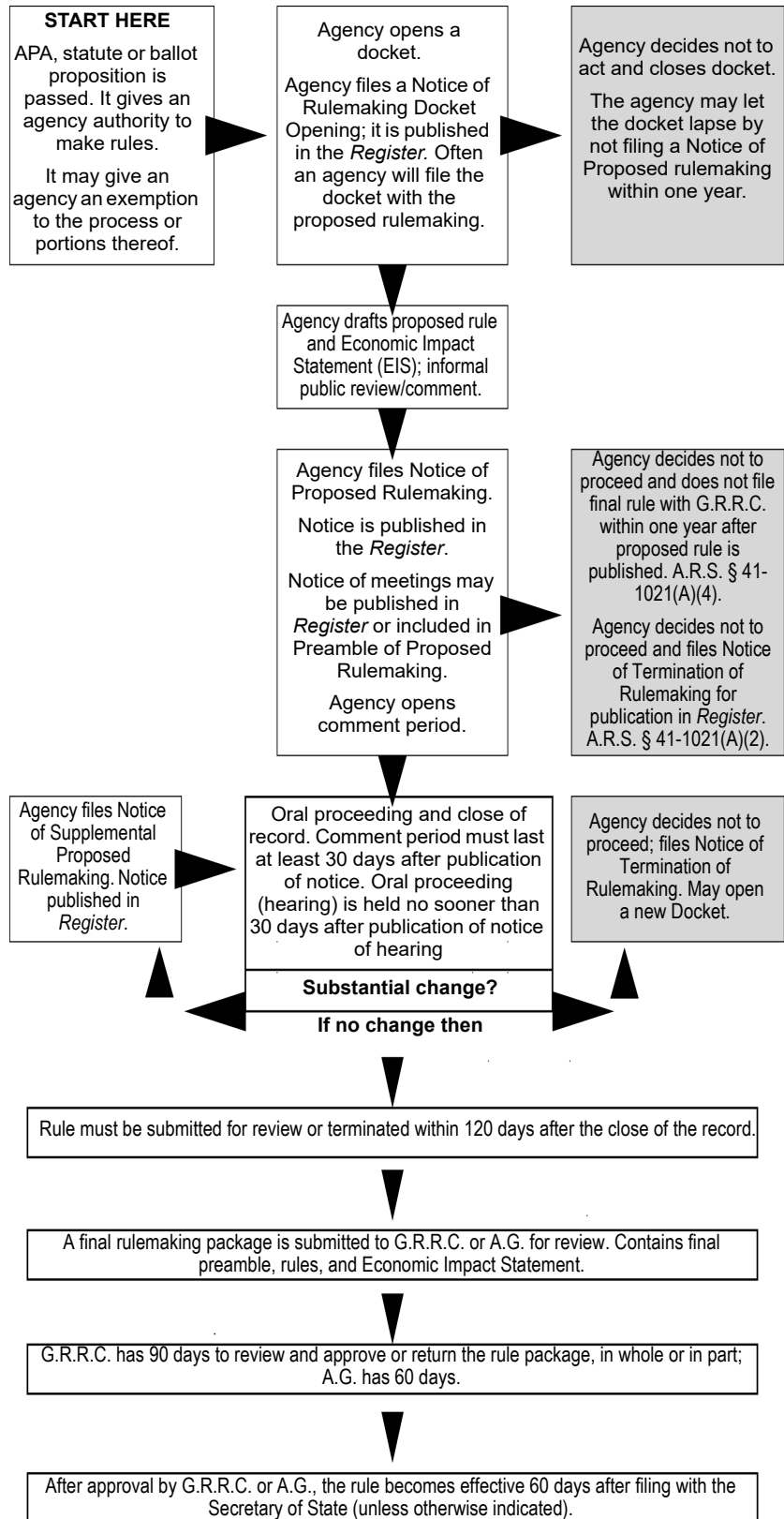
An agency may not have a public meeting scheduled on the Notice of Proposed Rulemaking. If not, you may request that the agency schedule a proceeding. This request must be put in writing within 30 days after the published Notice of Proposed Rulemaking.

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



Final rule is published in the *Register* and the quarterly *Code Supplement*.

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 RULEMAKING

This section of the Arizona Administrative Register contains Notices of Final Rulemaking. Final rules have been through the regular rulemaking process as defined in the Administrative Procedures Act. These rules were either approved by the Governor’s Regulatory Review Council or the Attorney General’s Office. Certificates of Approval are on file with the Office.

The final published notice includes a preamble and text of the rules as filed by the agency.

Economic Impact Statements are not published but are filed by the agency with their final notice.

The Office of the Secretary of State is the filing office and publisher of these rules. Questions about the interpretation of the final rules should be addressed to the agency that promulgated them. Refer to item #5 to contact the person charged with the rulemaking.

The codified version of these rules will be published in the Arizona Administrative Code.

NOTICE OF FINAL RULEMAKING

TITLE 17. TRANSPORTATION

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

[R25-286]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the Governor on: August 21, 2025

Table with 2 columns: Article, Part, or Section Affected (as applicable) and Rulemaking Action. Lists various rule numbers (R17-4-101 to R17-4-350) and their corresponding actions (Amend, Repeal).

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

Authorizing statute: A.R.S. § 28-366

Implementing statute: A.R.S. §§ 28-101, 28-370, 28-453, 28-644, 28-1171, 28-1301, 28-2001, 28-2051, 28-2052, 28-2055, 28-2058, 28-2063, 28-2064, 28-2065, 28-2091, 28-2132, 28-2134, 28-2135, 28-2159, 28-2231, 28-3001, 28-5100, 28-5111, 6 CFR 37.3, 40 CFR 86, 49 CFR 571.3, 49 CFR 580, 49 CFR 591, 49 CFR 592.4, 49 U.S.C. 30141, and 49 U.S.C. 32701 through 32711

4. The effective date of the rules:

February 1, 2026

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason 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-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B): Not applicable

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final rules:

Notice of Rulemaking Docket Opening: 30 A.A.R. 3328; Issue Date: November 8, 2024; Issue Number: 45; File Number: R24-218

Notice of Proposed Rulemaking: 31 A.A.R. 2144; Issue Date: July 4, 2025; Issue Number: 27; File Number: R25-138

6. The agency's contact person who can answer questions about the rulemaking:

Name: John Lindley

Title: Senior Rules Analyst

Division: Office of Law and Policy, Government Relations and Rules

Address: Arizona Department of Transportation
206 S. 17th Ave., Mail Drop 180A
Phoenix, AZ 85007

Telephone: (480) 267-6543

Email: jlindley@azdot.gov

Website: To track the progress of this rule and any other agency rulemaking matters please visit our ADOT website at <https://azdot.gov/about/government-relations>.

7. An agency's justification and reason why the rules should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:

The Arizona Department of Transportation (ADOT) engages in this rulemaking to complete technical corrections necessary for conformance with legislative changes made to Arizona's vehicle title and registration statutes over the last several years, align the rules with current ADOT systems, clarify existing processes and procedures, and ensure consistency with the rulemaking format and style requirements of the Arizona Administrative Procedure Act and the Office of the Secretary of State.

The Department is repealing three rules (R17-4-202, R17-4-203, and R17-4-204) and amending 18 existing rules relating to mobile home title transfers and vehicle title and registration activities required for titling and registering a vehicle in this state. The existing rules are outdated and need to be amended to reflect all current Department processes and procedures required for titling and registering a vehicle in this state.

The Department is amending the rules to: ensure conformance with legislative changes provided under Laws 2022, Ch. 66; eliminate the requirement that the seller of an Arizona titled motor vehicle or mobile home provide a notarized signature on the certificate of title and certain other documents in support of a transfer of title to another owner; and complete all relevant updates to the rules as identified in the Department's last five-year review report approved by the Governor's Regulatory Review Council on November 7, 2023, where the Department's stated course of action was to amend the rules to provide further clarification on existing processes to enhance public safety, correct outdated information and statutory references, and ensure that the rules are clear, concise, and understandable.

As authorized under A.R.S. § 41-1039(A), paragraphs (2), (5), and (10), these rule amendments will allow the Department to:

Reduce a regulatory burden by making the rules more clear, concise, and understandable;

Comply with existing state statutory requirements by including technical corrections and updated language needed for conformance with statutory amendments made over the last several years;

Eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government; and

Complete the Department's stated course of action in its most recent five-year review report on the rules as approved by the Governor's Regulatory Review Council on November 7, 2023.

This rulemaking reduces a regulatory burden by incorporating several technical corrections and language updates needed to improve the clarity, conciseness, and understandability of the rules, promotes conformance with statutory amendments made over the last several years, and provides vehicle and mobile home owners with a clearer understanding of the Department's current title and registration application processes. The rule amendments are intended to provide all businesses, and the general public, with a less burdensome process for acquiring, managing, or selling a vehicle or mobile home in the state of Arizona, eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government, and reduce a regulatory burden while achieving the same regulatory objectives.

Rule amendments include:

Correcting all references to statutes now renumbered;

Making technical corrections and language adjustments needed for the rules to reflect all applicable statutory amendments made over the last several years;

Removing subsections that repeat or restate existing statutes or other rules made by the Department;

Replacing all instances of the term "Division" with "Department" to reflect organizational changes;

Updating the definitions section to include all definitions of like terms used throughout the Chapter;

Updating the rules to incorporate new electronic processes; and

Updating the rules to ensure conformity with the Administrative Procedure Act and the rulemaking format and style requirements of the Secretary of State's Office.

Laws 2022, Ch. 66, provided that the Department of Transportation remove the notarized signature requirement on a certificate of title and any supporting documents required to be submitted by an insurance company on application for a salvage certificate of

title, stolen vehicle certificate of title, or a nonrepairable vehicle certificate of title. However, since a notarized or witnessed signature on a certificate of title and certain other supporting documents is not expressly required by state or federal law, the Department has determined that a notarized signature on a certificate of title and certain other supporting documents should no longer be required when an insurance company or any other entity seeks to lawfully salvage, dismantle, or otherwise transfer ownership of an Arizona vehicle or mobile home.

According to the American Association of Motor Vehicle Administrators (AAMVA), there is a significant increase in other state jurisdictions looking for more efficient and effective methods to process title applications. Some jurisdictions are incorporating more electronic processes, creating paperless electronic titling (e-titling) systems, and eliminating the paper titling process. These systems allow the transfer of ownership for a vehicle to take place electronically while authenticating the identity of the parties involved in the transaction and updating the jurisdiction's vehicle record without printing a paper title. Electronic title transfer processes offer vehicle buyers and sellers a secure, electronic method to validate ownership and facilitate the assignment or reassignment of a vehicle without reliance on a paper process. To support these electronic efficiencies, AAMVA issued its written policy position on notary requirements, dated 10/14/2013, to recommend that notary public requirements be eliminated on all motor vehicle forms.

The Department has since implemented its own electronic title and registration system that can allow certain title and registration transactions to be initiated and completed online without the vehicle owner having to physically visit an office of the Department's Motor Vehicle Division. Before issuing an electronic certificate of title and registration in the state of Arizona, the Department runs each vehicle identification number through the National Motor Vehicle Title Information System, which instantly queries the title and registration records of other states and returns information the Department or its systems can use to verify whether or not the vehicle is currently titled, registered, or otherwise documented, reported stolen, or branded in any other state. The vehicle seller's signature on a certificate of title and certain other supporting documentation would not need to be notarized or witnessed by an agent of the ADOT Motor Vehicle Division if both the buyer and seller of an Arizona vehicle or mobile home use the Department's electronic title transfer process to transfer ownership from one owner to another.

These rule amendments allow the Department to eliminate an unnecessary step in its current vehicle and mobile home title transfer process and reduce an unnecessary regulatory burden currently affecting rural Arizona residents who seek to buy or sell a motor vehicle but do not have immediate access to a notary public or ADOT Motor Vehicle Division office location. Since Arizona is one of only nine states (incl. Kentucky, Louisiana, Montana, North Carolina, Ohio, Oklahoma, Pennsylvania, and Wyoming) to require a notarized or witnessed signature when selling a vehicle or mobile home, the Department is confident that modernizing systems and procedures to eliminate the onerous notary requirement on title transactions can be accomplished while achieving the same regulatory objective.

Therefore, the Department is updating all of its existing title and registration rules relating to certain vehicle and mobile home title transfer processes and procedures to streamline services, better implement efficiencies, and avoid creating a bifurcated title transfer process that would continue to subject the general public to a more stringent process than what would typically be required of an insurance company requesting to transfer or otherwise maintain a vehicle or mobile home title.

Other rule amendments include making only minor changes to verbiage such as updating the word "Division" to "Department" to reflect organizational changes made within the Department, updating several citations to ensure consistency with applicable state and federal laws and regulations now renumbered, updating language to reflect the Department's current programs and processes to increase efficiency of the Department's service-delivery processes and systems, and providing modernization in the rule drafting style as identified below to improve the clarity, conciseness, and understandability of the rules. Additionally, the Department is updating rule language to replace antiquated terminology relating to persons with disabilities, as required under Laws 2014, Ch. 215, § 222, each time the agency amends its rules.

R17-4-101 The introductory paragraph needs to additionally reference the definitions under A.R.S. § 28-1301; the term "day" as defined under R17-4-301 will be moved to this Section since the term is also used under Article 7 of this Chapter; the term "registration" as defined under R17-4-301 will be moved to this Section since the term is also used under Articles 2, 4, and 8 of this Chapter; the term "plate number" as defined under R17-4-310 will be moved to this Section since the term is also used under Article 8 of this Chapter; and the terms "gore area", "VIN", and "vehicle identification number" as defined under R17-4-401 will be moved to this Section since the terms only reference the statutorily prescribed definitions, which are not exclusive to Article 4 of this Chapter.

R17-4-201 The term "date of lien" is not used in the rules and will be removed; the term "division" referencing the Motor Vehicle Division will be removed; the term "Low-speed vehicle" is not used in this Chapter and will be removed; and the term "registered importer" contains a reference to 49 CFR 30141, which will be corrected to read 49 U.S.C. 30141.

R17-4-202 and R17-4-203 These rules are obsolete and will be repealed. The rules were originally intended to provide an outline of some of the items included on the Certificate of Title and Certificate of Title and Registration Application forms issued by the Department. However, the rules tend to hinder the Department's ability to innovate service-delivery options, processes, and systems to increase efficiency. The substantive requirements for what is required to be included on the Certificate of Title and the Certificate of Title and Registration Application forms are as prescribed under A.R.S. §§ 28-2051, 28-2055, 28-2058, and 49 CFR 580.

R17-4-204 This rule is being repealed since the Department has determined that notarizing or witnessing the signature of a vehicle seller is no longer required on a properly endorsed certificate of title or on certain other documents when submitted to the Department in support of a vehicle or mobile home title transfer, unless a notarized signature is specifically required by statute.

R17-4-206 The term "MVD title and registration application" located under subsection (A)(1)(b) will be updated to reference the Title and Registration Application form provided by the Department on the Department's website at azdot.gov; under subsection

(A)(2), the phrase “older than 25 years” will be corrected to read “25 or more years;” and under subsection (A)(3), the phrase “between 21 and 25 years” will be corrected to read “more than 20 years,” and other amendments may be made to ensure conformance with 49 CFR 591.

R17-4-207 A reference to the Department’s online process for recording a lien will be added to this Section; the overly specific online link to lien filing forms will be updated to read azdot.gov to avoid a possible broken link in the future; and subsection (C) regarding the lien filing notice will be removed.

R17-4-208 The language under subsection (A) will be updated to reflect that the most recently issued certificate of title is only required if the printed title is available; subsections (A)(3), (A)(4), and (A)(5) will be removed, since those forms are no longer required; subsection (A)(6) will be renumbered accordingly; and subsection (B) will be rewritten to reflect the Department’s new process for releasing a lien.

R17-4-301 The introductory paragraph will be amended to additionally reference the definitions under R17-4-101; the term “day” will be moved to R17-4-101 since the term is also used under Article 7 of this Chapter; the reference to the “Division’s Enforcement Services Program” under the term “emergency vehicle permit” will be changed to the “Department’s Enforcement and Compliance Division;” the phrase “and the Office of the Secretary of State” at the end of the definition of “Operator Requirements” referencing the filing of incorporated materials with the Secretary of State will be deleted; and the term “registration” will be moved to R17-4-101 since the term applies to the entire Chapter.

R17-4-304 Subsection (B)(5) will be amended since all non-commercial trailers under 10,000 lbs. gross vehicle weight (GVW) are now permanently registered after paying the one-time registration fee as prescribed under A.R.S. § 28-2003, and any commercial trailer with a declared GVW of 10,000 lbs. or less is subject to registration on an annual basis.

R17-4-305 This rule is inconsistent with statute since title service companies are no longer authorized to issue temporary registration plates on behalf of a licensed dealer. A.R.S. § 28-5006 was repealed effective April 1, 2012, by Laws 2011, 1st Reg. Sess., Ch. 190, § 15, so the Department will delete the reference to “title service companies” in Subsection (B)(1).

R17-4-307 Subsection (B) will be amended to clarify that the fee is not applicable to all motor carriers, except as required under A.R.S. § 28-4151(B) when transporting passengers using a vehicle that has a seating capacity of not more than eight persons, including the driver.

R17-4-309 The reference to “the Division’s Enforcement Services Program” will be changed to read “the Department’s Enforcement and Compliance Division;” and the 85007 zip code under subsection (B) will be corrected to read 85001.

R17-4-310 The terms listed under subsection (A) will be removed and placed under R17-4-101, Definitions, as applicable to the entire Chapter; and the language under subsection (E)(4) will be clarified by removing the words “of a vehicle” and replacing the first part of that sentence with “The Department shall cancel a revoked personalized plate if...”.

R17-4-311 The Choose Life license plate will be added to the list of organizational special plates issued prior to the statutory change made under Laws 2009, Ch.37, § 3, which now requires that any new organizational special plates be approved by the legislature and specifically prescribed by statute.

R17-4-350 The specific reference to the 2011 Revision of the Government Auditing Standards under subsection (D) will be removed. The Department must conduct all audits in accordance with generally accepted accounting principles (GAAP), Governmental Accounting Standards Board (GASB) Pronouncements, and State and Federal regulations in effect at the time of any audit. Therefore, all audits conducted by the Department under these rules must adhere to the generally accepted Government Auditing Standards in effect at the time of the audit, as most recently revised and issued by the Comptroller General of the United States and the United States Government Accountability Office, as provided online at <https://www.gao.gov/yellowbook>.

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

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

9. 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

10. A summary of the economic, small business, and consumer impact:

This rulemaking repeals three rules (R17-4-202, R17-4-203, and R17-4-204) and amends 18 existing rules under Arizona Administrative Code Title 17, Chapter 4, Articles 1, 2, and 3, relative to vehicle title and registration requirements applicable to any person involved in the ownership or sale of a motor vehicle in this state. The rules also include information on a variety of registration options for motor vehicle owners and operators with various types of vehicles, including eligibility for staggered registration on apporportioned commercial motor vehicle fleets, biennial registration, temporary registration plates, private fire and emergency vehicle permits, official vehicle plates, and personalized or special organization plates. Additionally, the rules include information on the off-highway vehicle indicia design, placement and fee, the motor vehicle registration and license plate reinstatement fee required for failing to provide evidence of financial responsibility on request of the Department, and the record keeping and audit requirements for rental vehicle surcharge reimbursement.

Stakeholders having an interest in this rulemaking may include the Department, applicants for Arizona vehicle title and registration services, the American Association of Motor Vehicle Administrators, Arizona Auto Auctions, Arizona Automobile Association, Arizona Automobile Dealers Association, Arizona Department of Insurance and Financial Institutions, Arizona Department of Public Safety, Arizona Independent Automobile Dealers Association, Arizona Trucking Association, Banks, Credit Unions, and the Manufactured Housing Industry of Arizona.

The rule amendments will assist the Department with implementing the new requirements under Laws 2022, Ch. 66, eliminating an unnecessary step in the Department’s current vehicle and mobile home title transfer process, and completing the Department’s stated course of action in its last five-year review report on these rules as approved by the Governor’s Regulatory Review Council on November 7, 2023. The economic impact of this rulemaking is not readily quantifiable, but is anticipated to be de minimis.

For successful implementation of Laws 2022, Ch. 66, effective September 24, 2022, the Department seeks to amend existing rules to clarify that a notarized signature is no longer required on a properly endorsed certificate of title or on certain other documents when submitted to the Department in support of a vehicle or mobile home title transfer, unless the notarized signature is specifically required by statute. These rule amendments reflect the Department’s efforts in reducing an unnecessary regulatory burden currently affecting rural Arizona businesses and residents who seek to buy or sell a motor vehicle but do not have immediate access to a notary public or ADOT Motor Vehicle Division office location. Since Arizona is one of only nine states to require a notarized or witnessed signature when selling a vehicle or mobile home, the Department is confident that modernizing its systems and procedures to eliminate the onerous notary requirement on title transactions can be accomplished while achieving the same regulatory objective. The other eight states are Kentucky, Louisiana, Montana, North Carolina, Ohio, Oklahoma, Pennsylvania, and Wyoming.

Since the rule amendments are intended to provide all businesses, and the general public, with a less burdensome process for acquiring, managing, or selling a vehicle or mobile home in the state of Arizona, the economic impact of these rule amendments will vary greatly depending on the number of vehicles each owner needs to transfer, but it is anticipated that streamlining title transfer processes will provide a minimal benefit to all Arizona vehicle owners who will no longer need to participate in an extended back and forth title transfer process when selling a vehicle or mobile home once they have signed the back of the title and provided it to a new owner.

As of the end of fiscal year 2024, the Department’s title and registration systems reflect:

	FY21	FY22	FY23	FY24
Registered Vehicles	7,444,032	7,764,367	7,969,576	8,146,590

R17-4-202, R17-4-203, and R17-4-204 are being repealed to facilitate the Department’s efforts to streamline services, better implement efficiencies, and ensure conformance with legislative changes provided under Laws 2022, Ch. 66, which eliminated the requirement that the seller of an Arizona titled motor vehicle or mobile home provide a notarized signature on the certificate of title and other documents in support of a transfer of title to another owner. The Department anticipates a de minimis reduction in the number of paper forms currently being used for back and forth correspondence with Arizona vehicle owners.

Any person involved in the ownership or sale of a motor vehicle or mobile home in this state may complete a Certificate of Title and Registration Application form electronically using the Department’s authorized electronic service provider or complete the online form provided by the Department on its website at www.azdot.gov. The substantive requirements regarding what information shall be included on the Certificate of Title and the Certificate of Title and Registration Application forms are as prescribed under A.R.S. §§ 28-2051, 28-2055, 28-2058, and 49 CFR 580.

R17-4-206 contains just a few technical amendments to ensure that the language mirrors the applicable federal regulations prescribed under 49 CFR 591, 49 CFR 592.4, and 40 CFR 86. This rule requires that certain foreign-manufactured motor vehicles must be converted and certified to meet the requirements of the United States Environmental Protection Agency and Federal Motor Vehicle Safety Standards before the foreign-manufactured vehicle can be permanently imported to the United States (U.S.) and subsequently titled and registered with the Department for use on the roadways of this state. An owner of a foreign-manufactured vehicle is required under 49 CFR 591 to engage the services of a registered importer to convert and certify the vehicle as safe for use on U.S. highways. The gray-market vehicle owner is subject to costs that are greatly variable and unquantifiable, but likely range from moderate (\$1000 - \$9,999) to substantial (\$10,000 or more) depending on the type of vehicle, its manufacturer, the model and year of the vehicle, and the availability of all appropriate replacement parts needed to complete the vehicle conversion. However, these costs are associated with the federal requirements for importation of foreign-manufactured vehicles and not a result of this rulemaking. As of December 31, 2024, Department records indicate that there are 2,607 converted and certified gray-market vehicles currently titled and registered for use on Arizona’s roadways.

R17-4-309 provides the application and operational requirements necessary for the operator of a private emergency service vehicle to obtain a Private Fire Emergency Vehicle Permit from the Department, which subjects the private emergency service vehicle operator to the same equipment and operating requirements and privileges prescribed under A.R.S. § 28-624 for the operation of authorized emergency vehicles owned by municipalities and other political subdivisions of this state. As of December 31, 2024, Department records indicate that there are 813 emergency service vehicles currently titled and registered in Arizona. The only economic impact associated with this rule would be the cost of completing the application and submitting that to the Department. No fees are charged by the Department for application or issuance of this permit.

R17-4-311 contains only a technical amendment to include the pro-choice special plate, which is the only other plate implemented by the License Plate Commission before September 30, 2009. There is a fee of \$25 for each original issuance and each annual renewal of these special plates as prescribed under A.R.S. § 28-2402. Of the \$25 fee payable by an applicant, \$8 is a special plate administration fee for deposit into the State Highway Fund and \$17 is an annual donation to the organizational sponsor of the plate. The License Plate Commission, established in 1992, was repealed by the legislature effective September 30, 2009, by Laws 2009, Ch.37, § 3. As of September 30, 2009, any new organizational special plates must be approved by the legislature and specifically prescribed by statute.

The number of organizations actively promoting these special license plates is limited and over the last 10 years, as a result of the Department’s continued issuance of these organizational special plates, Arizona vehicle owners and operators have provided

annual financial support for those organizations, somewhere in the range of:

Organization Special License Plates - Revenue Generated (\$\$)			
License Plate Type:	2013	2018	2023
Arizona Historical Society (The Arizona Historical Society)	2,516	2,006	67,915
Firefighter (Professional Fire Fighters of Arizona)	66,164	66,181	81,804
Fraternal Order of Police (Fraternal Order of Police)	12,801	12,988	14,518
Legion of Valor (Highway User Revenue Fund)	102	51	306
University of Phoenix (University of Phoenix Alumni Network)	2,618	1,632	2,992
Wildlife Conservation (Arizona Sportsmen for Wildlife Conservation)	107,933	145,129	272,391
Choose Life (Arizona Life Coalition c/o Center for Arizona Policy)	24,922	20,791	24,820
Total Funding:	217,056	248,778	464,746

R17-4-350 all audits conducted by the Department under these rules must adhere to the generally accepted Government Auditing Standards in effect at the time of the audit, as most recently revised and issued by the Comptroller General of the United States and the United States Government Accountability Office, as provided online at <https://www.gao.gov/yellowbook>. According to the ADOT Audit & Analysis Annual Activity Report, Fiscal Year 2023-2024, the Department completed seven Rental Surcharge audits using 339 hours. For the Rental Surcharge audits completed, the auditors identified a total of \$2,616 due to the Department.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

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

The agency received no comments on this rulemaking.

13. 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 ADOT or this specific rulemaking.

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

All of the regulatory permits, licenses, and agency authorizations issued by the Department under these rules are specifically required by statute and are “general permits” as defined under A.R.S. § 41-1037, since the activities and practices authorized by these documents are the same for all vehicle owners and operators.

The regulatory permits, licenses, and agency authorizations referenced in this rulemaking include:

Regulatory Permit, License, or Agency Authorization	Applicable Rules	Statutory Authority
Certificate of Title	R17-4-201, R17-4-205, R17-4-207, and R17-4-208	A.R.S. §§ 28-2051 through 28-2065
Certificate of Title (Gray-market Vehicle)	R17-4-206	A.R.S. § 28-2052
Motor Vehicle Registration	R17-4-101, R17-4-301, R17-4-302, R17-4-303, R17-4-304, and R17-4-307	A.R.S. §§ 28-2153, 28-2157 through 28-2159, and 28-2164
Temporary Registration Plate	R17-4-305	A.R.S. § 28-4546
Official Vehicle License Plate	R17-4-308	A.R.S. § 28-2511
Private Fire Emergency Vehicle Permit	R17-4-309	A.R.S. §§ 28-101 and 28-624
Personalized License Plate	R17-4-310	A.R.S. § 28-2406
Special Organization License Plate	R17-4-311	A.R.S. § 28-2404
Off-highway Vehicle User Indicia	R17-4-312	A.R.S. § 28-1177

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:

R17-4-201, R17-4-202, R17-4-203, and R17-4-204 all contain provisions applicable to subject matter regulated at the federal level under 49 CFR 580 and 49 U.S.C. 32701 through 32711, but the rules are not more stringent than the corresponding federal regulations.

R17-4-206 - 49 CFR 591, 49 CFR 592.4, and 40 CFR 86, are all applicable to the Department’s rules relating to the importation of a Gray-market Vehicle, but these rules are not more stringent than the corresponding federal regulations.

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.

14. 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.

15. Whether the rules were previously made, amended or repealed as 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:

Not applicable

16. The full text of the rules follows:**TITLE 17. TRANSPORTATION****CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES****ARTICLE 1. GENERAL PROVISIONS**

Section

R17-4-101. Definitions

ARTICLE 2. VEHICLE TITLE

Section

R17-4-201. Definitions

R17-4-202. ~~Certificate of Title Form~~ Repealed

R17-4-203. ~~Certificate of Title and Registration Application~~ Repealed

R17-4-204. ~~Seller's Signature Acknowledgement~~ Repealed

R17-4-205. Co-ownership and Vehicle Title

R17-4-206. Additional Titling Standards for Vehicles Not Manufactured in Compliance with United States Safety and Emission Standards; "Gray-market Vehicles"

R17-4-207. Lien Filing

R17-4-208. Lien Clearance

ARTICLE 3. VEHICLE REGISTRATION

Section

R17-4-301. Definitions

R17-4-302. Staggered Registration for Apportioned Commercial Vehicles

R17-4-303. Biennial Registration

R17-4-304. Staggered Registration for Included Vehicles

R17-4-305. Temporary Registration Plate "TRP" Procedure

R17-4-307. Motor Vehicle Registration and License Plate Reinstatement Fee

R17-4-308. Official Vehicle License Plates

R17-4-309. Private Fire Emergency Vehicle Permit

R17-4-310. Personalized License Plates

R17-4-311. Special Organization Plate List

R17-4-312. Off-highway Vehicle User Indicia

R17-4-350. Rental Vehicle Surcharge Reimbursement

ARTICLE 1. GENERAL PROVISIONS**R17-4-101. Definitions**

In addition to the definitions prescribed under A.R.S. §§ 28-101, ~~28-1301~~, A.R.S. § 28-3001, and 6 CFR 37.3, the following terms apply to this Chapter, unless otherwise specified:

"Business day" means a day other than a Saturday, Sunday, or Arizona legal holiday.

"Day" means the 24-hour period from midnight of one day to midnight of the next day.

"Division" means the Arizona Department of Transportation's Motor Vehicle Division.

"Gore area" has the same meaning as prescribed under A.R.S. § 28-644.

"Included vehicle" means a vehicle subject to annual or biennial Arizona registration unless otherwise excluded from the staggered registration prescribed under A.R.S. § 28-2159 and R17-4-304.

"Initial registration" means the first registration of an included vehicle in Arizona.

"Non-operating identification license" means a credential issued by the Department for identification purposes only, as prescribed under A.R.S. § 28-3165, which does not grant authority to operate a motor vehicle and is not intended to be accepted by federal agencies for an official purpose defined under 6 CFR 37.3.

"Person with a disability" means a recipient of public monies as an individual with a disability under Title 16 of the Social Security Act, as amended.

"Plate number" means the combination of letters, numbers, and spaces on a vehicle license plate.

“Registration” means a document issued by the Department to the owner or operator of a specific vehicle, after receiving payment of all prescribed registration fees, which the owner or operator is then required under A.R.S. § 28-2158 or A.R.S. § 28-2203 to carry in the vehicle as authorization for legal operation on public streets, roads, and highways.

“Registration fees” means the fees due to the Department at the time of registration and consisting of the general registration fees prescribed under A.R.S. § 28-2003, the vehicle license tax prescribed under A.R.S. § 28-5801, and any commercial registration and gross weight fees prescribed under A.R.S. § 28-5433, as applicable.

“Special license plate” has the same meaning as the term “special plates” as prescribed under A.R.S. § 28-2401.

“Travel-compliant driver license” has the same meaning as the term REAL ID Driver’s License defined under 6 CFR 37.3, which is a driver license issued by the Department as prescribed under A.R.S. § 28-3175 in compliance with A.R.S. Title 28, Chapter 8, and the federal standards provided under 6 CFR 37 for state issuance of secure credentials intended to be accepted by federal agencies for official purposes.

“Travel-compliant identification license” has the same meaning as the term REAL ID Identification Card as defined under 6 CFR 37.3, which is a non-operating identification license issued by the Department as prescribed under A.R.S. § 28-3175 in compliance with A.R.S. Title 28, Chapter 8, and the federal standards provided under 6 CFR 37 for state issuance of secure credentials acceptable by federal agencies for official purposes.

“VIN” or “vehicle identification number” has the same meaning as prescribed under A.R.S. § 13-4701.

ARTICLE 2. VEHICLE TITLE

R17-4-201. Definitions

In addition to the definitions prescribed under R17-4-101, A.R.S. §§ 28-101, 28-2001, and 28-3001, the following definitions apply to this Article, unless otherwise specified:

~~“Authorized ELT Participant” means a lending institution or finance company authorized by the Division to electronically release a lien or encumbrance.~~

~~“Date of lien” means the date identified by the lienholder as the date the loan was issued to the borrower.~~

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

~~“Encumbrance” means a lien recorded, by the Division Department, on a vehicle or mobile home record and the Arizona Certificate of Title.~~

~~“ELT” means Electronic Lien and Title.~~

“EPA standards” means the emission standards of the Environmental Protection Agency, as prescribed under 40 CFR 86.

“FMVSS” means the Federal Motor Vehicle Safety Standards as prescribed under 49 CFR 571.

“Joint tenancy with right of survivorship” means vehicle ownership by two or more persons and the deceased joint owner’s interest in the vehicle is transferred to the surviving owners.

“Lienholder” means a person or entity retaining legal possession of a vehicle or mobile home until the debtor has satisfactorily repaid the loan for which the vehicle or mobile home is designated as collateral.

~~“Lienholder Number” means the computer-generated record number assigned by the Division to a lienholder.~~

~~“Low speed vehicle” has the same meaning as prescribed under 49 CFR 571.3.~~

“MPV” means multipurpose passenger vehicle, which has the same meaning as prescribed under 49 CFR 571.3.

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

“NHTSA” means National Highway Traffic Safety Administration of the United States Department of Transportation.

“Operation of law lien” means a lien resulting from the application of a state or federal statute.

“Primary lien” means the first of any multiple liens recorded on a vehicle or mobile home record.

~~“Registered importer” means a person registered by the NHTSA Administrator to import vehicles, as prescribed under 49 CFR 301.41 49 U.S.C. 30141.~~

“Tenancy in common” means vehicle ownership by two or more people without the right of survivorship.

“Valid titling document” means one of the following documents showing a vehicle’s compliance with FMVSS and EPA standards:

- A NHTSA Declaration,
- A manufacturer’s letter, or
- A U.S. federal compliance label printed in English.

R17-4-202. Certificate of Title Form Repealed

~~**A:** The Motor Vehicle Division (MVD) shall produce the Certificate of Title form on tamper-resistant and counterfeit-resistant paper.~~

~~**B:** MVD shall provide space on the Certificate of Title form for the following information:~~

- ~~1. Title information:

 - a. Title number;
 - b. Issue date;
 - c. Previous title number; and
 - d. State and date of previous title.~~
- ~~2. Vehicle information:

 - a. Vehicle identification number (VIN);
 - b. Vehicle make, model, year, and body style;
 - c. Fuel type;
 - d. Odometer information; and
 - e. Vehicle mechanical or structural condition.~~
- ~~3. Lienholder information:

 - a. Lienholder name and address;
 - b. Lienholder customer or federal identification number; and~~

- e. Lien amount and lien date.
- 4. Vehicle owner's or owner's legal designee information:
 - a. Name; and
 - b. Mailing address.
- 5. Ownership change information:
 - a. Sale date;
 - b. Purchaser's name and address;
 - c. Odometer mileage disclosure statement;
 - d. Seller's signature; and
 - e. Seller's signature certification.
- 6. Dealer reassignment information.
- 7. Other information as required by the Division for internal processing and recordkeeping.

R17-4-203. Certificate of Title and Registration Application Repealed

A. In addition to the requirements of A.R.S. §§ 28-2051 and 28-2157, a person applying for an Arizona motor vehicle title certificate and registration shall complete a form supplied by the Motor Vehicle Division that contains the following information:

- 1. Vehicle information:
 - a. Tab number;
 - b. Initial registration month and year;
 - c. Vehicle make, model, year, and body style;
 - d. Mechanical or structural status indicating whether the vehicle is:
 - i. Dismantled;
 - ii. Reconstructed;
 - iii. Salvaged, or
 - iv. Specially constructed;
 - e. Gross vehicle weight;
 - f. Fuel type;
 - g. Odometer information;
 - h. Current title number and titling state.
- 2. An owner's or lessee's legal ownership status.
- 3. Lienholder information:
 - a. Lienholder names and addresses, and
 - b. Lien amount and date incurred.
- 4. If a mobile home, the physical site.
- 5. Co-ownership information:
 - a. A statement of whether any survivorship rights in the vehicle exist; and
 - b. A statement providing co-ownership legal status prescribed in R17-4-205(B).
- 6. Owner certification information verifying:
 - a. Ownership;
 - b. Inclusion of all liens and encumbrances, and
 - c. Seller-verified odometer reading.
- 7. Applicant signatures.
- 8. An acknowledgement that:
 - a. The applicant agrees or disagrees to the Division's release of the applicant's name on a commercial mailing list; and
 - b. The applicant has read a printed explanation of odometer reading codes.
- 9. Other information required by the Division for internal processing and recordkeeping.

B. An applicant may voluntarily provide the following information on the form:

- 1. Applicant's birth date;
- 2. Applicant's driver license number; and
- 3. Applicant's federal employer identification number, if the applicant is taking title as a sole proprietor, partnership, corporation, or other legal business entity.

R17-4-204. Seller's Signature Acknowledgement Repealed

A seller shall ensure that a Notary Public or a Motor Vehicle Division (MVD) agent witnesses the seller sign the title transfer. The Notary Public or MVD agent shall sign the title transfer acknowledging witnessing the seller's signature. "Motor Vehicle Division agent" has the meaning prescribed in A.R.S. § 28-370.

R17-4-205. Co-ownership and Vehicle Title

- A.** A title certificate application shall specify the form of co-ownership and names of a vehicle's co-owners as follows.
 - 1. If co-ownership is a joint tenancy with right of survivorship in which all owners must sign to transfer or encumber the vehicle, the applicant shall provide the name of each owner separated by "and/or."
 - 2. If co-ownership is a joint tenancy that allows one owner to transfer or encumber the vehicle title, the applicant shall provide:
 - a. The name of each co-owner separated by "or"; and
 - b. A form, signed by each co-owner authorizing title transfer or encumbrance on the signature of any co-owner.
 - 3. If co-ownership is a tenancy in common, the applicant shall provide the name of each owner separated by "and."
- B.** Before a surviving joint tenant under subsection (A)(1) obtains a title certificate as owner or transfers or encumbers the vehicle title, the surviving joint tenant shall present to the Division Department a death certificate for each deceased joint tenant.

- C. After the death of a tenant in common, the ~~Division~~ Department shall issue a new title certificate only as directed by:
1. A certified probate court order, or
 2. A successor's affidavit under A.R.S. § 14-3971(B).

R17-4-206. Additional Titling Standards for Vehicles Not Manufactured in Compliance with United States Safety and Emission Standards; "Gray-market Vehicles"

A. Titling standards.

1. The ~~Division~~ Department shall issue a title ~~to~~ for a foreign-manufactured vehicle imported to the United States if an applicant presents the following:
 - a. A valid titling document,
 - b. A completed ~~MVD title and registration application as prescribed under R17-4-203~~ Title and Registration Application form provided by the Department on its website at azdot.gov,
 - c. A completed Vehicle Verification ~~Form certifying form documenting~~ that the vehicle passed the Division's physical an appropriate motor vehicle inspection conducted by the Department as provided under A.R.S. § 28-2011,
 - d. A ~~document stating~~ certificate of inspection issued by the Arizona Department of Environmental Quality documenting that the vehicle has passed an Arizona emissions inspection under A.R.S. § 49-542, and
 - e. A certificate of conformity documenting that the vehicle was converted to meet all: applicable FMVSS and EPA standards,
 - i. ~~EPA standards, and~~
 - ii. ~~FMVSS.~~
 2. A foreign-manufactured vehicle imported to the United States is exempt from ~~this subsection (A)(1)(e)~~ if it is ~~older than~~ 25 years or more from its manufacture date.
 3. A foreign-manufactured vehicle imported to the United States that is ~~between 21 and 25~~ more than 20 years from ~~the its~~ manufacture date, but less than 25 years from its manufacture date, is exempt from the EPA standard requirement under subsection ~~(A)(1)(e)(i); (A)(1)(e), if the vehicle:~~
 - a. Is in its original unmodified configuration; or
 - b. Contains an equivalent or newer EPA certified engine.
 4. Titling standards for vehicles manufactured according to Canadian specifications.
 - a. The ~~Division shall~~ Department may issue a title to a vehicle manufactured according to Canadian specifications if ~~it~~ the vehicle:
 - i. Is not for resale;
 - ii. Has a GVWR of less than 10,000 pounds; and
 - iii. Is a passenger vehicle, motorcycle, or MPV.
 - b. Before titling a vehicle manufactured according to Canadian specifications, the vehicle owner shall submit to the ~~Division~~ manufacturer ~~Department~~ documentation from the manufacturer verifying that the vehicle complies with FMVSS and EPA standards.
 - i. The ~~Division~~ Department shall waive the FMVSS and EPA labeling location requirements as prescribed in 49 CFR 571 and 40 CFR 86.
 - ii. If ~~manufacturer~~ documentation from the manufacturer indicates that a vehicle's speedometer or headlights do not comply with FMVSS and EPA standards, the vehicle owner shall file additional documentation with the ~~Division~~ Department to verify completion of a modification that brings to bring the vehicle into compliance.
 - c. A registered importer shall certify a vehicle manufactured according to Canadian specifications if:
 - i. The vehicle meets FMVSS standards except for occupant crash protection provisions prescribed under 49 CFR 571.208, or
 - ii. The vehicle owner did not submit manufacturer documentation to the Department as prescribed under subsection (A)(4)(b).
- B. The ~~Division~~ Department shall require a registered importer's certification of a foreign-manufactured vehicle imported to the United States that:
1. Is not exempt under subsections (A)(2) or (A)(3), or
 2. Does not qualify under subsection (A)(4).

R17-4-207. Lien Filing

- A. Lien filing. When filing a lien with the ~~Division~~ Department, a person shall use the Department's online process for recording a lien or submit a completed Title and Registration Application (available online at www.azdot.gov/mvd/FormsandPub/mvd.asp) form provided by the Department on its website at azdot.gov, the most recently issued certificate of title, pay the fee or fees to be paid due to the Department as provided by law, and include any other documentation required pursuant to A.R.S. Title 28.
1. The ~~Division~~ Department shall record a statement of all liens and encumbrances on the vehicle or mobile home record upon receiving a lien filing that meets all requirements prescribed in this subsection.
 2. The ~~Division~~ Department shall immediately return a lien filing, with a letter stating why the lien filing was returned, when the lien filing does not meet the requirements prescribed in this subsection.
- B. Multiple liens. The ~~Division~~ Department will record up to three liens on any one vehicle or mobile home record. Additional liens are recorded through the County Recorder's office. Liens are valued in the order that they are filed and recorded on the vehicle or mobile home record. However, the ~~Division~~ Department considers the primary lien recorded on the vehicle or mobile home record to be above all other subsequent liens or encumbrances. In the absence of an operation of law lien, only the lienholder in the primary position may repossess a vehicle or mobile home.
- C. Lien filing notice. The ~~Division~~ shall notify the lienholder of the recording of a lien.
1. ~~The Division shall issue an Arizona Certificate of Title or, when the lienholder is an Authorized ELT Participant, transmit an electronic lien notification to the primary lienholder.~~

2. ~~The Division shall issue a computer generated Lienholder Record to each subsequent lienholder recorded on the vehicle or mobile home record. The Division shall not issue a duplicate Lienholder Record.~~

R17-4-208. Lien Clearance

- A. Lien clearance. The ~~Division~~ Department shall remove the lien from the vehicle or mobile home record indicated on the lien clearance and issue a new Arizona Certificate of Title upon receiving proof that the lien is satisfied, ~~and on a completed application furnished form provided by the Division Department on the Department's website at azdot.gov,~~ the most recently issued certificate of title if the printed title is available, payment of the fee or fees to be paid as provided due to the Department as required by law, and any other documentation required pursuant to A.R.S. Title 28. The ~~Division Department~~ considers the following instruments satisfactory proof that the lien or encumbrance recorded on a vehicle or mobile home record is satisfied:
1. The transmission of an electronic lien release ~~from an ELT Participant;~~
 2. A certificate of title ~~acknowledged signed by the lienholder as prescribed under subsection (B)(1); if the lien release is indicated on the title; or~~
 3. ~~An original lien filing receipt acknowledged by the lienholder as prescribed under subsection (B)(1);~~
 4. ~~An original computer generated Lienholder Record acknowledged by the lienholder as prescribed under subsection (B)(1);~~
 5. ~~A lender copy of the original lien instrument indicating the lien is paid in full acknowledged by the lienholder as prescribed under subsection (B)(1); or~~
 6. Any official document signed by the lienholder giving a complete description of the vehicle, as recorded on the Arizona Certificate of Title, indicating that the lien is either "paid in full" or "satisfied" acknowledged by the lienholder as prescribed under subsection (B)(1).
- B. Lienholder obligation on satisfaction of a lien requirements.
1. ~~The Division shall not accept a satisfaction of lien when the authorized signature of the lienholder or authorized agent of the lienholder, appearing on the lien clearance instrument, is not acknowledged before a Notary Public or witnessed by an authorized Division employee.~~
 2. ~~The lienholder shall deliver the Arizona Certificate of Title to the next lienholder or, if there is not another lienholder, to the owner of the vehicle or mobile home within 15 business days after receiving payment in full satisfaction of the lien.~~
 3. ~~A lienholder that fails to deliver the certificate of title within 15 business days may be assessed a civil penalty, as prescribed under A.R.S. § 28-2134.~~
 1. An organization recorded by the Department as the lienholder on a vehicle title shall use the Department's electronic lien and title process to release a lien recorded on the Department's records within 15 business days after receiving payment in full satisfaction of the lien from the owner of the vehicle.
 2. A private party recorded by the Department as the lienholder on a vehicle or mobile home title, or an organization recorded by the Department as the lienholder on a mobile home title, shall manually submit to the Department all documents required under subsections (A)(2) and (A)(3) to release a lien on the Department's records within 15 business days after receiving payment in full satisfaction of the lien from the owner of the vehicle or mobile home.
- C. Lien release received in error. The ~~Division Department~~ will not reimburse any parties for any monetary damages that may occur when a lienholder issues a lien clearance to the ~~Division Department~~ in error.
- D. Administrative hearing. A lienholder who is assessed a civil penalty, as prescribed under A.R.S. § 28-2134, may request a hearing in accordance with the procedures prescribed under 17 A.A.C. 1, Article 5.

ARTICLE 3. VEHICLE REGISTRATION

R17-4-301. Definitions

~~Definitions:~~ In addition to the definitions prescribed under ~~R17-4-101~~, A.R.S. §§ 28-101, 28-2231, and 28-5100, the following definitions apply to this Article, unless otherwise specified:

- "Apportioned commercial vehicle" means a commercial vehicle that is subject to the proportional registration provisions prescribed under A.R.S. § 28-2233.
- "Biennial" means once every two years.
- ~~"Business day" means a day other than a Sunday or holiday.~~
- "Calendar quarter" means the following time periods established by the ~~Division Department~~: January 1 to March 31, April 1 to June 30, July 1 to September 30, and October 1 to December 31.
- ~~"Day" means the 24 hour period from one midnight to the following midnight.~~
- ~~"Disabled person" means a recipient of public monies as a disabled individual under Title 16 of the Social Security Act.~~
- ~~"Division" means the Arizona Department of Transportation's Motor Vehicle Division.~~
- ~~"Division Director" means the Assistant Director for the Arizona Department of Transportation's Motor Vehicle Division or the Assistant Director's designee.~~
- "Drop box" means a receptacle designated by the ~~Division Department~~ into which a person places vehicle registration forms and fees, and from which the ~~Division Department~~ retrieves these items daily.
- "Effective date of registration" means the date the vehicle first becomes subject to registration fees in Arizona.
- "Electronic delivery" means the transmission of registration and credit card information to the ~~Division Department~~, by computer, through an authorized third party electronic service provider.
- "Emergency Vehicle Permit" means a document issued by the ~~Division's Enforcement Services Program Department's Enforcement and Compliance Division~~ to a private fire department for a single fire engine that authorizes the driver of a permitted vehicle to exercise the privileges prescribed under A.R.S. § 28-624.
- "Expiration date" means the day, month, and year in which a vehicle registration expires.
- "Fire Engine" means a motor vehicle containing fire-fighting equipment capable of extinguishing fires.
- "IM147 Test" means the emissions test prescribed under A.R.S. § 49-542(F)(2)(a).

~~“Included vehicle” means a vehicle subject to annual or biennial Arizona registration unless otherwise excluded from the staggered registration prescribed under A.R.S. § 28-2159 and R17-4-304.~~

~~“Initial registration” means the first registration of an included vehicle in Arizona.~~

“OBd” means the On-Board Diagnostics emissions test prescribed under A.R.S. § 49-542(F)(2)(a).

“Off-highway vehicle” has the same meaning as prescribed under A.R.S. § 28-1171.

“Operator Requirements” means the requirements given in Chapter 2, Basic Driver/Operator Requirements, of the National Fire Protection Association Standard for Fire Apparatus Driver/Operator Professional Qualification (NFPA 1002), 1998 edition, which is incorporated by reference and on file with the Arizona Department of Transportation and the Office of the Secretary of State. This incorporation by reference contains no future editions or amendments.

“Personalized plate” means a vehicle license plate that displays a plate number chosen by a person rather than a plate number assigned by the Department.

“Private fire department” means a fire fighting business equipped to provide emergency fire-fighting devices for a private purpose that is neither a public service corporation nor a municipal entity.

“Private Fire Emergency Vehicle” means a fire engine operated by a private fire department for which an Emergency Vehicle Permit is issued.

~~“Registration” means the authorization, issued by the Division that allows a vehicle to use state highways.~~

~~“Registration fees” means the fees due to the Division at the time of registration and consisting of the general registration fees imposed under A.R.S. § 28-2003, the vehicle license tax imposed under A.R.S. § 28-5801, and the commercial registration and gross weight fees imposed under A.R.S. § 28-5433.~~

“Registration period” means the time-frame during which a vehicle registration is valid.

“Renewal registration” means the second and subsequent registration of an included vehicle.

R17-4-302. Staggered Registration for Apportioned Commercial Vehicles

Apportioned commercial vehicle fleet registration periods. The ~~Division~~ Department shall assign a registration period to a newly registered apportioned commercial vehicle fleet. The fleet owner and the Director shall mutually agree to the registration period and expiration date.

1. The ~~Division~~ Department shall:
 - a. Establish a registration period that expires on the last day of the calendar quarter selected by the fleet owner, not to exceed 12 months from the initial registration date.
 - b. Apply the original fleet registration fees towards the registration fees required for a replaced vehicle when an owner replaces a vehicle within a fleet.
 - c. Apply the original fleet registration fees towards the registration fees required for a transferred vehicle when an owner transfers a vehicle between fleets.
 - d. Refund any excess credit of registration fees in accordance with the provisions prescribed under A.R.S. § 28-2356.
2. The owner of an apportioned commercial fleet vehicle shall:
 - a. Ensure that all vehicles within a fleet have the same registration period.
 - b. Ensure that the fleet vehicle is not operated with an expired vehicle registration.
 - c. Maintain the assigned or selected registration period for at least three consecutive registration periods.
3. The ~~Division~~ Department shall not provide a grace period for late registration or late payment of fees.

R17-4-303. Biennial Registration

A. ~~Biennial registration.~~ Except as prescribed under A.R.S. §§ 28-2159 and 28-2208:

1. The ~~Division~~ Department may register any vehicle biennially, unless excluded.
2. The ~~Division~~ Department shall register a newly licensed or newly leased vehicle biennially, unless the owner chooses to register the vehicle on an annual basis.

B. Excluded vehicles. The owner of a vehicle that meets any one of the following criteria is excluded from the biennial registration program:

1. A vehicle required to have an IM147 or OBD test within 12 months after the date of registration.
2. A vehicle that requires an annual emissions test.
3. A vehicle subject to any one of the following types of registration:
 - a. Allocated registration under A.R.S. § 28-2261,
 - b. Apportioned registration under A.R.S. § 28-2261,
 - c. Fleet registration under A.R.S. § 28-2202 or § 28-2208, or
 - d. Interstate registration under A.R.S. § 28-2052.
4. A vehicle with an undersized mobile home plate registration.
5. A vehicle that requires the owner to annually certify eligibility for ~~a registration fee exemption on an annual basis~~ receiving certain registration fee exemptions; such as the registration exemption available to an active duty military member, a widow, widower, or ~~disabled person with a disability~~ disabled person with a disability other than a 100% disabled veteran with a certificate of 100% disability issued by the United States Department of Veterans Affairs.
6. A vehicle subject to a one-time registration fee.

R17-4-304. Staggered Registration for Included Vehicles

A. Included vehicles. The ~~Division~~ Department shall assign one of the following staggered expiration dates when issuing an initial registration to an included vehicle:

1. If a vehicle has an effective date of registration from the first day through the 15th day of the month:
 - a. Annual registration expires on the 15th day of the month 12 months from the month the vehicle is subject to Arizona registration; or

- b. Biennial registration expires on the 15th day of the month 24 months from the month the vehicle is subject to Arizona registration.
 2. If a vehicle has an effective date of registration from the 16th day through the last day of the month:
 - a. Annual registration expires on the last day of the month 12 months from the month the vehicle is subject to Arizona registration; or
 - b. Biennial registration expires on the last day of the month 24 months from the month the vehicle is subject to Arizona registration.
- B. Excluded vehicles.** The staggered registration prescribed by this Section excludes the following vehicles:
1. A vehicle exempt from registration;
 2. A vehicle subject to any one of the following types of registration:
 - a. Allocated registration under A.R.S. § 28-2261,
 - b. Apportioned registration under A.R.S. § 28-2261,
 - c. Fleet registration under A.R.S. § 28-2202 or § 28-2208,
 - d. Interstate registration under A.R.S. § 28-2052, or
 - e. Seasonal agricultural registration under A.R.S. § 28-5436;
 3. A vehicle subject to a one-time registration fee;
 4. A government vehicle, a vehicle owned by an official representative of a foreign government, or an emergency vehicle owned by a nonprofit organization as provided under A.R.S. § 28-2511(A);
 5. A noncommercial trailer that is not a travel trailer as defined by A.R.S. § 28-2003(B) and is less than ~~6000~~ 10,000 pounds declared gross vehicle weight under A.R.S. §§ ~~28-2003(A)(7)~~ 28-2003(A)(8) and 28-5801(C); and
 6. A moped;
 7. ~~A motorized electric or gas powered bicycle or tricycle capable of reaching speeds of 20 to 25 miles per hour.~~
- C. Proration of fees.** The ~~Division~~ Department shall prorate registration fees as prescribed under A.R.S. §§ 28-2159, 28-5807, and 28-5434.
- D. Expiration dates.** The ~~Division~~ Department shall utilize the following expiration dates, regardless of the effective date of the initial registration:
1. Annual registration: Expires 12 months from the expiration of the previous registration period; or
 2. Biennial registration: Expires 24 months from the expiration of the previous registration period.
- E. Application for registration.** A person applying for an initial registration or renewal registration for an included vehicle shall submit the requirements prescribed under subsection (1) or (2):
1. If a person submits the registration to the ~~Division~~ Department or an Authorized Third-party Provider of registration functions in person or by mail:
 - a. The application for registration or registration card, and
 - b. Payment of registration fees.
 2. If a person submits the registration to an Authorized Third-party Electronic Delivery Provider:
 - a. Required registration information, and
 - b. Credit card information.
- F. Timely submission of registration.** A person shall submit the renewal registration of an included vehicle not later than the day the prior registration period expires. If the prior registration period expires on a day other than an established business day, a person shall submit the renewal registration of an included vehicle not later than the first business day after the prior registration period expires.
- G. Penalties.** The penalties imposed under A.R.S. § 28-2162 for delinquent renewal registration of an included vehicle shall apply when either of the following occurs:
1. A person does not submit to the ~~Division~~ Department or an Authorized Third-party Provider of registration functions the items set forth in subsection (E)(1) so that the items are received by the due date; or
 2. A person does not electronically submit to an Authorized Third-party Electronic Delivery Provider the items required under subsection (E)(2) so that the items are received by the due date.
- H. Date of receipt.** The date of receipt for the items required under subsection (E)(1) or (E)(2) shall be the following:
1. The date a person presents the items required under subsection (E)(1) to a ~~Division~~ Department facility or the facility of an Authorized Third-party Provider of registration functions in person;
 2. The date an Authorized Third-party Electronic Delivery Provider receives by computer or telephone the items set forth in subsection (E)(2);
 3. The date a private express mail carrier receives the package containing the items set forth in subsection (E)(1), as indicated on the shipping package;
 4. The date of the last business day prior to the day the ~~Division~~ Department retrieves the items set forth at subsection (E)(1) from a designated ~~Division~~ Department drop box; or
 5. The date of the United States Postal Service postmark stamped on the envelope containing the items set forth in subsection (E)(1), unless the vehicle is not in compliance with the motor vehicle emissions testing requirements.
- I. Evidence of registration.** The ~~Division~~ Department or Authorized Third-party Provider of registration functions shall assign and issue a number plate or plates to an included vehicle as evidence of registration.
1. The assigned number plate shall be attached and displayed on the rear of the assigned vehicle. When two plates are issued, the second plate may be attached to the front of the assigned vehicle.
 2. Improper number plate display shall subject the owner and operator of the vehicle to the sanctions imposed under A.R.S. §§ 28-2531(B) and 28-2532.
 3. Any registration tabs or stickers issued by the ~~Division~~ Department or Authorized Third-party Provider of registration functions shall be displayed on the appropriate number plate of the assigned vehicle.

R17-4-305. Temporary Registration Plate “TRP” Procedure

- A. Definitions.**
1. “Charitable Event TRP” means a TRP issued to a motor vehicle dealership or manufacturer for a charitable event as prescribed by A.R.S. § 28-4548.
 2. “Deal Unwound” means the vehicle was returned to the dealership and the sale was not completed.
 3. “Voided TRP” means a TRP that the issuer records as voided after issuing the TRP.
- B. Issuing.**
1. New and used motor vehicle dealers ~~and title service companies~~ that issue TRPs shall send an electronic record of the TRP to the ~~Division~~ Department before placing the TRP on the vehicle.
 2. The TRP expiration date shall be 45 days from the issue date.
 3. TRPs issued for charitable events are valid for the duration of the event not to exceed 45 days.
 4. An issuer shall not issue more than one TRP per vehicle sale.
 5. An issuer shall attach the TRP to the vehicle rear in the same manner and position as a permanent license plate prescribed under A.R.S. § 28-2354.
- C. Voiding.** An issuer shall void a TRP when:
1. The TRP is lost,
 2. The TRP is damaged,
 3. The dealer reports a deal unwound,
 4. The issuer enters the wrong vehicle identification number, or
 5. The issuer enters the wrong customer identification number.

R17-4-307. Motor Vehicle Registration and License Plate Reinstatement Fee

- A.** Under A.R.S. § 28-4151(A), the ~~Division~~ Department shall assess a \$50 fee for reinstatement of a motor vehicle registration and license plate suspended under A.R.S. §§ 28-4148 and 28-4149.
- B.** Subsection (A) does not apply to a motor carrier subject to the financial responsibility requirements prescribed under A.R.S. Title 28, Chapter 9, Article 2, unless the vehicle owner or operator was required to comply with the financial responsibility requirements prescribed under A.R.S. § 28-4033(A)(2)(c).

R17-4-308. Official Vehicle License Plates

- A.** The ~~Motor Vehicle Division~~ Department shall issue license plates without charge for official vehicles owned by any entity listed in A.R.S. § 28-2511(A).
- B.** A license plate issued under A.R.S. § 28-2511 has no expiration date.
- C.** An entity listed in A.R.S. § 28-2511(A) may transfer a license plate to another vehicle the entity owns.
- D.** A person who has custody of vehicles governed by A.R.S. § 28-2511 shall:
1. Complete title and registration procedures as prescribed under A.R.S. Title 28, Chapter 7;
 2. Display each license plate as prescribed by A.R.S. § 28-2354; and
 3. Maintain a record of each license plate transfer that includes:
 - a. The date of the transfer;
 - b. The year, make, and model of the vehicle, and
 - c. The vehicle identification number (VIN) for each car involved in the transfer.

R17-4-309. Private Fire Emergency Vehicle Permit

- A. Private Fire Emergency Vehicle Permit.** A Private Fire Emergency Vehicle Permit may be issued to a private fire department if all requirements provided under subsections (B) and (C) are met.
1. The Private Fire Emergency Vehicle Permit is valid until revoked or surrendered.
 2. The Private Fire Emergency Vehicle Permit shall be carried at all times in the fire engine for which the permit is issued.
 3. The Private Fire Emergency Vehicle Permit is not transferable.
 4. The Private Fire Emergency Vehicle Permit shall remain the property of the ~~Division~~ Department and shall be surrendered to the ~~Division~~ Department when the fire engine is no longer being used to respond to an emergency.
- B. Private Fire Emergency Vehicle Permit application.** A person applying for a Private Fire Emergency Vehicle Permit shall submit the required documentation to the ~~Division’s Enforcement Services Program~~ Department’s Enforcement and Compliance Division, P.O. Box 2100, Mail Drop 513M, Phoenix, Arizona ~~85007~~ 85001-2100. The following documentation is required at the time of initial application:
1. Private Fire Emergency Vehicle Permit Application. Multiple fire engines may be listed on one application. The Private Fire Emergency Vehicle Permit Application is ~~furnished by the Division and is available upon request from the Division’s Enforcement Services Program~~ provided by the Department on its website at azdot.gov; and
 2. Proof of acceptable financial responsibility to cover any liability that may arise from the use of the Private Fire Emergency Vehicle Permit. Acceptable proof of financial responsibility is an insurance policy that:
 - a. Is issued by an insurance company licensed to conduct business in Arizona by the Arizona Department of Insurance;
 - b. Is written for a combined single-limit coverage of at least \$5 million;
 - c. Contains a provision stating that the state of Arizona shall be notified at least 30 days prior to any policy cancellation, non-renewal, or change in provisions; and
 - d. Contains a provision stating that the state of Arizona shall be notified immediately if the insurance company becomes insolvent.
- C. Operational requirements.**
1. A fire engine may be operated with the privileges prescribed under A.R.S. § 28-624, but shall be subject to all other applicable provisions prescribed under A.R.S. Title 28, A.A.C. Title 17, and any other applicable statutes or ordinances.

2. A fire engine shall only be driven by an operator who meets the Operator Requirements as defined under R17-4-301.
 3. A fire engine with a Private Fire Emergency Vehicle Permit, shall meet the National Fire Protection Association's (NFPA) fire engine and fire apparatus standards in effect for the manufacture date of the emergency vehicle.
 4. The private fire department is responsible for ensuring that the fire engine is not operated using the privileges prescribed under A.R.S. § 28-624 with an invalid Private Fire Emergency Vehicle Permit.
- D.** Denial. If an application for a Private Fire Emergency Vehicle Permit is denied, a notice of denial shall be sent to the applicant at the address of record. An applicant is allowed to reapply for a permit following denial, provided all requirements listed under this Section are met.
- E.** Revocation. If a Private Fire Emergency Vehicle Permit is revoked, a notice of the revocation shall be sent to the address of the applicant. An applicant is allowed to reapply for a permit following revocation, provided all requirements listed under this Section are met.
1. The emergency vehicle permit is immediately revoked upon a determination that:
 - a. The permitted vehicle or the private fire department no longer meets the requirements for the permit; or
 - b. The vehicle was operated in violation of the provisions of this ~~rule~~ Section, any other applicable rule, or statute.
 2. The revocation shall be preceded by a notice of intent to revoke.
 - a. The notice of intent to revoke shall be sent by ~~first-class~~ mail to the address of the applicant as shown on the permit application.
 - b. The notice of intent to revoke shall inform the applicant of the right to an administrative hearing and the procedure for requesting a hearing.
 3. The revocation shall become effective 25 days after the mailing date of the notice of intent to revoke unless a timely request for hearing is submitted.
- F.** Administrative hearing. The administrative hearing is held in accordance with the procedures prescribed under 17 A.A.C. 1, Article 5.

R17-4-310. Personalized License Plates

~~A.~~ Definitions.

1. ~~“Division” means the Motor Vehicle Division of the Arizona Department of Transportation.~~
2. ~~“Division Director” means the Assistant Division Director for the Motor Vehicle Division of the Arizona Department of Transportation.~~
3. ~~“Personalized plate” means a license plate with a registration number chosen by a person rather than assigned by the Division.~~
4. ~~“Plate number” means the combination of letters, numbers, and spaces on a vehicle license plate.~~

~~**B.A.** A person who wants to receive a personalized plate shall file an application with the Division on a form provided by the Division may request a personalized plate online through the Department’s authorized electronic service provider or complete and submit to the Department the special plate application form provided on the Department’s website at www.azdot.gov.~~

1. An applicant shall provide the following information on the form:
 - a. Name of the vehicle’s owner or lessee;
 - b. Vehicle owner’s or lessee’s mailing address;
 - c. Vehicle’s make and year;
 - d. Vehicle identification number;
 - e. Vehicle’s current plate number;
 - f. Date the vehicle’s current registration expires;
 - g. Plate number to appear on the personalized plate;
 - h. Meaning or message of the personalized plate; and
 - i. Other information required by the ~~Division~~ Department.
2. If an applicant is purchasing the personalized plate as a gift for the vehicle’s owner or lessee, the applicant shall also provide the applicant’s name and mailing address.

~~**B.B.** The Division Department shall reject the application if the requested plate number:~~

1. Refers to or connotes breasts, genitalia, pubic area, buttocks, or relates to sexual or eliminatory functions;
2. Refers to or connotes the substance, paraphernalia, sale, use, purveyor of, or physiological state produced by any illicit drug, narcotic, or intoxicant;
3. Expresses contempt for or ridicule or superiority of a class of persons;
4. Duplicates another ~~registration~~ registered plate number;
5. Has connotations that are profane or obscene; or
6. Uses linguistics, numbers, phonetics, translations from foreign languages or upside-down or reverse reading to achieve a reference or connotation prohibited ~~in subsection (C)(1) through (C)(3) or (C)(5)~~ under subsection (B)(1), (B)(2), (B)(3), or (B)(5).

~~**B.C.** Rejection of application.~~

1. If the ~~Division~~ Department does not issue personalized plates to an applicant, the ~~Division~~ Department shall inform the applicant by mail.
2. An applicant may make a written appeal by letter for a review of the rejection, within 10 days after the date of the ~~Division’s~~ Department’s notice, to the following address:
~~Motor Vehicle Division~~ Arizona Department of Transportation, Motor Vehicle Division
 Special Plates Unit, Mail Drop 801Z
 PO Box 2100
 Phoenix, Arizona 85001-2100.

~~**E.D.** Revocation of personalized plates; appeal.~~

1. If the ~~Division~~ Department determines that a personalized plate should not have been issued because it contains a plate number prohibited under subsection ~~(C)(B)~~, the ~~Division~~ Department shall require the plate holder to surrender the plates to the ~~division~~ Department within 30 days after the date of the ~~Division’s~~ Department’s mailed notice, unless the plate holder requests an appeal under subsection ~~(D)(2)(C)(2)~~.

2. A person who has been directed to surrender a personalized plate may submit a written appeal by letter as prescribed under subsection ~~(D)(2)(C)(2)~~.
3. Refund of personalized plate fees on revocation.
 - a. The ~~Division~~ Department shall refund the amount of the personalized plate fee and the ~~pro-rated~~ prorated amount of the special annual renewal fee to the person holding the revoked personalized plate along with any credit or refund calculated by the ~~Division~~ Department.
 - b. A person whose plate is revoked may request that instead of a refund, the ~~Division~~ Department issue the person a different personalized plate. The person shall apply for the personalized plate as prescribed under subsection ~~(B)(A)~~.
4. The ~~Division~~ Department shall cancel ~~the vehicle plate of a vehicle if the person who holds a revoked personalized plate if the plate holder does not surrender the plate within 30 days after the date of the Division's Department's notice or, if the person plate holder timely requests an appeal, within 30 days after the Division Department issues a final decision.~~

R17-4-311. Special Organization Plate List

As required under A.R.S. § 28-2404(D), the ~~Division~~ Department provides the following list of special organization license plates, which ~~were~~ authorized by the state license plate commission before September 30, 2009, and are available for issue to qualified applicants:

1. Arizona Historical Society,
2. Firefighter,
3. Fraternal Order of Police,
4. Legion of Valor,
5. University of Phoenix, ~~and~~
6. Wildlife Conservation-, ~~and~~
7. Choose Life.

R17-4-312. Off-highway Vehicle User Indicia

- A. For lawful Arizona off-highway operation, the owner or operator of a qualifying all-terrain vehicle, off-highway vehicle, or off-road recreational motor vehicle shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the ~~Division~~ Department:
 1. The off-highway vehicle user indicia application provided by the ~~Division~~ Department on its website at www.azdot.gov, and
 2. The fee prescribed under subsection (C).
- B. The owner or operator shall indicate, on the application submitted to the ~~Division~~ Department under subsection (A), one of the following categories of intended vehicle usage:
 1. Exclusively off-highway;
 2. Primarily off-highway, occasionally on-highway; or
 3. Primarily on-highway, occasionally off-highway.
- C. The fee for each off-highway vehicle user indicia issued or renewed by the Department under A.R.S. § 28-1177 is \$25.
- D. The off-highway vehicle user indicia, issued by the ~~Division~~ Department under subsection (A), shall have the same basic design as the license plate tab issued by the ~~Division~~ Department for other types of vehicles and shall contain the letters OHV.
- E. The applicant shall display the off-highway vehicle user indicia in the upper left corner of the license plate issued by the ~~Division~~ Department under A.R.S. Title 28, Chapter 7, Articles 11 through 15.

R17-4-350. Rental Vehicle Surcharge Reimbursement

- A. Definitions. In addition to the definitions prescribed under A.R.S. § 28-5810, the following terms apply to this Section, unless otherwise specified:

“Person” means an individual, a sole proprietorship, firm, partnership, joint venture, association, corporation, limited liability company, limited liability partnership, estate, trust, business trust, receiver or syndicate, this state, any county, city, town, district or other subdivision of this state, an Indian tribe, or any other group or combination acting as a unit.

“Previous year” means the prior calendar year, January 1 through December 31.

“Rental revenue” means the total contract amount stated in the retail contract less any taxes and fees imposed by A.R.S. Title 42, Chapter 5, Article 1, A.R.S. Title 48, Chapter 26, Article 2, and selected non-vehicle related charges, including boxes, packing blankets, straps, and tow bars.

“Surcharge” means the amount equal to five percent of the total contract amount stated in the rental contract less any taxes and fees imposed by A.R.S. Title 42, Chapter 5, Article 1, A.R.S. Title 48, Chapter 26, Article 2, and selected non-vehicle related items, including boxes, packing blankets, straps, and tow bars.

“Vehicle License Tax” means the tax imposed by A.R.S. § 28-5801, less any tax credited under A.R.S. § 28-2356.
- B. Reports. Each person subject to A.R.S. § 28-5810, who has conducted a vehicle rental business for any time period during the previous year, shall file an annual report, for the previous year, with the Department. The annual report is due no later than February 15 of each year, unless the rental business is closed before December 31, in which case the annual report is due immediately. The report shall be made on a form furnished by the Department and shall contain all of the following:
 1. Address where business records are secured;
 2. Name, title, phone number, and signature of the person authorized to sign the form;
 3. Business name;
 4. Business type, including sole proprietorship, partnership, corporation, limited liability company, and limited liability partnership;
 5. Name, title, phone number, mailing address, and e-mail address of the contact person;
 6. Federal Employer Identification Number (FEIN);

7. Mailing address (if different from principal business address);
 8. Principal business address;
 9. Rental vehicle revenue collected, by county;
 10. Total Arizona Vehicle License Tax paid on rental vehicles;
 11. Total rental vehicle revenue collected;
 12. Total surcharge collected;
 13. Total surcharge due to the Department; and
 14. Type of rental business, including passenger vehicle, semitrailer, trailer, truck, motorcycle, moped, and recreational vehicle.
- C. Records. A person in the business of renting vehicles, as defined under A.R.S. § 28-5810, is required to maintain records in support of the required annual reports for a period of four years after the date of the filing of the required annual report or the due date of the report, whichever is longer. The records shall contain all information in support of:
1. The total amount of Vehicle License Tax paid during the previous year. Supporting Vehicle License Tax records for each rental vehicle shall include:
 - a. The Vehicle Identification Number,
 - b. The Arizona vehicle license plate number,
 - c. A copy of the Arizona registration,
 - d. The amount paid for Vehicle License Tax minus any Vehicle License Tax credited under A.R.S. § 28-2356,
 - e. The date on which the Vehicle License Tax was paid, and
 - f. The dates the rental vehicle was in and out of service.
 2. The total gross amount of Arizona vehicle rental revenues collected for the previous year. Supporting Arizona vehicle rental revenue records shall include:
 - a. The rental contract for each rental vehicle,
 - b. The amount of surcharge collected,
 - c. Chart of accounts,
 - d. General ledger,
 - e. Financial statements,
 - f. Federal tax returns, and
 - g. Monthly trial balance.
 3. The amount of the surcharge collected during the previous year. Supporting surcharge collection records shall include:
 - a. All applicable rental contracts; and
 - b. The total amount stated in each rental contract, supported by relevant documentation.
 4. Failure to keep and maintain proper records or failure to provide records for audit purposes may result in the Department making an assessment against the rental business for the total surcharge amount estimated to have been collected, as determined from the best information available to the Director.
- D. Audits. The Department shall conduct each audit of a person who collects the surcharge in accordance with generally accepted government auditing standards as ~~set forth in *Government Auditing Standards: 2011 Revision* (commonly referred to as the Yellow Book)~~ most recently revised and issued by the Comptroller General of the United States, U.S. Government Accountability Office. The Department incorporates by reference *Government Auditing Standards: 2011 Revision* and no later amendments or editions. The incorporated material is on file with the Department. The printed version is most recent edition of the generally accepted government auditing standards (commonly referred to as the Yellow Book) is available from the U.S. Government Printing Office, P. O. Box 979050, St. Louis, MO 63197-9000. The incorporated material is available free of charge at <http://www.gao.gov/yellowbook> or can be ordered online by visiting the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>.
1. The rental business shall have records made available for audit during normal business hours at the rental business location in Arizona. The Department may conduct audits at an out-of-state location, which are paid for by the rental business. The rental business shall pay the audit expenses, per diem, and travel in accordance with the Arizona Department of Transportation expense guidelines in effect at the time of the audit.
 2. The Director has appropriate subpoena powers to require records to be produced for examination and to take testimony. In accordance with A.R.S. § 28-5922, if a person fails to respond to the Director's or agent of the Director's request for records, the Director shall issue subpoenas for the production of records or allow seizure of records.

title, stolen vehicle certificate of title, or a nonrepairable vehicle certificate of title. However, since a notarized or witnessed signature on a certificate of title and certain other supporting documents is not expressly required by state or federal law, the Department has determined that a notarized signature on a certificate of title and certain other supporting documents should no longer be required when an insurance company or any other entity seeks to lawfully salvage, dismantle, or otherwise transfer ownership of an Arizona vehicle or mobile home.

According to the American Association of Motor Vehicle Administrators (AAMVA), there is a significant increase in other state jurisdictions looking for more efficient and effective methods to process title applications. Some jurisdictions are incorporating more electronic processes, creating paperless electronic titling (e-titling) systems, and eliminating the paper titling process. These systems allow the transfer of ownership for a vehicle to take place electronically while authenticating the identity of the parties involved in the transaction and updating the jurisdiction's vehicle record without printing a paper title. Electronic title transfer processes offer vehicle buyers and sellers a secure, electronic method to validate ownership and facilitate the assignment or reassignment of a vehicle without reliance on a paper process. To support these electronic efficiencies, AAMVA issued its written policy position on notary requirements, dated 10/14/2013, to recommend that notary public requirements be eliminated on all motor vehicle forms.

The Department has since implemented its own electronic title and registration system that can allow certain title and registration transactions to be initiated and completed online without the vehicle owner having to physically visit an office of the Department's Motor Vehicle Division. Before issuing an electronic certificate of title and registration in the state of Arizona, the Department runs each vehicle identification number through the National Motor Vehicle Title Information System, which instantly queries the title and registration records of other states and returns information the Department or its systems can use to verify whether or not the vehicle is currently titled, registered, or otherwise documented, reported stolen, or branded in any other state. The vehicle seller's signature on a certificate of title and certain other supporting documentation would not need to be notarized or witnessed by an agent of the ADOT Motor Vehicle Division if both the buyer and seller of an Arizona vehicle or mobile home use the Department's electronic title transfer process to transfer ownership from one owner to another.

This rule prescribes the form and content of the repossession affidavit a lienholder of record is required to submit to the Department when transferring ownership of a motor vehicle for which a certificate of title has been issued in this state, or another state, and ownership is reverting by operation of law to the lienholder of record through repossession pursuant to the terms of a security agreement or through another similar instrument that is valid in any applicable state.

These rule amendments allow the Department to eliminate an unnecessary step in its current vehicle and mobile home title transfer process and reduce an unnecessary regulatory burden currently affecting rural Arizona residents who seek to buy or sell a motor vehicle but do not have immediate access to a notary public or ADOT Motor Vehicle Division office location. Since Arizona is one of only nine states (incl. Kentucky, Louisiana, Montana, North Carolina, Ohio, Oklahoma, Pennsylvania, and Wyoming) to require a notarized or witnessed signature when selling a vehicle or mobile home, the Department is confident that modernizing systems and procedures to eliminate the onerous notary requirement on title transactions can be accomplished while achieving the same regulatory objective.

Therefore, the Department is updating all of its existing title and registration rules relating to certain vehicle and mobile home title transfer processes and procedures to streamline services, better implement efficiencies, and avoid creating a bifurcated title transfer process that would continue to subject the general public to a more stringent process than what would typically be required of an insurance company requesting to transfer or otherwise maintain a vehicle or mobile home title.

As authorized under A.R.S. § 41-1039(A), paragraphs (2), (5), and (10), the anticipated rule amendments will allow the Department to:

Reduce a regulatory burden by making the rules more clear, concise, and understandable;

Comply with existing state statutory requirements by including technical corrections and updated language needed for conformance with statutory amendments made over the last several years;

Eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government; and

Complete the Department's stated course of action in its five-year review report on other vehicle title and registration rules located under 17 A.A.C. 4, Articles 1, 2, and 3, as approved by the Governor's Regulatory Review Council on November 7, 2023.

8. 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 agency did not review or rely on any study for this rulemaking.

9. 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

10. A summary of the economic, small business, and consumer impact:

This rulemaking amends one rule under Arizona Administrative Code Title 17, Chapter 5, Article 4, relative to vehicle title and registration requirements applicable to any person involved in the ownership, sale, or repossession of a motor vehicle in this state. Stakeholders having an interest in this rulemaking may include the Department, applicants for Arizona vehicle title and registration services, the American Association of Motor Vehicle Administrators, Arizona Auto Auctions, Arizona Automobile Association, Arizona Automobile Dealers Association, Arizona Department of Insurance and Financial Institutions, Arizona Department of Public Safety, Arizona Independent Automobile Dealers Association, Arizona Trucking Association, Banks, Credit Unions, and the Manufactured Housing Industry of Arizona.

This rule assists the Department in preventing any significant threats to public safety, provides members of the public with certain assurances that all regulated dealers are following the same procedures when transferring ownership of any vehicle subject to the rule, and ensures that all lawful disclosures are adequately addressed.

The Department anticipates that this rulemaking will reduce a regulatory burden by incorporating several technical corrections and language updates needed to: improve the clarity, conciseness, and understandability of the rule; promote conformance with statutory amendments made over the last several years; and provide vehicle and mobile home owners with a clearer understanding of the Department's current title and registration application processes. The rule amendments are intended to provide all businesses, and the general public, with a less burdensome process for acquiring, managing, or selling a vehicle or mobile home in the state of Arizona, eliminate rules that are antiquated, redundant or otherwise no longer necessary for the operation of state government, and reduce a regulatory burden while achieving the same regulatory objectives.

These rule amendments are intended to assist the Department with: implementing statutory requirements prescribed under Laws 2022, Ch. 66; eliminating unnecessary steps in the Department's current vehicle and mobile home title transfer processes; and completing the Department's stated course of action in its five-year review report on other vehicle title and registration rules located under 17 A.A.C. 4, Articles 1, 2, and 3, as approved by the Governor's Regulatory Review Council on November 7, 2023. The economic impact of this rulemaking is not readily quantifiable, but is anticipated to be de minimis.

For successful implementation of Laws 2022, Ch. 66, the Department seeks to amend this existing rule to clarify that a notarized signature is no longer required on a properly endorsed certificate of title or on certain other documents when submitted to the Department in support of a vehicle or mobile home title transfer, unless the notarized signature is specifically required by statute. The Department intends to repeal three existing rules (R17-4-202, R17-4-203, and R17-4-204) in a separate rulemaking to reflect the Department's efforts in reducing an unnecessary regulatory burden currently affecting rural Arizona businesses and residents who seek to buy or sell a motor vehicle but do not have immediate access to a notary public or ADOT Motor Vehicle Division office location. Since Arizona is one of only nine states to require a notarized or witnessed signature when selling a vehicle or mobile home, the Department is confident that modernizing systems and procedures to eliminate the onerous notary requirement on title transactions can be accomplished while achieving the same regulatory objective. The other eight states are Kentucky, Louisiana, Montana, North Carolina, Ohio, Oklahoma, Pennsylvania, and Wyoming.

Since these rule amendments are intended to provide all businesses, and the general public, with a less burdensome process for acquiring, managing, or selling a vehicle or mobile home in the state of Arizona, the economic impact of the rule amendments will vary greatly depending on the number of vehicles each owner or stakeholder needs to transfer, but it is anticipated that streamlining title transfer processes will provide a minimal benefit to all Arizona dealers and lienholders who will no longer need to participate in an extended back and forth title transfer process when repossessing a vehicle or mobile home.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

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

The agency received no comments on this rulemaking.

13. 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 ADOT 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 affidavit of repossession outlined in this rulemaking is an authorization issued by the Department under the rule, is specifically required by statute, and is considered a "general permit" as defined under A.R.S. § 41-1037, since the activities and practices authorized by the affidavit of repossession are the same for all vehicle owners, operators, and lienholders.

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 applicable to the subject matter of this rule.

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.

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

This rulemaking incorporates no materials by reference.

15. Whether the rule was previously made, amended or repealed as an emergency rule. 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:

Not applicable

16. The full text of the rule follows:

TITLE 17. TRANSPORTATION
CHAPTER 5. DEPARTMENT OF TRANSPORTATION
COMMERCIAL PROGRAMS

ARTICLE 4. DEALERS

Section
R17-5-407. Motor Vehicle Repossession

ARTICLE 4. DEALERS

R17-5-407. Motor Vehicle Repossession

- A. The Department shall not transfer a title when the ownership of a motor vehicle titled in this state or another state reverts through operation of state law to a lienholder of record through repossession unless the following conditions are met:
1. The motor vehicle is physically located in this state;
 2. A notice of lien is filed with the Department;
 3. A completed affidavit from the lienholder is submitted to the Department stating that the motor vehicle is physically located in this state and was repossessed on default pursuant to the terms of the lien and applicable law and that this state, its agencies, employees, and agents shall not be held liable for relying on the contents of the affidavit; and
 4. In addition to the information required ~~in~~ under subsection (A)(3), the affidavit contains the following information:
 - a. The (VIN),
 - b. The vehicle model year,
 - c. The vehicle make,
 - d. The registered owner's name,
 - e. The date of repossession,
 - f. The state in which the vehicle is titled,
 - g. The lienholder company name,
 - h. The lienholder agent or representative name, and
 - i. The lienholder signature, ~~and~~
 - j. ~~The notary or Department agent signature.~~
- B. The Department shall accept out-of-state affidavits of repossession that comply with the requirements ~~in~~ under subsections (A)(3), (A)(4), and subsection (C) if all of the following apply:
1. The affidavit is submitted by an Arizona licensed dealer, and
 2. The Arizona licensed dealer is transferring the title into the dealership's name.
- C. A lienholder may sell a repossessed motor vehicle without transferring the title into the lienholder's name by completing a Bill of Sale for submission to the Department. The Bill of Sale may be combined with the affidavit of repossession and shall contain the following information:
1. The buyer's name;
 2. The sale date;
 3. The buyer's street address, including the city, state, and zip code;
 4. The name of the new lienholder, if applicable;
 5. The new lien date, if applicable;
 6. The odometer certification statement, if required ~~by~~ under A.R.S. § 28-2058, including the odometer reading, and an acknowledgment with the buyer's name and signature;
 7. A statement that the buyer is aware of the odometer certification made by the seller;
 8. The seller's name;
 9. The seller's ~~notarized~~ signature; and
 10. The seller's address, including city, state, and zip code.
- D. A completed repossession affidavit as prescribed ~~in~~ under this Section is proof of ownership, right of possession, and right of transfer.
- E. The Department has no responsibility relating to foreclosure on real property under A.R.S. Title 33, Chapter 7.

NOTICE OF FINAL RULEMAKING
TITLE 18. ENVIRONMENTAL QUALITY
CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT

[R25-288]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
 October 15, 2025

<u>2. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R18-13-402	Amend
R18-13-501	Amend
R18-13-702	Amend
R18-13-801	Amend
R18-13-1103	Amend
R18-13-1211	Amend
R18-13-1212	Amend
R18-13-1212.01	Amend
R18-13-1306	Amend
R18-13-1307	Amend
R18-13-1409	Amend
Table 2	Amend
R18-13-1410	Amend
R18-13-1606	Amend
Article 19	Repeal
R18-13-1901	Repeal
R18-13-2002	Amend
R18-13-2102	Amend
R18-13-2103	Amend
R18-13-2201	Amend
R18-13-2202	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. § 49-104(B)(17)
 Implementing statute: A.R.S. §§ 44-1302, 44-1303(B), 44-1304.01(A)(8), 44-1322(D), 49-104(B)(14)(b), 49-706, 49-747(C), 49-761(D), 49-761(H), 49-762.03(F), 49-762.05(H), 49-802, 49-855, and 49-881

4. The effective date of the rule:
 December 3, 2025 (immediately upon filing with the Office of the Secretary of State)

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Pursuant to A.R.S. § 41-1032(A)(2) and (5), this effective date is necessary to avoid violation of a state law and to adopt a rule that is less stringent than the rule currently in effect, respectively. It is critical the fee adjustments under this rule take effect prior to the January 2026 billing cycle to ensure the regulated community will not be subject to statutorily deficient fees and also will not be subject to disproportionate fees that would result in an undue burden on a portion of the regulated community. If this rule does not take effect prior to the January 2026 billing cycle and the expiration of the associated emergency rulemaking, then those fees requiring adjustments for the reasons discussed in this Preamble will automatically be reinstated for the January 2026 billing cycle.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 1911; Issue Date: June 13, 2025; Issue Number: 24; File Number: R25-121
 Notice of Emergency Rulemaking: 31 A.A.R. 1897; Issue Date: June 13, 2025; Issue Number: 24; File Number: R25-120
 Notice of Proposed Rulemaking: 31 A.A.R. 2754; Issue Date: August 29, 2025; Issue Number: 35; File Number: R25-197

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

Name: Matt Rippentrop
 Title: Rule Writer/Legislative Liaison
 Address: 1110 W. Washington St., #160

Phoenix, AZ 85007

Telephone: (602) 771-4239

Email: rippentrop.matt@azdeq.gov

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

Summary: Following an emergency rulemaking effective June 6, 2025, this rule permanently establishes fees that were temporarily reduced or temporarily suspended pursuant to that emergency rulemaking, throughout 18 A.A.C. 13, Solid Waste Management. No facility or entity will be subject to a new or increased fee pursuant to this rulemaking. Instead, this rulemaking will result in the reduction of previously established fees, and in one instance the elimination of a fee. The emergency rulemaking and this subsequent standard rulemaking are necessary to ensure all solid waste fees fully meet applicable statutory criteria and that fees are more accurately reflective of actual costs associated with the regulation of entities subject to the fees, properly balancing the budget constraints of the regulated community and fiscal health of the Solid Waste Program (SWP).

Description of Solid Waste Management Programs: Arizona statutes make solid waste management a key responsibility of the state. Solid waste management mitigates adverse health and environmental impacts and improves the viability of Arizona. Having a robust and sustainable SWP ensures the proper storage, transportation, and disposal of solid waste to prevent negative impacts to the state in forms of uncontrolled dumping; improper recycling practices; and pollution of our water, land, and air. SWP regulates the management of solid waste from homes and businesses from the point of generation through transportation, and ultimately how it is recycled or disposed of.

The Environmental Protection Agency (EPA) does not have a single, overarching federal program relating to solid waste that states may seek primacy for. Instead, the primary federal law governing solid waste management is the Resource Conservation and Recovery Act (RCRA). RCRA establishes certain minimum standards and a basic framework for managing hazardous and non-hazardous solid waste which includes regulations for design and operation of landfills. Specifically, for non-hazardous solid waste, Subtitle D of RCRA encourages states to develop comprehensive plans to manage industrial and municipal solid waste. This includes setting criteria for municipal solid waste landfills and other solid waste disposal facilities, as well as prohibiting the open dumping of solid waste.

States play the primary role in implementing, monitoring, and compliance with RCRA Subtitle D requirements. EPA has developed regulations to set minimum national technical standards for how disposal facilities should be designed and operated. States issue permits and conduct inspections and oversight to ensure compliance with EPA and state regulations.

There are approximately 2,000 solid waste facilities with different media types subject to ADEQ regulatory compliance and oversight under SWP. The types of these facilities are diverse. Facility capacities vary as well as the type of waste streams managed. Facilities of various sizes are located throughout Arizona to ensure all communities have access to solid waste disposal. ADEQ provides regulatory and compliance assistance support. These facilities include but are not limited to solid waste transfer facilities of varying size and sophistication, from rural drop-site locations to city facilities. In addition, ADEQ also provides support for:

- Septage hauler licensees;
- Waste tire sites;
- Facilities registered for the treatment, storage, or disposal of Arizona special waste;
- Special waste transporters and generators;
- Biohazardous medical waste management entities;
- Used oil handlers and collectors subject to the Arizona Used Oil Program;
- Facilities accepting lead acid batteries for collection or recycling; and
- Landfills, both municipal and non-municipal.

These facilities are located throughout the state, requiring SWP to engage in inspection, management, and oversight in every county.

Regulatory activities for which ADEQ is responsible include inspections, permitting and licensing, public records management, fielding and investigating complaints, providing compliance assistance, and conducting oversight and approval of cleanup of contamination at solid waste facilities. Effective implementation of these regulatory activities for all solid waste facilities is the foundation for furthering the Waste Program Division's mission to protect and enhance public health and the environment by reducing the risk associated with waste management, contaminated sites, and regulated substances.

Background & Discussion: In December of 2024, ADEQ finalized a comprehensive solid waste fees rulemaking that adjusted existing and established new fees throughout 18 A.A.C. 13, Solid Waste Management. SWP has long faced budget shortfalls, which have only increased over the last several years due to increased program costs and other economic factors including the state's rapid population growth and inflation faced by the Phoenix metro area. Further, since fees were last set in 2012, ADEQ did not have the ability to adjust fees due to a one-time rulemaking authority. In response, the Arizona Legislature passed emergency legislation, Laws 2024, 2nd Regular Session, Ch. 121 (HB2367) in May of 2024 to authorize and mandate ADEQ to adjust and establish fees throughout SWP.

ADEQ immediately undertook a rulemaking in response to the passage of HB2367 to address increasing financial strain on SWP while making sure all fees were reflective of actual costs to the Agency and balanced the budget constraints of the regulated community against the fiscal health of the Program. Prior to the 2024 fee rulemaking, ADEQ last set solid waste fees in 2012. While the 2012 fee rulemaking was a critical step towards the ultimate goal of implementing a fee-based funding model for SWP, it was clear that more work was necessary to fully realize this goal. The 2024 fee rule strived to set fees to levels that accurately reflected current economic conditions, provided for annual adjustments based upon the Consumer Price Index (CPI) to ensure fees remain

current, and established fees more completely throughout all of Arizona Administrative Code (A.A.C.) Title 18, Chapter 13, Solid Waste Management, to ensure overall program health and fairer cost-sharing among regulated facilities and entities. Ultimately, the purpose of the rule was to achieve fiscal self-sufficiency of the SWP. The rule was effective December 24, 2024.

The Agency engaged in robust stakeholder engagement during 2024 and strived to establish each fee at a level commensurate with actual costs. While ADEQ is confident that many of the fees that were either adjusted or newly established were set at appropriate levels, further adjustments to some fees are necessary. Further, part of the 2024 fee rulemaking included fulfilling the relatively new statutory mandate to submit fees increased above the corresponding CPI increase to the Joint Legislative Budget Committee (JLBC) for review prior to the fee being increased. *See* A.R.S. § 41-1008(A)(3). ADEQ submitted seven fees increased above a CPI adjustment to JLBC. However, ADEQ erred by not including certain existing fees that were being increased above a CPI adjustment to JLBC in its submission materials. This was an oversight because four of these fees were one-time, initial registration fees that were not contemplated in budget forecasting or projections as they were anticipated to occur very rarely and generate very little revenue for the SWP. Additionally, ADEQ restructured six other existing fees and thus, at time of JLBC submittal, did not consider these as increases to existing fees for purposes of the statute. Whether or not these restructured fees should have been submitted under A.R.S. § 41-1008(A)(3) to JLBC, in the interest of full transparency with the regulated community, the Legislature, and the public, ADEQ believes that it should have more clearly and explicitly described these new categories of fees.

The 2024 fee rulemaking also established a delayed implementation schedule to lessen the initial burden of the fees by delaying collection of the increased portion of existing fees and collection of new fees until July 2025 to give counties, municipalities, and other political subdivisions adequate time to prepare for the fees and to align with their fiscal year. Following the determination that further adjustments to the fees established in the 2024 fee rulemaking were necessary to make certain full statutory compliance and to ensure fees be reflective of actual costs, it was imperative that an immediate adjustment be made prior to the July billing cycle so that no regulated entity be subject to deficient fees. As such, ADEQ undertook an emergency rulemaking to take effect June 6, 2025, to temporarily reduce and temporarily suspend certain fees. This emergency rulemaking is discussed in more detail below.

With the emergency rule in place, the Agency has been afforded the time necessary to further examine fees established in the 2024 fee rulemaking. Each of the fees adjusted is addressed in kind in the section by section explanation below.

Certain portions and provisions of the 2024 fee rulemaking remain unchanged, either by this rulemaking or the June 6, 2025, emergency rulemaking. As noted above, the 2024 fee rulemaking provided for a delayed implementation schedule to afford the regulated community adequate time to budget for the fee adjustments. This implementation schedule, including the January billing cycle that has existed for SWP since fees were first established in 2012, remains unchanged. Further, the annual CPI adjustment established in the 2024 fee rulemaking remains substantially unchanged, subject to a minor amendment to ensure that in all instances, CPI calculations are rounded down to the nearest cent. The annual CPI adjustment involves the calculation to be based upon the October Consumer Price Index for All Urban Consumers (CPI-U) Phoenix-Mesa-Scottsdale, AZ Area (regional CPI) over the prior twelve months and goes into effect the following July to align with the fiscal year. For example, the first adjustment will occur on July 1, 2026 and be based upon the regional CPI for the twelve months ending October of 2025. Finally, several of the fees that were part of the 2024 fee rulemaking were determined to have been set at appropriate levels and are unchanged. Below is a list for this group of unchanged fees:

- Landfill tonnage disposal fee;
- Special waste tonnage fee and maximum annual fee;
- Initial registration fee for septage haulers subject to county inspection;
- Retail tire sales fee;
- Solid waste plan approval hourly billing rate and maximum fees;
- Solid waste landfill financial assurance review (flat fee); and
- Solid waste general permit fees.

This subsequent standard rulemaking will ensure all solid waste fees fully meet applicable statutory criteria and that fees are more accurately reflective of actual costs associated with the regulation of the entities subject to the fees, properly balancing the budget constraints of the regulated community and fiscal health of SWP. No fees have been set higher than the CPI increase limit provided for in A.R.S. § 41-1008.

Emergency Rulemaking: To ensure no regulated entity would be subject to a statutorily deficient fee, ADEQ undertook an emergency rulemaking to temporarily reduce and temporarily suspend several fees pursuant to A.R.S. § 41-1026. This emergency rule brought fees into statutory compliance under A.R.S. § 41-1008(A)(3) and ensured equitable treatment and fee parity throughout the solid waste regulated community for the July 2025 invoicing as established in the 2024 fee rulemaking. The effective date for this emergency rule was June 6, 2025. This effective date ensured ADEQ had time to adjust and communicate billing for the July, 2025 invoicing accordingly and aligns the 180-day duration of the emergency rule as prescribed by A.R.S. § 41-1026(D) with the Governor's Regulatory Review Council's December 2, 2025 meeting date for which ADEQ intends to submit this standard rulemaking for final approval. Further, this effective date afforded the Agency the greatest amount of time possible to undertake robust stakeholder engagement, maximizing the 180-day window of the emergency rule while still having the rule be in effect before the end of the calendar year so updated fees may be in place before the January 2026 billing cycle.

Those fees reduced pursuant to the emergency rulemaking were adjusted down to a level of CPI adjustment based on when the fees went into effect in 2012 until Spring of 2024. These fees include initial and annual registration fees for septage hauler licensees, transfer facilities and waste tire facilities subject to self-certification, outdoor used tire facilities, waste tire collection sites subject to best management practices (BMPs), and certain size classifications of landfills, as well as biohazardous medical waste transporters (BMW) license modifications and annual fees.

Those fees temporarily suspended pursuant to the emergency rulemaking action included fees for tire sites subject to plan review, transfer stations subject to BMPs; used oil handlers; BMW facilities; special waste receiving facilities, shippers and generators; lead acid battery collection and recycling sites; and landfills in post-closure care.

The emergency rule was published in the June 13, 2025 edition of the Arizona Administrative Register (Register). Further information on the emergency rulemaking may be found in the published notice of the Register. See 31 A.A.R. 1897, Issue Date: June 13, 2025, Issue Number: 24, File number: R25-120.

Explanation of Fee Methodology: There are two groups into which fees that are the subject of this rulemaking may be categorized. The first group is fees that existed prior to the 2024 fee rulemaking that were increased above a CPI adjustment in the 2024 rulemaking. The fees from the first group are being adjusted to reflect an increase based on the CPI since 2012. These include BMW transporters, septage haulers, self-certification transfer sites, used and waste tire sites, municipal landfills below 60,000 tons per year, and non-municipal landfills above 60,000 tons per year. The second group is fees that were newly established in the 2024 rulemaking that were temporarily suspended in the emergency rulemaking. The fees from the second group are being re-established at an amount different from that set in the 2024 fee rulemaking. These include BMP transfer stations (less than 180 cubic yards per day), used oil handlers, and lead acid battery collection and recycling facilities.

In setting fee levels, ADEQ is guided by its statutory mandates that all fees be based upon the Department's direct and indirect costs associated with regulatory activities for the facility or entity subject to the fee and that all fees be fairly assessed and impose the least burden and cost. See A.R.S. § 49-104(B)(17). In the 2024 fee rulemaking, ADEQ undertook a review of the Department's calculated costs of regulatory activities for facilities under SWP. Such costs were based upon necessary Agency functions corresponding to regulated activities and include but are not limited to administrative operations, inspections, permitting and licensing, fielding complaints, compliance assistance, data management, and public records management. However, following these fees taking effect in December 2024, ADEQ became aware that some fees increased above CPI were not submitted to JLBC as discussed above. Subsequently, and following continued assessment of fee levels set, the Agency has determined it is appropriate for further adjustments to be made to certain fees to ensure those fees are fairly assessed, imposing the least cost and burden on the regulated community while being reflective of actual costs.

Part of this assessment included the review of a third-party actuarial audit of ADEQ fees. The scope of this audit, conducted by Taylor & Mulder, Inc. (T&M), included engaging with the ADEQ Business and Finance team to review the methodology for individual fee increases over the past two years; reviewing programmatic supporting information (including statutes and rules) for each fee increase; and documenting the methodology, observations, and recommendations. The audit provided an analysis of the CPI adjustment calculations utilized by SWP in both the 2024 fee rulemaking and the fee levels established in this rulemaking as well as a comparison between CPI adjustments based on the national CPI and the regional CPI.

The audit found the regional CPI to be the appropriate CPI adjustment methodology for both the fee adjustments in this rule and for the ongoing annual CPI adjustments. Additionally, the fee audit recommended that in all instances rounding for CPI adjustments should be downward, thereby avoiding the possibility of rounded fees representing increases that exceed CPI. Currently, the CPI adjustment methodology throughout SWP for all fees calls for rounding the result for the calculation of the CPI adjustment to the nearest cent. While rounding to the nearest cent is the appropriate methodology, the current language of the rule does not specify to round down. This theoretically could lead to an instance where a CPI adjustment results in rounding up, leading to an increase that is a fraction of a cent above true CPI. In response to this finding, pursuant to this rulemaking ADEQ inserts clarifying language in the CPI adjustment language that in all instances the fee adjustment calculation shall be rounded down to the nearest cent.

Although ADEQ sought to establish annual registration fees in the 2024 fee rulemaking that were reflective of costs to the Agency for the regulation of such facilities while balancing budget constraints of the regulated community, the Agency believes further adjustments are appropriate to ensure, pursuant to A.R.S. § 49-104(B)(17), that fees "impose the least burden and cost to the parties subject to the fees." As such, ADEQ finds that adjusting those fees that existed prior to the 2024 fee rulemaking, to an amount based on a CPI adjustment from the establishment of those fees in 2012 to Spring of 2024 fulfills this mandate. This further ensures fees impose the least burden on the regulated community, and as such are fairly assessed as required under statute.

The fiscal health and stability of SWP remains a critical component and consideration in this subsequent fee rulemaking. While the 2024 fee rulemaking envisioned fees to fully recover program costs to ensure this fiscal stability, it has become apparent that through registration and annual fees alone it is not possible to fully cover all SWP costs without placing an undue burden on the regulated community. The Agency is charged with basing fees on the direct and indirect costs of regulating each facility. To ensure fees do not impose an undue burden and are fairly assessed while basing fees on the relative costs of each regulated entity, ADEQ determined that an increase based upon a CPI adjustment for those fees that existed prior to the 2024 fee rulemaking best balances these considerations.

In addition to adjusting the first group of fees to an amount based on a CPI inflator from the establishment of said fees, ADEQ has determined that further adjustments are necessary to the second group of fees, those fees newly established in the 2024 rulemaking, to ensure regulated facilities and entities subject to those fees experience fee parity, with fees being fairly assessed to impose the least burden and cost. These fees are discussed below.

The 2024 fee rulemaking established Article 19, Lead Acid Battery Recycling, to provide for initial and annual registration fees for lead acid battery collection and recycling facilities. While fees for this class of facilities were established based on calculated costs to SWP for the registration and inspection of such facilities, further evaluation led ADEQ to determine that SWP is not the regulatory program best suited for oversight of such facilities. Lead acid battery management is regulated by the hazardous waste program requirements in Resource Conservation and Recovery Act (RCRA) Subtitle C. Lead acid batteries are a Universal Waste pursuant to Title 40, Code of Federal Regulations (CFR) Part 273. Additionally, lead acid battery reclamation is regulated at 40 CFR Part 266 Subpart G. Thus, SWP authority for regulating lead acid battery facilities is duplicative with ADEQ's hazardous waste program. As such, ADEQ finds that registration fees for lead acid battery facilities should not be established under Solid

Waste Management at this time. Instead, it is appropriate to eliminate these fees. ADEQ may revisit fees relating to the oversight and management of these facilities within the hazardous waste program at a future date.

The 2024 fee rulemaking also established Article 20, Used Oil, providing for the initial registration of used oil handlers, as defined, and associated annual registration fees. Arizona’s Used Oil Program is codified at Title 49, Chapter 4, Article 7, Management of Used Oil. Pursuant to A.R.S. § 49-802, ADEQ is mandated to “administer 42 United States Code section 6935, as amended on January 1, 1997, as the used oil program for this state.” 40 CFR Part 279 is adopted by reference for that purpose. Following an evaluation of the Used Oil Program pursuant to the adoption and implementation as established under law, it was determined an adjustment to fees for used oil handlers was appropriate, resulting in reduced annual and initial registration fees. This adjustment considered use of the myDEQ system as well as administrative, inspection, and enforcement staff time to be expended per facility.

Finally, the 2024 fee rulemaking established Article 4, Solid Waste Facilities Subject to Best Management Practices, requiring the initial and annual registration of BMP transfer facilities (those handling less than 180 cubic yards per day of solid waste). Similarly, Article 5 established initial and annual registration fees for self-certification transfer facilities (those handling 180 cubic yards or more per day of solid waste) in 2012. As described above, the fees for self-certification transfer facilities were reduced in the emergency rulemaking to an amount equal to the 2012 fees escalated by a regional CPI adjustment, or \$1,485 for initial registration and \$742 for annual registration. Following an evaluation of the administration, inspection, and enforcement time needed to regulate BMP transfer facilities, and in furtherance of the balance between lowering fees to ensure the least burden to the regulated community while securing the fiscal stability of SWP, it was determined that the BMP transfer facility fee should be lowered to be in alignment with the self-certification transfer facility fees.

Fees Not Adjusted: There is another group of fees that are not the subject of this rulemaking, but nonetheless warrant discussion. This group is fees that were newly established in the 2024 rulemaking that were temporarily suspended in the emergency rulemaking and are now being restored to the amount set in the 2024 rulemaking. While it was necessary to temporarily suspend this group of fees in the emergency rulemaking to ensure fee parity amongst the entire regulated community for the July 2025 billing cycle, after further review the Agency is confident these fees were set at the appropriate amount. As such, these fees are not being changed in this rulemaking; instead, they will automatically be restored on December 3, 2025, with the expiration of the emergency rulemaking pursuant to A.R.S. § 41-1026. To note: while these fee amounts are not subject to change, the clarification that CPI calculations shall in all instances be rounded down are included for these fees. These include biohazardous medical waste facility annual fees (R18-13-1410); special waste generator and shipper initial and annual fees (R18-13-1306 and R18-13-1606); special waste receiving facility annual fees (R18-13-1306 and R18-13-1606); plan review waste tire facility annual fees (R18-13-1212.01); used oil transporter annual fees (R18-13-2002); and post-closure care landfill annual fees (R18-13-2103).

Table of Fees Adjusted: Below is a fee table for all fees that are being adjusted from the fee level set in the 2024 fee rulemaking. To note: fees that were only temporarily reduced or temporarily suspended pursuant to the June 6, 2025 emergency rulemaking and that will be restored to the amount set in the 2024 fee rulemaking upon expiration of the emergency rule are not included in this table.

Fee Classification	2024 Fee Level	New Fee Level
Biohazardous Medical Waste Transporter License Modification	\$350	\$148
Biohazardous Medical Waste Transporter License Annual Fee	\$1,500	\$1,113
Septage Hauler License with County Inspection Annual Fee	\$225	\$111
Septage Hauler License with ADEQ Inspection Initial Fee	\$660	\$371
Septage Hauler License with ADEQ Inspection Annual Fee	\$550	\$111
Solid Waste Transfer Facility Self-Certification Initial Fee	\$3,600	\$1,485
Solid Waste Transfer Facility Self-Certification Annual Fee	\$3,000	\$742
Waste Tire Facility Self-Certification Initial Fee	\$3,600	\$1,485
Waste Tire Facility Self-Certification Annual Fee	\$3,000	\$371
Outdoor Used Tire Site Initial Registration Fee	\$1,800	\$742
Outdoor Used Tire Site Annual Registration Fee	\$1,500	\$111
Waste Tire Collection Site Initial Registration Fee	\$2,400	\$742
Waste Tire Collection Site Annual Registration Fee	\$2,000	\$111
Landfill Annual Registration, <12k tons per year – Municipal	\$5,000	\$1,856
Landfill Annual Registration, 12k tons to <60k tons per year – Municipal	\$5,000	\$3,713
Landfill Annual Registration, 60k tons to <225k tons per year – Non-Municipal	\$10,000	\$5,569
Landfill Annual Registration, ≥225k tons per year – Non-Municipal	\$18,565	\$5,569
Best Management Practices (BMP) Transfer Station Initial Fee	\$1,800	\$1,485
BMP Transfer Station Annual Fee	\$1,500	\$742

Used Oil Processor Initial Fee	\$9,000	\$500
Used Oil Processor Annual Fee	\$7,500	\$2,500
Used Oil Burner Initial Fee	\$15,000	\$500
Used Oil Burner Annual Fee	\$12,500	\$2,500
Used Oil Marketer Initial Fee	\$1,800	\$500
Used Oil Marketer Annual Fee	\$1,500	\$900
Used Oil Transporter Initial Fee	\$1,800	\$500
Lead Acid Battery Collection and Recycling Center Initial Fee	\$810	\$0
Lead Acid Battery Collection and Recycling Center Annual Fee	\$675	\$0

Section by Section Explanation of Rule: Below is an explanation of the substantive changes to each section of the rule. Additionally, in each instance of language throughout the Chapter that provides for the CPI adjustment for fees, the language is amended to reflect that in all cases the result of the CPI adjustment calculation shall be rounded down to the nearest cent.

R18-13-402. Solid Waste Facilities Subject to Best Management Practices; Fees. Lowers the initial registration fee from \$1,800 to \$1,485 and the annual registration fee from \$1,500 to \$742 for transfer facilities subject best management practices with a daily throughput of 180 cubic yards or less, but not including material recovery facilities, as defined, that are currently exempted from self-certification transfer facilities under Article 5.

R18-13-501. Solid Waste Facilities Requiring Self-Certification; Registration Fees. Lowers the initial registration fee for transfer facilities subject to self-certification and waste tire sites subject to self-certification from \$3,600 to \$1,485. Distinguishes the annual registration fee for such facilities and lowers each, with transfer facilities being adjusted from \$3,000 to \$742 and waste tire sites adjusted from \$3,000 to \$371.

R18-13-1103. General Requirements; License Fees. Preserves the tiered fee structure for septage hauler licenses established in the 2024 fee rulemaking. Lowers the initial license fee for septage haulers whose vehicles are subject to an inspection conducted by ADEQ from \$660 to \$371 and the annual license fee from \$550 to \$111. Maintains the initial license fee for septage haulers whose vehicles are subject to an inspection conducted by a county and lowers the initial license fee for septage haulers whose vehicles are subject to an inspection conducted by a county from \$225 to \$111.

R18-13-1211. Registration of New Waste Tire Collection Sites; Fee. Lowers the initial license fee from \$2,400 to \$742 and the annual registration fee from \$2,000 to \$111 for a waste tire collection site subject to best management practices.

R18-13-1212. Registration of Outdoor Used Tire Sites; Fee. Lowers the initial license fee from \$1,800 to \$742 and the annual registration fee from \$1,500 to \$111 for a used outdoor tire site.

R18-13-1409. Transporter License; Fees; Transportation. Lowers the annual registration fee from \$1,500 to \$1,113 and the license amendment fee from \$350 to \$148 for biohazardous medical waste (BMW) transporters. To note: preserves the five-year BMW transporter license renewal fee of \$1,500. Amends Table 2 to reflect the updated fee schedule.

ARTICLE 19. LEAD ACID BATTERY RECYCLING. Repeals in its entirety Article 19, which consists solely of R18-13-1901, thereby removing the initial and annual fees for collection or recycling facilities of lead acid batteries, as well as registration requirements.

R18-13-2002. Used Oil Handler Registration; Fee. Lowers the initial registration fee for used oil handlers from \$9,000 for processors, \$15,000 for burners, and \$1,800 for transporters and fuel marketers to \$500 for each. Lowers the annual registration fee for processors from \$7,500 to \$2,500, for burners from \$12,500 to \$2,500, and for fuel marketers from \$1,500 to \$900. The annual registration fee for transporters is unchanged from the 2024 fee rulemaking.

R18-13-2102. Solid Waste Landfill Registration; Annual. Distinguishes for purposes of annual registration fees between municipal and non-municipal solid waste landfills. In the 2024 fee rulemaking, three tiers of fees were established based upon the tonnage of waste received by the landfill during a defined time period. This rule ultimately establishes six tiers, with four tiers for municipal solid waste landfills and two tiers for non-municipal solid waste landfills as follows:

Municipal Landfills	2024 Fee Level	New Fee Level
<12,000 tons per year	\$5,000	\$1,856
12,000 tons to <60,000 tons per year	\$5,000	\$3,713
60,000 tons to <225,000 tons per year	\$10,000	\$10,000
225,000 tons or more per year	\$18,565	\$18,565
Non-municipal Landfills		
less than 60,000 tons per year	\$5,000	\$5,000
60,000 tons or more per year	\$10,000-\$18,585	\$5,569

Fees are Fairly Assessed and Impose the Least Burden and Cost: Pursuant to A.R.S. § 49-104(B)(17), ADEQ is charged with ensuring all fees “be fairly assessed and impose the least burden and cost to the parties subject to the fees” based upon an evaluation of “the direct and indirect costs of the Department’s relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses.”

To fulfill this statutory mandate, this rulemaking adjusts those fees that existed prior to the 2024 fee rulemaking to an amount based on a CPI adjustment from the establishment of those fees in 2012 to Spring of 2024 while further lowering certain fees that

were newly established in the 2024 fee rulemaking to fully consider the budget constraints and impacts of the fees on those regulated facilities, while still accounting for administrative, inspection, and enforcement staff time needed to regulate said facilities. This adjustment ensures fees impose the least burden on the regulated community, and as such are fairly assessed as required under statute. The adjustments made pursuant to this rulemaking were strengthened by continued engagement with the regulated community and the third-party actuarial audit conducted of all solid waste fees. The impact of these adjustments is discussed further below in Part 10, “Economic, Small Business, and Consumer Impact”.

Immediate Effective Date: Pursuant to A.R.S. § 41-1032(A)(2) and (5), and as stated in Part 4 of the Preamble, “Effective Date of the Rule”, ADEQ seeks an immediate effective date for these rules in order to avoid a violation of state law and to adopt a rule that is less stringent than the rule currently in effect. This emergency effective date is necessary to ensure the fee adjustments take effect both before the end of the calendar year with the SWP January 2026 billing cycle and to coincide with the expiration of the emergency rule, set to expire December 3, 2025. If this rule does not take effect prior to the January 2026 billing cycle and the expiration of the emergency rulemaking, then those fees requiring adjustments for the reasons discussed in this Preamble will automatically be reinstated for the January 2026 billing cycle.

8. 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:

ADEQ reviewed an actuarial audit conducted by Taylor & Mulder, Inc. (T&M), comprising of an actuarial review of fees charged in connection with the Solid Waste Program of ADEQ. The Agency relied on the findings of this report to affirm the soundness and accuracy of CPI calculations used in determining fee levels as well as informed the determination that in all instances, CPI adjustments be rounded down. A copy of the report is available for review at ADEQ, 1110 W. Washington, Phoenix, AZ 85007.

9. 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

10. A summary of the economic, small business, and consumer impact:

The following addresses each of the elements required for an economic, small business and consumer impact statement under A.R.S. § 41-1055.

Identification of the rulemaking: This rulemaking makes a number of changes to 18 A.A.C. 13, Solid Waste Management, including amendments to Articles 4, 5, 11, 12, 14, 20, and 21; amending sections R18-13-402, R18-13-501, R18-13-1103, R18-13-1211, R18-13-1212, R18-13-1409, R18-13-2002, and R18-13-2102. Additionally, this rulemaking repeals Article 19 and its respective Section. The purpose of these changes is to adjust fee amounts established in a 2024 fee rulemaking throughout Chapter 13, Solid Waste Management. Ultimately, no facility or entity will be subject to a new or increased fee pursuant to this rulemaking. Instead, this rulemaking will result in the reduction of previously established fees, and in one instance the elimination of a fee.

Fees adjusted in this rulemaking can be categorized into two groups. The first group is fees that existed prior to the 2024 fee rulemaking that were increased above a CPI adjustment in the 2024 rulemaking. The fees from the first group are being adjusted to reflect an increase based on the Consumer Price Index (CPI) adjustment since 2012. These include biohazardous medical waste (BMW) transporters, septage haulers, self-certification transfer facilities (more than 180 cubic yards throughput per day), used and waste tire sites, municipal landfills below 60,000 tons per year, and non-municipal landfills above 60,000 tons per year. The second group is fees that were newly established in the 2024 fee rulemaking that were temporarily suspended in the emergency rulemaking. The fees from the second group are being re-established at an amount different from the 2024 fee rulemaking. These include transfer facilities subject to best management practices (BMP) (180 or less cubic yards throughput per day), and used oil handlers.

ADEQ’s goal in this rulemaking is to reduce and re-establish fee levels set from the 2024 fee rulemaking at levels that are fairly assessed, ensuring fees impose the least burden and cost possible on regulated facilities while maintaining fee levels that ensure the fiscal stability of SWP. These rules are not intended to change the conduct of any regulated facilities or entities.

Coinciding with the opening of the rulemaking docket for this standard rulemaking, to ensure no regulated entity would be subject to a statutorily deficient fee, ADEQ also undertook an emergency rulemaking to temporarily reduce and temporarily suspend several fees pursuant to A.R.S. § 41-1026. This emergency rule brought fees into statutory compliance under A.R.S. § 41-1008(A)(3) and ensured equitable treatment and fee parity throughout the solid waste regulated community for the July 2025 invoicing as established in the 2024 fee rulemaking.

The effective date for the emergency rule was June 6, 2025. Pursuant to A.R.S. § 41-1026(D), an emergency rule is a temporary measure that is effective for 180 days. This effective date ensured that ADEQ had the time necessary to undertake robust stakeholder engagement, maximizing the 180-day window while still having the rule be in effect before the end of the calendar year so updated fees may be in place before the January 2026 billing cycle.

Regulatory Objective: The Waste Program Division within ADEQ preserves and protects public health and the environment by reducing the risk associated with waste management, contaminated sites, and regulated substances. To fulfill this objective, ADEQ carries out a number of Agency functions corresponding to regulatory and oversight activities for the approximately 2,000 different facilities and entities that fall under Solid Waste Program (SWP) regulation. Such functions include: administrative operations; inspections, including pre- and post-inspection activity encompassing historic data and permit review, case closure, and necessary filing; permitting and licensing; public records management; complaint response; and compliance assistance.

As directed by statute, ADEQ is charged with establishing solid waste fees, including registration fees, that are reflective of costs associated with regulating the facility subject to the fees. These fees are an important component for the fiscal stability and health of SWP to carry out all statutorily mandated functions of the program. It is critical that ADEQ has the ability to fully perform all necessary Agency functions to continue to carry out its mission to ensure the continued health of our solid waste ecosystem to pre-

serve and promote public health and the environment.

Least Burden and Cost: A.R.S. § 41-1052(D)(3) requires ADEQ to demonstrate it has selected the alternative with the least burden and cost necessary to achieve the underlying regulatory objective. Similarly, pursuant to A.R.S. § 49-104(B)(17), ADEQ is charged with ensuring all fees “be fairly assessed and impose the least burden and cost to the parties subject to the fees” based upon an evaluation of “the direct and indirect costs of the department’s relevant duties, including employee salaries and benefits, professional and outside services, equipment, in-state travel and other necessary operational expenses directly related to issuing licenses.”

It is in furtherance of ensuring that all regulated facilities and entities paying solid waste fees are subject to the least burden and cost possible that ADEQ is reducing those fees established in the 2024 fee rulemaking. In the context of this solid waste fees rule, ADEQ interprets this requirement to mean collecting fees to generate overall program revenues to ensure the continued fiscal sustainability of SWP while ensuring fees balance the economic and budget constraints of those subject to the fees.

Fairly assessed: To ensure the fees adjusted under this rulemaking be fairly assessed against each member of the regulated community, ADEQ conducted stakeholder engagement to present all fees and solicit feedback prior to this Notice of Final Rulemaking. ADEQ explained that the reduction of those fees in existence prior to the 2024 rulemaking is based on a CPI adjustment from the establishment of those fees in 2012 to Spring of 2024.

In addition to engagement with and feedback from the regulated community, following the 2024 fee rulemaking, ADEQ continued its review of costs associated with Agency functions in carrying out regulated activities. While fees were established in the 2024 fee rulemaking and adjusted in this rulemaking continue to ensure the fiscal health of SWP, it has become apparent that covering the full cost of the program through registration fees alone is not possible while ensuring the least burden and cost to all facilities and entities subject to the fee. As such, ADEQ undertakes this rulemaking based upon the methodology discussed in Part 7 of the Preamble, “Explanation of Fee Methodology”, that sets fees for each class of facility or entity.

Identification of the persons who will be directly affected by, bear the costs of, or directly benefit from the proposed rulemaking: Stakeholders directly affected by this rulemaking include all 15 counties within the state, local municipalities, and the approximately 1,300 solid waste facilities and entities with different media types subject to ADEQ regulatory compliance and oversight under Solid Waste Management subject to a fee adjustment under this rulemaking. These facilities may be differentiated between government and privately owned. Approximately 13% of all solid waste facilities and entities subject to regulation are owned by a political subdivision of the state, with the remaining being privately owned and operated, ranging from individual licensees to large, multistate businesses.

Those facilities and entities subject to a fee adjustment under this rulemaking include solid waste transfer facilities of varying size and sophistication, from rural drop-site locations to city facilities; septage hauler licensees; waste tire sites; biohazardous medical waste transporters; used oil handlers and collectors; and both public and privately-owned landfills.

These facilities and entities are discussed in greater detail in the “Cost & Benefit Analysis” to follow.

Cost & Benefit Analysis: The estimated total impact of this rule is a decrease of annual revenues to the Solid Waste Fee Fund (SWFF) of a range of approximately \$850,000 to \$950,000 when compared to revenue projections discussed in the 2024 fee rulemaking. Pursuant to A.R.S. § 49-837(B)(6), the Agency is authorized to utilize monies from the Recycling Fund to cover costs associated with SWP activities. Following the fee reduction as discussed above, ADEQ anticipates that it will be necessary to expend the amount stated above from the Recycling Fund to cover SWP costs that exceed SWFF revenues.

To note: the 2024 solid waste fee rulemaking increased the landfill tonnage fee, the primary source of funding for the Recycling Fund, by a CPI adjustment since its inception in 1992. This tonnage fee remains unchanged in this rulemaking.

A goal of the 2024 solid waste fee rulemaking was to allow use of the Recycling Fund to be refocused on its statutorily stated purposes, including grants and contracts for “research, demonstration projects, new technologies, market development and source reduction studies and implementation of the recommendations or reports prepared.” See A.R.S. § 49-837(B)(1). ADEQ remains committed to using the greatest portion feasible of the Recycling Fund towards grants and contracts to further the mission of the Arizona Recycling Program and in response to comments from stakeholders statewide. ADEQ believes that an annual expenditure from the Recycling Fund to ensure SWP implementation benefits the public and the regulated community. Such expenditure is an authorized use of the fund under A.R.S. § 49-837(B)(6). Additionally, the Recycling Fund will continue to have substantial monies available for appropriation for recycling grants and other stated purposes as required under A.R.S. § 49-837(B) at levels meaningfully higher than were available prior to the 2024 fee rulemaking.

Probable benefits include:

- Lessens fee burden on regulated community. Lowering fees decreases the economic burden on regulated facilities and entities. This includes solid waste businesses, ensuring fees do not unduly hinder business growth or development, as well as political subdivisions whose costs may be a passthrough to their constituents representing the general public that are subject to any municipal or county fees or taxes.
- Maintain the Agency’s capacity to minimize public health risks from solid waste activities. Following an adjustment down of several fees as described in this rulemaking, the Agency will retain its capacity to adequately perform all its duties relating to its mission to enhance public health and the environment, including inspections, monitoring, public education, compliance, and permitting, pursuant to expenditures from the Recycling Fund as necessary.
- Continued capacity to address the obligations cited in the 2021 Auditor General’s Report. The Auditor General’s September 2021 Performance Audit and Sunset Review Report noted ADEQ has not yet adopted all statutorily required rules. Specifically, the Report notes A.R.S. § 49-761 requires the Department to adopt various rules for solid waste facilities, such as requirements for storing, processing, treating, and disposing of solid waste; best management practices; and financial assurance requirements for facility closure. The Report ultimately recommends such rules should be adopted as required by statute. Appropriately fund-

ing SWP through these fees will ensure resource availability for rulemakings to meet the Auditor General's recommendations while ensuring the least burden and cost on the regulated community.

- Continue to protect public health and the environment as well as promote business development. Following this rulemaking, ADEQ will maintain required funding levels for SWP to maintain permit, inspection, and compliance activities necessary to ensure that solid waste businesses can locate or expand in Arizona and that existing facilities operate in a manner that is protective of public health and the environment.

For these reasons, ADEQ believes the benefits of the fee reduction pursuant to this rulemaking outweigh the costs.

This cost/benefit analysis includes an analysis of the following elements pursuant to A.R.S. § 41-1055(B)(3):

- Probable costs and benefits to the implementing agency and other agencies directly affected by the implementation and enforcement of the proposed rulemaking: Probable benefits to ADEQ by the implementation of this rule include ensuring all fees adhere fully to statutory mandates regarding imposing the least cost and burden as well as future fee adjustments never being increased above a CPI adjustment. Probable costs to ADEQ include the loss of fee revenues to the Solid Waste Fee Fund from a reduction of fee amounts. No new full-time employees are necessary to implement or enforce this rule.

ADEQ does not anticipate any probable costs or benefits to other state agencies from the implementation or enforcement of this rulemaking.

- Probable costs and benefits to a political subdivision of this state directly affected by the implementation and enforcement of the proposed rulemaking: Probable benefits to political subdivisions include the lessening of any fee burden from the annual payment of registration fees for any solid waste facilities operated by the political subdivision following the reduction of fees for facilities enumerated below, including the elimination of registration fees for lead-acid battery facilities. Facilities owned and operated by political subdivisions subject to a reduction or elimination of fees include:
 - Used and waste tire sites. These include sites storing 100 or more used tires outdoors, as well as waste tire sites subject to self-certification and best management practices. Used and waste tire sites are often operated by and for counties under county waste tire collection programs. There are approximately 30 publicly operated used and waste tire sites.
 - Transfer facilities subject to both self-certification and best management practices. To note, exempted from the definition of transfer facilities for purposes of registration fees are material recovery facilities where the incoming materials are primarily source separated recyclables and community or neighborhood recycling bins including drop boxes, roll off containers, plastic containers used to collect residential, business, or governmental recyclable solid waste. Including those not subject to registration fees, there are approximately 80 publicly operated transfer facilities maintained by counties and municipalities throughout the state.
 - Septage haulers. While the majority of licensed septage hauler vehicles are privately owned and operated, some political subdivisions maintain licensed septage vehicles for purposes of sanitation and public departments. There are approximately 40 septage hauler licensed vehicles maintained by political subdivisions.
 - Collection or recycling facility that accepts lead-acid batteries. Counties and municipalities often maintain registered household hazardous waste sites that accept lead-acid batteries. There are approximately 30 such registered facilities throughout the state.

ADEQ understands that municipalities and counties look to recycling grant funding as an important funding source for recycling initiatives within their jurisdictions. While a portion of Recycling Fund revenues will need to be allocated to SWP to cover program costs following a reduction in fees, ADEQ still anticipates substantially more funds available for recycling grants than were available prior to the 2024 fee rulemaking.

Additionally, while all fees impose a cost and burden on those subject to them, pursuant to this rulemaking ADEQ is only reducing previously established fees. As such, ADEQ does not anticipate any probable costs to political subdivisions from the implementation or enforcement of this rulemaking as no facility or entity will be subject to a new or increased fee amount under this rulemaking.

- Probable costs and benefits to businesses directly affected by the proposed rulemaking, including any anticipated effect on the revenues or payroll expenditures of employers who are subject to the proposed rulemaking: Probable benefits to businesses directly affected by the rulemaking include the lessening of any fee burden from the annual payment of registration fees for each of the privately-owned solid waste facilities or entities enumerated below.

There are approximately 27 active landfills that are privately owned and operated subject to regulation by ADEQ. In addition to landfills, privately-owned regulated facilities and entities subject to a registration fee reduction also include those described below:

- Transfer facilities subject to self-certification or best management practices. These facilities are located throughout the state and range in size and sophistication. Self-certification transfer facilities are those that handle a daily throughput of more than 180 cubic yards of solid waste, while transfer facilities subject to best management practices are those that handle a daily throughput of 180 cubic yards or less of solid waste. To note, mirroring public transfer facilities, exempted from the definition of transfer facilities for purposes of registration fees are material recovery facilities where the incoming materials are primarily source separated recyclables and community or neighborhood recycling bins including drop boxes, roll off containers, plastic containers used to collect residential, business, or governmental recyclable solid waste. Including those not subject to registration fees, there are approximately 80 privately-owned transfer facilities throughout the state.
- Used oil handlers. Used oil handlers are defined as used oil processors, burners, transporters, and marketers required to obtain an EPA identification number pursuant to 40 CFR 279. The majority of the used oil handlers are transporters and marketers, representing 85% of registered used oil handlers. Used oil transporters are anyone that collects or accepts used oil from regulated handlers and transports that used oil to another facility while used oil marketers are anyone who markets

used oil or first claims that used oil meets the used oil fuel specifications. There are approximately 230 used oil handlers throughout the state.

- Biohazardous medical waste (BMW) facilities and entities. BMW facilities and entities include BMW transporters, BMW treatment facilities, and BMW storage facilities. There are approximately 50 BMW transporters engaged in moving biohazardous medical waste, as defined in R18-13-1401(4), to an approved disposal facility. There are approximately 20 BMW treatment and storage facilities accepting biohazardous medical waste for proper treatment, storage, and disposal pursuant to regulation.
- Septage haulers. There are over 500 registered privately owned and operated septage hauler licenses throughout the state engaged in the transportation of sewage or human waste that is removed from septic tanks or other onsite wastewater treatment facilities.
- Special waste facilities. Special waste facilities include generators, transporters, and receiving facilities of special waste, defined as solid waste other than hazardous waste requiring special handling and management. Currently petroleum contaminated soils and auto-shredder fluff from shredding motor vehicles are designated special wastes in Arizona. There are approximately 80 special waste transporters, 70 special waste generators, and 16 special waste receiving facilities throughout the state engaged in the transportation, treatment, storage and disposal of special waste.
- Collection or recycling facility that accepts lead-acid batteries. There are approximately 200 registered facilities with ADEQ authorized for the collection and recycling of lead-acid batteries throughout the state.

Following the reduction of registration fees from this rulemaking, ADEQ anticipates there will be no reduction in SWP's capacity to carry out its mission of protecting and enhancing public health and the environment by reducing the risk associated with waste management, contaminated sites, and regulated substances. As discussed previously, ADEQ is permitted by statute to allocate monies from the Recycling Fund to cover costs associated with SWP activities. Following the right-sizing of the landfill disposal fee in the 2024 fee rulemaking, ADEQ anticipates the Recycling Fund will continue to have monies revenues at levels meaningfully higher than were available prior to the 2024 fee rulemaking which will make recycling grants more likely to be available, while still ensuring the fiscal health and undiminished mission capacity for SWP.

For the reasons discussed above, ADEQ finds that the benefits associated with this rule change outweigh any foreseen or anticipated costs.

General description of the probable impact on private and public employment in businesses, agencies, and political subdivisions of this state directly affected by the proposed rulemaking: ADEQ estimates this rulemaking will not have an impact on public or private employment.

Probable impact of the proposed rulemaking on small businesses: Arizona law defines "small business" for the purpose of this analysis as a "concern, including its affiliates, which is independently owned and operated, which is not dominant in its field and which employs fewer than one hundred full-time employees or which had gross annual receipts of less than four million dollars in its last fiscal year." See A.R.S. § 41-1001(23). Under this rulemaking, registration fees for each of the facility categories identified as likely to comprise small businesses are being reduced. Thus, any impact to small businesses by this rulemaking will be a reduction of costs and burden associated with annual fees.

The probable impact on small businesses includes an analysis of the following elements pursuant to A.R.S. § 41-1055(B)(5):

Identification of the small businesses subject to the rulemaking: ADEQ has reviewed its records of solid waste facilities subject to new or adjusted fees affected by this rule to determine which facilities are small businesses. An important criterion is that the business must be independently owned and operated. Based on this review and applicable definition, it appears likely that many septage haulers are independently owned and operated and not likely to exceed the revenue and employee limits in the statutory definition of small business. Additionally, it appears likely that a number of privately operated used outdoor tire sites storing more than 100 used tires, biohazardous medical waste transporters, certain transfer facilities subject to best management practices, as well as certain used oil handlers would qualify as small businesses for purposes of this rulemaking as well as collection and recycling facilities accepting lead acid batteries.

Administrative and other costs required for compliance with the proposed rulemaking: ADEQ does not anticipate appreciable administrative or other costs associated with compliance with the rulemaking. This rulemaking does not establish fee requirements for any new solid waste facilities or entities not already subject to fees nor increase fees for any such facilities. Instead, this rulemaking lowers fees throughout the Solid Waste Program to ensure the least burden and cost to regulated entities while ensuring the fiscal health and stability of SWP.

Reduction of Impact on Small Businesses: A.R.S. § 41-1035 requires state agencies to reduce the impact of a rulemaking on small businesses, if any of the following methods are legal and feasible in meeting the statutory objectives which are the basis of the rulemaking:

1. Establish less stringent compliance or reporting requirements in the rule for small businesses.
2. Establish less stringent schedules or deadlines in the rule for compliance or reporting requirements for small businesses.
3. Consolidate or simplify the rule's compliance or reporting requirements for small businesses.
4. Establish performance standards for small businesses to replace design or operational standards in the rule.
5. Exempt small businesses from any or all requirements of the rule.

The listed methods are not generally relevant to a rule establishing fees. See A.R.S. § 49-104(B)(17). However, in reducing fees, any burden to regulated facilities or entities that qualify as small businesses will be reduced.

Probable cost and benefit to private persons and consumers who are directly affected by the proposed rulemaking: Adequate and sustainable funding for SWP further enables ADEQ to more fully perform its duties relating to its mission to enhance public health

and the environment. Following the reduction of fees and any necessary utilization of monies from the Recycling Fund, ADEQ anticipates no diminished capacity to perform its duties. Benefits to private persons and consumers includes enforcement and compliance activities that can be carried out by ADEQ following continued SWP fiscal health and stability. With adequate funding levels, SWP may conduct more regular inspections of regulated facilities and entities, leading to greater oversight, identification of violations, and corrective actions, resulting in greater minimization of public health risks from solid waste activities. Additionally, adequate funding for SWP will result in sustained and improved Agency response to citizen complaints. Robust engagement with the public is a critical component of ADEQ's mission. SWP receives approximately 80 solid waste complaints from the public annually. The ability to ensure that each complaint is efficiently and effectively fielded, managed, and resolved will be strengthened through adequate funding for SWP.

ADEQ does not anticipate any appreciable costs to private persons and consumers who are directly affected by this rulemaking.

Probable Effect on State Revenues: ADEQ anticipates that the SWFF will see a decrease in revenues of a range of approximately \$850,000 to \$950,000 annually. Fees associated with this rulemaking are registration fees directed by statute to be deposited into the SWFF; there will be no impact to General Fund revenues as a result of this rulemaking.

Description of any data on which a rule is based with a detailed explanation of how the data was obtained and why the data is acceptable data: Any data or reasoning which this rulemaking is based on is identified in the "Justification and Explanation" portion of the Notice of Final Rulemaking located in Part 7 of the rule Preamble.

Based on the foregoing, ADEQ finds that the benefits associated with this rule change outweigh any foreseen or anticipated costs.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Throughout the rule, the hyphen between the words "regional" and "resources" of the website link to the Bureau of Labor Statistics regional CPI was inadvertently omitted, which results in the website link not working. This final rulemaking properly re-establishes this missing hyphen in each instance of the website link throughout the Chapter, including: R18-402(E)(1), R18-501(F)(1), R19-13-702(F)(1), R18-13-801(A)(1), R18-13-1103(E)(1), R18-13-1211(C)(1), R18-13-1212(D)(1), R18-13-1212.01(C)(1), R18-13-1306(E)(1), R18-13-1307(H)(1), R18-13-1409(J)(1), R18-13-1410(G)(1), R18-13-1606(F)(1), R18-13-2002(D)(1), R18-13-2102(D)(1), R18-13-2103(C)(1), and R18-13-2202(D)(1).

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

ADEQ received one comment throughout the formal comment period that ran from August 29, 2025 to September 30, 2025. ADEQ held a public hearing on September 29, 2025, however, did not receive any public comments during this public hearing.

Comment #1 (Reliable Portable Bathrooms, Inc.): The fees are too high.

Agency Response: ADEQ appreciates concerns from regulated entities about costs and financial burden associated with fees. It was with this concern in mind that ADEQ undertook this rulemaking to ensure, pursuant to statutory requirements, that fees be fairly assessed and impose the least burden and cost. See A.R.S. § 49-104(B)(17). As discussed above in Part 7, the "Agency's Justification and Reason for the Rulemaking", ADEQ explains that this rulemaking decreases those fees that existed prior to the 2024 fee rulemaking to an amount based on a CPI adjustment from the establishment of those fees in 2012 to Spring of 2024. For example, septage hauler fees are distinguished between those subject to annual inspections conducted by ADEQ and annual inspections conducted by a county pursuant to a delegation agreement. This distinction ensures that these fees are more reflective of actual costs to ADEQ for oversight and registration of these different types of septage haulers. For both classes of septage haulers, annual registration fees are lowered, while the initial registration fee for those septage haulers subject to ADEQ inspection is also lowered.

13. 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:

Not applicable.

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:

Not applicable

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 such analysis was submitted.

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. 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:

ADEQ previously amended R18-13-402, R18-13-501, R18-13-1103, R18-13-1211, R18-13-1212, R18-13-1212.01, R18-13-1213, R18-13-1409 and the corresponding Table 2, R18-13-1410, R18-13-1606, R18-13-1901, R18-13-2002, and R18-13-2101 and previously repealed R18-13-1306 and R18-13-2103 as an emergency rule, effective June 6, 2025. See 31 A.A.R. 1897, Issue Date: June 13, 2025, Issue Number: 24, File Number: R25-120. The amendments and repeals under the emergency rule expire 180 days

following the effective date, on December 3, 2025, to correspond with the immediate effective date of this rulemaking.

The changes made between the emergency rule and the final rulemaking package, which is the subject of this rulemaking, includes ensuring that in all instances the annual CPI adjustment methodology will be rounded down as discussed in Part 7, the reduction of certain fees, and the elimination of the lead acid battery collection or recycling facility fee.

16. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

**CHAPTER 13. DEPARTMENT OF ENVIRONMENTAL QUALITY
SOLID WASTE MANAGEMENT**

ARTICLE 4. SOLID WASTE FACILITIES SUBJECT TO BEST MANAGEMENT PRACTICES

Section

R18-13-402. Solid Waste Facilities Subject to Best Management Practices; Fees

ARTICLE 5. REQUIREMENTS FOR SOLID WASTE FACILITIES SUBJECT TO SELF-CERTIFICATION

Section

R18-13-501. Solid Waste Facilities Requiring Self-Certification; Registration Fees

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES

Section

R18-13-702. Solid Waste Facility Plan Review Fees

ARTICLE 8. GENERAL PERMITS

Section

R18-13-801. General Permit Fees

ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA

Section

R18-13-1103. General Requirements; License Fees

ARTICLE 12. WASTE TIRES; USED TIRES

Section

R18-13-1211. Registration of New Waste Tire Collection Sites; Fee

R18-13-1212. Registration of Outdoor Used Tire Sites; Fee

R18-13-1212.01. Waste Tire Collection Site Subject to Plan Approval; Fees

ARTICLE 13. SPECIAL WASTE AND BEST MANAGEMENT PRACTICES FOR SHREDDER RESIDUE

Section

R18-13-1306. Fees

R18-13-1307. Best Management Practices for Waste from Shredding Motor Vehicles; Fees

ARTICLE 14. BIOHAZARDOUS MEDICAL WASTE AND DISCARDED DRUGS

Section

R18-13-1409. Transporter License; Fees; Transportation

Table 1. Frequency of Application for Transporter License

Table 2. Fee Table – Transporter Annual Fee Fees

R18-13-1410. Storage, Transfer, Treatment, and Disposal Facilities; Facility Plan Approval; Fees

ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL

Section

R18-13-1606. Fees

~~ARTICLE 19. LEAD-ACID BATTERY RECYCLING REPEALED~~

Section

~~R18-13-1901. Collection or Recycling Facility of Lead Acid Batteries; Registration; Fees Repealed~~

ARTICLE 20. USED OIL

Section

R18-13-2002. Used Oil Handler Registration; Fee

ARTICLE 21. SOLID WASTE LANDFILL REGISTRATION AND DISPOSAL FEES

Section

R18-13-2102. Solid Waste Landfill Registration; Annual Registration Fee

R18-13-2103. Landfill Closure and Post-Closure Care Obligations; Fees

ARTICLE 22. NEW TIRE SELLERS

Section

R18-13-2201. Definitions

R18-13-2202. New Tire Sellers; Fee

ARTICLE 4. SOLID WASTE FACILITIES SUBJECT TO BEST MANAGEMENT PRACTICES

R18-13-402. Solid Waste Facilities Subject to Best Management Practices; Fees

- A. The following solid waste facilities subject to best management practices under A.R.S. § 49-762.02 shall register with the Department and pay registration fees as provided in this Section:
 - 1. A transfer facility, as defined in A.R.S. § 49-701, with a daily throughput of 180 cubic yards or less, but not including:
 - a. A material recovery facility where the incoming materials are primarily source separated recyclables; or
 - b. Community or neighborhood recycling bins including drop boxes, roll off containers, and plastic containers used to collect residential, business, or governmental recyclable solid waste.
 - 2. A site at which more than 500 and fewer than 5,000 waste tires are stored on any day that is not required to obtain plan approval pursuant to A.R.S. § 49-762.
- B. Initial registration. A new solid waste facility listed in subsection (A) shall not begin operation until the owner or operator registers with the Department on a form approved by the Department. The owner or operator of a new solid waste facility listed in subsection (A) shall submit an initial registration fee of ~~\$1,800~~ \$1,485 at the time of registration under this subsection.
- C. Annual registration fee. The Department shall bill an annual registration fee of ~~\$1,500~~ \$742 to a registered solid waste facility listed in subsection (A) that has not filed a notice of termination of registration with the Department. The owner or operator of a registered solid waste facility listed in subsection (A) shall pay the annual registration fee within 30 days of invoice receipt.
- D. Registration as a waste tire collection site under R18-13-1211 shall satisfy registration and fee requirements pursuant to this Section for a site under subsection (A)(2) of this Section.
- E. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections (B) and (C) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional_resources.htm, for October of that year.
 - 2. Round the result from subsection (E)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 5. REQUIREMENTS FOR SOLID WASTE FACILITIES SUBJECT TO SELF-CERTIFICATION

R18-13-501. Solid Waste Facilities Requiring Self-Certification; Registration Fees

- A. No change
 - 1. No change
 - a. No change
 - b. No change
 - 2. No change
 - 3. No change
- B. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
 - 8. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - 5. No change
 - 6. No change
 - 7. No change
- D. No change
- E. Registration fees. The owner or operator of a ~~solid waste transfer~~ facility under subsection (A)(1) shall pay the Department ~~\$3,600~~ \$1,485 for the initial registration of a new facility, and ~~\$3,000~~ \$742 for each annual registration thereafter. The owner or operator of a tire facility under subsection (A)(2) or (3) shall pay the Department \$1,485 for the initial registration of a new facility, and \$371 for each annual registration thereafter. The Department shall bill the annual registration fee to a solid waste facility under subsection (A) that has not filed a notice of termination of registration with the Department and the solid waste facility shall pay within 30 days of invoice receipt.
- F. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (E) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:

1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (F)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.
- G.** No change
1. No change
 2. No change
 3. No change
 - a. No change
 - b. No change
 - c. No change

ARTICLE 7. SOLID WASTE FACILITY PLAN REVIEW FEES

R18-13-702. Solid Waste Facility Plan Review Fees

- A.** No change

Fee Tables

Fees for Plan Review of New Solid Waste Facilities No change

Fees for Modifications to Solid Waste Facility Plans No change

Fees for Review of Financial Responsibility Plans for Solid Waste Facilities No change

- B.** No change

1. No change
2. No change
 - a. No change
 - b. No change
 - c. No change
3. No change
4. No change

- C.** No change

- D.** No change

- ~~**E.**~~ No change

~~**G.**~~**E.** Beginning July 1, 2026, the Director shall adjust the fee amounts in the columns of the Fee Tables titled “Maximum”, the annual review for solid waste landfills flat fee in the Fee Table - Fees for Review of Financial Responsibility Plans for Solid Waste Facilities, and the hourly rate amount in subsection ~~(F)(E)~~ of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:

1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
2. Round the result from subsection ~~(G)(F)~~(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 8. GENERAL PERMITS

R18-13-801. General Permit Fees

- A.** The Department shall assess annual fees for operation under a general permit established in rule as described in the Table below. Beginning July 1, 2026, the Director shall adjust the fee amounts in the Table below annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:

1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
2. Round the result from subsection (A)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

- B.** No change

- C.** No change

- D.** No change

Table. **Solid Waste General Permits** No change

ARTICLE 11. COLLECTION, TRANSPORTATION, AND DISPOSAL OF HUMAN EXCRETA

R18-13-1103. General Requirements; License Fees

- A.** No change

- B.** No change

- C.** License terms.

1. For each newly licensed vehicle:
 - a. Subject to inspection conducted by the Department pursuant to this Article, the initial license fee shall be ~~\$660~~ \$371, to be submitted with the license application, and the annual license fee shall be ~~\$550~~ \$111; or

- b. Subject to inspection conducted by a county pursuant to a delegation agreement with the Department, the initial license fee shall be \$270, to be submitted with the license application, and the annual license fee shall be ~~\$225~~ \$111.
- 2. No change
- 3. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
- D. No change
- E. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (C) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (E)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 12. WASTE TIRES; USED TIRES

R18-13-1211. Registration of New Waste Tire Collection Sites; Fee

- A. A new waste tire collection site shall not begin operation until the owner or operator registers with the Department. The owner or operator shall register on a form approved by the Department that includes a statement that the site is in compliance with A.R.S. § 49-762.07(F) and A.R.S. Title 44, Chapter 9, Article 8, as applicable. The owner or operator of a new waste tire collection site shall pay an initial registration fee of ~~\$2,400~~ \$742 within 30 days of invoice receipt.
- B. The owner or operator shall pay a ~~\$2,000~~ \$111 registration fee annually thereafter within 30 days of invoice receipt.
- C. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (C)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1212. Registration of Outdoor Used Tire Sites; Fee

- A. A person shall not store 100 or more used tires outdoors until the person registers with the Department. A person that stores 100 or more used tires outdoors shall pay an initial registration fee of ~~\$1,800~~ \$742 within 30 days of invoice receipt. The person shall register on a form approved by the Department that includes a statement that the site is in compliance with A.R.S. § 49-762.07(F) and A.R.S. Title 44, Chapter 9, Article 8, as applicable.
- B. A ~~\$1,500~~ \$111 registration fee shall be paid annually thereafter within 30 days of invoice receipt.
- C. No change
 1. No change
 2. No change
- D. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (D)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1212.01. Waste Tire Collection Site Subject to Plan Approval; Fees

- A. No change
- B. No change
- C. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (C)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 13. SPECIAL WASTE AND BEST MANAGEMENT PRACTICES FOR SHREDDER RESIDUE

R18-13-1306. Fees

- A. No change
 1. No change
 2. No change
- B. No change

1. No change
 2. No change
 3. No change
- C.** No change
- D.** No change
- E.** Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (E)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-1307. Best Management Practices for Waste from Shredding Motor Vehicles; Fees

- A.** No change
1. No change
 - a. No change
 - i. No change
 - ii. No change
 - b. No change
 - i. No change
 - ii. No change
 2. No change
 3. No change
 4. No change
 - a. No change
 - b. No change
 - c. No change
 5. No change
 6. No change
 7. No change
 8. No change
 9. No change
 10. No change
- B.** No change
- C.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
 6. No change
 7. No change
- D.** No change
- E.** No change
- F.** No change
- G.** No change
- H.** Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (G) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (H)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 14. BIOHAZARDOUS MEDICAL WASTE AND DISCARDED DRUGS

R18-13-1409. Transporter License; Fees; Transportation

- A.** No change
- B.** No change
1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 - f. No change
 - g. No change

- h. No change
- 2. No change
- C. Transporters shall pay by the invoice due date an annual fee of ~~\$1,500~~ \$1,113 for each calendar year following payment of the new or renewal application license fee and subsequent years in which a renewal application license fee is not charged and paid, indicated in Table 2. Fee Table, Transporters Annual Fee.
- D. Amendments. After issuance, the licensee shall submit to the Department any change to the information listed in subsections (B)(1)(a) through (g) of this Section within 30 days of its occurrence. Vehicles may only be added to the license after a Department inspection shows that the vehicle is in compliance with this Article. Amendments adding vehicles to the license shall be processed after payment of inspection fees and other expenses, except that the application fee shall be ~~\$350~~ \$148.
- E. No change
- F. No change
- G. No change
 - 1. No change
 - 2. No change
 - 3. No change
- H. No change
 - 1. No change
 - 2. No change
- I. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - a. No change
 - b. No change
 - c. No change
 - 4. No change
 - 5. No change
- J. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections (B), (C), and (D) of this Section, and Table 2. Fee Table, Transporters Annual Fee, annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (J)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

Table 1. Frequency of Application for Transporter License No change

Table 2. Fee Table – Transporter Annual ~~Fee~~ Fees

Years	Amount
<u>1</u>	<u>\$1,800</u>
<u>6, 11, 16, etc.</u>	<u>\$1,500</u>
2, 3, 4, 5, 7, 8, 9, 10, 12, 13, etc.	\$1,500 <u>\$1,113</u>

R18-13-1410. Storage, Transfer, Treatment, and Disposal Facilities; Facility Plan Approval; Fees

- A. No change
- B. No change
- C. No change
- D. No change
 - 1. No change
 - 2. No change
 - 3. No change
- E. No change
- F. No change
- G. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (D) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (G)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 16. BEST MANAGEMENT PRACTICES FOR PETROLEUM CONTAMINATED SOIL**R18-13-1606. Fees**

- A. No change
- B. No change
- C. No change
 - 1. No change
 - 2. No change
- D. No change
- E. No change
- F. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections (A), (B), and (C) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (F)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 19. LEAD-ACID BATTERY RECYCLING-REPEALED**R18-13-1901. ~~Collection or Recycling Facility of Lead Acid Batteries; Registration; Fees Repealed~~**

- ~~A. Initial registration. The owner or operator of an existing collection or recycling facility that accepts lead acid batteries as of the effective date of this Section shall register with the Department by March 1, 2025, on a form approved by the Department. A collection or recycling facility shall not begin operation to accept lead acid batteries until the owner or operator registers with the Department on a form approved by the Department that includes a statement that the facility is in compliance with A.R.S. § 44-1322. The owner or operator of a new collection or recycling facility of lead acid batteries shall submit an initial registration fee of \$810 at the time of registration under this subsection.~~
- ~~B. Annual registration fee. The Department shall bill an annual registration fee of \$675 to a registered collection or recycling facility that has not filed a notice of termination of registration with the Department. The owner or operator of a registered collection or recycling facility shall pay the annual registration fee within 30 days of invoice receipt.~~
- ~~C. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections subsection (A) and (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:

 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regionalresources.htm, for October of that year.
 - 2. Round the result from subsection (C)(1) to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.~~
- ~~D. For purposes of this Section, "lead acid battery" means a battery with a core of elemental lead and a capacity of six or more volts that is suitable for use in a vehicle or a boat.~~

ARTICLE 20. USED OIL**R18-13-2002. Used Oil Handler Registration; Fee**

- A. Initial registration. A new used oil handler that has received, or is required to obtain, an EPA identification number pursuant to 40 CFR 279 shall not begin operation until the owner or operator registers with the Department on a form approved by the Department. A new used oil handler shall submit an initial registration fee at the time of registration under this subsection as follows:
 - 1. For a used oil processor, ~~\$9,000~~ \$500;
 - 2. For a used oil burner, ~~\$15,000~~ \$500;
 - 3. For a used oil transporter, ~~\$1,800~~ \$500; and
 - 4. For a used oil fuel marketer, ~~\$1,800~~ \$500.
- B. Annual registration fee. The Department shall bill an annual registration fee to a used oil handler that has received, or is required to obtain, an EPA identification number pursuant to 40 CFR 279 that has not filed a notice of termination of registration with the Department as follows:
 - 1. For a used oil processor, ~~\$7,500~~ \$2,500;
 - 2. For a used oil burner, ~~\$12,500~~ \$2,500;
 - 3. For a used oil transporter, \$1,500; and
 - 4. For a used oil fuel marketer, ~~\$1,500~~ \$900.
- C. The registered used oil handler shall pay the annual registration fee within 30 days of invoice receipt.
- D. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsections (A) and (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
 - 1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 - 2. Round the result from subsection (D)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 21. SOLID WASTE LANDFILL REGISTRATION AND DISPOSAL FEES**R18-13-2102. Solid Waste Landfill Registration; Annual Registration Fee**

- A. An operator of a new solid waste landfill shall register the solid waste landfill with the Department on a form approved by the Department.
- B. An existing solid waste landfill shall pay an annual registration fee within 30 days of receipt of an invoice from the Department according to the following:
1. For municipal solid waste landfills that received less than ~~60,000~~ 12,000 tons during the defined time period, ~~\$5,000~~ \$1,856.
 2. For municipal solid waste landfills that received at least ~~60,000~~ 12,000 tons but less than ~~225,000~~ 60,000 tons during the defined time period, ~~\$10,000~~ \$3,713.
 3. For municipal solid waste landfills that received at least 60,000 tons but less than 225,000 tons or more during the defined time period, ~~\$18,565~~ \$10,000.
 4. For municipal solid waste landfills that received 225,000 tons or more during the defined time period, \$18,565.
 5. For non-municipal solid waste landfills that received less than 60,000 tons during the defined time period, \$5,000.
 6. For non-municipal solid waste landfills that received 60,000 tons or more during the defined time period, \$5,569.
- C. No change
1. No change
 2. No change
- D. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (C)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

R18-13-2103. Landfill Closure and Post-Closure Care Obligations; Fees

- A. No change
- B. No change
- C. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (B) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (C)(1) down to the nearest cent. ADEQ shall post the new amounts on its webpage and install them in the billing software as soon as practicable.

ARTICLE 22. NEW TIRE SELLERS**R18-13-2201. Definitions**

- A. No change
- B. "Tire seller" means a retail seller of motor vehicle tires or a wholesale seller of motor vehicle tires who sells tires to the state, to a political subdivision of the state, or to a private entity not for resale, ~~and includes~~ but does not include a person whose retail sales of new motor vehicle tires are not in the ordinary course of business.

R18-13-2202. New Tire Sellers; Fee

- A. No change
- B. No change
- C. No change
- D. Beginning July 1, 2026, the Director shall adjust the fee amounts in subsection (A) of this Section annually by the following method, except that no adjustment in any year shall exceed four percent of the fee amount of the preceding year:
1. Multiply the amount by the October CPI for the most recent year and then divide by the October CPI for the year 2024. The October CPI for any year is the Consumer Price Index for All Urban Consumers, Phoenix-Mesa-Scottsdale, AZ, all items, published by the United States Department of Labor at www.bls.gov/cpi/regional-resources.htm, for October of that year.
 2. Round the result from subsection (D)(1) down to the nearest cent. ADEQ shall notify the Arizona Department of Revenue of the adjusted fee amounts and post the new amounts on its webpage as soon as practicable.

NOTICE OF FINAL RULEMAKING
TITLE 21. CHILD SAFETY
CHAPTER 1. DEPARTMENT OF CHILD SAFETY
ADMINISTRATION

[R25-289]

PREAMBLE

1. Permission to proceed with this final rulemaking was granted under A.R.S. § 41-1039 by the governor on:
 October 21, 2025

2. <u>Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R21-1-501	Amend
R21-1-502	Amend
R21-1-504	Amend
R21-1-505	Amend
R21-1-506	Amend
R21-1-507	Amend
R21-1-508	Amend
R21-1-509	New Section
R21-1-510	New Section

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. § 8-453(A)(5)
 Implementing statute: A.R.S. § § 8-804, 8-804.02 and 8-811

4. The effective date of the rule:
 December 3, 2025 (*immediately upon filing with the Office of the Secretary of State*)

a. If the agency selected a date earlier than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the earlier date and state the reason the agency selected the earlier effective date as provided in A.R.S. § 41-1032(A)(1) through (5):

Pursuant to A.R.S. § 41-1032(A)(4), this rule will provide a benefit to the public and there is no penalty associated with the violation of this rule. Establishing a tiered central registry system will decrease the amount of time many individuals will spend on the central registry and increase employment opportunities for those individuals and the businesses.

b. If the agency selected a date later than the 60-day effective date as specified in A.R.S. § 41-1032(A), include the later date and state the reason the agency selected the later effective date as provided in A.R.S. § 41-1032(B):

Not applicable

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 2946; Issue Date: September 12, 2025; Issue Number: 37; File Number: R25-213

Notice of Proposed Rulemaking: 31 A.A.R. 2900; Issue Date: September 12, 2025; Issue Number: 37; File Number: R25-209

6. The agency's contact person who can answer questions about the rulemaking:

Name: Karen Wouters
 Title: Rule Development Specialist
 Address: 3003 N. Central Ave.
 Phoenix, AZ 85012
 Telephone: (602) 255-3461
 Fax: (480) 681-4000
 Email: Karen.Wouters@azdcs.gov
 Website: <https://dcs.az.gov/about/dcs-rules-rulemaking>

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

The rules under 21 A.A.C. 1, Article 5 pertain to the Department of Child Safety (Department) process for proposing to substantiate and unsubstantiating findings of abuse or neglect against an alleged perpetrator. The rules also describe the processes of notifying those affected by a proposed substantiation of abuse or neglect and informing them of their due process rights. There are a few reasons for proposing amending the rules in 21 A.A.C. 1, Article 5. First, necessary changes were identified in the Five-Year-Review Report approved by the Governor's Regulatory Review Council on June 6, 2023, including updating statutory references that have changed and detailing the process for the Director to review and make final decisions regarding administrative law judges' findings. Additionally, rules must be updated to reflect that A.R.S. § 8-811 changed the standard of proof for substantiating allegations of abuse or neglect from probable cause to a preponderance of the evidence. Finally, amendments to A.R.S. § 8-804 and the addition of A.R.S. § 8-804.02 require the Department to adopt rules for a tiered Central Registry. The updated rules detail

the acts and omissions included on different tiers and considerations for early removal.

8. 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:

Not applicable

9. 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

10. A summary of the economic, small business, and consumer impact:

The rules under 21 A.A.C. 1, Article 5 pertain to substantiation of abuse or neglect against an alleged perpetrator and the maintenance of the State's Central Registry. The rules also provide information on how an alleged perpetrator can appeal, request a hearing contesting the proposed substantiated findings, and request early removal from the Central Registry. The Department's Protective Services Review Team (PSRT) administers reviews and appeals related to the proposed substantiated findings of child abuse and neglect. The proposed amendments will allow the Director of the Department to modify or reject an Administrative Law Judge's Recommended Decision if it is factually or legally incorrect, among other conditions. The proposed amendments, as summarized under #6 of this Preamble, do not add a fee on the public, or require the Department to incur additional costs. One benefit of establishing a tiered registry system is individuals that may have previously remained on the registry for 25 years will be eligible for shorter timeframes under the new rules and have an opportunity for early removal of their name from the Central Registry. This will provide an economic benefit to the individual and businesses as individuals may be eligible sooner for more employment opportunities after their name is removed from the Registry. Aligning the rules with statutory updates will provide an overall benefit to affected individuals and the general public while also continuing to prioritize child safety.

11. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:

Not applicable

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

Written Comments from Markus Risinger for Woodnick Law, PLLC

The comments on behalf of Woodnick Law, PLLC acknowledge that they were extensively involved in the drafting of Laws 24, Chapter 127, that resulted in the new tiered registry system, early removal provisions and retroactive updates to existing registry findings. They appreciate the Department's diligence and transparency while drafting the registry amendments. Four areas were identified that raise due process concerns or may require clarification before being finalized.

First, regarding R21-1-507, allowing the Director to overturn the decision of an administrative law judge (ALJ) that a registry finding should not be entered could be a concern for due process protections and they request that the section be removed. They acknowledge that this amendment adds some restrictions on the Director's authority but remain concerned that this makes the administrative hearing process a ponderous pit stop on the road to judicial review and does not safeguard due process enough. They believe that the courts have not squarely ruled on whether Title 8 intends to give this authority to the director and expect that this topic will be the subject of future litigation. If this amendment proceeds, they suggest changing the language to that an administrative law judge's decision creates a rebuttable presumption that the Director can only overcome via clear and convincing evidence that an act of abuse or neglect occurred or that the ALJ committed a substantial and material error of law.

Next, regarding R21-1-509(A), not allowing the length of time on the registry or tier placement to be appealed is not consistent with Arizona law. These are agency decisions subject to judicial review similar to the determination of whether to place a person on the registry at all. With the change to a tiered system, they anticipate more negotiations on how an act will be characterized on the registry and believe they should be subject to appellate review or risk due process objections and less information available for future rulemaking. Determining where a finding falls within the tiers is the very essence of the administrative process and must be appealable and subject to judicial review.

Regarding R21-1-509(F), it is not clear whether acts that are not specifically listed in the rule are subject to a hearing process or appeal. They suggest a procedure for an individual to be able to present evidence that may assist in helping the Department categorize the act into the correct tier, such as the relevance of the act to the person's future contact with children. This information may not be collected during investigations and could clarify what information was reviewed when the tier placement decision was made.

Finally, regarding R21-1-510(C) and (D), they believe the decision whether to grant early removal should be appealable and subject to judicial review. If The Department plans to place limitations on when an individual may reapply for early removal, the Department should include the considerations in rule. They also ask that the Department shares with an applicant written findings regarding subsection C and what was considered when determining the timeline for reapplication in subsection D.

The Department's Response

The Director's ability to overturn an administrative law judge's decision is outlined under A.R.S. 41-1092.08. The Department sought feedback regarding further parameters that could be added to the Director's review process and incorporated additional parameters from A.R.S. 41-1092.08 and the Attorney General Agency Handbook based on those recommendations. Any finding by the Director is appealable to the Court of Appeals. Further changes are not within the scope of this rulemaking.

Dependency cases will continue to go through juvenile court. The judge is responsible for making a finding for abuse or neglect and the Protective Services Review Team (PSRT) reviews those findings before an individual is placed on the registry. For non-dependency findings, the process remains the same in that DCS identifies allegations that might meet the statutory requirements of

abuse and neglect findings being placed on the registry. Notice of the findings is sent by the investigation team and the findings are forwarded to PSRT for review. The PSRT reviews the proposed abuse/neglect finding(s) and provides notice to the individual prior to substantiating the finding. The notice provides an opportunity for the individual to file an appeal and provide any additional evidence to be reviewed by PSRT. If PSRT is intending to move forward to substantiate the finding, there is an opportunity to have a hearing with an administrative law judge, with witnesses, the potential to have legal representation, and other evidence can be provided to assist the ALJ in making their determination. Both processes offer an opportunity for appeal and due process.

When the PSRT reviews allegations for substantiations, they review all evidence provided at appeal and are not limited to only consider the information initially presented. Per A.R.S. 8-456, the Department has 45 days to complete investigation allegation findings. The Department must continue following established statute.

The Department intends to model the process for early removal from the Central Registry on the Board of Fingerprinting process for a Central Registry Exception. If a request for early removal is denied, a reason will be provided to assist the individual in future requests.

Written Comments from Gabby Grossman for ACLU

The ACLU summarizes the rule changes as follows: create a safeguard to prevent inclusion in the Central Registry for instances of abuse and neglect caused by poverty, increase the standard of proof for substantiated findings of child abuse and neglect from probable cause to a preponderance of evidence, implement a tiered system for the placement of persons on the Central Registry based on the severity of the harm and future risk of harm and update the appeals process and clarify the ability of the DCS Director to modify administrative law judge (ALJ) findings on appeal. They are supportive of the first three changes and commend the Department for the changes but have concerns about the last amendment.

The ACLU states that allowing the Director of DCS to override ALJ decisions undermines due process and is contrary to fairness and justice. The parameters added to the new rule that limit the Director's override are somewhat more protective than the current rule but continue to dilute the protections of the appeals process and render ALJ hearings illusory. They noted that the DCS Director is a political appointee that is not required to have legal training and allowing them to make decisions to overturn a judicial decision raises serious fundamental due process concerns and undermines the public trust in DCS. They urge the Department to allow individuals to present their case to a neutral arbiter who will make independent findings of fact and law and remove the Director's ability to override ALJ findings.

The Department's Response:

The Director's ability to overturn an administrative law judge's decision is outlined under A.R.S. 41-1092.08. The Department sought feedback regarding further parameters that could be added to the Director's review process and incorporated additional parameters from A.R.S. 41-1092.08 and the Attorney General Agency Handbook based on those recommendations. Any finding by the Director is appealable to the Court of Appeals. Further changes are not within the scope of this rulemaking.

Written comments from Jullie Gunnigle of Full Spectrum Law Collective and Allison Stein of Arizona NORML

Ms. Gunnigle and Ms. Stein participated in the oral hearing and summarized their comments in writing. They focus on the implications for pregnant people and families affected by pregnancy criminalization. They commend the Department for including "prenatal exposure" in the category that does not result in placement on the registry.

They identify a number of concerns. There is ambiguity regarding Schedule I and II substances and believe this ambiguity could cause an incorrect categorization of prenatal exposure on a higher tier placement. Referencing federal schedules instead of state-law classification of substances in Title 13 could provide inconsistent outcomes, create scenarios where the same conduct is lawful under state law but prohibited by rule, and lead to arbitrary enforcement and due process challenges.

They believe the rules do not address retroactive relief and whether individuals currently on the registry will be re-categorized under the new tiered registry system. They request a mechanism to remove these names. They also ask for clarification on how the Department will manage individuals with multiple allegations that fall under different tiers and want to ensure the Department does not recast the allegation under a different label without distinct factual findings.

Finally, they are concerned that the Department is able to deny challenges to tier placement and believe the process lacks an independent review. They would like to see the rules provide a notice of the evidence relied upon, an opportunity to be heard before a neutral decision-maker and a right of judicial review.

In summary, they want to see the Department clarify that Schedule I and II provisions do not override the prenatal-exposure exclusion, adopt retroactive relief for those wrongly listed, explain how overlapping categories will be resolved without bootstrapping prenatal cases into registrable neglect and incorporate robust due process protections.

The Department's Response:

The Department responded to Ms. Gunnigle and Ms. Stein's comments verbally during the oral hearing. Written comments are also included below.

The Department understands the confusion in referencing Schedule I and II substances. The Department does not intend to capture substance exposed newborns under this specific tier. Substantiated allegations regarding substance exposed newborns are captured in the proposed rules under the 0 tier and PSRT will not place the person's name on the Central Registry. DCS will clarify in internal guidance that exposure to Schedule I and II substances in utero does not meet criteria for placement in this tier.

Per Laws 2024, Chapter 127, all individuals currently on the Central Registry will be reclassified to the tiered registry system after May 2026. This may result in individuals being removed from the registry if they are reclassified under Tier 0.

If there are multiple substantiated allegations, individuals will be placed on the tiered registry based on the highest tier for which the allegations are categorized.

The Director's ability to overturn an administrative law judge's decision is outlined under A.R.S. 41-1092.08. The Department

sought feedback regarding further parameters that could be added to the Director's review process and incorporated additional parameters from A.R.S. 41-1092.08 and the Attorney General Agency Handbook based on those recommendations. Any finding by the Director is appealable to the Court of Appeals. Further changes are not within the scope of this rulemaking.

Public Comments from Oral Proceeding

Lori Ford from AZDCS Oversight Group

Ms. Ford shared a number of questions and comments during the oral hearing. She asked if the removal from the Central registry will be retroactive, whether the Guardian system is able to support proper disclosure in dependency cases and whether the Director can overturn a decision made by an administrative law judge. Ms. Ford expressed concerns that parents are still at the mercy of DCS when it comes to being placed on the registry and shared parent and public sentiment about the distrust with DCS and asked if any other entity besides DCS could be tasked with handling the process of substantiating allegations. Ms. Ford asked how an individual can confirm whether or not they are in the Central Registry and whether foster parents and group home staff are entered into the Central Registry. She asked for clarification about whether the letters to the parents that will be coming after May 15, 2026, will be coming from DCS or the Attorney General's Office. She also suggested that DCS dedicate space on their website regarding how individuals can update their contact information and ask questions regarding the re-classification of cases on the updated Central Registry.

The Department's Response:

The Department explained that Laws 2024, Chapter 127 requires the Department to conform all entries in the Central Registry into the tiers established as a result of this rulemaking by May 15, 2026. The Department acknowledged challenges in the past regarding disclosures and has been ensuring that all evidence is shared with the courts and has been diligent in efforts to come into compliance with the order. The Department has prioritized all court requests, including the disclosure of emails and texts messages. The concerns of disclosure would not be applicable to the administrative process for substantiations of allegations. The Director's ability to overturn an administrative law judge's decision is outlined under A.R.S. 41-1092.08. The Department sought feedback regarding further parameters that could be added to the Director's decision process and incorporated additional parameters from A.R.S. 41-1092.08 and the Attorney General Agency Handbook based on those recommendations. Any finding by the Director is appealable to the Court of Appeals. Further changes are not within the scope of this rulemaking.

To clarify the process of an individual being placed in the Central Registry, the Department explained that if there is a dependency proceeding, the Superior Court judge makes a finding of abuse or neglect, DCS PSRT reviews that decision and places the individual in the Central Registry. The Department does not have any decision-making authority in those types of cases. Laws 2024, Chapter 127 did not change the administrative hearing process. For non-dependencies, DCS PSRT is still the entity who reviews proposed substantiated findings and moves forward with Central Registry placement. There is an administrative process by which individuals can appeal and be heard by an administrative law judge.

The Department appreciates Ms. Ford for expressing the sentiment of concern from the public regarding the Department's responsibility of substantiating allegations. State statute specifically tasks the Department with managing the process.

The Department explained that an individual can obtain a request form from the DCS website to determine if they are listed in the Central Registry. In regard to placement of foster parents and employees of group homes in the Central Registry, only allegations of abuse can be substantiated and entered into the Central Registry for group home staff due to the definition of abuse in A.R.S. 8-201. Foster parents can be entered into the Central Registry for substantiated allegations of abuse or neglect because the child is placed in their physical custody.

The Department will provide a notification letter to individuals currently listed in the Central Registry regarding the reclassification of allegations to the tiered registry after May 2026. The Department appreciated Ms. Ford's comment and will consider her suggestion of creating a dedicated space on the DCS website in which the public can find information about the reclassification of entries in the Central Registry, how to update their contact information, and who to contact at DCS with questions about their placement in the Central Registry.

13. 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:

Not applicable

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 pertain to actions taken when the Department of Child Safety is proposing to substantiate findings of abuse or neglect against an alleged perpetrator and the appeal and hearing process. A general permit is not used.

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:

42 U.S.C. 5106 and 34 U.S.C. Ch. 209 are applicable to the subject of the rule. The rules are not more stringent than federal law

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:

Not applicable

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

Not applicable

15. Whether the rule was previously made, amended or repealed as an emergency rule. 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:

Not applicable

16. The full text of the rules follows:

TITLE 21. CHILD SAFETY

**CHAPTER 1. DEPARTMENT OF CHILD SAFETY
ADMINISTRATION**

ARTICLE 5. SUBSTANTIATION OF REPORT FINDINGS

Section

R21-1-501.	Definitions
R21-1-502.	Initial Notification Letter
R21-1-504.	PSRT Review
R21-1-505.	Exceptions to Right to a Hearing
R21-1-506.	Dependency Adjudication
R21-1-507.	Director Review and Further Appeal after the Administrative Hearing <u>Final Administrative Decision and Review</u>
R21-1-508.	Entry into the Central Registry
R21-1-509.	<u>Maintenance of the Central Registry</u>
R21-1-510.	<u>Early Removal from the Central Registry</u>

ARTICLE 5. SUBSTANTIATION OF REPORT FINDINGS

R21-1-501. Definitions

The following definitions apply to this Article.

1. "Abuse" No change
2. "Administrative law judge's decision" means the same as defined under A.R.S. § 41-1092.
23. "Amend the finding" means the same as defined under A.R.S. § 8-811(L)(1) A.R.S. § 8-811.
34. "Case Record"; "Case record" means the Report of child abuse and neglect and related records the Department intends to submit at the hearing, including information from internal and external sources.
45. "Central Registry" No change
56. "Completed Investigation" means the case record and the proposed substantiated finding for the report of child abuse or neglect have been reviewed and approved by a supervisor and contains all of the information required to support a finding of proposed substantiation.
7. "Dangerous drug" means the same as defined under A.R.S. § 13-3401.
68. "Day" No change
79. "Department" or "DCS" No change
810. "Ineligibility Letter" No change
911. "Initial Notification Letter" means a notice sent from the Department via first class mail to an alleged perpetrator informing the person of the proposed substantiated finding of child abuse or neglect to be entered into the Central Registry and describing appeal rights to challenge the proposed finding.
4012. "Legally excluded" means that an alleged perpetrator is not entitled to an administrative hearing under A.R.S. § 8-811, because:
 - a. The person is a party in a pending civil, criminal or administrative proceeding in which the allegations of abuse or neglect are at issue;
 - b. The person is a party in a pending juvenile proceeding in which the allegations of abuse or neglect are at issue;
 - ac. A court or administrative law judge has made a finding of findings as to the alleged abuse or neglect based on the same allegations as in the proposed substantiated finding; or
 - bd. A court has found that a child is dependent, or has terminated a parent's rights based upon on the same an allegations allegation of abuse or neglect as in the proposed substantiated finding.
13. "Medical Child Abuse" is a term used to describe when a child receives unnecessary and harmful, or potentially harmful, medical care at the instigation of a caregiver.
4414. "Neglect" or "neglected" means the same as defined under A.R.S. § 8-201(24) A.R.S. § 8-201.
4215. "Perpetrator" No change
4316. "Probable Cause" means some credible evidence that abuse or neglect occurred; "Preponderance of the Evidence" means more probable than not an incident of abuse or neglect occurred.
4417. "Proposed Substantiated Finding" means the Department has investigated and found probable cause to support that the preponderance of the evidence supports an allegation of abuse or neglect sufficient to place the alleged perpetrator's name into the Central Registry, subject to the alleged perpetrator's right to notice and a hearing.
4518. "PSRT" No change
4619. "Report For Investigation"; "Report for Investigation" means the same as DCS Report as defined under A.R.S. § 8-201(30) A.R.S. § 8-201.
20. "Serious physical injury" means the same as defined under A.R.S. § 8-201.
4721. "Substantiated Finding means a proposed substantiated finding that:

- a. An administrative law judge found to be true by a ~~probable cause~~ preponderance of the evidence standard of proof after notice and an administrative hearing and the ~~Department~~ Director accepted the ~~decision~~ administrative law judge's recommended decision;
- b. The Director upon independent review of the evidence presented at the administrative hearing has found to be true by a preponderance of the evidence standard of proof and either rejected or modified the administrative law judge's recommended decision under R21-1-507 in which case the Director's decision is the final administrative decision;
- ~~bc.~~ The alleged perpetrator did not make a timely appeal request for an administrative hearing; ~~or~~
- d. The alleged perpetrator requested a hearing and failed to appear;
- e. The alleged perpetrator agreed to settlement language and the hearing was vacated;
- ef. The alleged perpetrator was not entitled to an administrative hearing because the alleged perpetrator was legally excluded as defined ~~in~~ under subsection (4)-(10); ~~or~~
- g. The alleged perpetrator failed to respond after receiving notice of the Initial Notification Letter as required under A.R.S. § 8-811.

R21-1-502. Initial Notification Letter

- A. When PSRT receives a proposed substantiated finding, PSRT shall notify an alleged perpetrator that:
 - 1. The Department intends to substantiate the proposed finding and place the alleged perpetrator's name in the Central Registry;
 - 2. The alleged perpetrator may obtain a copy of the Report for Investigation; and
 - 3. The alleged perpetrator has the right to an administrative hearing before the person's name is entered ~~in~~ into the Central Registry.
- B. The Department shall send the Initial Notification Letter to the alleged perpetrator no more than 14 days after the Completed Investigation.

R21-1-504. PSRT Review

- A. Upon receiving a timely request for an administrative hearing, the PSRT shall within 60 days review the ~~Case Record~~ case record and shall:
 - 1. Determine ~~there is no probable cause that the alleged perpetrator committed the allegation of~~ child abuse or neglect is not supported by a preponderance of the evidence and amend the proposed substantiated finding to unsubstantiated; or
 - 2. Determine ~~there is probable cause the allegation of~~ abuse or neglect is supported by a preponderance of the evidence and send the alleged perpetrator a hearing notice unless the alleged perpetrator is ineligible under R21-1-505.
- B. The hearing notice shall include:
 - 1. The date and time of the hearing;
 - 2. Notification of the right to request a settlement conference no later than 20 days before the hearing; and
 - 3. Notification of the right, upon oral or written request to the Department, to receive a copy of the case record, redacted as required by A.R.S. § 8-807.

R21-1-505. Exceptions to Right to a Hearing

- A. An alleged perpetrator shall be eligible to have an administrative hearing unless the alleged perpetrator is legally excluded.
- B. The Department shall mail an alleged perpetrator who is legally excluded an Ineligibility Letter within seven days of the PSRT determination of ineligibility for an appeal.
- C. The Department shall not schedule an administrative hearing if ~~the alleged perpetrator~~:
 - 1. The alleged perpetrator ~~is~~ is a party in a pending civil, criminal, or administrative proceeding in which the same allegations of child abuse or neglect are at issue; ~~or~~
 - 2. The alleged perpetrator ~~has~~ has a pending juvenile proceeding in which the same allegations of child abuse or neglect are at issue; ~~;~~
 - 3. A court or administrative law judge has made findings as to the alleged abuse or neglect; or
 - 4. A court has found that a child is dependent or has terminated a parent's rights based on an allegation of abuse or neglect.
- D. An alleged perpetrator whose hearing is not scheduled under subsection (C)(1) shall have six months from the date of the Ineligibility Letter to provide court documentation to the Department showing:
 - 1. The results of the legal action;
 - 2. That the proceedings are still pending; or
 - 3. That the legal action did not ~~determine result in a finding as to the allegations~~ allegation of child abuse ~~and~~ or neglect.
- E. If the alleged perpetrator does not contact the Department within six months of the date of the Ineligibility Letter with the information listed in subsection (D), the Department shall enter the person's name and the finding in the Central Registry.
- F. Notwithstanding subsection (E), if the alleged perpetrator contacts the Department after six months and provides the documentation in subsection (D) the alleged perpetrator may be entitled to a hearing subject to the provisions of R21-1-508.

R21-1-506. Dependency Adjudication

~~If the court in a proceeding described in A.R.S. § 8-811(F)(3), makes a finding of dependency based on child abuse or neglect against a person, the Department shall enter the person's name and the fact of the dependency finding in the Central Registry.~~ If the court has found that a child is dependent or has terminated a parent's rights based on an allegation of abuse or neglect, PSRT shall enter the name of the person found to have abused or neglected the child and the fact of the dependency finding or termination of parental rights into the Central Registry if the person was a party to the dependency or termination of parental rights proceeding in that court. The Department shall determine the person's placement in a tier as described under R21-1-509.

R21-1-507. Director Review and Further Appeal After the Administrative Hearing Final Administrative Decision and Review

- A. An administrative law judge's ~~recommended~~ recommended decision is not the final administrative decision until the ~~Department~~ Director reviews the ~~recommended~~ recommended decision. The Director has 30 days to review the administrative decision. The Director may accept, reject or modify ~~an~~ the administrative law judge's ~~recommended~~ recommended decision under A.R.S. § 41-1092.08.

- B.** The Director shall review the pertinent portions of the factual record presented at the hearing, including the transcript or recording and the exhibits before the Director decides to reject or modify a Finding of Fact.
- C.** If the Director rejects or modifies the administrative law judge's Conclusion of Law, the Director shall provide written justification for the rejection or modification of the recommended administrative law judge's Conclusions of Law to the President of the Senate and the Speaker of the House of Representatives.
- D.** The Director shall only reject or modify an administrative law judge's recommended decision when:
1. The Director concludes that the ALJ's decision is not supported by a preponderance of the evidence or is arbitrary and capricious; or
 2. The administrative law judge incorrectly applied the law in reaching its decision.
- E.** If the Director rejects or modifies the administrative law judge's recommended decision, the Director's decision is the final administrative decision. If the final administrative decision is to substantiate the finding, PSRT shall enter the perpetrator's name and substantiated finding in the Central Registry as outlined under R21-1-508(B).
- BE.** A perpetrator may appeal the final administrative decision under A.R.S. Title 12, Chapter 7, Article 6.

R1-1-508. Entry into the Central Registry

- A.** If the perpetrator does not appeal the proposed substantiation, PSRT shall enter the person's name and the substantiated finding into the Central Registry.
- B.** If the administrative decision upholds the substantiation and the Department Director accepts the decision, PSRT shall enter the perpetrator's name and the substantiated finding in the Central Registry no later than 2035 days after the date of the final administrative decision if the decision is to substantiate the allegation of abuse or neglect.
- C.** The Department shall not enter the person's name or the finding in the Central Registry if the: If the court ruling described under R21-1-505(C) finds abuse or neglect by the perpetrator, PSRT shall enter the person's name and the substantiated finding in the Central Registry.
1. Final administrative decision holds that the allegations of abuse or neglect are not substantiated; or
 2. A court ruling described in R21-1-505(C) finds no abuse or neglect by the alleged perpetrator.
- D.** If the court ruling described in R21-1-505(C) finds abuse or neglect by the perpetrator, the PSRT shall enter the person's name and the substantiated finding in the Central Registry. PSRT shall not enter the person's name and the substantiated finding in the Central Registry if:
1. The administrative law judge's recommended decision finds that the allegation of abuse or neglect is not substantiated and the Director accepts the administrative recommendation; or
 2. The court or administrative law judge in a proceeding described under R21-1-505(C) does not make a finding of abuse or neglect by the alleged perpetrator.

R21-1-509. Maintenance of the Central Registry

- A.** PSRT shall maintain the person's name and the substantiated finding in the Central Registry for a designated length of time of 0, 5, 15 or 25 years based on the severity and type of abuse or neglect and the potential risk the person may pose if the person were in a position or setting that involves the care of or substantial contact with children. The designated length of time on the registry is not appealable.
- B.** If an administrative law judge, a state or federal court, or the Director finds that the parent, guardian, custodian, or employee of a child welfare agency abused the child or the parent, guardian or custodian neglected the child, PSRT shall maintain the person's name and substantiated finding in the Central Registry for 25 years for any of the following acts or omissions:
1. Death of a child due to abuse or neglect;
 2. Sexual assault or molestation after allowing a known sexual predator access to a child;
 3. Aggravated domestic violence in front of a child by a parent, guardian, or custodian as defined under A.R.S. § 13-3601.02;
 4. A diagnosis by a medical professional of non-medical malnutrition or failure to thrive without a previous diagnosis of a health condition;
 5. Physical injury to a child by allowing the child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found or equipment by any person for the purpose of manufacturing a dangerous drug as defined under A.R.S. § 13-3401;
 6. Inflicting or allowing sexual abuse under A.R.S. § 13-1404, sexual conduct with a minor under A.R.S. § 13-1405, sexual assault under A.R.S. § 13-1406, molestation of a child under A.R.S. § 13-1410, commercial sexual exploitation of a minor under A.R.S. § 13-3552, sexual exploitation of a minor under A.R.S. § 13-3553, incest under A.R.S. § 13-3608, child sex trafficking under A.R.S. § 13-3212 or other sexual abuse.
 7. Inflicting or allowing a serious physical injury to a child that creates a reasonable risk of death or causes serious or permanent disfigurement, serious impairment of health, or loss or protracted impairment of the function of any bodily organ or limb.
 8. Any other act of abuse or neglect that presents a serious physical injury that creates a reasonable risk of death, or serious emotional abuse to the child, and the Department determines there is a nexus between the act of abuse or neglect and the potential risk the perpetrator may pose if the perpetrator were in a position or setting that involves the care of or substantial contact with children.
- C.** If an administrative law judge, a state or federal court, or the Director finds that the parent, guardian, custodian, or employee of a child welfare agency abused the child or the parent, guardian or custodian neglected the child, PSRT shall maintain the person's name and substantiated finding in the Central Registry for 15 years for any of the following acts or omissions:
1. Inflicting or allowing of physical injury, impairment of bodily function or disfigurement; including bone fracture or fractures; serious injuries to the face or head; non-accidental burns; substantial bruising; and injuries on multiple parts of the body if the injuries include disfigurement, scarring, impairment, or loss of use;
 2. Positive toxicology of the child for schedule 1 or 2 non-prescribed drugs that were supplied to the child by the parent, guardian or custodian or an employee of a child welfare agency;

3. Medical child abuse by a parent, guardian or custodian;
 4. Unreasonable confinement of a child including binding the child's arms and/or legs together, binding the child to an object, or locking the child in a cage or confined space, unless medically prescribed;
 5. Physical injury to a child during a domestic violence incident;
 6. Leaving the child unattended in a vehicle or other conveyance by a parent, guardian, custodian or an employee of a child welfare agency, resulting in conditions or symptoms requiring medical attention;
 7. Accidental drowning of a child due to recklessness;
 8. Physically or verbally imposing, which means brandishing weapons, throwing objects intentionally at a child with the intent to hit or cause harm, or behaving in a manner that intends to cause the child to fear for their physical safety;
 9. Recklessly or deliberately exposing a child to sexually explicit materials or acts;
 10. A parent, guardian, or custodian is unwilling to meet the child's needs for supervision, food, clothing, shelter, or medical care as determined by a juvenile court adjudication or criminal conviction;
 11. Inability to provide supervision of a child due to driving under the influence with the child in the vehicle, causing substantial risk of harm to the child;
 12. Any other act of abuse or neglect of a child that could be classified as class 4, class 5, or class 6 felony child abuse, including but not limited to:
 - a. Emotional abuse by a parent, guardian, custodian or an employee of a child welfare agency; or
 - b. A parent, guardian, or custodian, or an employee of a child welfare agency taking a child from the lawful custody of the Department.
- D.** If an administrative law judge, a state or federal court, or the Director finds that the parent, guardian, custodian, or employee of a child welfare agency abused the child or the parent, guardian or custodian neglected the child, PSRT shall maintain the person's name and substantiated finding in the Central Registry for five years for any of the following acts or omissions:
1. Physical abuse resulting in minor physical injury to the child;
 2. Driving without properly restraining a child resulting in injury to the child;
 3. Intentionally leaving the child unattended in a vehicle, placing the child at substantial risk of harm or physical injury;
 4. Accidental drowning of a child due to negligence;
 5. Unwillingness to protect the child from another person the individual knows is abusing or neglecting the child;
- E.** If an administrative law judge, a state or federal court, or the Director finds that the parent, guardian, custodian, or employee of a child welfare agency abused the child or the parent, guardian or custodian neglected the child, PSRT shall not enter or maintain the person's name and substantiated finding in the Central Registry for any of the following acts or omissions:
1. The parent, guardian or custodian is unable to protect themselves and the child from domestic violence without risk of harm to the child;
 2. Child is born substance exposed or diagnosed with fetal alcohol syndrome;
 3. The parent, guardian or custodian is unable to meet the child's needs for supervision, food, clothing, shelter, or medical care solely due to a lack of financial resources available to the parent, guardian or custodian; or
 4. Positive toxicology with a substantial risk of physical injury of the child for non-schedule 1 or 2 illegal or non-prescribed drugs that were supplied by the parent, guardian, custodian or employee of a child welfare agency.
- F.** In determining the tier level for acts or omissions not specifically addressed in this Rule, the Department may consider:
1. The type of abuse or neglect identified in the substantiated finding;
 2. The acts or omissions set forth in the substantiated finding;
 3. The age of the child;
 4. The likelihood of harm to a child as a result of the person's acts or omissions;
 5. The severity of physical or emotional harm that may result from the acts or omissions;
 6. Harm that did result from the person's acts or omissions; and
 7. The extent to which the acts or omissions are relevant to the person's future contact with children and vulnerable adults.

R21-1-510. Early Removal from the Central Registry

- A.** To request early removal from the Central Registry, the person shall submit an application to the Department for early removal of their name from the Central Registry. The application shall include a written statement from the person whose name is on the Central Registry explaining how the person has demonstrated the rehabilitation necessary for early removal from the Central Registry.
- B.** The Department shall not accept applications for review until the person's name and substantiated finding has been on the Central Registry for a specified period of time as follows:
1. A person whose name is entered into the Central Registry for 25 years may apply for early removal after the person's name and substantiated finding has been on the Central Registry for at least 12.5 years.
 2. A person whose name is entered into the Central Registry for 15 years may apply for early removal after the person's name and substantiated finding has been on the Central Registry for at least 7.5 years.
 3. A person whose name is entered into the Central Registry for five years may apply for early removal after the person's name and substantiated finding has been on the Central Registry for at least 2.5 years.
- C.** To determine whether a person has demonstrated the rehabilitation necessary for an early removal from the Central Registry, the Department may consider a number of factors including:
1. The extent of the person's DCS history;
 2. The length of time that has elapsed since the act was committed;
 3. The potential future risk of harm to children from the perpetrator;
 4. The nature of the act;
 5. Any applicable mitigating circumstances;
 6. The degree to which the person participated in the act;
 7. The extent of the person's rehabilitation, including:

- a. Completion of recommended drug treatment programs;
 - b. Completion of recommended behavioral treatment programs; and
 - c. Counseling.
- D.** The Department shall issue a letter granting or denying the application for early removal of the person's name from the Central Registry 60 days after receiving the application. When the Department denies an application for early removal from the Central Registry, the Department shall include a determination regarding why early removal criteria were not met and a timeframe by which the applicant can re-apply.

NOTICES OF FINAL EXPEDITED RULEMAKING

This section of the *Arizona Administrative Register* contains Notices of Final Expedited Rulemakings. An agency prepares these notices under A.R.S. § 41-1013(9).

Expedited rulemaking is an accelerated rulemaking process that does not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of persons regulated. Other requirements to conduct expedited rulemaking are listed under A.R.S. § 41-1027.

Under the law an agency is required to file a Notice of Proposed Expedited Rulemaking for review. The notices in

this section include *Register* publication dates where the Notices of Proposed Expedited Rulemaking were published.

The Office of the Secretary of State is the filing office and publisher of these rules.

Questions about the interpretation of expedited rules should be addressed to the agency promulgating the rules.

Refer to item 4 to contact the person charged with the rulemaking.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

**CHAPTER 7. DEPARTMENT OF HEALTH SERVICES
RADIATION CONTROL**

[R25-290]

PREAMBLE

1. Permission to proceed with this final expedited rulemaking was granted under A.R.S. § 41-1039 by the governor on:

September 26, 2025

2. Article, Part or Section Affected (as applicable)

R9-7-708

Rulemaking Action

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. §§ 30-654(B)(5), 36-132(A)(1), 36-136(G)

Implementing statute: A.R.S. §§ 30-654, 30-657, 30-671, 30-672, and 30-673

4. The effective date of the rule:

December 3, 2025

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 1553; Issue Date: May 9, 2025; Issue Number: 19; File Number: R25-80

Notice of Proposed Expedited Rulemaking: 31 A.A.R. 1592; Issue Date: May 16, 2025; Issue Number: 20; File Number: R25-85

6. The agency's contact person who can answer questions about the rulemaking:

Name: Brian D. Goretzki, Chief, Bureau of Radiation Control

Address: Arizona Department of Health Services
Public Health Licensing Services
4814 S. 40th St.
Phoenix, AZ 85040

Telephone: (602) 255-4840

Fax: (602) 437-0705

Email: Brian.Goretzki@azdhs.gov

or

Name: Stacie Gravito, Office Chief

Address: Arizona Department of Health Services
Office of Administrative Counsel and Rules
150 N. 18th Ave., Suite 540
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

Email: Stacie.Gravito@azdhs.gov

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

Arizona Revised Statutes (A.R.S.) § 30-654(B)(5) requires the Arizona Department of Health Services (Department) to make rules deemed necessary to administer A.R.S. Title 30, Chapter 4, Control of Ionizing Radiation. The Department has adopted these rules in A.A.C. Title 9, Chapter 7. Arizona is an Agreement State by the Document negotiated between the U.S. Atomic Energy Com-

mission (now U.S. Nuclear Regulatory Commission or NRC) and the Governor of Arizona in March of 1967 under A.R.S. § 30-656. In order to remain in compliance with the Agreement, Arizona must adopt regulations related to the control of radioactive material in a manner that is consistent with federal regulations. The NRC recently conducted an audit of the rules in 9 A.A.C. 7, and noted that one rule needed to be revised to meet NRC requirements. Under an approval for the rulemaking received according to A.R.S. § 41-1039(A), the Department has revised the rules in A.A.C. Title 9, Chapter 7, by expedited rulemaking to make changes to conform to the NRC requirements.

- 8. 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.
- 9. 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
- 10. A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a preliminary summary of the economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2):**
Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.
- 11. A description of any change between the proposed expedited rulemaking, to include a supplemental proposed notice, and the final rulemaking:**
No changes were made between the proposed expedited rulemaking and the final expedited rulemaking.
- 12. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
No comments were received.
- 13. 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:**
- 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 rule being revised does not require the issuance of a permit or license. However, the requirements in 9 A.A.C. 7, Article 7, do include provisions for licensing. According to A.R.S. Title 30, Chapter 2, Article 2, the Department is authorized to issue licenses and registrations for sources of ionizing radiation and those persons using these sources. This licensing and registration must be compatible with requirements in the Agreement. The rules in 9 A.A.C. 7 refer to permits both general and specific. The general permit applies to certain levels of radioactive material, and specific permits are issued by rule for quantities and uses that are specific to the user and their training or scope of practice.
- 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:**
The rule is not more stringent than federal law. Applicable federal law includes 10 CFR 35.41.
- 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 business competitiveness analysis was received by the Department.
- 14. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**
Not applicable
- 15. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A) state where the text was changed between the emergency and the final expedited rulemaking package:**
The rule was not previously made as an emergency rule.
- 16. The full text of the rules follows:**

TITLE 9. HEALTH SERVICES

CHAPTER 7. DEPARTMENT OF HEALTH SERVICES RADIATION CONTROL

ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL

Section

R9-7-708. Procedures for Administrations Requiring a Written Directive

ARTICLE 7. MEDICAL USES OF RADIOACTIVE MATERIAL

R9-7-708. Procedures for Administrations Requiring a Written Directive

- A.** For any administration requiring a written directive, the licensee shall develop, implement, and maintain written procedures to provide high confidence that:
1. The patient's or human research subject's identity is verified before each administration; and
 2. Each administration is in accordance with the written directive.

- B.** At a minimum, the procedures required by subsection (A) must address the following items that are applicable to the licensee’s use of byproduct material:
1. Verifying the identity of the patient or human research subject;
 2. Verifying that the administration is in accordance with the treatment plan, if applicable, and the written directive;
 3. Checking both manual and computer-generated dose calculations;
 4. Verifying that any computer-generated dose calculations are correctly transferred into the consoles of therapeutic medical units authorized by Exhibit A Group 600 or 1000 of this Article;
 5. Determining if a medical event, as defined in R9-7-745, has occurred; and
 6. Determining, for permanent implant brachytherapy, within 60 calendar days after the date the implant was performed, the total source strength administered outside of the treatment site compared to the total source strength documented in the post-implantation portion of the written directive, unless a written justification of patient unavailability is documented.

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 17. TRANSPORTATION

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

[R25-291]

PREAMBLE

1. Permission to proceed with this final expedited rulemaking was granted under A.R.S. § 41-1039 by the governor on:

October 6, 2025

2. Article, Part, or Section Affected (as applicable) Rulemaking Action

R17-4-501	Amend
R17-4-502	Amend
R17-4-504	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. § 28-366

Implementing statute: A.R.S. §§ 28-364, 28-3005, 28-3153, 28-3158, 28-3159, 28-3164, 28-3167, 28-3171, 28-3173, 28-3223, 28-3306, 28-3314, and 28-3315

4. The effective date of the rule:

December 3, 2025

5. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the current record of the final expedited rule:

Notice of Rulemaking Docket Opening: 31 A.A.R. 2720; Issue Date: August 22, 2025; Issue Number: 34; File Number: R25-193

Notice of Proposed Expedited Rulemaking: 31 A.A.R. 2714; Issue Date: August 22, 2025; Issue Number: 34; File Number: R25-192

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

Name: Candace Olson
 Title: Senior Rules Analyst
 Office: Government Relations and Rules
 Address: Department of Transportation
 206 S. 17th Ave., Mail Drop 180A
 Phoenix, AZ 85007
 Telephone: (480) 267-6610
 Email: COLson2@azdot.gov
 Website: <https://azdot.gov/about/government-relations>

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

The Arizona Department of Transportation (ADOT) is engaged in this expedited rulemaking to incorporate the changes proposed in ADOT’s recent five-year review report on 17 A.A.C. 4, Article 5, Safety, approved by the Governor’s Regulatory Review Council on April 1, 2025. ADOT determined that there were rules in this Article that should be updated and improved to provide better clarity and consistency; to update for Laws 2024, Chapter 169, which changed the term “substance abuse counselor” to “addiction counselor”; and to remove unnecessary language. Updates in this rulemaking include updating references, listing additional entities who may perform a medical assessment in the definition of “evaluation,” replacing the applicable counselor terminology, adding clarifying verbiage, restructuring verbiage, and removing unnecessary language.

- 8. **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:**
 ADOT did not review or rely on any study relevant to the rules.
- 9. **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
- 10. **A statement that the agency is exempt from the requirements under A.R.S. § 41-1055(G) to obtain and file a summary of the economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2):**
 This rulemaking is exempt from the requirements to obtain and file an economic, small business, and consumer impact under A.R.S. § 41-1055(D)(2).
- 11. **A description of any change between the proposed expedited rulemaking, to include a supplemental proposed notice, and the final rulemaking:**
 Not applicable
- 12. **An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**
 ADOT did not receive any public or stakeholder comments regarding this rulemaking.
- 13. **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 ADOT 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:**
 These rules do not require the issuance of a regulatory permit, license, or agency authorization.
 - 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 corresponding federal laws for these rules.
 - c. **Whether a person submitted an analysis to the agency regarding the rule’s impact on the competitiveness of businesses in this state as compared to the competitiveness of businesses in other states under A.R.S. § 41-1055(I). If yes, include the analysis with the rulemaking package.**
 No analysis was submitted to ADOT.
- 14. **List all incorporated by reference material as specified in A.R.S. § 41-1028 and include a citation where the material is located:**
 Not applicable
- 15. **Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A) state where the text was changed between the emergency and the final expedited rulemaking package:**
 These rules were not previously made as an emergency rule.
- 16. **The full text of the rules follows:**

TITLE 17. TRANSPORTATION

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

ARTICLE 5. SAFETY

Section	
R17-4-501.	Definitions
R17-4-502.	General Provisions for Visual, Physical, and Psychological Ability to <u>Safely</u> Operate a Motor Vehicle Safely
R17-4-504.	Medical Alert Conditions

ARTICLE 5. SAFETY

R17-4-501. Definitions

In addition to the definitions provided under R17-4-101 and A.R.S. §§ ~~28-101, 28-3001,~~ and 28-3005, in this Article, unless otherwise specified:

- “Adaptation” means a modification of or addition to the standard operating controls or equipment of a motor vehicle.
- “Applicant” means a person:
 - Applying for an Arizona driver license or driver license renewal, or
 - Required by the Department to complete an examination successfully or to obtain an evaluation.
- “Application” means the Department form required to be completed by or for an applicant for a driver license or driver license renewal.
- “Aura” means a sensation experienced before the onset of a neurological disorder.

“Commercial driver license physical qualifications” means driver medical qualification standards for a person licensed in class A, B, or C to operate a commercial vehicle as prescribed under 49 CFR 391, incorporated by reference under A.A.C. R17-5-202 and R17-5-204.

“Disqualifying medical condition” means a visual, physical, or psychological condition, including substance abuse, that impairs functional ability.

“Evaluation” means a medical assessment of an applicant or licensee by a physician, specialist, or certified addiction counselor to determine whether a disqualifying medical condition exists.

“Examination” means testing or evaluating an applicant’s or licensee’s:

- Ability to read and understand official traffic control devices,
- Knowledge of safe driving practices and the traffic laws of this state, and
- Functional ability.

“Functional ability” means the ability to safely operate ~~safely~~ a motor vehicle of the type permitted by an Arizona driver license class or endorsement.

“Licensee” means a person issued a driver license by this state.

“Licensing action” means an action by the Department to:

- Issue, deny, suspend, revoke, cancel, or restrict a driver license or driving privileges; or
- Require an examination or evaluation of an applicant or licensee.

“Medical alert code” means a system of numerals or letters indicating the licensee suffers from some type of adverse medical condition.

“Medical screening questions and certification” means the questions and certification on the application.

“Neurological disorder” means a malfunction or disease of the nervous system.

“Seizure” means a neurological disorder characterized by a sudden alteration in consciousness, sensation, motor control, or behavior, due to an abnormal electrical discharge in the brain.

“Specialist” means:

- A physician who is a surgeon or a psychiatrist,
- A physician whose practice is limited to a particular anatomical or physiological area or function of the human body or to patients with a specific age range, or
- A psychologist.

“Substance abuse” means:

- Use of alcohol in a manner that makes the user an alcoholic as defined in A.R.S. § 36-2021, or
- Use of a controlled substance in a manner that makes the user a drug dependent person as defined in A.R.S. § 36-2501.

~~“Substance abuse evaluation” means an assessment by a physician, specialist, or certified substance abuse counselor to determine whether the use of alcohol or a drug impairs functional ability.~~

“Successful completion of an examination” means an applicant or licensee:

- Establishes the visual, physical, and psychological ability to safely operate a motor vehicle ~~safely~~, or
- Achieves a score of at least 80% on any required tests.

R17-4-502. General Provisions for Visual, Physical, and Psychological Ability to Safely Operate a Motor Vehicle ~~Safely~~

A. Screening process for safe operation of a motor vehicle.

1. An applicant shall complete the application, including the medical screening questions and certification.
2. An applicant without a valid driver license shall successfully complete all required examinations or obtain an evaluation if:
 - a. The Department informs the applicant that the applicant’s responses to the medical screening questions indicate the existence of a disqualifying medical condition; or
 - b. The applicant comes under subsection (B)(1)(a), (B)(1)(c), or (B)(1)(d).
3. An applicant for license renewal shall successfully complete an examination or obtain an evaluation if the applicant’s responses to the medical screening questions indicate that since the applicant’s last driver license issuance:
 - a. The applicant has developed a visual, physical, or psychological condition that may constitute a disqualifying medical condition; or
 - b. There has been a change in an existing visual, physical, or psychological condition that may constitute a disqualifying medical condition.
4. As soon as a licensee’s medical condition allows, the licensee shall notify the Department, in writing, that a medical condition exists not previously reported to the Department that may affect the licensee’s functional ability. On receipt of the required notification, the Department shall require the licensee to complete an examination or evaluation.

B. Evaluation. An applicant or licensee shall submit to an evaluation as required by the Department.

1. The Department shall require an evaluation if the Department notifies the applicant or licensee in writing that:
 - a. The applicant or licensee comes under the provisions of R17-4-503 or R17-4-506;
 - b. The applicant or licensee reports a possible disqualifying medical condition or fails to successfully complete an examination;
 - c. The applicant or licensee shows unexplained confusion, loss of consciousness, or incoherence that is observed by Department personnel; or
 - d. A person with direct knowledge submits to the Department written information about specific events or conduct indicating the applicant or licensee may have a disqualifying medical condition.
2. The applicant or licensee shall have the physician, appropriate specialist, or certified ~~substance abuse~~ addiction counselor who performs an evaluation submit timely an evaluation report on a form provided by the Department to the Department’s Medical Review Program.
3. An applicant or licensee shall pay for any expense incurred by the applicant or licensee to show compliance with the visual, physical, and psychological standards for a driver license.

- C. Licensing action. The Department shall take a licensing action after requiring an applicant or licensee to complete an examination successfully or obtain an evaluation and submit an evaluation report.
1. The Department shall deny a driver license if an applicant or licensee:
 - a. Fails to complete successfully an examination; or
 - b. Fails to:
 - i. Obtain an evaluation; or
 - ii. Have a physician, appropriate specialist, or certified ~~substance abuse~~ addiction counselor submit an evaluation report to the Department within 30 days after the Department notifies the applicant that an evaluation is required; or
 - c. Has an evaluation report submitted that indicates a disqualifying medical condition.
 2. The Department shall summarily suspend an applicant's or licensee's driving privileges under A.R.S. §§ 28-3306 and 41-1064 for a reason stated in subsection (C)(1).
 3. The Department shall issue a revocation notice with a notice of summary suspension. The revocation notice shall inform the applicant or licensee that:
 - a. Unless the Department receives the applicant or licensee's timely hearing request under subsection (E), the revocation becomes effective:
 - i. Fifteen days after the date the applicant or licensee is personally served with the notice, or
 - ii. Twenty days after the date the notice is mailed to the applicant or licensee.
 - b. An applicant or licensee who wishes to obtain a license after suspension or revocation shall reapply for a license as specified in A.R.S. § 28-3315.
 4. The Department shall issue a driver license or shall not suspend or revoke an applicant or licensee's driving privileges if:
 - a. The applicant or licensee successfully completes all required examinations and the Department does not require an evaluation, or
 - b. The applicant or licensee obtains all required evaluations and the most recent evaluation report submitted on behalf of the applicant or licensee conclusively indicates no disqualifying medical condition.
- D. Driver license restrictions. If an applicant or licensee uses an adaptation, including those listed below, to demonstrate functional ability during an examination, the Department shall indicate the adaptation as a restriction on a driver license issued to the applicant or licensee and on the applicant's or licensee's driving record:
1. Automatic transmission,
 2. Hand dimmer switch,
 3. Left-foot gas pedal,
 4. Parking-brake extension,
 5. Power steering,
 6. Power brakes,
 7. Six-way power seat,
 8. Right-side directional signal,
 9. A device that enables an operator to spin the steering wheel,
 10. A device that enables full foot control,
 11. Dual outside mirrors,
 12. Chest restraints,
 13. Shoulder restraints,
 14. A device that extends pedals,
 15. A device that enables full hand control,
 16. Adapted seat, and
 17. Prosthetic aid.
- E. Hearings. The Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.
- F. The Department shall not release information required to be submitted to the Department under this Section by an applicant or licensee except to a person or entity qualified under A.R.S. § 28-455.

R17-4-504. Medical Alert Conditions

- A. Definition. In this Section, "license" means any class of driver license, commercial driver license, non-operating identification license, or instruction permit.
- B. Medical alert condition displayed on license. The Department will provide on each license a space to indicate a medical alert condition. A list of recognized medical alert conditions is available at all Motor Vehicle Division Customer Service offices and Authorized Third Party Driver License offices.
- C. Retention of medical alert condition authorization. The Department will not maintain the medical alert code on the Department computer record unless written authorization is submitted.
- D. A person shall submit a signed statement, from a physician or registered nurse practitioner as indicated in A.R.S. § 28-3167, stating that the person is diagnosed with a medical condition. The signed statement is required every time the person requests a license unless the person authorizes the Department to maintain the medical alert code on the Department computer record.

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
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 FR = Final repealed Section
 F# = Final renumbered Section

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 SPER = Supplemental Proposed Expedited repealed Section
 SPE# = Supplemental Proposed Expedited renumbered Section

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 FE# = Final Expedited renumbered Section

EXEMPT RULEMAKING

EXEMPT

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 XM = Exempt amended Section
 XR = Exempt repealed Section
 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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 SPXR = Supplemental Proposed Exempt repealed Section
 SPXM = Supplemental Proposed Exempt amended Section
 SPX# = Supplemental Proposed Exempt renumbered Section

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 FXR = Final Exempt repealed Section
 FX# = Final Exempt renumbered Section

EMERGENCY RULEMAKING

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 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

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 TM = Terminated proposed amended Section
 TR = Terminated proposed repealed Section
 T# = Terminated proposed renumbered Section

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

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R9-10-410.	PM-152; FM-2457	R9-10-713.	PM-246; TM-2775	R9-10-902.	PM-152; FM-2457
R9-10-411.	PM-152; FM-2457	R9-10-715.	PM-246; TM-2775	R9-10-905.	PM-152; FM-2457
R9-10-413.	PM-152; FM-2457	R9-10-716.	PM-246; TM-2775	R9-10-911.	PM-152; FM-2457
R9-10-414.	PM-152; FM-2457	R9-10-717.	PM-246; TM-2775	R9-10-914.	PM-152; FM-2457
R9-10-421.	PM-152; FM-2457	R9-10-718.	PM-246; TM-2775	R9-10-918.	PM-152; FM-2457
R9-10-423.	PM-152; FM-2457	R9-10-719.	PM-246; TM-2775	R9-10-1003.	PM-152; FM-2457
R9-10-426.	PM-152; FM-2457	R9-10-720.	PM-246; TM-2775	R9-10-1008.	PM-152; FM-2457
R9-10-501.	PEM-384; FEM-1263	R9-10-722.	PM-246; TM-2775	R9-10-1010.	PM-152; FM-2457
R9-10-503.	PEM-384; FEM-1263	R9-10-801.	PM-703; FM-2085	R9-10-1011.	PM-152; FM-2457
R9-10-506.	PEM-384; FEM-1263	R9-10-802.	PM-246; TM-2775	R9-10-1012.	PM-152; FM-2457
R9-10-507.	PEM-384; FEM-1263	R9-10-803.	PM-246; PM-703;	R9-10-1017.	PM-152; FM-2457
R9-10-508.	PEM-384; FEM-1263		FM-2085; TM-2775	R9-10-1018.	PM-152; FM-2457
R9-10-509.	PEM-384; FEM-1263	R9-10-806.	PM-246; PM-703;	R9-10-1022.	PM-152; FM-2457
R9-10-510.	PEM-384; FEM-1263		FM-2085; TM-2775	R9-10-1027.	PM-152; FM-2457
R9-10-511.	PEM-384; FEM-1263	R9-10-807.	PM-246; TM-2775	R9-10-1031.	PM-152; FM-2457
R9-10-512.	PEM-384; FEM-1263	R9-10-808.	PM-703; FM-2085	R9-10-1106.	PM-152; FM-2457
R9-10-514.	PEM-384; FEM-1263	R9-10-809.	PM-246; TM-2775	R9-10-1107.	PM-152; FM-2457
R9-10-515.	PEM-384; FEM-1263	R9-10-810.	PM-246; TM-2775	R9-10-1114.	PM-152; FM-2457
R9-10-516.	PEM-384; FEM-1263	R9-10-811.	PM-246; PM-703;	R9-10-1117.	PM-152; FM-2457
R9-10-518.	PEM-384; FEM-1263		FM-2085; TM-2775	R9-10-1201.	FM-651
R9-10-520.	PEM-384; FEM-1263	R9-10-815.	PM-703; FM-2085	R9-10-1203.	FM-651
R9-10-522.	PEM-384; FEM-1263	R9-10-816.	PM-246; PR-703;	R9-10-1207.	FM-651
R9-10-525.	PEM-384; FEM-1263		PN-703;	R9-10-1209.	FM-651
R9-10-606.	PM-152; FM-2457	R9-10-817.	FR-2085; FN-2085	R9-10-1210.	FM-651
R9-10-613.	PM-152; FM-2457		PM-246; PN-703;	R9-10-1302.	PM-152; FM-2457
R9-10-701.	PM-246; TM-2775	R9-10-818.	FN-2085; TM-2775	R9-10-1305.	PM-152; FM-2457
R9-10-702.	PM-246; TM-2775		P#-703; F#-2085;	R9-10-1306.	PM-152; FM-2457
R9-10-703.	PM-246; TM-2775	R9-10-819.	TM-2775 P#-703;	R9-10-1313.	PM-152; FM-2457
R9-10-706.	PM-246; TM-2775		PM-703; F#-2085;	R9-10-1314.	PM-152; FM-2457
R9-10-707.	PM-246; TM-2775	R9-10-820.	FM-2085 PM-246;	R9-10-1315.	PM-152; FM-2457
R9-10-709.	PM-246; TM-2775		PM-246; P#-703;	R9-10-1317.	PM-152; FM-2457
R9-10-710.	PM-246; TM-2775	R9-10-821.	F#-2085 P#-703;	R9-10-1405.	PM-152; FM-2457
R9-10-712.	PM-246; TM-2775	R9-10-901.	FM-2085 TM-2775	R9-10-1406.	PM-152; FM-2457
			PM-152; FM-2457	R9-10-1412.	PM-152; FM-2457
				R9-10-1413.	PM-152; FM-2457

R9-10-1515.	PM-152; FM-2457	R9-16-209. R9-16-211.	PEM-1885 PEM-1885	R9-16-909.	PN-112; FN-1647
R9-10-1702.	PM-152; FM-2457	R9-16-214. R9-16-215.	PEM-1885 PEM-1885	Health Services, Department of - Noncommunicable Diseases	
R9-10-1704.	PM-152; FM-2457	R9-16-301. R9-16-302.	PM-1875 PM-1875	R9-4-202.	FM-1309
R9-10-1705.	PM-152; FM-2457	R9-16-303. R9-16-304.	PM-1875 PM-1875	R9-4-302.	FM-1309
R9-10-1706.	PM-152; FM-2457	R9-16-305. R9-16-306.	PM-1875 PM-1875	R9-4-403.	FM-1309
R9-10-1709.	PM-152; FM-2457	R9-16-307. R9-16-308.	PR-1875 PM-1875	R9-4-404.	FM-1309
R9-10-1712.	PM-152; FM-2457	R9-16-309. R9-16-310.	PM-1875 PM-1875	R9-4-405.	FM-1309
R9-10-1903.	PM-152; FM-2457	R9-16-312. R9-16-314.	PM-1875 PM-1875	Health Services, Department of - Radiation Control	
R9-10-1909.	PM-152; FM-2457	Table 3.1. R9-16-315.	PM-1875 PM-1875	R9-7-609.	EXP-4407
R9-10-2002.	PM-2001	R9-16-316. R9-16-501.	PM-1875 PEM-1885	R9-7-708.	PEM-1592
R9-10-2003.	PM-2001	R9-16-502. R9-16-503.	PEM-1885 PEM-1885	R9-7-1302.	PEM-4098
R9-10-2005.	P#-2001; PM-2001	R9-16-504. R9-16-505.	PEM-1885 PEM-1885	R9-7-1401.	PE#-4098; PEM-4098
R9-10-2006.	P#-2001; PM-2001	R9-16-507. R9-16-601.	PEM-1885 FEM-672	R9-7-1402.	PE#-4098; PEM-4098
R9-10-2007.	P#-2001; PM-2001	R9-16-602. R9-16-603.	PEM-1885 FEM-672	R9-7-1403.	PER-4098; PEN-4098
R9-10-2008.	P#-2001	R9-16-604. R9-16-605.	FEM-672 FEM-672	R9-7-1404.	PEM-4098
R9-10-2009.	PM-2001	R9-16-606. R9-16-607.	FEM-672 FEM-672	R9-7-1405.	PER-4098; PEN-4098
R9-10-2203.	PM-152; FM-2457	R9-16-608. R9-16-609.	FEM-672 FEM-672	R9-7-1406.	PER-4098; PE#-4098; PEM-4098
R9-10-2206.	PM-152; FM-2457	R9-16-610. R9-16-611.	FEM-672 FEM-672	R9-7-1407.	PER-4098; PEN-4098
R9-10-2221.	PM-152; FM-2457	R9-16-612. R9-16-613.	FEM-672 FEM-672	R9-7-1408.	PER-4098; PEN-4098
Health Services, Department of - Health Programs Services		R9-16-614. R9-16-615.	FEM-672 FEM-672	R9-7-1409.	PER-4098; PE#-4098; PEM-4098
R9-13-201.	PM-44; FM-1355	R9-16-616. R9-16-617.	FEM-672 FEM-672	R9-7-1410.	PER-4098; PEN-4098
R9-13-203.	PM-44; FM-1355	R9-16-618. R9-16-619.	FEM-672 FEM-672	R9-7-1411.	PE#-4098; PEM-4098
R9-13-204.	PM-44; FM-1355	R9-16-620. R9-16-621.	FEM-672 FEM-672	R9-7-1412.	PER-4098; PE#-4098; PEM-4098
R9-13-205.	PM-44; FM-1355	Table 6.1. R9-16-622.	FEM-672 FEM-672	R9-7-1413.	PER-4098; PE#-4098; PEM-4098
R9-13-208.	PM-44; FM-1355	R9-16-623. R9-16-624. R9-16-901.	FEM-672 FEM-672 FEM-672	R9-7-1414.	PER-4098; PE#-4098; PEM-4098
Health Services, Department of - Noncommunicable Diseases and Infestations		R9-16-902.	PM-112; FM-1647	R9-7-1415.	PER-4098; PE#-4098; PEM-4098
R9-4-202.	PM-103	R9-16-903.	PM-112; FM-1647	R9-7-1416.	PER-4098; PE#-4098; PEM-4098
R9-4-302.	PM-103	R9-16-904.	PM-112; FM-1647	R9-7-1417.	PER-4098; PE#-4098; PEM-4098
R9-4-403.	PM-103	R9-16-906.	PM-112; FM-1647	R9-7-1418.	PER-4098
R9-4-404.	PM-103	R9-16-907.	PM-112; FM-1647	R9-7-1421.	PER-4098
R9-4-405.	PM-103	Table 9.1.	PM-112; FM-1647	R9-7-1422.	PER-4098
R9-4-602.	FEM-632	R9-16-908.	PM-112; FM-1647	R9-7-1423.	PER-4098
Health Services, Department of - Occupational Licensing		R9-16-201.	PEM-1885	R9-7-1425.	PE#-4098
R9-16-201.	PEM-1885	R9-16-202.	PEM-1885	R9-7-1426.	PER-4098
R9-16-202.	PEM-1885	R9-16-203.	PEM-1885	R9-7-1427.	PER-4098
R9-16-205.	PEM-1885	R9-16-205.	PEM-1885	R9-7-1429.	PER-4098
R9-16-207.	PEM-1885	R9-16-207.	PEM-1885	R9-7-1433.	PER-4098
R9-16-208.	PEM-1885	R9-16-208.	PEM-1885	R9-7-1434.	PE#-4098
			FM-1647	R9-7-1435.	PER-4098

R9-7-1436.	PE#-4098	R20-4-1813.	FM-2324	R4-16-702.	P#-1625;
R9-7-1437.	PER-4098	R20-4-1901.	FM-2330		PM-1625;
R9-7-1438.	PE#-4098	R20-4-1902.	FM-2330		F#-4386;
R9-7-1439.	PE#-4098	R20-4-1903.	FM-2330		FM-4386
R9-7-1440.	PE#-4098	R20-4-1904.	FM-2330	R4-16-703.	P#-1625;
R9-7-1441.	PE#-4098	R20-4-1905.	FM-2330		PM-1625;
R9-7-1442.	PER-4098	R20-4-1906.	FM-2330		F#-4386;
R9-7-1443.	PER-4098	R20-4-1907.	FM-2330		FM-4386
R9-7-1444.	PER-4098	R20-4-1908.	FM-2330	R4-16-704.	P#-1625;
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Appendix B.	PER-4098	R20-4-1910.	FM-2330		F#-4386;
Appendix C.	PE#-4098	R20-4-1911.	FM-2330		FM-4386
Appendix D.	PE#-4098			R4-16-705.	P#-1625;
					PM-1625;
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R4-28-B1207.	PM-1489; FM-4267	R1-1-111.	PN-1419	R17-5-201.	FM-1958
R4-28-B1209.	PM-1489; FM-4267	R1-1-112.	PM-1419	R17-5-201.	FM-1958
R4-28-B1210.	PM-1489; FM-4267	R1-1-113.	PM-1419	R17-5-202.	FM-1958
R4-28-1302.	PM-1489; FM-4267	R1-1-114.	PR-1419; PN-1419	R17-5-203.	FM-1958
R4-28-1303.	PM-1489; FM-4267	R1-1-503.	PM-1419	R17-5-204.	FM-1958
R4-28-1304.	PM-1489; FM-4267	Standards and Training Board, Con- stable Ethics		R17-5-205.	FM-1958
R4-28-1305.	PM-1489; FM-4267	R13-14-101.	PM-891; FM-3058	R17-5-206.	FM-1958
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Retirement System Board, State		R13-14-202.	PM-891; FM-3058	R17-5-212.	FM-1958
R2-8-104.	PM-2747	R13-14-203.	PM-891; FM-3058	R17-5-407.	PM-2162
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R2-8-304.	TM-4341	R19-3-204.	PM-1642; TM-4305	R17-3-101.	PM-24
R2-8-403.	PM-2750	R19-3-1101.	PN-1642; TN-4305	R17-3-201.	PM-24
R2-8-903.	PM-2752	R19-3-1102.	PN-1642; TN-4305	R17-3-601.	FM-2399
R2-8-301.	PEM-2772	R19-3-1103.	PN-1642; TN-4305	R17-3-602.	FM-2399
R2-8-304.	PEM-2772	R19-3-1104.	PN-1642; TN-4305	Transportation, Department of - Title, Registration, and Driver Licenses	
R2-8-804.	PEM-2772; TM-4341	R19-3-1105.	PN-1642; TN-4305	R17-4-101.	PM-2144
R2-8-805.	PEM-2772; TM-4341	State Parks Board, Arizona		R17-4-201.	PM-2144
Secretary of State, Office of the		R12-8-207.	EXP-736	R17-4-202.	PR-2144
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R2-12-801.	PR-4381	R4-30-301.	PM-4335	R17-4-204.	PR-2144
R2-12-802.	PR-4381	R4-30-305.	PN-4335	R17-4-205.	PM-2144
R2-12-803.	PR-4381	Transportation, Department of - Aeronautics		R17-4-206.	PM-2144
R2-12-804.	PR-4381	R17-2-101.	PM-1580; FM-4090	R17-4-207.	PM-2144
R2-12-805.	PR-4381	R17-2-201.	PM-1580; FM-4090	R17-4-208.	PM-2144
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R2-12-808.	PR-4381	R17-2-204.	PM-1580; FM-4090	R17-4-303.	PM-2144
R2-12-809.	PR-4381	R17-2-205.	PM-1580; FM-4090	R17-4-304.	PM-2144
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2025 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	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date
1/1	3/2	2/1	4/2	3/1	4/30	4/1	5/31	5/1	6/30	6/1	7/31
1/2	3/3	2/2	4/3	3/2	5/1	4/2	6/1	5/2	7/1	6/2	8/1
1/3	3/4	2/3	4/4	3/3	5/2	4/3	6/2	5/3	7/2	6/3	8/2
1/4	3/5	2/4	4/5	3/4	5/3	4/4	6/3	5/4	7/3	6/4	8/3
1/5	3/6	2/5	4/6	3/5	5/4	4/5	6/4	5/5	7/4	6/5	8/4
1/6	3/7	2/6	4/7	3/6	5/5	4/6	6/5	5/6	7/5	6/6	8/5
1/7	3/8	2/7	4/8	3/7	5/6	4/7	6/6	5/7	7/6	6/7	8/6
1/8	3/9	2/8	4/9	3/8	5/7	4/8	6/7	5/8	7/7	6/8	8/7
1/9	3/10	2/9	4/10	3/9	5/8	4/9	6/8	5/9	7/8	6/9	8/8
1/10	3/11	2/10	4/11	3/10	5/9	4/10	6/9	5/10	7/9	6/10	8/9
1/11	3/12	2/11	4/12	3/11	5/10	4/11	6/10	5/11	7/10	6/11	8/10
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
1/16	3/17	2/16	4/17	3/16	5/15	4/16	6/15	5/16	7/15	6/16	8/15
1/17	3/18	2/17	4/18	3/17	5/16	4/17	6/16	5/17	7/16	6/17	8/16
1/18	3/19	2/18	4/19	3/18	5/17	4/18	6/17	5/18	7/17	6/18	8/17
1/19	3/20	2/19	4/20	3/19	5/18	4/19	6/18	5/19	7/18	6/19	8/18
1/20	3/21	2/20	4/21	3/20	5/19	4/20	6/19	5/20	7/19	6/20	8/19
1/21	3/22	2/21	4/22	3/21	5/20	4/21	6/20	5/21	7/20	6/21	8/20
1/22	3/23	2/22	4/23	3/22	5/21	4/22	6/21	5/22	7/21	6/22	8/21
1/23	3/24	2/23	4/24	3/23	5/22	4/23	6/22	5/23	7/22	6/23	8/22
1/24	3/25	2/24	4/25	3/24	5/23	4/24	6/23	5/24	7/23	6/24	8/23
1/25	3/26	2/25	4/26	3/25	5/24	4/25	6/24	5/25	7/24	6/25	8/24
1/26	3/27	2/26	4/27	3/26	5/25	4/26	6/25	5/26	7/25	6/26	8/25
1/27	3/28	2/27	4/28	3/27	5/26	4/27	6/26	5/27	7/26	6/27	8/26
1/28	3/29	2/28	4/29	3/28	5/27	4/28	6/27	5/28	7/27	6/28	8/27
1/29	3/30			3/29	5/28	4/29	6/28	5/29	7/28	6/29	8/28
1/30	3/31			3/30	5/29	4/30	6/29	5/30	7/29	6/30	8/29
1/31	4/1			3/31	5/30			5/31	7/30		

July		August		September		October		November		December	
Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	Date Filed	Effective Date	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 delay between the deadline date and the *Register* publication date. The weekly deadline dates (*first column*) and issue dates (*second column*) 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 Friday, 5:00 p.m. <i>(**early submission date due to holiday)</i>	Register Publication Date	Oral Proceeding may be scheduled on or after <i>(*later date due to holiday)</i>
October 10, 2025	October 31, 2025	December 1, 2025
October 17, 2025	November 7, 2025	December 8, 2025
October 24, 2025	November 14, 2025	December 15, 2025
October 31, 2025	November 21, 2025	December 22, 2025
November 7, 2025	November 28, 2025	December 29, 2025
November 14, 2025	December 5, 2025	January 5, 2026
November 21, 2025	December 12, 2025	January 12, 2026
November 28, 2025	December 19, 2025	*January 20, 2026
December 5, 2025	December 26, 2025	January 26, 2026
December 12, 2026	January 2, 2026	February 2, 2026
December 19, 2025	January 9, 2026	February 9, 2026
December 26, 2025	January 16, 2026	*February 17, 2026
January 2, 2026	January 23, 2026	February 23, 2026
January 9, 2026	January 30, 2026	March 2, 2026
January 16, 2026	February 6, 2026	March 9, 2026
January 23, 2026	February 13, 2026	March 16, 2026
January 30, 2026	February 20, 2026	March 23, 2026
February 6, 2026	February 27, 2026	March 30, 2026
February 13, 2026	March 6, 2026	April 6, 2026
February 20, 2026	March 13, 2026	April 13, 2026
February 27, 2026	March 20, 2026	April 20, 2026
March 6, 2026	March 27, 2026	April 27, 2026

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>.

GOVERNOR’S REGULATORY REVIEW COUNCIL DEADLINES FOR 2025/2026
(MEETING DATES ARE SUBJECT TO CHANGE)

[M24-54/M25-79]

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

DEADLINE FOR PLACEMENT ON AGENDA*	FINAL MATERIALS SUBMITTED TO COUNCIL	DATE OF COUNCIL STUDY SESSION	DATE OF COUNCIL MEETING
Tuesday September 23, 2025	Tuesday October 21, 2025	Tuesday October 28, 2025	Tuesday November 4, 2025
Tuesday October 21, 2025	Tuesday November 18, 2025	Tuesday November 25, 2025	Tuesday December 2, 2025
Tuesday December 23, 2025	Wednesday January 21, 2026	Tuesday January 27, 2026	Tuesday February 3, 2026
Tuesday January 20, 2026	Tuesday February 17, 2026	Tuesday February 24, 2026	Tuesday March 3, 2026
Tuesday February 17, 2026	Tuesday March 24, 2026	Tuesday March 31, 2026	Tuesday April 7, 2026
Tuesday March 24, 2026	Tuesday April 21, 2026	Tuesday April 28, 2026	Tuesday May 5, 2026
Tuesday April 21, 2026	Tuesday May 19, 2026	Wednesday May 27, 2026	Tuesday June 2, 2026
Tuesday May 19, 2026	Tuesday June 23, 2026	Tuesday June 30, 2026	Tuesday July 7, 2026
Tuesday June 23, 2026	Tuesday July 21, 2026	Tuesday July 28, 2026	Tuesday August 4, 2026
Tuesday July 21, 2026	Tuesday August 18, 2026	Tuesday August 25, 2026	Tuesday September 1, 2026
Tuesday August 18, 2026	Tuesday September 22, 2026	Tuesday September 29, 2026	Tuesday October 6, 2026
Tuesday September 22, 2026	Tuesday October 20, 2026	Tuesday October 27, 2026	Tuesday November 3, 2026
Tuesday October 20, 2026	Tuesday November 17, 2026	Tuesday November 24, 2026	Tuesday December 1, 2026
Tuesday November 17, 2026	Tuesday December 22, 2026	Tuesday December 29, 2026	Tuesday January 5, 2027
Tuesday December 22, 2026	Tuesday January 19, 2027	Tuesday January 26, 2027	Tuesday February 2, 2027