

NOTICES OF SUMMARY RULEMAKING

The Administrative Procedure Act allows an agency to use the summary rulemaking procedure instead of the regular rulemaking procedure for repeals of rules made obsolete by repeal or supersession of an agency's statutory authority or the adoption, amendment, or repeal of rules that repeat verbatim existing statutory authority granted to the agency. An agency initiating summary rulemaking shall file the proposed summary rulemaking with the Governor's Regulatory Review Council and the Secretary of State's Office for publication in the next available issue of the *Register*. The proposed summary rule takes interim effect on the date of publication in the *Register*.

NOTICE OF ADOPTED SUMMARY RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION**

PREAMBLE

- | | |
|-------------------------------------|----------------------------------|
| 1. <u>Sections Affected:</u> | <u>Rulemaking Action:</u> |
| R17-4-210 | Repeal |
| Appendix A | Repeal |

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

Authorizing statute: A.R.S. §§ 28-366 and 41-1027

Implementing statute: A.R.S. § 28-1256.01 (Repealed)

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

August 20, 1999

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

Notice of Proposed Summary Rulemaking: 5 A.A.R. 2871, August 20, 1999.

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

Name:	George R. Pavia
Address:	3737 North Seventh Street, Suite 160 Phoenix, Arizona 85014
Telephone:	(602) 712-8446
Fax:	(602) 241-1624

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

R17-4-210 was adopted effective July 30, 1992, in order to implement A.R.S. § 28-1256.01 by setting forth the format for the Declaration of Sale form and establishing a specific fee for each Declaration of Sale form in the amount of \$0.25.

Laws 1993, 5th S.S. Ch. 1 § 21 eff. May 1, 1994, repealed A.R.S. § 28-1256.01 in its entirety, including the implementation authority for R17-4-210.

The Motor Vehicle Division has not utilized the Declaration of Sale Form since A.R.S. § 28-1256.01 was repealed.

Since repeal of A.R.S. § 28-1256.01, licensed motor vehicle dealers and financial institutions have not been required to submit a completed Declaration of Sale form at the time of title application for a sold vehicle, and the Declaration of Sale form has not been made available to licensed motor vehicle dealers and financial institutions by the Motor Vehicle Division.

Inclusion of R17-4-210 in the Arizona Administrative Code is not only unnecessary, it is also misleading or potentially misleading by articulating a regulatory burden for which there is no statutory authority and which is no longer enforced by the Motor Vehicle Division.

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7. **A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**
Not applicable.
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable.
9. **The summary of the economic, small business, and consumer impact:**
Exempt under A.R.S. § 41-1055(D)(2).
10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**
Not applicable.
11. **A summary of the principal comments and the agency response to them:**
No oral proceeding was scheduled for this rulemaking. The opportunity to request an oral proceeding was offered in the Notice of Proposed Summary Rulemaking by: Glenn C. Johnson, Administrative Law Judge; 3737 North Seventh Street, Suite 160, Arizona 85014; or by calling (602) 712-7737; or faxing (602) 241-1624. Written comment about this rulemaking was requested to be sent to the same address. None was received.
12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**
None.
13. **Incorporations by reference and their location in the rules:**
Not applicable.
14. **Was this rule previously adopted as an emergency rule?**
No.
15. **The full text of the rules follows:**

TITLE 17. TRANSPORTATION

CHAPTER 4. DEPARTMENT OF TRANSPORTATION
MOTOR VEHICLE DIVISION

ARTICLE 2. TITLES AND REGISTRATION

Section

R17-4-210. ~~Declaration of Sale Form; Fee for Form~~ Repealed

~~Appendix A. Declaration of Sale Form~~ Repealed

ARTICLE 2. TITLES AND REGISTRATION

R17-4-210. ~~Declaration of Sale Form; Fee for Form~~ Repealed

A. ~~Definitions.~~


1. ~~“Declaration of Sale Form” means the Motor Vehicle Division form required by A.R.S. § 28-1256.01.~~
2. ~~“Users” means those motor vehicle dealers and financial institutions licensed to transact business in Arizona who apply for title and registration on behalf of a buyer.~~

B. ~~The attached Declaration of Sale Form (Appendix A) is adopted as the form required by A.R.S. § 28-1256.01.~~

C. ~~Fee. Users shall pay a fee of 25¢ per Declaration of Sale Form to the Motor Vehicle Division.~~

D. ~~The Declaration of Sale Form is available at all Motor Vehicle Division offices statewide.~~

~~APPENDIX A~~
~~DECLARATION OF SALE FORM~~

ARIZONA DECLARATION OF SALE	
DEALER/INSTITUTION NAME ADDRESS	
	
PURCHASER ADDRESS	
PURCHASER (Last, First, Middle)	
<input type="text"/>	
ADOT CODE	POLICY PREFERENCE
<input type="text" value="0004"/>	<input type="text" value="DECLARATION"/>
DATE OF PURCHASE	VEHICLE MAKE
<input type="text"/>	<input type="text"/>
MODEL YEAR	VIN
<input type="text"/>	<input type="text"/>
NO. <input type="text"/>	
 ARIZONA DECLARATION OF SALE 	
INFORMATION IN SHADED AREA MUST BE TYPEWRITTEN OR COMPUTER PRINTED USING 10 PITCH.	
"PURCHASER" SHOULD BE FIRST OWNER LISTED ON REGISTRATION APPLICATION.	
The original of this form must be submitted with applications for title and registration for all vehicles sold by authorized dealers or paperwork processed by a financial institution.	
Failure to submit this form will result in denial of registration.	
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