

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF FINAL EXEMPT RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 11. BOARD OF FINGERPRINTING

PREAMBLE

- 1. Sections Affected**

R13-11-101	<u>Rulemaking Action</u>
R13-11-102	Amend
R13-11-102	Re-number
R13-11-103	New Section
R13-11-103	Re-number
R13-11-104	Re-number
R13-11-105	Re-number
R13-11-106	Re-number
R13-11-107	New Section
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-619.53(A)(2)
Implementing statute: A.R.S. § 41-619.53(A)(5) (Laws 2003, Ch. 214 § 17 [first regular session])
- 3. The effective date of the rules:**

August 1, 2003
- 4. A list of all previous notices appearing in the Register addressing the exempt rules:**

Notice of Proposed Exempt Rulemaking: 9 A.A.R. 1966, June 20, 2003
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Dennis Seavers, Executive Director
Address: Arizona Board of Fingerprinting
Mail Code 185, Post Office Box 6129
Phoenix, AZ 85005-6129
Telephone: (602) 322-8593
Fax: (602) 322-8594
- 6. An explanation of the rules, including the agency's reasons for initiating the rules, including the statutory citation to the exemption from regular rulemaking procedures:**

The proposed rule implements a \$3.00 fee for all individuals applying to the Department of Public Safety for a fingerprint clearance card. The Board of Fingerprinting is initiating the rule to generate funds for its operations. The Department of Public Safety will collect the fee at the same time and in the same payment as the fees it collects for its own operations for processing fingerprint clearance card applications and for the Federal Bureau of Investigations criminal records check. The proposed rule will have the effect of increasing the fee for a fingerprint clearance card to \$41.00 from \$38.00 for volunteers' applications and to \$47.00 from \$44.00 for all other applications.
A.R.S. § 41-619.53(A)(2) exempts the proposed rules from the regular rulemaking procedures of A.R.S. Title 41, Chapter 6.
- 7. A reference to any study relevant to the rules that the agency reviewed and either relied on in its evaluation of or justification for the rules 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:**

None

Notices of Exempt Rulemaking

8. A showing of good cause why the rules are necessary to promote a statewide interest if the rules 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:

Not applicable (see A.R.S. § 41-619.53(A)(2))

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

No changes

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

No individuals or entities submitted comments, except to say that the rules were acceptable in the proposed form.

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

None

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

None

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

No

15. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 11. BOARD OF FINGERPRINTING

ARTICLE 1. BOARD OF FINGERPRINTING

Section

R13-11-101. Applicability

R13-11-102. Definitions

~~R13-11-102.~~ R13-11-103. Good Cause Exception Hearings

~~R13-11-103.~~ R13-11-104. Notification of Decision for Good Cause Exception Hearing

~~R13-11-104.~~ R13-11-105. Requests for Good Cause Exception – No Disposition

~~R13-11-105.~~ R13-11-106. Confidentiality

~~R13-11-107.~~ Fees

ARTICLE 1. BOARD OF FINGERPRINTING

R13-11-101. Applicability

This Article applies to activities and persons identified in A.R.S. Title 41, Chapter 3, Article 12, except that R13-11-107 applies to all persons applying to the Department of Public Safety for a fingerprint clearance card pursuant to A.R.S. § 41-1758.03.

R13-11-102. Definitions

In this Article, the following definitions apply, unless the context otherwise requires:

1. “Applicant” means a person who applies for a fingerprint clearance card pursuant to A.R.S. § 41-1758.03.
2. “Board” means the Board of Fingerprinting.
3. “Department” means the Department of Public Safety.
4. “Department’s notice” means the notice of denial or suspension of a fingerprint clearance card that the Department sends to an applicant pursuant to A.R.S. § 41-1758.04.

~~R13-11-102.~~ R13-11-103. Good Cause Exception Hearings

- A. No change
- B. No change
 1. No change
 2. No change
- C. No change
- D. No change
 1. No change
 2. No change
 3. No change

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- 4. No change
- 5. No change
- 6. No change
- 7. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change

- E. No change
- F. No change

~~R13-11-103~~, **R13-11-104**, Notification of Decision for Good Cause Exception Hearing

- A. No change
- B. No change

~~R13-11-104~~, **R13-11-105**, Requests for Good Cause Exception – No Disposition

No change

~~R13-11-105~~, **R13-11-106**, Confidentiality

No change

R13-11-107, Fees

- A. The Department shall collect proper fees for good cause exceptions from all applicants and shall transmit the fees to the state Treasurer. A fee of \$3.00 is established for good cause exceptions.
- B. Fees shall be paid in addition to and in the same payment as fees paid to the Department for a fingerprint clearance card application. Fees shall be paid by money order, cashier's check, or check drawn on a business account. If a state agency is paying the fees, the state agency may transfer the funds to the Department by using a companion transaction transfer form.
- C. If the financial institution does not clear a check offered in payment for services pursuant to subsection (B), the Department shall notify the applicant to pay the fees by money order or cashier's check. If a fingerprint clearance card has been issued, the Department shall suspend the fingerprint clearance card until the fees are paid by money order or cashier's check. If a fingerprint clearance card has not been issued, the Department shall not issue a fingerprint clearance card or the Department's notice until the fees are paid by money order or cashier's check.

NOTICE OF EXEMPT RULEMAKING

TITLE 17. TRANSPORTATION

**CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATION**

PREAMBLE

- 1. Sections Affected**
R17-1-205
- Rulemaking Action**
New Section
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 28-366
Implementing statute: A.R.S. § 28-4802(D)(4)
- 3. The effective date of the rules:**
September 30, 2003
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**
None
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Troy A. Walters, Rules Analyst
Address: Administrative Rules Unit
Department of Transportation, Mail Drop 507M
3737 N. 7th Street, Suite 160
Phoenix, AZ 85014-5079

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Telephone: (602) 712-6722
Fax: (602) 241-1624
E-mail: twalters@dot.state.az.us

6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:

A.R.S. § 28-4802(D)(4) authorizes the Department to prescribe by rule a fee of not more than ten dollars for processing an abandoned vehicle report. The Division is initiating this rulemaking as an incentive for filing electronically via the Division's authorized third-party electronic service provider. When an abandoned vehicle report is submitted electronically, the fee is eight dollars. When an abandoned vehicle report is submitted to the Division by means other than the Division's authorized third-party electronic service provider, the fee is ten dollars. The fee charged for processing the report is non-refundable unless provided for under A.R.S. § 28-373. This rulemaking is exempt from the regular rulemaking process under A.R.S. § 41-1005(A)(5).

Please visit the ADOT web site to track progress of this rule and any other agency rulemaking matters at www.dot.state.az.us/about/rules/index.htm.

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

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

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

Not applicable

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

Exempt under A.R.S. § 41-1005(A)(5)

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 comments made regarding the rule and the agency response to them:

None

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

None

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

None

14. Was this rule previously adopted as an emergency rule?

No

15. The full text of the rules follows:

TITLE 17. TRANSPORTATION

CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATION

ARTICLE 2. FEES

Section

R17-1-205. Abandoned Vehicle Report Processing Fee

ARTICLE 2. FEES

R17-1-205. Abandoned Vehicle Report Processing Fee

A. For purposes of A.R.S. § 28-4802(D)(4), the Division establishes the following fees for processing an abandoned vehicle report:

1. When submitted electronically, via the Division's authorized third-party electronic service provider, the fee is eight dollars.
2. When the report is submitted for processing by any other means, the fee is ten dollars.

B. The fee for processing the abandoned vehicle report is non-refundable unless provided for under A.R.S. § 28-373.