

NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 2. DEPARTMENT OF PUBLIC SAFETY – PRIVATE INVESTIGATORS

PREAMBLE

1. Sections Affected

Rulemaking Action

R13-2-01	Repeal
R13-2-02	Repeal
R13-2-03	Repeal
R13-2-04	Repeal
R13-2-05	Repeal
R13-2-06	Repeal
R13-2-07	Repeal
R13-2-08	Repeal
R13-2-09	Repeal
R13-2-10	Repeal
R13-2-11	Repeal
R13-2-12	Repeal
R13-2-101	New Section
R13-2-102	New Section
R13-2-103	New Section
R13-2-104	New Section
R13-2-105	New Section
Article 2	New Article
R13-2-201	New Section
R13-2-202	New Section
R13-2-203	New Section
R13-2-204	New Section
R13-2-205	New Section
R13-2-206	New Section
R13-2-207	New Section
R13-2-208	New Section
Article 3	New Article
R13-2-301	New Section
R13-2-302	New Section
R13-2-303	New Section
R13-2-304	New Section
R13-2-305	New Section
R13-2-306	New Section
Article 4	New Article
R13-2-401	New Section
R13-2-402	New Section
R13-2-403	New Section
R13-2-404	New Section

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. § 32-2402(D)

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Implementing statutes: A.R.S. §§ 32-2401, 32-2407, 32-2411, and 41-1072

- 3. A list of all previous notices appearing in the Arizona Administrative Register, addressing the proposed rule:**
Notice of Rulemaking Docket Opening: 10 A.A.R. 322, January 23, 2004.

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

Name: Lieutenant Laurence Burns
Licensing and Regulatory Bureau Commander

Address: P.O. Box 6638
Mail Drop 1160
Phoenix, AZ 85005-6638

Telephone: (602) 223-2387

Fax: (602) 223-2928

E-mail: lburns@dps.state.az.us

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

This rulemaking is authorized by A.R.S. § 2402(D). During the 45th Legislative Session, Chapter 24 of Title 32 of the Arizona Revised Statutes was amended. The rules provide detailed regulatory information and procedural instructions that implement and clarify statutory requirements for the private investigator industry. They are for use by Department of Public Safety personnel and applicants for and holders of private investigator agency licenses and employee registration certificates.

- 6. A reference to any study that the agency intends to rely 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:**

None

- 7. 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:**

The rules do not diminish a previous grant of authority of a political subdivision of this state.

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

A. Economic impact: The fees for the licensing function were previously specified in A.R.S. § 32-2407. During the 45th Legislative Session, this was changed to allow the Director of the Department of Public Safety to charge reasonable fees to cover the operational and equipment costs of the Licensing Unit. These administrative rules represent a substantial increase in fees to all applicants. It is anticipated that these increased fees will assist the unit to perform the regulatory functions mandated by statute.

B. Small business impact: The rules apply equally to all private investigator agencies doing business in the state of Arizona. No detrimental impact by these rules on small business is anticipated. Removing the contradictions with and duplications of language in the statutes or other rules and correcting citation errors will make the rules easier for all to understand.

C. Consumer impact: Neither the administrative rules nor the statutes have a direct impact on the private investigator industry clientele who make up the consumer community. An indirect, but at this point not assessable impact, should be realized in assisting the members of the private investigator industry in their quest for professional excellence through enforcement of clear, concise, and well-organized rules.

- 9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Lieutenant Laurence Burns
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- 10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

A proceeding is scheduled for 2:00 p.m. on July 15, 2004, to take place at the Arizona Peace Officer Standards Training Board (AZ POST), Board Room, Room 142, 2643 E. University Drive, Phoenix, AZ 85034.

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

None

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

N/A

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 2. DEPARTMENT OF PUBLIC SAFETY – PRIVATE INVESTIGATORS

ARTICLE 1. GENERAL PROVISIONS

Section

R13-2-01. Filing Applications Repealed
R13-2-02. License Repealed
R13-2-03. Branch Office Certificate Repealed
R13-2-04. Identification Card Repealed
R13-2-05. Issuance of License, Branch Office Certificate, Identification—Original or Renewal Repealed
R13-2-06. Denial of License Repealed
R13-2-07. Renewal of License, Branch Officer Certificate, Identification Card Repealed
R13-2-08. Revocation of License Repealed
R13-2-09. Suspension of License Repealed
R13-2-10. Employee Records—Business Records Repealed
R13-2-11. Complaints Repealed
R13-2-12. Business and Employee Names Repealed
R13-2-101. Definitions
R13-2-102. Application and Processing Fees
R13-2-103. Application Forms
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R13-2-105. Time-frames for Making Licensing and Registration Determinations

ARTICLE 2. AGENCY LICENSES

Section

R13-2-201. Private Investigative Agency License Eligibility
R13-2-202. Submission of Application for an Agency License
R13-2-203. Issuance of Agency License or Branch Office Certificate
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ARTICLE 3. REGISTRATION CERTIFICATES

Section

R13-2-301. Employee and Associate Registration Certificate Eligibility
R13-2-302. Application for Registration Certificate
R13-2-303. Renewal of Registration Certificate
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R13-2-403. Employee and Business Records
R13-2-404. Complaints

ARTICLE 1. GENERAL PROVISIONS

R13-2-01. Filing Applications Repealed

- A.** All applications for a license or identification card must be presented in person by the applicant at the Arizona department of public safety office in Phoenix, Tucson or Flagstaff. Each application must be complete, correct and notarized before acceptance. Each application shall be accompanied by the following documents where applicable:
1. Birth certificate.
 2. Discharge papers. (DD214)
 3. Incorporation papers.
 4. Surety bond.
 5. Application fee.
- B.** Two photographs and two sets of fingerprints will be taken of the applicants at the department of public safety at the time of application.
- C.** A separate application must be filed by each partner of a partnership, each corporate officer of a corporation who is residing in Arizona, and each director, associate, manager, or employee of a business.
- D.** If an application is withdrawn, the application fee, if any, shall not be refunded.

R13-2-02. License Repealed

- A.** Each license shall contain the name and address of the licensee, name and address of the licensed business, and the number of the license. The license shall be effective for a twelve-month period from the date of issuance, and these effective dates shall be noted on the license.
- B.** Once a license has been assigned to a licensee, this license shall be neither assignable nor transferable. The license number, once assigned, shall not be reassigned to any other licensee.
- C.** If a licensee wishes to surrender his license before the expiration date, the license fee or any part thereof shall not be refunded.
- D.** The license shall be posted in a conspicuous place in the principal office.

R13-2-03. Branch Office Certificate Repealed

- A.** Issuance of a branch office certificate shall be mandatory, and each certificate shall be posted in a conspicuous place in the branch office. The license number under which a branch office certificate is issued shall be noted on the certificate along with the name and address of the licensee, name of the business and address of the branch office, and the effective dates of the branch office certificate (these dates shall run concurrently with the effective date of the license).
- B.** All records of all business transacted at a branch office, and employee records of each branch office, shall be maintained by the licensee at his principal place of business. Such records shall be available for inspection by any officer of the department of public safety.

R13-2-04. Identification Card Repealed

- A.** Under each license issued, a standard identification card as prescribed by the Director, shall be issued to the licensee, managers, officers, partners, directors, associates, and employees (except those engaged exclusively in clerical work) after these individuals have filed an application with the department of public safety and have met the qualifications where applicable. These identification cards shall contain the following information: name, photograph, name and address of licensee, fingerprint, physical description, number of license, number of card, effective dates of the license, and the Arizona State Seal. These identification cards are as follows:
1. The licensee shall receive a white standard identification card, designated as a licensee card.
 2. Each associate, officer, or partner shall receive a green standard identification card.
 3. Each employee, associate, officer, or partner who will conduct investigations shall receive a blue standard identification card.
- B.** Identification cards are neither assignable nor transferable and are valid only during the effective dates of the license under which the card has been issued, and valid only as long as the card holder is employed by, connected or associated with the licensee.
- C.** All part-time employees shall obtain a standard identification card. All part-time employees employed by more than one licensee shall obtain an identification card under each license he is employed.
- D.** If an identification card is lost or stolen, the department of public safety shall be notified immediately and arrangements shall be made for issuance of a duplicate identification card.
- E.** No badge whatsoever shall be utilized in conjunction with the license, branch office certificate or identification card.

R13-2-05. Issuance of License, Branch Office Certificate, Identification Card—Original or Renewal Repealed

The applicant for an original license, branch office certificate or identification card, or renewal of same, will be notified by mail when the license, branch office certificate or identification card is ready for issuance. The applicant will appear in person at the department of public safety (the issuance of an identification card will necessitate applicant's presence to facilitate the fingerprinting and signing of the card). Upon payment of applicable fee, the license, branch office certificate or identification

card will be issued.

R13-2-06. Denial of License Repealed

- A.** If the Director or his designate determines that an applicant for a license does not possess the qualifications as prescribed by A.R.S. 32-2412, or grounds have been established as set forth under A.R.S. 32-2414, the applicant will be notified by registered mail of the facts involved.
- B.** The applicant will be notified of the date and time of the hearing which will be not less than twenty days after the applicant's receipt of hearing notification. Hearings will be held in compliance with A.R.S. 41-1009, 41-1010, and 41-1011 before a hearing board or officer comprised of such person or persons as may be designated by the Director. If the applicant does not appear at the hearing, the applicant will be notified by registered mail of the hearing findings. In all cases assigned to the hearing board or officer for hearing, they shall prepare proposed findings of fact and conclusions of law in such form that they may be adopted as the Director's findings and conclusions in the case. Upon the filing of the proposed findings and conclusions with the Director, he may adopt them in their entirety, modify them, or may himself decide the case upon the record.

R13-2-07. Renewal of License, Branch Office Certificate, Identification Card Repealed

- A.** The license shall be subject to renewal at the end of the twelve month period of effectiveness from the date of issuance. This twelve month period, or effective dates of the license shall also pertain to the branch office certificate and identification cards issued under each license. At this time it will be necessary for the licensee to fill out a License Renewal Form and return same by mail to the department of public safety. Included in the Renewal Form shall be a statement to be signed by the licensee that no changes have been made in location of principal office, branch office, associates, directors, partners, managers, or employees holding identification cards, and that none of the aforementioned have been changed without the Director being notified in writing prior to the renewal date.
- B.** If the license, branch office certificate, or identification card have not been renewed before this renewal date, they shall expire. The licensee or identification card holder shall be notified of the expiration by registered mail, at which time the license and all branch office certificates and identification cards issued under that license shall be returned to the department of public safety for cancellation. The license and all branch office certificates and identification cards issued under that license shall be subject to seizure by any officer of the department of public safety upon expiration.
- C.** Once a license or identification card has expired, and the former licensee or identification card holder wishes to obtain a license or identification card, it will be necessary for this individual to file an application with the department of public safety and the original application fee and license fee or identification card fee shall apply, where applicable.

R13-2-08. Revocation of License Repealed

- A.** If the Director or his designate determine grounds for revocation of a license as set forth under A.R.S. 32-2427, the licensee will be notified by registered mail of the facts involved.
- B.** The licensee will be notified of the date and time of the hearing on the revocation of the license, which will be not less than twenty days after the applicant's receipt of hearing notification. Hearings will be held in compliance with A.R.S. 41-1009, 41-1010, and 41-1011 before a hearing board or officer comprised of such person or persons as may be designated by the Director. If the licensee does not appear at the hearing, the licensee will be notified by registered mail of the hearing findings.
- C.** If a license is revoked by the Director, the former licensee cannot apply for reinstatement for a period of twelve months from the date of revocation. In all cases of revocation, it will be necessary to apply for reinstatement by filing an application form as prescribed by the Director, and all applicants for reinstatement are then subject to the original application fee and cost of license upon issuance.
- D.** Upon revocation of a license, the license and all branch office certificates and identification cards issued under that license shall be returned to the department of public safety immediately for cancellation and are subject to seizure by any officer of the department of public safety.

R13-2-09. Suspension of License Repealed

- A.** If the Director or his designate determine grounds for suspension of a license as set forth under A.R.S. 32-2427, the licensee will be notified by registered mail of the facts involved.
- B.** The licensee will be notified of the date and time of the hearing on the suspension of the license, which will be not less than twenty days after the licensee's receipt of hearing notification. Hearings will be held in compliance with A.R.S. 41-1009, 41-1010, and 41-1011 before a hearing board or officer comprised of such person or persons as may be designated by the Director. If the licensee does not appear at the hearing, the licensee will be notified by registered mail of the hearing findings.
- C.** If a license is suspended by the Director, for a period designated by the Director, the license and all branch office certificates and identification cards issued under that license shall immediately be returned to the department of public safety, and are subject to seizure by an officer of the department of public safety. The license, branch office certificates, and identification cards will be held by the department of public safety until the end of the suspension period, at which time these

documents will be returned to the licensee.

R13-2-10. Employee Records—Business Records Repealed

Each licensee shall maintain at his principal place of business a file or record of the name, address, title, commencing date and date of termination on each partner, director, business associate, officer, manager, or employee of the principal office and branch office. Each licensee shall maintain at his principal place of business a file of all business transacted at each branch office. The aforementioned files and records shall be available for inspection by the Director or any officer of the department of public safety, and copies and information pertaining thereto or contained therein shall be submitted to the department of public safety upon request.

R13-2-11. Complaints Repealed

Complaints shall be in writing on such forms as the Director may prescribe and shall be filed with the department of public safety. A copy may be forwarded to the licensee against whom the complaint has been lodged at the discretion of the Director. If a complaint involves alleged violation of Arizona Revised Statutes, the department of public safety shall institute an investigation to ascertain if a violation has in fact occurred. When an investigation indicates that there has in fact been a violation of the Arizona Revised Statutes or Rules and Regulations contained herein, and the Director or his designate determine grounds for suspension or revocation of the license, procedure as outlined in R13-2-08 and R13-2-09 will be followed.

R13-2-12. Business and Employee Names Repealed

- A. The name of the licensed business shall not include “United States”, “U.S.”, “Federal”, “State of Arizona”, or any name to associate the business with any other governmental agency or law enforcement agency. The use of the words “corporation”, “corp.”, “incorporated”, or “inc.” will not be approved for an individual or partnership license unless corporate papers have been filed with the Corporation Commission. Similar business names of licensed firms will not be approved.
- B. The licensee, business associates, and employees will do business and present themselves under the name used on their application and identification card. No fictitious names will be approved for use on identification cards.
- C. The licensed business shall do all business under the name and address which is on file with the Director and which is noted on the license. This business is to include: name on letterhead and all stationery, all advertising, formal contracts entered into with clients, payroll and reports to clients.

R13-2-101. Definitions

In addition to the definitions in A.R.S. § 32-2401, the following definitions apply to this Chapter:

1. “Branch office certificate” means a document, issued by the Department to the qualifying party of a licensee, authorizing the qualifying party of the licensee to conduct the business of private investigations in this state at a location other than the principal place of business shown on the agency license.
2. “Classifiable fingerprints” means fingerprint impressions that meet the criteria of the Federal Bureau of Investigations, Form U.S. GPO: 2003-496-233/80009, incorporated by reference, available from the Department and the FBI. This incorporation contains no future editions or amendments.
3. “Corporation” or “domestic corporation” has the same meaning as in A.R.S. § 10-140.
4. “Delinquent” means an application has been submitted after the license expiration date but prior to the 90-day grace period as described in R13-2-204(c).
5. “Foreign corporation” means a corporation for profit that is incorporated under a law other than the law of this state.
6. “Limited liability corporation” has the same meaning as corporation.
7. “Partnership” is an association of two or more persons who are co-owners of a business for profit organized in accordance with A.R.S. Title 29, Partnerships.
8. “Probation” means a period of testing or trial after an agency has violated A.R.S. Title 32 Chapter 24 or this Chapter allowed by the Department for an agency or individual to demonstrate ability to meet requirements before another administrative action such as suspension or revocation is imposed.
9. “Reinstatement” means to remove an agency or applicant from suspend or denial status.
10. “Renewal” means the procedure as described in A.R.S. § 32-2407, by which an agency license, an associate certificate, or branch office certificate is continued for an additional license or certificate period as specified in A.R.S. § 32-2425(A) or the registration certificate is continued for an additional registration period coinciding with the employer’s license period as specified in A.R.S. § 32-2442(C).
11. “Revoke” means to terminate an agency license, associate license, branch office certificate, registration certificate, or identification card without an opportunity to renew or restore the agency license, associate license, branch office certificate, registration certificate, or identification card until one year after the date of revocation.
12. “Sole proprietor” means the only owner of a business operated for profit.
13. “Suspend” means to temporarily withdraw an agency license, associate license, branch office certificate, registration certificate, or identification card.

R13-2-102. Application and Processing Fees

- A. The application and processing fees are:

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1. Original agency license application, \$250;
 2. Agency license, \$400;
 3. Application for renewal of an agency license, \$250;
 4. Agency restructure, \$100;
 5. Agency delinquent application, \$100;
 6. Reinstatement of agency license, \$250;
 7. Associate or employee registration certificate application, \$50;
 8. Associate or employee registration certificate renewal, \$50;
 9. Associate or employee delinquency, \$25;
 10. Associate or employee registration reinstatement, \$25;
 11. Replacement identification card, \$10; and
 12. Fingerprint and digital photo fee (optional), \$15.
- B.** In addition to any fees in subsections (A)(1), (A)(3), (A)(7) and (A)(8), the Department shall collect a fee in an amount necessary to cover the cost of noncriminal justice fingerprint processing for criminal history record checks under A.R.S. § 41-1750(J).
- C.** Fees are to be paid in the form of cash, cashier's check, certified check, or money order made payable to the Arizona Department of Public Safety. All fees are non-refundable except if A.R.S. § 41-1077 applies.

R13-2-103. Application Forms

- A.** The Department shall provide and an applicant shall use application forms for:
1. Agency application;
 2. Agency renewal;
 3. Employee or associate registration certificate application; or
 4. Employee or associate registration renewal application.
- B.** Application forms may be obtained in person at the Phoenix Licensing Unit office, by mail request to Arizona DPS Licensing Unit, P.O. Box 6328 Mail Drop 1160, Phoenix, AZ 85005-6328, or by telephone. An agency may duplicate application forms.

R13-2-104. Identification Cards

- A.** The Department shall provide a qualified applicant with an identification card for an:
1. Agency license;
 2. Associate registration; or
 3. Employee registration certificate.
- B.** The identification card shall include the applicant's:
1. Name;
 2. Photograph;
 3. Physical description;
 4. Date of birth;
 5. Registration certificate number;
 6. Employer's agency license number; and
 7. Card's expiration date.
- C.** A licensee or certificate holder shall not assign or transfer an identification card. An identification card is valid only during the effective dates of the license or certificate under which the card has been issued, and for only as long as the card holder is employed by or associated with the licensee.
- D.** A licensee or certificate holder shall not use a badge or shield in conjunction with the license, branch office certificate, or identification card.
- E.** An employee employed by more than one licensee shall obtain an identification card for each license under which they are employed.
- F.** Upon termination of employment with a private investigative agency, the employee shall surrender the employee's identification card to the agency's qualifying party or designee. The agency's qualifying party shall send the identification card to the Department within five business days of the employee surrendering the license. If the employee fails to surrender the card to the qualifying party, the qualifying party shall notify the Department, in writing, within five business days of the employee's termination of employment.
- G.** If an identification card is lost or stolen, the holder of the card shall notify the Department immediately in writing. The Department shall issue a duplicate identification card upon submission of the required fee.
- H.** The Department shall not approve a fictitious name for use on an identification card.

R13-2-105. Time-frames for Making Licensing and Registration Determinations

- A.** The Department shall make a determination on the issuance of an agency license, associate registration, or branch office certificate within 15 business days of the submission of an application, as follows:

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1. Five days for administrative completeness review, and
2. Ten days for substantive review.
- B.** The administrative completeness review time-frame, as described in A.R.S. § 41-1072(1) and listed in subsection (A)(1), begins on the date the Department receives an application.
 1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.
 2. Within 45 days from the date of the deficiency notice, the applicant shall submit to the Department the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the date of the deficiency notice until the date the Department receives the missing documents and information.
 3. If the applicant fails to provide the missing documents and information within the time provided, the Department shall close the applicant's file, and the application shall be considered suspended. No further action will be taken by the Department until the required documentation or information and, if applicable, reinstatement fees are received.
- C.** The substantive review time-frame, as described in A.R.S. § 41-1072(3) and listed in subsection (A)(2), begins immediately after the review for administrative completeness.
 1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The Department and applicant may mutually agree in writing to allow the Department to submit supplemental requests for additional information.
 2. The applicant shall submit to the Department the additional information to complete the application within 45 days from the date of the request. The time-frame for the Department to finish the substantive review of the application is suspended from the date of the request for additional information until the Department receives the additional information.
 3. Unless the Department and applicant by mutual written agreement extend the 45-day period, the Department shall close the file of an applicant who fails to submit the additional information within 45 days. An applicant whose file is closed and who wants to be licensed or certified shall apply again under R13-2-202 or R13-2-302.
 4. When the substantive review is complete, the Department shall inform the applicant in writing of its decision whether to license or register the applicant.
 - a. The Department may deny a license or registration if it determines that the applicant does not meet all substantive criteria required by statute and rule. An applicant who is denied certification may appeal the Department's decision under A.R.S. § 41-1092 et seq. and any rules adopted under A.R.S. § 41-1092.01(C)(4).
 - b. The Department shall grant a license or registration if it determines that the applicant meets all substantive criteria for certification required by statute and rule.

ARTICLE 2. AGENCY LICENSES

R13-2-201. Private Investigative Agency License Eligibility

The qualifying party for an agency license shall meet all requirements under A.R.S. § 32-2422. All other partners or corporate officers of the agency shall register as associates and meet the requirements under A.R.S. § 32-2441.

R13-2-202. Submission of Application for an Agency License

- A.** Applications for an agency license may be presented in person at the Arizona Department of Public Safety Licensing office in Phoenix or by mail to Arizona DPS Licensing Unit, P.O. Box 6328 Mail Drop 1160, Phoenix, AZ 85005-6328. A qualifying party submitting an application shall ensure that the application consists of:
 1. A complete application form with the information required under A.R.S. § 32-2423 and signed by the qualifying party with the signature notarized;
 2. Properly completed fingerprint card with classifiable fingerprints of the qualifying party;
 3. Fees prescribed in R13-2-102;
 4. Legible, notarized copy of a government-issued photo identification document for the qualifying party, such as a state identification card or motor vehicle driver license;
 5. Two color photographs of the qualifying party suitable for use in making a identification card such as passport photos or 1" x 1¼" facial photos;
 6. Exact details as to the character and nature of the qualifying party's required experience under A.R.S. § 32-2422.
 7. If other than a sole proprietorship:
 - a. Partnership agreement, articles of organization, or articles of incorporation;
 - b. Applications for associate licenses completed by all officers, members, managers, and directors of the agency accompanied by classifiable fingerprints and two color photographs suitable for use in making a identification card such as passport photos or 1" x 1¼" facial photos;
 8. If a foreign corporation, Arizona Corporation Commission approval to transact business in this state;
 9. The name under which the agency will do business. The Department shall not issue a license to a corporation or limited liability corporation using a DBA unless registered with the Arizona Secretary of State's Office for approval of

the trade name, and a copy of the registration is submitted to the Department;

10. Sole proprietorships and partnerships may, but are not required to register trade names; and

11. Proof of U.S. citizenship or legal resident status with authorization to seek employment. The applicant shall provide one document from List A of U.S. Department Of Justice (DOJ) Form I-9 or one document from List B and one document from List C. The Department shall return any original documents submitted by the applicant to the applicant.

B. When applicable equipment and personnel are available, the applicant may have the applicant's photographs and fingerprints taken at the Department upon submission of the application and payment of appropriate fees as listed in R13-2-102.

R13-2-203. Issuance of Agency License

A. The Department shall notify an applicant when an agency license is ready for issuance. The applicant has 90 days from the date of notification to:

1. Pay applicable license fees;

2. Provide a complete and accurate two-year surety bond; and

3. For those agency that will have employees, provide a certificate of worker's compensation insurance as described in R13-2-203(A).

B. If the applicant does not provide the requirements within 90 days, the Department shall deny the application and all fees shall be forfeited.

C. An applicant for an agency license or renewal, may request to pick up the license at the Department's office in Phoenix. If no request is made, the Department will send the license to the mailing address of the applicant.

D. Each agency license shall contain the name and physical address of the licensed business and the number of the license. The issue date on the license shall be the date the two-year surety bond starts, which shall not be earlier than the date of notification under subsection (A). The license expires two years after issuance.

E. The licensee shall post the license in a conspicuous place in the principal business office.

F. A licensee shall not assign or transfer the license.

G. A licensee shall notify the Department in writing within 15 business days of any change of address of the principal office.

H. If a licensee wishes to surrender the license before the expiration date, the Department shall not refund the license fee or any part thereof.

R13-2-204. Agency License Renewal

A. A qualifying party may submit a renewal application to the Department up to 60 days before the expiration date on the agency license.

B. The renewal application contains the information required under R13-2-202 for the renewal of registration certificates for all associates or employees of the agency.

C. If an agency license is not renewed before the expiration date, the qualifying party and all partners, members, officers, and employees shall cease performing investigative activities subject to regulation by A.R.S. Title 32, Chapter 24, until the date the license is renewed. The qualifying party shall ensure that all identification cards with the elapsed agency license number are returned to the Department within five business days of the date the license expires.

D. The Department shall not renew an agency license more than 90 days after the expiration date. If more than 90 days have elapsed, the qualifying party who wishes to resume investigative work as a licensee shall reapply by complying with R13-2-202.

R13-2-205. Branch Office Certificate

A. An agency licensee shall obtain a branch office certificate for any place of business other than the principal place of business by request to the Department in writing.

B. The branch office certificate shall contain the name, agency license number, license expiration date, and address of the branch office.

C. A branch office certificate expires on the date the agency license expires and is renewed when the agency license is renewed.

D. A licensee shall post a branch office certificate in a conspicuous place in the branch office.

E. An agency shall notify the Department in writing within 15 business days of any address change for the branch office.

R13-2-206. Change of Qualifying Party

A. If a qualifying party leaves an agency, the agency shall cease operations.

B. If the agency desires to resume operations, a qualifying party shall submit an application for a new agency license. The new qualifying party shall meet the requirements of R13-2-201 and apply under R13-2-202.

R13-2-207. Restructure of an Agency

A. A restructure of an agency occurs when there is a change in business legal status.

B. If the restructure occurs at the time of renewal, the Department shall waive the restructure fee.

C. If the restructure occurs at any time other than time of renewal, the agency shall pay the restructure fee. An application for restructure shall be submitted for the qualifying party and any new associates. Any new associates shall register and meet

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the requirements under A.R.S. § 32-2441.

- D.** To change a sole proprietorship to a partnership, the applicant shall provide a notarized partnership agreement.
- E.** To change a corporation to a partnership, the applicant shall provide documentation of the dissolving of the corporation and a notarized partnership agreement.
- F.** To change a sole proprietorship or partnership to a corporation the applicant shall provide the Articles of Incorporation bearing the approval stamp of the Arizona Corporation Commission. If the change is to a foreign corporation, the applicant shall submit documentation of Arizona Corporation Commission approval for the foreign corporation to transact business in Arizona.
- G.** To change a partnership to a corporation to sole proprietorship, the applicant shall provide documentation of the dissolving of the partnership.

R13-2-208. Business and Employee Names

- A.** The Department shall not grant a license to an agency with a name that includes “United States,” “U.S.,” “Federal,” “State of Arizona,” or a name that associates the business with any governmental or law enforcement agency. The Department shall not grant a license to an individual or partnership that has a name with the word “corporation,” “corp.,” “incorporated,” “Inc.,” or “L.L.C.” unless corporate or limited liability corporation papers have been filed with the Corporation Commission. The Department shall not approve a new business name that is similar to a business name of a licensed firm.
- B.** A licensee, a licensee’s associates, and employees shall do business and present themselves under the name used on the licensee’s application and the associate’s or employee’s identification card.
- C.** A licensed business shall do all business under the name and address that is on file with the Department and noted on the license. The business shall include its name and license number on letterhead and business cards, all advertising, formal contracts entered into with clients, and all agency correspondence.

ARTICLE 3. REGISTRATION CERTIFICATES

R13-2-301. Employee and Associate Registration Certificate Eligibility

An applicant for an associate or employee registration shall meet the requirements of A.R.S. § 32-2441.

R13-2-302. Application for Registration Certificate

- A.** Applications for associate and employee registration certificates may be presented in person at the Department’s licensing office in Phoenix or by mail to the Phoenix office at P.O. Box 6328 Mail Drop 1160, Phoenix, AZ 85005-6328.
- B.** The employer shall verify all information provided by the applicant and verify proof of U.S. citizenship or legal resident status with authorization to seek employment by examining either one document from List A of U.S. DOJ Form I-9 or one document from List B and one document from List C. After verification, the application may be submitted by either the employer or the applicant.
- C.** In addition to providing documentation of the requirements of A.R.S. § 32-2442, each application shall include:
 - 1. A properly completed application form;
 - 2. A legible, notarized copy of a government-issued photo identification document such as a state identification card or motor vehicle driver license;
 - 3. Two color photographs suitable for use in making an identification card such as passport photos or 1” x 1 ¼” facial photos; and
 - 4. One properly completed fingerprint card with classifiable fingerprints.
- D.** When applicable equipment and personnel are available, the applicant may have the applicant’s photographs and fingerprints taken at the Department upon submission of the application and payment of appropriate fees as listed in R13-2-102.
- E.** An associate or registrant shall conduct business and be identified under the name used on the application and the registration certificate. The Department shall not approve a fictitious name for use on an associate license or registration certificate.

R13-2-303. Renewal of Registration Certificate

- A.** An associate or employee registration certificate expires on the date specified on the registration certificate. An associate or employee may submit a registration renewal application to a Department licensing unit up to 60 days before the expiration date.
- B.** The Department shall not renew a certificate unless the application is complete and contains the information required under R13-2-302.
- C.** When applicable equipment and personnel are available, the applicant’s photographs and fingerprints may be taken at the Department of Public Safety upon submission of the application and payment of appropriate fees.
- D.** The Department shall not renew an associate or employee registration unless it is part of an agency license renewal application.

R13-2-304. Lost or Stolen Registration Certificate or Identification Card

If a registration certificate or identification card is lost or stolen, a registrant shall notify the Department immediately and

request a new registration certificate or identification card.

R13-2-305. Change of Address

A registrant who changes address shall notify the Department within 30 days of the change of address.

R13-2-306. Change in Name of Registrant

A registrant whose name has changed shall notify the Department within 30 days of the name change and request a new identification card. A registrant shall present to the Department a government-issued photo identification card with the new name or court documents recording the name change. A registrant shall mail to the Department notarized copies of these documents with a 1" x 1 ¼" inch photo for the identification card photos, if the notification is not made in person.

ARTICLE 4. REGULATION

R13-2-401. Denial of Agency License or Registration Certificate

A. The Department may deny an applicant for an agency license or registration certificate if the Department determines that the applicant does not meet the requirements of A.R.S. § 32-2422 or A.R.S. § 32-2441, or there are grounds for denial under A.R.S. § 32-2459. The Department shall notify the applicant of the reason for the denial by mail to the address listed on file at the Department. The Department shall include in the notification a statement advising the applicant that if the applicant contests denial, the applicant may do so by requesting a hearing in writing within 30 days of receiving the notification letter.

B. When the Department receives a request for a hearing:

1. The applicant will be notified of the date and the time of the hearing;
2. The Department shall set the date for hearing at least 30 days after the date of the notification letter;
3. The applicant may request an informal settlement conference under A.R.S. § 41-1092.06;
4. By submitting the request in writing within 20 days of the scheduled hearing date;
5. The hearing will be held before the Private Investigator and Security Guard Hearing Board;
6. If the applicant does not appear at the hearing, the hearing may be held in the applicant's absence, and the applicant shall be notified by certified mail of the hearing findings; and
7. The parties shall prepare proposed findings of fact and conclusions of law in a form that may be adopted or rejected as the Director's findings and conclusions in the case. The Director may adopt the proposed findings of fact in their entirety, modify them, or may decide the case upon the record.

C. A denied applicant may reapply no earlier than six months from the date of denial.

R13-2-402. Probation of Agency License or Registration Certificate

Upon recommendation of the Private Investigator and Security Guard Hearing Board, the Director may fix a period and terms of probation best adapted to protect the public health and safety and to rehabilitate or educate the licensee or registrant. A licensed agency may continue to operate during the period of probation, subject to the terms established by the Director.

R13-2-403. Employee and Business Records

Each licensee shall maintain at the licensee's principal place of business a file or record of the name, physical address, title, employment date, and date of termination of each partner, director, business associate, officer, manager, member, and employee for a minimum of five years from the date of termination. The licensee shall make these files and records available for inspection by any peace officer, and licensing personnel of the Department's licensing section or other designated representative of the Department. The licensee shall submit copies of these records and any information pertaining to the records to the Department's licensing section upon request of the Department.

R13-2-404. Complaints

A. A person may make a written complaint against an entity or person regulated under this Chapter by filing it with the Department. If the complaint involves an alleged violation of Arizona Revised Statutes, the Department shall investigate to ascertain if a violation of any statute has occurred. The Department may forward a copy of the complaint to the entity or person against whom the complaint has been lodged and request the person to respond to the complaint as part of the investigation.

B. At the conclusion of the investigation, the Department shall forward a copy of the complaint upon request to the entity or person against whom the complaint has been lodged.

C. When an investigation is concluded, the Director may take an action listed in A.R.S. § 32-2457.

NOTICE OF PROPOSED RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY – CONCEALED WEAPON PERMITS

PREAMBLE

1. Sections Affected

Rulemaking Action

R13-9-101	Amend
R13-9-102	Repeal
R13-9-102	New Section
R13-9-103	Repeal
R13-9-103	New Section
R13-9-104	Repeal
R13-9-104	New Section
R13-9-105	Repeal
R13-9-106	Repeal
R13-9-107	Repeal
R13-9-108	Repeal
R13-9-109	Repeal
R13-9-110	Repeal
R13-9-111	Repeal
R13-9-112	Repeal
R13-9-113	Repeal
Article 2	New Article
R13-9-201	New Section
R13-9-202	New Section
R13-9-203	New Section
R13-9-204	New Section
R13-9-205	New Section
R13-9-206	New Section
R13-9-207	New Section
R13-9-208	New Section
Article 3	New Article
R13-9-301	New Section
R13-9-302	New Section
R13-9-303	New Section
R13-9-304	New Section
R13-9-305	New Section
R13-9-306	New Section
R13-9-307	New Section
R13-9-308	New Section
R13-9-309	New Section
Article 4	New Article
R13-9-401	New Section
R13-9-402	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. § 13-3112(S)

Implementing statutes: A.R.S. § 13-3112 and A.R.S. § 41-1072

3. A list of all previous notices published in the Arizona Administrative Register:

Notice of Rulemaking Docket Opening: 10 A.A.R. 322, January 23, 2004

4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Lieutenant Laurence Burns
Licensing and Regulatory Bureau Commander

Address: P. O. Box 6488
Mail Drop 1170
Phoenix, Arizona 85005-6488

Telephone: (602) 223-2387
Fax: (602) 223-2928
E-mail: lburns@dps.state.az.us

5. An explanation of the rule, including the agency's reasons for initiating the rule:

This rulemaking is authorized by A.R.S. § 13-3112(S). The rules provide detailed regulatory information and procedural instructions that implement and administer the Concealed Weapons Permit program. The rules are used by the Department of Public Safety personnel, applicants for concealed-carry permits, and concealed-carry training organizations and instructors to provide regulation and guidance.

6. A reference to any study relevant to the rule that the agency reviewed and either proposes to rely on in its evaluation of or justification for the rule or proposes not to rely on 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:

None

7. 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

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

These rules impact individuals who choose to obtain a permit to carry a concealed weapon in Arizona. The increase in fees represented by these changes to the rules will place an additional \$15.00 burden on individuals who obtain a Carry Concealed Weapon permit. The current fees were set at the inception of the Carry Concealed Weapon program in 1994, and do not allow the unit to meet inflationary and technological improvement costs to continue the program. These rules will affect small businesses that provide instruction to permit holders. There is no indication from the carry concealed weapon training industry that the rule changes will have a negative impact to the industry.

9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Lieutenant Laurence Burns
Licensing and Regulatory Bureau Commander
Address: P. O. Box 6488
Mail Drop: 1170
Phoenix, AZ 85005-6488
Telephone: (602) 223-2387
Fax: (602) 223-2928
E-mail: lburns@dps.state.az.us

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:

A proceeding is scheduled for 10:00 a.m., on Thursday, July 15, 2004, to take place at the Arizona Peace Officer Standards Training Board (AZ POST), 2643 E. University Drive, Phoenix, AZ 85034.

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

None

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

None

13. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 9. DEPARTMENT OF PUBLIC SAFETY – CONCEALED WEAPON PERMITS

ARTICLE 1. GENERAL PROVISIONS

Section
R13-9-101. Definitions
R13-9-102. ~~Application forms~~ Application and Processing Fees
R13-9-103. ~~Application and processing fee~~ Application Forms

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- R13-9-104. ~~Application for an initial concealed weapon permit~~ Time-frames for Making Permit and Instructor Approval Determinations
- R13-9-105. ~~Review and Processing by the Department~~ Repealed
- R13-9-106. ~~Permit Issuance~~ Repealed
- R13-9-107. ~~Permittee Obligation~~ Repealed
- R13-9-108. ~~Permit Renewal~~ Repealed
- R13-9-109. ~~Firearms Safety Instructor Approval~~ Repealed
- R13-9-110. ~~Firearms Safety Training Program Approval~~ Repealed
- R13-9-111. ~~Suspension or Revocation~~ Repealed
- R13-9-112. ~~Reconsideration, Request for Hearing~~ Repealed
- R13-9-113. ~~Hearing~~ Repealed

ARTICLE 2. CONCEALED WEAPON PERMIT

Section

- R13-9-201. Concealed Weapons Permit Eligibility
- R13-9-202. Application for a Concealed Weapon Permit
- R13-9-203. Permit Issuance
- R13-9-204. Renewal of Concealed Weapon Permit
- R13-9-205. Permittee Obligations
- R13-9-206. Lost, Stolen, or Damaged Concealed Weapon Permit
- R13-9-207. Change of Address
- R13-9-208. Change in Name of Permittee

ARTICLE 3. FIREARMS-SAFETY TRAINING PROGRAM

Section

- R13-9-301. General Requirements for Firearms-Safety Training Program
- R13-9-302. Application for Firearms-Safety Training Program Approval
- R13-9-303. Time-frames for Firearms-Safety Training Program Approval
- R13-9-304. Requesting Department Assistance with Program Development
- R13-9-305. Firearms-Safety Training Organization Obligations
- R13-9-306. Refresher Firearms-Safety Training Program
- R13-9-307. Firearms-Safety Instructors
- R13-9-308. Application for Registration of Firearms Safety Instructor
- R13-9-309. Firearms-Safety Instructor Registration Renewal

ARTICLE 4. HEARINGS AND DISCIPLINARY PROCEEDINGS

Section

- R13-9-401. Suspension and Revocation
- R13-9-402. Reconsideration, Request for Hearing

ARTICLE 1. GENERAL PROVISIONS

R13-9-101. Definitions

In this Chapter, unless otherwise specified:

1. “Administrative completeness review time-frame” has the same meaning as in A.R.S. § 41-1072
- ~~2.~~ “Applicant” means an individual or organization that submits a completed application form and the required fee to the Department to obtain a permit to carry a concealed weapon, to renew a permit, to be approved as a firearms safety instructor, or to have a firearms safety training program approved. for:
 - a. A permit.
 - b. Renewal of a permit.
 - c. Firearms-safety instructor approval, or
 - d. Firearms-safety training program approval.
3. “Classifiable fingerprints” means fingerprint impressions that meet the criteria of the Federal Bureau of Investigations, Form U.S. GPO: 2003-496-233/80009, incorporated by reference, available from the Department and the FBI. This incorporation contains no future editions or amendments.
4. “Completion Certification” means the firearms safety training program completion certification on the Arizona concealed weapon application packet form.
- ~~2-5.~~ “Department” means the Arizona Department of Public Safety.
- ~~3-6.~~ “Director” means the Director of the Arizona Department of Public Safety.

- 4-7. "Firearm" has the same meaning as in A.R.S. § 13-3101.
- 5-8. "Firearms-safety instructor" means ~~an individual a person~~ who has ~~obtained~~ approval under ~~R13-9-109~~ this Chapter to conduct initial and refresher firearms-safety training programs ~~within in~~ this state.
9. "Firearms-safety instructor training program" means a required course of instruction provided by the Department and intended to prepare a person to conduct a refresher firearms-safety training program.
- 6-10. "Firearms-safety training program" means an initial course of instruction in the safe and lawful use of a firearm that meets the requirements of A.R.S. § 13-3112(N) and is taught in this state.
- 7-11. "Honorably retired peace officer" means a person who ~~voluntarily~~ separates from a law enforcement agency after 10 or more years of service, ~~who did not separate to avoid disciplinary action or termination for cause; and, who receives a medical, disability, or regular retirement pension or annuity as a result of qualifying years of service as a peace officer, and who has or can obtain a letter from the employer law enforcement agency confirming these facts.~~
12. "Live ammunition" means a cartridge comprised of a cartridge case, primer, propellant powder, and a single metallic projectile, no less than 30 grain, and with a velocity over 500 feet per second. Live ammunition does not include simulated, frangible, marking, and/or rubber projectile ammunition.
- 8-13. "Organization" means a person or an entity legally established ~~pursuant to~~ under federal, state, city, or county requirements and authorized to conduct business in this state and ~~which that~~ seeks or has obtained the Department's approval of a firearms-safety training program.
- 9-14. "Original application" means any of the forms referenced in ~~R13-9-102(A)-~~ this Chapter that are not copies and that contain an original signature of the applicant.
- 10-15. "Peace officer" has the same meaning as in A.R.S. § 13-105.
- 11-16. "Permit" means an identification card issued by the Department that authorizes the named holder to carry a concealed weapon subject to the requirements of A.R.S. § 13-3112 and ~~this Article~~ this Chapter.
- 12-17. "Permittee" means an individual who has ~~qualified for and been issued~~ a Department-issued permit to carry a concealed weapon.
18. "Prohibited Possessor" means a person who is defined as a prohibited possessor under A.R.S. § 13-3101(6) and any person to whom it would be unlawful to sell or otherwise dispose of a firearm under 18 U.S.C. § 922(d).
- 13-19. "Refresher firearms-safety training program" means a 4-four-hour course of instruction in the safe and lawful use of a firearm under A.R.S. § 13-3112(L) and taught in this state.
- 14-20. "Resident" means a person who has lived in ~~Arizona~~ this state for at least six months immediately before the date of application for a concealed weapon permit and who remains in ~~Arizona~~ this state for a total of ~~6~~ six months or more during each year, or a member of the armed forces who has been stationed in ~~Arizona~~ this state for 30 days immediately before the date of application for a concealed weapon permit.
21. "Responsible party" means a person who is an approved Firearms-Safety Instructor and is responsible for administration of an organization's Firearms-Safety Program.
- 15-22. "Satisfactorily complete" means attending an approved firearms-safety training program of at least 16 hours, an approved refresher firearms-safety training program of at least four hours; or a firearms-safety instructor training program of at least eight hours; and,
- a. Obtaining a score of 100 percent on the training program's written test, or a score of 70 percent or greater on the initial written test with a score of 100 percent on subsequent retest(s); and,
- b. A minimum score of 70 percent on the live ammunition qualification test. The live ammunition qualification test shall consist of a minimum of five hits at five yards and five hits at ten yards, that impact within the secondary scoring ring, using a National Rifle Association TQ15 target or a target with an equivalent secondary scoring ring. Rounds impacting outside of the secondary scoring ring are not counted as hits.
23. "Substantive review time-frame" has the same meaning as in A.R.S. § 41-1072
- 22-24. "Weapon" includes the term "firearm" has the same meaning as deadly weapon as defined in A.R.S. § 13-3101.

R13-9-102. ~~Application Forms~~ Application and Processing Fees

- A.** The Department shall provide application forms for:
1. An initial concealed weapon permit and renewal of the permit,
 2. Approval to be a firearms-safety instructor, and
 3. Approval of an organization's firearms-safety training program.
- B.** Application forms may be obtained from the Department, Handgun Clearance and Permit Section, 2102 West Encanto Boulevard, P.O. Box 6638, Phoenix, Arizona 85005-6638. Upon request, the Department shall advise individuals or organizations of other locations where application forms may be obtained.
- C.** An application shall be submitted only on a form provided by the Department.
- A.** The Department shall collect the following fees:
1. New permit - \$43,
 2. Renewal permit - \$43,
 3. Replacing a lost or stolen permit - \$10,

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4. Name change on a permit - \$10.

B. In addition to the fees in subsections (A)(1) and (A)(2), the Department shall collect a fee in an amount necessary to cover the cost of federal and state fingerprint processing for criminal history record information checks.

C. An applicant or permittee shall submit the required fee in the form of a cashier's check, certified check, or money order made payable to the Arizona Department of Public Safety. All fees are non-refundable except if A.R.S. § 41-1077 applies.

R13-9-103. Application and Processing Fees Application Forms

A. The Department shall collect the following fees:

1. New permit - \$26,-
2. Renewal permit - \$26,-
3. Replacing a lost or stolen permit - \$20,-
4. Name change on a permit - \$20,-
5. Approval to be a firearms safety instructor - \$50,-
6. Combined firearms safety instructor approval and a permit - \$76.

B. In addition to the fees in subsections (A)(1), (2), (5), and (6), the Department shall collect a fee in an amount necessary to cover the cost of federal noncriminal justice fingerprint processing for criminal history record information checks as provided by A.R.S. § 41-1750(J).

C. An applicant or permittee shall submit the required fee in the form of a cashier's check, certified check, or money order made payable to the Department of Public Safety. All fees are nonrefundable.

A. The Department shall provide and a applicant shall use application forms for:

1. An initial concealed weapon permit and renewal of the permit,
2. A firearms-safety instructor approval and renewal of the approval, and
3. Approval of an organization's firearms-safety training program.

B. Application forms may be obtained from the Department, Concealed Weapon Permit Unit, 2102 W. Encanto Boulevard, P.O. Box 6488, Phoenix, Arizona 85005-6488. Upon request, the Department shall advise individuals or organizations of other locations where application forms may be obtained.

R13-9-104. Application for an Initial Concealed Weapon Permit Time-frames for Making Permit and Instructor Approval Determinations

A. An applicant for an initial concealed weapon permit shall place a checkmark in the "New Permit Application" box on the Department's application form.

B. An applicant shall enter the following information in the spaces provided on the form:

1. Legal name as it shall appear on the permit;
2. County of residence and residence address, including zip code, or descriptive location of residence if an address has not been assigned;
3. Mailing address if different from residence address;
4. Social security number;
5. Driver's license number and state of issuance;
6. Home and business telephone numbers; and
7. Origin or race, sex, height, weight, eye color, hair color, date of birth, and place of birth.

C. An applicant for a concealed weapon permit shall answer "yes" or "no" to the following questions on the application:

1. Are you lawfully present in the United States?
2. Are you a resident of Arizona?
3. Are you at least 21 years of age?
4. Have you satisfactorily completed the required firearms safety training program?
5. Are you currently under indictment for, or have you been convicted of, any felony in the United States or any other country?
6. Do you suffer from mental illness or have you been adjudicated as mentally incompetent, or have you been committed to a mental institution?
7. Are you requesting a concealed weapon permit concurrently with an application for approval to be a firearms safety instructor?
8. Are you an honorably retired federal, state, or local peace officer with a minimum of 10 years of service?

D. An applicant shall attest, under the penalty of perjury, to the truthfulness of the information and answers given on the application by placing the applicant's original signature in the space provided at the bottom of the form.

E. Except for an applicant exempted by A.R.S. § 13-3112(E)(6), an applicant shall obtain the signature of a firearms safety instructor in the space provided at the end of the application, certifying that the applicant satisfactorily completed the initial firearms safety training program on the date specified.

F. The firearms safety instructor's certification shall include:

1. The Department assigned number of the firearms safety training program,

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- ~~2. The Department assigned number of the firearms safety instructor,~~
- ~~3. The Department assigned number of the training organization,~~
- ~~4. A seal or stamp affixed to the form identifying the training organization, and~~
- ~~5. The date the applicant satisfactorily completes the program.~~
- ~~G. A certificate of completion of a firearms safety training program shall remain valid for 6 months after the applicant satisfactorily completes the training.~~
- ~~H. An applicant shall submit to the Department the original application form, a completed fingerprint card with prints of sufficient quality to enable them to be classified, and the fees specified in R13-9-103.~~
- ~~A. For a concealed weapon permit and renewal or firearms safety instructor approval and renewal, the time-frames required by A.R.S. § 41-1073 are:
 - ~~1. Overall time-frame: 60 days~~
 - ~~2. Administrative completeness review time-frame: 14 days~~
 - ~~3. Substantive review time-frame: 46 days~~~~
- ~~B. An application is administratively complete if it contains all the information and documents listed in:
 - ~~1. R13-9-202 for application for a concealed weapon permit or renewal of a concealed weapon permit,~~
 - ~~2. R13-9-308 for application for a firearms safety instructor approval, or~~
 - ~~3. R13-9-309 for application for renewal of a firearms safety instructor approval.~~~~
- ~~C. The administrative completeness review time-frame begins on the date the Department receives an application.
 - ~~1. If the application is not administratively complete when received, the Department shall send a notice of deficiency to the applicant. The deficiency notice shall state the documents and information needed to complete the application.~~
 - ~~2. Within 40 days from the postmark date of the deficiency notice, the applicant shall submit to the Department the missing documents and information. The time-frame for the Department to finish the administrative completeness review is suspended from the postmark date of the deficiency notice until the date the Department receives the missing documents and information.~~
 - ~~3. If the applicant fails to provide the missing documents and information within the time allowed, the Department shall deny the application and close the applicant's file. An applicant who is denied may follow the procedures in R13-9-402.~~
 - ~~4. If the application is administratively complete, the Department shall begin the substantive review of the application.~~~~
- ~~D. The substantive review time-frame begins immediately after the administrative review is complete.
 - ~~1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information.~~
 - ~~2. The applicant shall submit to the Department the additional information identified in the request for additional information within 20 days from the postmark date of the request. The time-frame for the Department to finish the substantive review of the application is suspended from the postmark date of the request for additional information until the Department receives the additional information.~~
 - ~~3. If the applicant fails to provide the information within the time allowed, the Department shall deny the application and close the applicant's file. An applicant who is denied may follow the procedures in R13-9-402.~~
 - ~~4. When the substantive review is complete, the Department shall inform the applicant in writing of its decision.
 - ~~a. The Department shall deny instructor approval if the Department determines that the applicant does not meet all criteria for approval required by A.R.S. § 13-3112(E) and R13-9-307. An applicant who is denied approval as an instructor may appeal the Department's decision under A.R.S. § 41-1092 et seq.~~
 - ~~b. The Department shall deny the issuance of a permit if the Department determines that the applicant does not meet all criteria for issuance of the permit required by A.R.S. § 13-3112(E) and R13-9-201. An applicant who is denied a permit may appeal under A.R.S. § 41-1092 et seq.~~
 - ~~c. The Department shall grant instructor approval or issue a permit if it determines that the applicant meets all substantive criteria for instructor approval or issuance of a permit required by A.R.S. § 13-3112 (E) and R13-9-201 or R13-9-307.~~~~~~
- ~~E. If a concealed weapon permit or a firearms safety instructor approval is issued under R13-9-104(D), and the Department subsequently determines that the permittee fails to meet requirements under A.R.S. § 13-3112(E) or this Chapter, the Department shall suspend the permit or approval and within 15 working days, provide a written explanation to the permittee stating the reasons why the permit or approval is suspended.~~

~~**R13-9-105. Review and Processing by the Department**~~

- ~~A. The Department shall review the application to verify that the applicant has submitted the required forms, information, and fees, and that the certificate of completion has not expired. The Department shall base the determination of deficiencies upon the requirements of A.R.S. § 13-3112 and this Article. Within 10 business days of receipt, the Department shall return an incomplete, illegible, or non-original application, or an application with an expired certificate of completion. With the return of an application, the Department shall include a written description of the deficiencies to be corrected.~~
- ~~B. Within 20 calendar days of receiving a completed application, the Department shall conduct a state criminal history check~~

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and request a national criminal history check of the applicant.

- C. The Department may contact the applicant by telephone or by mail if clarification or further information is needed to determine eligibility. If the applicant provides the requested information within 40 calendar days from the date of the request, the Department shall complete its determination of eligibility. If the applicant fails to provide the requested information within 40 calendar days, the Department shall deny the application and return it to the applicant with a written explanation.
- D. The Department shall not issue a concealed weapon permit to any person who has been convicted of a felony, even if the person's civil rights have been restored and the conviction expunged, set aside, or vacated. If a permit is denied, the Department shall notify the applicant in writing in accordance with A.R.S. § 13-3112(H).

R13-9-106. Permit Issuance

- A. When an applicant has satisfied the requirements of A.R.S. § 13-3112 and this Article, the Department shall issue a concealed weapon permit containing:
 - 1. The permittee's legal name, as shown on the application;
 - 2. The permittee's date of birth;
 - 3. The permittee's physical description, including: origin or race, sex, height, weight, and color of eyes and hair;
 - 4. A permit number;
 - 5. The date of issuance and expiration; and
 - 6. The title of the permit, the state seal, and instructions to the permit holder.
- B. The Department shall mail an approved permit to the applicant's residence address or mailing address shown on the application.

R13-9-107. Permittee Obligations

- A. Upon request of any peace officer, a permittee in actual possession of a concealed weapon shall present the permit to the peace officer for inspection. If the permit does not incorporate a photograph of the permittee, the permittee shall also present a separate type of official photographic identification. Official photographic identification is limited to the following:
 - 1. Driver's license from any state;
 - 2. Military identification card;
 - 3. Identification card issued pursuant to A.R.S. § 28-421(01), or
 - 4. Passport.
- B. A permittee shall not carry a concealed weapon in violation of A.R.S. § 13-3102(A).
- C. A permittee whose permit is lost or stolen shall notify the Department upon determining the loss. When advised of a lost or stolen permit, the Department shall invalidate the permit. The permittee shall not carry a concealed weapon until a replacement permit is obtained. The permittee may obtain a replacement permit by submitting a written request and the fee specified in R13-9-103(A)(3). If the applicant meets the requirements of A.R.S. 13-3112(E)(1), (2), (3), (4), and (5), the Department shall issue a replacement permit within 10 business days of receiving the request. The replacement permit shall have the same expiration date as the lost or stolen permit.
- D. A permittee shall notify the Department in writing within 10 calendar days of any change of name or address. The Department shall process the notice and update the permittee's information on file with the Department.
- E. A permittee whose name is changed from the name stated on the permit may request a revised permit by submitting a written request containing the previous name, the new name, and the fee specified in R13-9-103(A)(4). The revised permit shall retain the same expiration date as the previous permit. Within 10 business days from receipt of the request for a revised permit, the Department shall process the request and mail the revised permit to the permittee with instructions that failure to return the previous permit within 5 business days shall result in suspension of both the previous permit and the new permit. The Department shall destroy the previous permit upon receipt.
- F. A permittee shall not deface, alter, or mutilate a permit, or reproduce, lend, transfer, or sell a permit.

R13-9-108. Permit Renewal

- A. A concealed weapon permit expires 4 years from date of issuance. An application for renewal of a permit may be submitted at any time between 90 calendar days before permit expiration and 60 calendar days after permit expiration. Upon expiration of a permit, the permittee shall not carry a concealed weapon until in possession of a renewed permit.
- B. To initiate renewal, a permittee shall place a checkmark in the "Renewal Permit Application" box on the application and shall enter all information requested in R13-9-104(B).
- C. The permittee shall answer "yes" or "no" on the application to the questions listed in R13-9-104(C).
- D. A permittee shall attest, under the penalty of perjury, to the truthfulness of the information and answers given on the application by placing the permittee's original signature in the space provided.
- E. A permittee shall obtain the signature of a firearms safety instructor in the space provided on the application, certifying that the permittee satisfactorily completed a Department approved refresher firearms safety training program.
- F. The certificate shall include the items of information required in R13-9-104(F).

- ~~G. A certificate of completion of a refresher firearms safety training program shall remain valid for 6 months after the applicant satisfactorily completes the training.~~
- ~~H. A permittee shall submit to the Department the original application, a completed fingerprint card with prints of sufficient quality to enable them to be classified, and the fees specified in R13-9-103.~~
- ~~I. The Department shall review and process the renewal application pursuant to R13-9-105. If the renewal application is received within 60 calendar days after expiration of the permit and the permittee meets the requirements of A.R.S. § 13-3112(E)(1) through (5), 13-3112(K) and (L), and this Article, the Department shall issue a renewed permit containing the information specified in R13-9-106(A).~~
- ~~J. The Department shall deny a renewal application if it is received more than 60 calendar days after expiration of the permit. Within 10 business days after denying an application for renewal of a permit that has been expired for more than 60 calendar days, the Department shall return the application with a written notice stating the reason for denial and instructing the applicant to file for a new permit.~~

~~R13-9-109. Firearms Safety Instructor Approval~~

- ~~A. An applicant seeking approval to be a firearms safety instructor shall place a checkmark in the "Training Instructor Approval Application" box on the application and enter the information requested in R13-9-104(B).~~
- ~~B. An applicant seeking approval to be a firearms safety instructor shall answer "yes" or "no" to the questions listed in R13-9-104(C)(1), (2), (3), (5), (6), (7), and (8) on the application.~~
- ~~C. An applicant shall attest, under the penalty of perjury, to the truthfulness of the information and answers given on the application by placing the applicant's original signature in the space provided at the bottom of the form.~~
- ~~D. To be eligible for approval as a firearms safety instructor, an applicant shall:
 - 1. Meet the requirements of A.R.S. § 13-3112(E)(1), (2), (3), (4), and (5); and
 - 2. Possess a certificate of completion from 1 of the authorized firearms safety training programs listed below:
 - a. Arizona Basic Police Firearms Instructor Certification, issued by the Peace Officers Standards and Training Board;
 - b. Police Firearms Instructor Development School, issued by the National Rifle Association;
 - c. Law Enforcement Security Firearms Instructor Development School, issued by the National Rifle Association;
 - or
 - d. Personal Protection Instructor rating and Basic Pistol Instructor rating, issued by the National Rifle Association.~~
- ~~E. An applicant seeking approval to be a firearms safety training instructor shall submit to the Department:
 - 1. An original application;
 - 2. A certificate of completion from 1 of the instructor training programs listed in subsection (D)(2);
 - 3. A completed fingerprint card with prints of sufficient quality to enable them to be classified, and
 - 4. The fees specified in R13-9-103(A)(5) and (B) for a firearms safety instructor approval only, or
 - 5. The fees specified in R13-9-103(A)(6) and (B) for a firearms safety instructor approval and a concealed weapon permit.~~
- ~~F. The Department shall review and process an application for a firearms safety instructor approval consistent with the procedures in R13-9-105(A) through (C), except that a certificate of completion from 1 of the training programs listed in R13-9-109(D) shall replace the requirements of R13-9-104(E) and (F).~~
- ~~G. If an application for firearms safety instructor includes a request for a concealed weapon permit, the application shall be processed consistent with the procedures in R13-9-105(A) through (D).~~
- ~~H. The Department shall notify the applicant in writing of approval or disapproval within 60 calendar days after receiving a completed application. The Department shall assign an identification number to each approved firearms safety instructor. A firearms safety instructor's approval from the Department shall remain in effect unless suspended or revoked, or the instructor becomes ineligible pursuant to A.R.S. § 13-3112 or this Article.~~

~~R13-9-110. Firearms Safety Training Program Approval~~

- ~~A. An organization seeking approval of its firearms safety training program shall submit to the Department the following information on the application:
 - 1. The business name of the organization;
 - 2. The business address and mailing address of the organization, and
 - 3. The name and telephone number of an individual who shall serve as the primary contact with the Department and who shall have the authority to sign for and bind the organization.~~
- ~~B. The person designated under subsection (A)(3) shall attest, under the penalty of perjury, to the truthfulness of the information given on the application by signing in the space provided at the bottom of the form.~~
- ~~C. The organization shall attach to the application detailed topical outlines of its proposed classroom and practical training program. The outlines shall include test questions and their correct answers and cover the topics required by A.R.S. § 13-3112(N) for the initial training program. The topical outlines shall require that all target practice during training and qualifying shall be conducted using a firearm with live ammunition.~~

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- ~~D.~~ The Department shall review the application to verify that the organization has submitted the required forms and information. Within 10 business days of receipt, the Department shall return an incomplete, illegible, or non-original application with a written description of the deficiencies. The Department shall base the determination of deficiencies upon the requirements of A.R.S. § 13-3112 and this Article.
- ~~E.~~ An organization needing assistance in developing a firearms safety training program may submit a written request to the Department.
- ~~F.~~ Program approval shall remain in effect unless the organization's approval is suspended or revoked for failure to maintain the requirements of A.R.S. § 13-3112 or this Article.
- ~~G.~~ Within 90 calendar days after an organization's program is approved by the Department, the organization shall submit a written list of its Department-approved firearms safety instructors' names and assigned numbers.
- ~~H.~~ A firearms safety training organization shall notify the Department in writing within 10 calendar days of any change in its list of approved instructors, business address, telephone number, or name of the individual serving as the primary contact with the Department.
- ~~I.~~ A firearms safety training organization shall send a written notice to the Department at least 10 calendar days before changing its business name. The notice shall state the effective date of the change and the Department shall update its records.
- ~~J.~~ For each individual who receives initial or refresher training, the firearms safety training organization shall maintain the following written records for 5 years from the date of the trainee's completion of, or withdrawal from, the training:
 - ~~1.~~ Name and age of the individual at the time training commenced;
 - ~~2.~~ Dates and number of hours of each training session;
 - ~~3.~~ Physical location of each training session;
 - ~~4.~~ Title and Department-assigned number of the training program;
 - ~~5.~~ Name and assigned number of each instructor conducting the training sessions; and
 - ~~6.~~ Outcome of the training: passed, failed, or withdrew from the program.
- ~~K.~~ Upon request by the Department, a firearms safety training organization shall make its firearms safety training records available to the Department for inspection.

~~R13-9-111. Suspension or Revocation~~

- ~~A.~~ The Department shall suspend a concealed weapon permit if the permittee fails to carry the permit when in actual possession of a concealed weapon. The Department shall restore the permit under the condition specified in A.R.S. § 13-3112(B).
- ~~B.~~ The Department shall suspend a permit if the permittee is arrested or indicted for an offense that would make the permittee unqualified under the provisions of A.R.S. § 13-3101(6) or 13-3112. The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).
- ~~C.~~ The Department shall revoke a permit under the conditions specified in A.R.S. § 13-3112(C).
- ~~D.~~ The Department shall suspend or revoke a permit if the permittee fails to maintain all of the conditions specified in A.R.S. § 13-3112(E).
- ~~E.~~ The Department may suspend or revoke a permit, firearms safety instructor approval, or firearms safety program approval if the permittee, instructor, or organization:
 - ~~1.~~ Violates or fails to meet any requirement of A.R.S. § 13-3112 or of this Article;
 - ~~2.~~ Fails to continuously maintain any condition or requirement necessary for the issuance of a permit or granting of approval under A.R.S. § 13-3112 or this Article; or
 - ~~3.~~ Provides false, incomplete, or misleading information to the Department.
- ~~F.~~ The Department may suspend a permit or approval for up to 1 year.
- ~~G.~~ If the Department revokes a permit or approval, the affected permittee, instructor, or organization shall not reapply for such permit or approval for 2 years from the date of revocation.
- ~~H.~~ The Department shall notify the affected permittee, instructor, or organization and state the reason for suspension or revocation. The notice shall be sent by mail to the last known address of the permittee, instructor, or organization. For purposes of R13-9-111, R13-9-112, and R13-9-113, notice shall be considered received on the earlier of the date of actual receipt or the 5th calendar day after the date of mailing.
- ~~I.~~ Upon receipt of a notice of suspension or revocation:
 - ~~1.~~ A permittee shall return the permit to the Department within 5 business days.
 - ~~2.~~ An instructor shall immediately stop providing instruction, and
 - ~~3.~~ An organization shall immediately stop conducting any program.
- ~~J.~~ The Department may require immediate surrender of a permit or may seize a permit when required under A.R.S. § 13-3112.

~~R13-9-112. Reconsideration, Request for Hearing~~

- ~~A.~~ On receipt of a notice of denial:

1. An applicant for a concealed weapon permit or renewal of a permit may submit additional documentation to the Department. The applicant shall submit the documentation within 20 calendar days from receipt of the notice of denial.
2. On receipt of additional documentation, the Department shall reconsider its decision and inform the applicant within 20 calendar days of the Department's final decision. The decision is final upon mailing.
3. If denied after reconsideration under subsection (A)(2), the Department shall notify the applicant of the right to appeal to superior court.
4. If the applicant has not submitted additional documentation under subsection (A)(1), the decision is final at the expiration of the 20 calendar day period allowed for submission.

B. On receipt of a notice of:

1. Suspension or revocation of a permit; or
2. Denial, suspension, or revocation of a firearms safety instructor approval; or
3. Denial, suspension, or revocation of a firearms safety training program approval; the affected individual or organization is entitled to a hearing. A written request for a hearing shall be filed with the Department within 15 calendar days of receipt of the notice. The request shall be directed to the name and address stated in the notice.

R13-9-113. Hearing-

- A.** The Department shall grant a hearing to an individual or organization filing a timely application for a hearing under R13-9-112(B).
- B.** The Department shall notify the requester at least 20 calendar days before the hearing date. The notice shall include:
 1. A statement of the time, place, and nature of the hearing;
 2. A statement of the legal authority and jurisdiction under which the hearing is being held;
 3. Reference to the particular sections of the statutes and rules involved; and
 4. A statement of the issues or matters involved.
- C.** The hearing shall be conducted in accordance with the provisions of A.R.S. Title 41, Chapter 6, Article 6 for hearing a contested case before an agency.
- D.** Hearings shall be conducted in an informal manner and without adherence to the rules of evidence required in judicial proceedings.
- E.** Hearings shall be conducted by a hearing officer appointed by the Office of Administrative Hearings pursuant to A.R.S. Title 41, Chapter 6, Article 10.
- F.** Hearings shall be held at a location determined by the Department.
- G.** Irrelevant, immaterial, or unduly repetitious evidence shall be excluded by the hearing officer.
- H.** Notice may be taken of judicially cognizable facts and of recognized technical or scientific facts within the Department's specialized knowledge. The Department's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.
- I.** Hearings shall be tape recorded.
- J.** The individual or organization shall have the right to be represented by counsel, to submit evidence in open hearing, and shall have the right of cross-examination.
- K.** The hearing officer may cause to be issued subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and shall have the power to administer oaths.
- L.** The individual or organization shall submit to the hearing officer for approval any subpoena at least 10 calendar days prior to the hearing. If approved, the submitting party shall be responsible for service.
- M.** The hearing officer shall submit the findings to the Director.
- N.** The Director shall review the records of the findings by the hearing officer and may adopt, reverse, modify, supplement, or reject the recommendation of the hearing officer.
- O.** The Department shall mail written notice of the Director's decision to the individual or organization within 5 business days after the decision. The notice shall include findings of fact and conclusions of law. Notification shall be mailed to the individual's or organization's last known address and shall be deemed served upon mailing.
- P.** The individual or organization shall have the opportunity for a review or rehearing of the decision before the decision becomes final.
 1. To obtain a review of the decision, the individual or organization shall file with the Director a written request for review within 15 calendar days after the Department mails the notice of the Director's decision.
 2. The Director shall review the decision after receiving a request under subsection (P)(1). The Director shall deny a rehearing unless the Director determines that grounds for a rehearing exist under the following subsection (P)(3).
 3. The Director may grant a rehearing for any of the following reasons:
 - a. Irregularity in the proceedings which deprived the individual or organization of a fair hearing;
 - b. The decision was not justified by the evidence or was contrary to law; or
 - c. There is new material evidence which, with reasonable diligence, could not have been discovered and produced at the hearing.

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- ~~Q.~~ All denials, suspensions, revocations, and decisions of the Director are effective on the date notice of such action is mailed to the individual or organization.
- ~~R.~~ All denials, suspensions, revocations, and decisions of the Director are final, as set forth in this Article; or, if not otherwise set forth in this Article, are final upon expiration of time to apply for a hearing under R13-9-112(B).
- ~~S.~~ If an application is timely filed for a hearing under R13-9-112(B), the decision of the Director is final:
 - ~~1.~~ If a request for review is not timely filed under R13-9-113(P)(1),
 - ~~2.~~ Upon the mailing of the Director's denial of a rehearing under subsection(P)(2), or
 - ~~3.~~ Upon the mailing of the Director's decision following a rehearing under subsection (P)(3).
- ~~T.~~ When final, a decision may be subject to judicial review pursuant to A.R.S. Title 12, Chapter 7, Article 6.

ARTICLE 2. CONCEALED WEAPON PERMIT

R13-9-201. Concealed Weapon Permit Eligibility

An applicant for a concealed weapon permit shall meet all requirements under A.R.S. § 13-3112(E), and not be a prohibited possessor.

R13-9-202. Application for a Concealed Weapon Permit

- A. An applicant for a concealed weapon permit shall submit a complete legible application on an approved Department application form including:
 - 1. Full legal name;
 - 2. County of residence and residence address, including zip code, or descriptive location of residence if an address has not been assigned;
 - 3. Mailing address if different from residence address;
 - 4. Social Security number;
 - 5. Driver's license number or state identification card number, state of issuance, and issue date;
 - 6. Home and business telephone numbers;
 - 7. National origin or race, sex, height, weight, eye color, hair color, date of birth, and place of birth; and
 - 8. Whether the applicant suffers from mental illness and has been adjudicated mentally incompetent or committed to a mental institution.
- B. An applicant shall attest under penalty of perjury to the truthfulness of the information and answers given on the application by placing the applicant's original signature in the space provided on the form.
- C. Except for an applicant exempted by A.R.S. § 13-3112(E)(6), an applicant shall obtain the Completion Certification from the applicant's firearms safety instructor. The firearms-safety instructor shall sign the application, in the space provided, certifying that the applicant satisfactorily completed the firearms-safety training program on the date specified. The exemption granted to peace officers pursuant to A.R.S. § 13-3112(E)(6) is only available once for the initial issuance of a permit and shall not be used to renew a permit or upon submission of subsequent applications.
- D. An applicant shall submit a completion certification that includes:
 - 1. The Department-assigned number of the firearms-safety training program (Training Program Number).
 - 2. The Department-assigned number of the firearms-safety instructor (Training Instructor Number).
 - 3. The Department-assigned number of the organization (Organization Number).
 - 4. A Department-approved seal or stamp affixed to the form identifying the organization.
 - 5. The date the applicant satisfactorily completed the program, and
 - 6. Signature of the training instructor, which will validate the certification.
- E. A completion certification of a firearms-safety training program remains valid for six months after the applicant satisfactorily completes the training.
- F. An applicant shall submit to the Department the original application form, a completed fingerprint card with classifiable fingerprints, and the fees specified in R13-9-102.
- G. The Department may require an applicant to provide proof of citizenship, naturalization, or alien residency.
- H. An applicant seeking exemption under A.R.S. § 13-3112(E)(6) as a federally credentialed peace officer shall meet the following requirements:
 - 1. Be active or honorably retired federally credentialed law enforcement officer;
 - 2. Be employed or retired from a federal law enforcement position whose duties are or were primarily the investigation and apprehension of individuals suspected of offenses under the criminal laws of the United States; and
 - 3. Submit a letter from the federal agency with which the applicant is or was employed that states the applicant meets the requirements in subsections (H) (1) and (2). The letter shall be submitted on the agency's letterhead and include that applicant's name, grade, job series code, job series title, dates of employment, employment status, and name of a person within that agency who was or is the applicant's supervisor and who can verify the applicant's employment status. The Department may require or allow the applicant to produce other evidence of employment.

R13-9-203. Permit Issuance

- A.** If an applicant has satisfied the requirements of A.R.S. § 13-3112 and this Chapter, the Department shall issue a concealed weapon permit containing:
1. The permittee's legal name, as shown on the application;
 2. The permittee's date of birth;
 3. The permittee's physical description, including national origin or race, sex, height, weight, and color of eyes and hair;
 4. A permit number;
 5. The date of issuance and expiration; and
 6. The title of the permit, "State of Arizona Concealed Weapon Permit," and the state seal.
- B.** The Department shall mail a permit to the applicant's residence address or mailing address shown on the application.

R13-9-204. Renewal of Concealed Weapon Permit

- A.** A concealed weapon permit expires four years from date of issuance. An application for renewal of a permit is timely if submitted between 90 days before permit expiration and 60 days after permit expiration. Upon expiration of a permit, the permittee shall not carry a concealed weapon until in possession of a valid permit. A qualified active or retired peace officer who received an exemption from the initial sixteen-hour training requirement shall complete an approved four-hour refresher firearms safety training program to renew a permit.
- B.** The Department shall issue a renewed permit containing the information specified in R13-9-203(A) if a renewal application is:
1. Timely received;
 2. The applicant provides a certificate of completion of a four-hour refresher firearms safety training program approved by the Department under A.R.S. § 13-3112(L), or an eight-hour firearms safety instructor program provided by the Department;
 3. Completes an application form containing the information required under R13-9-202, and;
 4. The permittee meets the requirements of A.R.S. § 13-3112 and this Chapter.

R13-9-205. Permittee Obligations

- A.** Upon request of any peace officer, a permittee in actual possession of a concealed weapon shall present the permit to the peace officer for inspection. If the permit does not include a photograph of the permittee, the permittee shall also present upon request of a peace officer, a separate type of official photographic identification. Official photographic identification is limited to the following:
1. Driver's license from any state,
 2. Military identification card,
 3. Identification card issued under A.R.S. § 28-3165, or
 4. Passport.
- B.** A permittee shall not deface, alter, or mutilate a permit, or reproduce, lend, transfer, or sell a permit.

R13-9-206. Lost, Stolen, or Damaged Concealed Weapon Permit

- A.** A permittee whose permit is lost, stolen, or damaged shall notify the Department in writing within 10 days of determining that the permit is lost or stolen. When advised of a lost or stolen permit, the Department shall invalidate the permit. The permittee shall not carry a concealed weapon until the Department issues a replacement.
- B.** A permittee may obtain a replacement permit by submitting a written request and the fee specified in R13-9-102(A)(3). If the applicant meets the requirements of A.R.S. § 13-3112(E), the Department shall issue a replacement permit within 15 working days of receiving the request. The replacement permit shall have the same expiration date as the original permit.

R13-9-207. Change of Address

A permittee shall notify the Department in writing within 10 days of any change of address. The Department shall process the notice and update the permittee's information on file with the Department.

R13-9-208. Change in Name of Permittee

- A.** A permittee whose name is changed shall notify the Department in writing and request a revised concealed weapon permit within 10 days of the name change by submitting a written request containing the previous name, the new name, a copy of the court document or marriage certificate authorizing the name change, and the fee specified in R13-9-102(A)(4).
- B.** Within 15 working days from receipt of the request for a revised permit, the Department shall process the request and mail the revised permit to the permittee with instructions that failure to return the previous permit within five working days shall result in suspension of both the previous permit and the new permit. The Department shall destroy the previous permit upon receipt.
- C.** The revised permit shall retain the same expiration date as the previous permit.

ARTICLE 3. FIREARMS-SAFETY TRAINING PROGRAM

R13-9-301. General Requirements for Firearms-safety Training Program

- A.** An organization shall only conduct firearms-safety training programs or refresher firearms-safety training programs that

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are approved by the Department.

- B.** All organizations shall conduct Department-approved firearms-safety training and refresher firearms-safety training in this state.
- C.** An organization shall only conduct firearms-safety training programs or refresher firearms-safety training programs that are taught by firearms-safety training instructors who meet the qualifications in R13-9-307.

R13-9-302. Application for Firearms-Safety Training Program Approval

- A.** An organization seeking approval of a 16-hour firearms-safety training program shall submit to the Department the following information on the Department's application form:
 - 1. The business name of the organization.
 - 2. The business address and mailing address of the organization, and
 - 3. The name and telephone number of a responsible party who shall serve as the contact with the Department and who shall have the authority to sign for and bind the organization.
- B.** The responsible party designated under subsection (A)(3) shall attest under penalty of perjury to the truthfulness of the information given on the firearms-safety training program application by signing in the space provided on the form.
- C.** The responsible party shall attach to the application a detailed topical outline of a proposed classroom and practical training program. The outline shall include test questions and the correct answers and cover the topics required by A.R.S. § 13-3112(N) for the firearms-safety training program. The topical outline shall require that all firearms qualification be conducted using a firearm with live ammunition.
- D.** Before an organization's program is approved by the Department, the responsible party shall submit a written list of the organization's Department-approved firearms-safety instructors and the assigned instructor's number. The Department shall not approve a program unless each of the program's instructors meet the following requirements as determined by the Department's background investigation under A.R.S. § 13-3112(N):

R13-9-303. Time-frames for Firearms-Safety Training Program Approval

- A.** The Department shall review the application for firearms-safety program approval to verify that the organization has submitted the required forms and information. Within 14 days of receipt, the Department shall return an incomplete, illegible, or non-original application with a written description of the deficiencies. The Department shall base the determination of deficiencies upon the requirements of A.R.S. § 13-3112 and R13-9-302. The Department shall notify the organization in writing of approval or disapproval of a program within 60 days after receiving a completed application and topical outline.
- B.** For firearms-safety training program approval, the time-frames defined by A.R.S. § 41-1072, to include:
 - 1. Overall time-frame: 60 days.
 - 2. Administrative completeness review time-frame: 14 days.
 - 3. Substantive review time-frame: 46 days.
- C.** Program approval remains in effect unless the program is suspended or revoked for failure to maintain the requirements of A.R.S. § 13-3112 or this Chapter.

R13-9-304. Requesting Department Assistance with Program Development

An organization needing assistance in developing a firearms-safety training program may submit a written request for assistance to the Department.

R13-9-305. Firearms-Safety Training Organization Obligations

- A.** A responsible party shall notify the Department in writing within 10 days of any change of an organization's approved instructors, business name, address, telephone number, or responsible party.
- B.** For each individual who receives initial or refresher training, the organization shall maintain the following written records for five years from the date of the individual's completion of, or withdrawal from, the training:
 - 1. Name and age of the individual at the time training commenced;
 - 2. Dates and number of hours of each training session;
 - 3. Physical location of each training session;
 - 4. Title and Department-assigned number of the training program;
 - 5. Name and Department-assigned number of each instructor and assistant or co-instructor conducting the training sessions; and
 - 6. Whether the individual passed, failed, or withdrew from the program.
- C.** Upon request by the Department, an organization shall make its firearms-safety training records available to the Department for inspection.

R13-9-306. Refresher Firearms-Safety Training Program

- A.** The Department shall develop and provide a four-hour refresher firearms-safety training program. An organization shall not use any other refresher firearms-safety training program.
- B.** Refresher firearms-safety training shall include, but is not limited to, legal issues relating to the use of deadly force, judgmental shooting, safety issues, qualification conducted using a firearm with live ammunition, and a written test.

R13-9-307. Firearms-Safety Instructors

A firearm safety training organization shall only use instructors who are registered with the Department and meet the following qualifications:

1. Meet the requirements of A.R.S. § 13-3112(E)(1) through 13-3112(E)(5);
2. Possess a current certificate of completion from one of the following firearms-safety training instructor programs:
 - a. Arizona Basic Police Firearms Instructor Certification issued by the Arizona Peace Officers Standards and Training Board;
 - b. Police Firearms Instructor Development School issued by the National Rifle Association;
 - c. Law Enforcement Security Firearms Instructor Development School issued by the National Rifle Association;
 - d. Pistol Instructor and Personal Protection Instructor rating issued by the National Rifle Association;
 - e. Law Enforcement Tactical Handgun Instructor rating, issued by the National Rifle Association;
 - f. Law Enforcement Handgun/Shotgun Instructor rating, issued by the National Rifle Association; or
 - g. Firearms Instructor Training Program (FITP), issued by a federal law enforcement agency;
3. Satisfactorily complete a 16-hour firearms-safety training program from an organization and provide a Completion Certification to the Department; and
4. Satisfactorily complete the Department's firearms-safety instructor training program. The Department provides the firearms-safety instructor training program to applicants who meet all other firearms-safety instructor requirements.

R13-9-308. Application for Registration of Firearms-Safety Instructor

A. A firearms-safety training organization shall provide to the Department on each instructor:

1. Two sets of classifiable fingerprints plus a fee to cover the cost of state and federal fingerprint processing;
2. A complete application form with the information required under R13-9-202 (A) and (B);
3. A certificate of completion from an organization's approved firearms-safety training program referenced in R13-9-307(3);
4. A letter from the organization that includes:
 - a. The organization's identification number and stamp or seal, and
 - b. A statement that the person will be an instructor for that organization.
5. The following evidence of completion from one of the instructor training programs listed in R13-9-307(2):
 - a. For an Arizona Peace Officers' Standards and Training Board program or federal law enforcement agency program, a certificate of completion; or
 - b. For a National Rifle Association instructor certification program, a Certificate of appointment or the certification card issued by the National Rifle Association.

B. Upon receipt of all required documents, the Department will send notification to the organization of the dates available for the instructor to attend a Department firearms-safety instructor training program, and

C. After completing the firearms-safety instructor training program and meeting all requirements of R13-9-307, the Department shall register the instructor and notify the organization that the instructor meets the requirements to be a firearms-safety training instructor.

R13-9-309. Firearms-Safety Instructor Registration Renewal

A. The firearms safety organization shall renew instructor registrations every four years by:

1. Submitting a complete, legible application on an approved Department application form with the information required under R13-9-307(A) and (B).
2. Submitting two sets of classifiable fingerprints plus a fee to cover the cost of state and federal fingerprint processing.
3. Submitting a letter from the organization that includes:
 - a. The organization's identification number and stamp or seal, and
 - b. A statement that the person will be an instructor for that organization.
4. Ensuring that the instructor satisfactorily completes the Department firearms-safety instructor training program requirements within six months prior to submitting an application for renewal, and
5. Providing evidence that the applicant has instructed or co-instructed at least eight approved 16-hour renewal firearms training classes for a minimum of two students each within the prior four years.

B. Upon verification that the firearms-safety instructor meets the qualifications under R13-9-307, the Department shall renew the registration of the firearms-safety instructor and notify the organization that the instructor continues to meet the requirements to be a firearms-safety training instructor.

ARTICLE 4. HEARINGS AND DISCIPLINARY PROCEEDINGS

R13-9-401. Suspension and Revocation

A. The Department shall suspend a permit if the permittee is arrested or indicted for an offense that would make the permittee unqualified under the provisions of A.R.S. § 13-3112, or if the permittee is a prohibited possessor. The Department shall restore the permit under the conditions specified in A.R.S. § 13-3112(C).

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- B.** The Department shall revoke a permit under the conditions specified in A.R.S. § 13-3112(C).
- C.** The Department shall suspend or revoke a permit if the permittee fails to maintain all of the conditions specified in A.R.S. § 13-3112(E).
- D.** The Department may suspend or revoke a permit, or firearms-safety program approval if the permittee or organization:
 - 1. Violates or fails to meet or continuously maintain any condition or requirement of A.R.S. § 13-3112, or of this Chapter; or
 - 2. Provides false, incomplete, or misleading information to the Department.
- E.** The Department may suspend or revoke approval of a firearms-safety training program if an investigation by the Department determines a firearms-safety instructor or any representative of a firearms-safety training program or firearms-safety training organization:
 - 1. Engaged in or is engaging in a pattern or practice of instructing students that illegal conduct with a firearm is legal; or
 - 2. Failed to maintain a training program that meets the minimum requirements under A.R.S. § 13-3112 (N).
- F.** If the Department revokes a permit or approval, the affected permittee or organization shall not reapply for a permit or approval for two years from the date of revocation.
- G.** The Department shall notify the affected permittee or organization and state the reason for the Department's intent to suspend or revoke or if the Department determines that emergency action is required, the reason for the summary suspension. The notice shall be sent by certified mail to the last known address of the permittee, firearms safety training instructor or organization. For purposes of Sections R13-9-401 and R13-9-402, notice is considered received on the earlier of the date of actual receipt or the fifth day after the date of mailing. The notice shall include all requirements under A.R.S. § 41-1092 et seq.
- H.** Upon receipt of a notice of a summary suspension or final administrative decision suspending or revoking:
 - 1. A permittee shall immediately cease carrying a concealed weapon and return the permit to the Department within five working days.
 - 2. An instructor shall immediately stop providing instruction, and
 - 3. An organization shall immediately stop conducting any program.
- I.** The Department may require immediate surrender of a permit or seize a permit when required under A.R.S. § 13-3112.

R13-9-402. Reconsideration, Request for Hearing

- A.** On receipt of a notice of denial:
 - 1. An applicant for a concealed weapon permit or renewal of a permit may submit additional documentation to the Department. The applicant shall submit the documentation within 20 days from receipt of the notice of denial.
 - 2. On receipt of additional documentation, the Department shall reconsider its decision and inform the applicant within 20 days of the Department's decision.
 - 3. If denied after reconsideration under subsection (A)(2), the Department shall notify the applicant of the right to request a hearing under A.R.S. Title 41, Chapter 6, Article 10.
- B.** An affected individual or organization is entitled to an administrative hearing pursuant to A.R.S. § 41-1092, due to:
 - 1. Denial, revocation or suspension of a permit; and/or
 - 2. Denial, suspension, or revocation of a firearms-safety training program approval.
- C.** A written request for a hearing shall be filed with the Department within 30 days of receipt of the notice. The request shall be directed to the name and address stated in the notice.