

NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATION

PREAMBLE

- 1. Article, Part, or Section Affected (as applicable) Rulemaking Action**

R17-1-201	Amend
R17-1-202	Repeal
Table 1	Repeal
- 2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statutes: A.R.S. § 28-366
Implementing statutes: A.R.S. §§ 28-446
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed expedited rules:**

Notice of Rulemaking Docket Opening: 24 A.A.R. (*Register* editor to complete), September 14, 2018
- 4. The agency’s contact person who can answer questions about the rulemaking:**

Name: Candace Olson, Rules Analyst
Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007
Telephone: (602) 712-4534
E-mail: COlson2@azdot.gov
Web site: <http://www.azdot.gov/about/GovernmentRelations>
- 5. An agency’s explanation why the proposed expedited rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c):**

Pursuant to A.R.S. § 41-1027(A)(7), the Department is engaged in this expedited rulemaking to incorporate the changes proposed in the Department’s recent five-year review report on 17 A.A.C. Chapter 4, Article 8, Motor Vehicle Records, approved by the Governor’s Regulatory Review Council on March 6, 2018. The Department has determined that it would be more appropriate and would better serve the public to relocate R17-1-202, MVD Record Copy Charges and its corresponding Table 1 to 17 A.A.C. Chapter 4, Article 8, Motor Vehicle Records. This relocation requires the removal of the following definitions from R17-1-201, Definitions, to A.A.C. R17-4-801, Definitions: “batch”, “interactive”, “reasonable costs”, and “support document” since they do not appear in the remaining Sections of this Article.

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

The Department did not review or rely on any study relevant to the rules.

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

Not applicable

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

The Department is exempt from the requirements under A.R.S. § 41-1055(G) to prepare and file an economic, small business, and consumer impact statement under A.R.S. § 41-1055(D)(2).

9. The agency's contact person who can answer questions about the preliminary summary of the economic, small business and consumer impact of the proposed expedited rule:

Name: Candace Olson, Rules Analyst
Address: Government Relations and Policy Development Office
Department of Transportation
206 S. 17th Ave., Mail Drop 140A
Phoenix, AZ 85007
Telephone: (602) 712-4534
E-mail: COlson2@azdot.gov
Web site: <http://www.azdot.gov/about/GovernmentRelations>

10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, and how persons may provide written comment to the agency on the proposed expedited rule under A.R.S. § 41-1027(E):

Written comments on the proposed rulemaking should be directed to the person listed in item 4. All comments must be received by the close of public record at 5:00 p.m. on September 26, 2018. The Department has scheduled the following oral proceeding for public comments:

Date: September 26, 2018
Time: 1:30 p.m.
Location: 206 S. 17th Ave., Rm. 107
Phoenix, AZ 85007
Nature: Oral Proceeding/Public Hearing

Pursuant to Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act (ADA), the Department does not discriminate on the basis of race, color, national origin, age, gender, disability, or limited English proficient. Persons that require a reasonable accommodation based on language or disability should contact ADOT Civil Rights at (602) 712-8946 or civilrightsoffice@azdot.gov. Requests should be made as early as possible to ensure the state has an opportunity to address the accommodation.

Personas que requieren asistencia o una adaptación razonable por habilidad limitada en inglés o discapacidad deben ponerse en contacto con la Oficina de Derechos Civiles de ADOT al (602) 712-8946 or civilrightsoffice@azdot.gov. Las solicitudes deben hacerse tan pronto como sea posible para asegurar que el estado tiene la oportunidad de abordar el alojamiento.

11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:

There are no other matters prescribed by statute applicable to the Department or to any specific rule or class of rules.

a. Whether the rules require a permit, license, or agency authorization under A.R.S. § 41-1037(A), and whether a general permit is used and if not, the reasons why a general permit is not used:

These rules do not require the issuance of a permit, license, or agency authorization.

b. Whether a federal law is applicable to the subject of the rules, whether the rules are more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

No federal laws apply to the rules.

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

No analysis was submitted to the Department.

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

This rulemaking incorporates no materials by reference.

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION
CHAPTER 1. DEPARTMENT OF TRANSPORTATION
ADMINISTRATION

ARTICLE 2. FEES

Section

R17-1-201. Definitions

R17-1-202. ~~MVD Record Copy Charges~~ Repealed

Table 1. ~~Certified and Uncertified Motor Vehicle Record Fees~~ Repealed

ARTICLE 2. FEES

R17-1-201. Definitions

In addition to the definitions prescribed under A.R.S. §§ ~~28-440 and~~ § 44-6851, the following terms apply to this Article:

“Automated clearing house” has the same meaning as provided under A.A.C. R17-8-401.

~~“Batch” means a query command method that initiates simultaneous production of an electronic file or series of requests that may have delayed results.~~

~~“Certified record” means a copy of a document designated as a true copy by the agency officer entrusted with custody of the original to be used for purposes prescribed under A.R.S. § 28-442.~~

“Electronic payment” means money which is exchanged electronically, including credit card payments, credit transfer, electronic checks, direct debit, and person-to-person payments.

~~“Interactive” means an electronic query command method individually initiated by a person that produces immediate results.~~

~~“Reasonable costs” means 10 cents for each page of standard reproduction of documents and the actual costs for reproduction of documents which require special processing plus the reasonable clerical costs incurred in locating and making the documents available billed at the rate of \$10 per hour per person.~~

~~“Special MVR” means a motor vehicle record that is comprised of the least possible subset of information necessary to respond to the type of request received.~~

“Stale-dated” means a check presented at the paying bank six months or more after the issue date of the check. A stale-dated check is not an invalid check, but the paying bank may deem the check an irregular bill of exchange and return it unpaid.

~~“Support document” means any customer record maintained by the agency in an electronic, hardcopy, or microfilm file storage format.~~

R17-1-202. MVD Record Copy Charges Repealed

~~In accordance with A.R.S. §§ 12-351 and 28-446, for each separate request, the Division shall assess a charge as provided in Table 1. Certified and Uncertified Motor Vehicle Record Fees. Therefore, a fee is collected if the request results in a motor vehicle record or “No Record Found.”~~

Table 1. Certified and Uncertified Motor Vehicle Record Fees Repealed

Description	Method of Delivery	Amount
A certified record:	Over the counter immediate or overnight service; Mail in request; or Electronic interactive.	\$5
	Electronic batch.	\$3
A certified support document:	Over the counter immediate or overnight service; or Mail in request.	\$5

An uncertified record:	Over the counter immediate service; Mail in request; or Electronic interactive.	\$3
	Electronic batch; or Over the counter overnight service.	\$2
An uncertified support document:	Over the counter immediate or overnight service; or Mail in request.	\$3
An uncertified Special MVR:	Over the counter immediate and overnight service; Mail in request; or Electronic interactive.	\$1.50
Civil subpoena support documentation:	Over the counter immediate and overnight service; or Mail in request.	Reasonable costs.
Any photocopied item: (Does not include... etc.)	Over the counter immediate and overnight service; or Mail in request.	25¢ per page.