

NOTICE OF PROPOSED EXPEDITED RULEMAKING
TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES
PREAMBLE

<u>1. Article, Part, or Section Affected (as applicable)</u>	<u>Rulemaking Action</u>
R17-4-501	Amend
R17-4-502	Amend
R17-4-503	Amend
R17-4-504	Amend
R17-4-506	Amend
R17-4-510	Amend
R17-4-512	Amend

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. §§ 28-364, 28-907, 28-955.02, 28-3005, 28-3153, 28-3158, 28-3159, 28-3164, 28-3167, 28-3171, 28-3173, 28-3306, 28-3314, and 28-3315

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: 26 A.A.R. (*Register* Editor to complete), August 14, 2020

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

Name: Candace Olson, Rules Analyst
Address: Rules and Policy Development
Department of Transportation
206 S. 17th Ave., Mail Drop 180A
Phoenix, AZ 85007
Telephone: (602) 712-4534
E-mail: COlson2@azdot.gov
Website: <https://azdot.gov/about/government-relations>

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 An agency’s explanation why the proposed expedited rule should be made, amended, repealed or renumbered under A.R.S. § 41-1027(A), and why expedited proceedings are justified under A.R.S. § 41-1001(16)(c):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 five-year review report on 17 A.A.C. Chapter 4, Article 5, which was approved by the Governor’s Regulatory Review Council on February 4, 2020. The Department

determined that these rules should be updated and improved for clarity and for a better reflection of the Department's process and needs. This rulemaking includes updates and clarification to the definitions, removal of old and inconsistent information, clarification of the evaluation requirements, clarification of the vision standards and requirements, removal of the unnecessary process of conducting medical-related interviews and additional evaluations, and updates to the standards for the motorcycle noise limits and for child restraint systems.

Additional changes include making minor technical changes to ensure conformity to the rulemaking format and style requirements of the Arizona Administrative Procedure Act and the Office of the Secretary of State.

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
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Department of Transportation
206 S. 17th Ave., Mail Drop 180A
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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 expedited 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 2, 2020. The Department has scheduled the following oral proceeding for public comments:

Date: September 2, 2020

Time: 11:00 a.m.
Google Meet: Phone: +1 505-445-7900 PIN: 421 224 070#
Web address: <https://meet.google.com/ppw-uadm-amz>
Nature: Oral Proceeding/Public Hearing

Due to health concerns, this meeting will be held virtually. Virtual access will be provided through Google Meet. Persons may access this meeting via the phone number or web address provided above. It is not necessary to have a Google account to participate in this meeting. Any changes to the meeting information will be posted at least 24 hours in advance of the meeting on the Department's website at <https://azdot.gov/about/government-relations>. If you have any questions regarding this, please contact the person listed in item 4.

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 proficiency. Persons that require a reasonable accommodation based on language or disability should contact the ADOT Civil Rights Office 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 requieran 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 o 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 regulatory 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:

Federal regulations in 40 CFR 205.152 and 205.166 are applicable to R17-4-510 and in 49 CFR 571.213 are applicable to R17-4-512. The applicable rules are not more stringent than federal law.

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:

In R17-4-510: 40 CFR 205.152 and 205.166, revised as of July 1, 2019

In R17-4-512: 49 CFR 571.213, revised as of October 1, 2019

13. The full text of the rules follows:

TITLE 17. TRANSPORTATION
CHAPTER 4. DEPARTMENT OF TRANSPORTATION
TITLE, REGISTRATION, AND DRIVER LICENSES

ARTICLE 5. SAFETY

Section

- R17-4-501. Definitions
- R17-4-502. General Provisions for Visual, Physical, and Psychological Ability to Operate a Motor Vehicle Safely
- R17-4-503. Vision ~~standards~~ Standards
- R17-4-504. Medical Alert Conditions
- R17-4-506. Neurological Standards
- R17-4-510. Motorcycle ~~noise level limits~~ Noise Level Limits
- R17-4-512. ~~Child restraint~~ Child Restraint Systems in Motor Vehicles

ARTICLE 5. SAFETY

R17-4-501. Definitions

In addition to the definitions provided under A.R.S. §§ 28-101, 28-3001, and 28-3005, ~~and 32-1601~~, in this Article, unless otherwise specified:

“Adaptation” means a modification of or addition to the standard operating controls or equipment of a motor vehicle.

“Applicant” ~~or “licensee”~~ means a person:

Applying for an Arizona driver license or driver license renewal, or

Required by the Department to complete an examination successfully or to obtain an evaluation.

“Application” means the Department form required to be completed by or for an applicant for a driver license or driver license renewal.

“Aura” means a sensation experienced before the onset of a neurological disorder.

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

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

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

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

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

Ability to read and understand official traffic control devices,

Knowledge of safe driving practices and the traffic laws of this state, and

Functional ability.

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

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

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

Issue, deny, suspend, revoke, cancel, or restrict a driver license or driving privileges; or

Require an examination or evaluation of an applicant or licensee.

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

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

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

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

“Specialist” means:

A physician who is a surgeon or a psychiatrist;

A physician whose practice is limited to a particular anatomical or physiological area or function of the human body, patients with a specific age range; or

A psychologist.

“Substance abuse” means:

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

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

~~“Substance abuse counselor” is defined in A.R.S. § 28-3005.~~

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

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

Establishes the visual, physical, and psychological ability to operate a motor vehicle safely, or

Achieves a score of at least 80% on any required tests.

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

~~A. Applicant’s or licensee’s responsibility. To comply with the Division’s screening process for safe operation of a motor vehicle, an applicant or licensee shall:~~

- ~~1. Provide the Division with all requested information about the applicant’s or licensee’s visual, physical, or psychological condition;~~
- ~~2. Successfully complete all required examinations;~~
- ~~3. Obtain all required evaluations;~~
- ~~4. Ensure timely submission of evaluation reports to the Division; and~~
- ~~5. Appear at all required interviews.~~

~~**B.A.** Screening process for safe operation of a motor vehicle. This subsection and subsections (C) through subsection (E) state the screening process for safe operation of a motor vehicle.~~

1. An applicant shall complete the application, including the medical screening questions and certification.
2. An applicant without a valid driver license, ~~who shall~~ shall successfully ~~completes~~ complete all required examinations, ~~shall~~ or obtain an evaluation if:
 - a. The ~~Division~~ Department informs the applicant that the applicant’s responses to the medical screening questions indicate the existence of a disqualifying medical condition; or
 - b. The applicant comes under subsection (C)(1)(a), ~~subsection (C)(1)(c), or subsection (C)(1)(d).~~
3. An applicant for license renewal shall successfully complete an examination or obtain an evaluation if the applicant’s responses to the medical screening questions indicate that since the applicant’s last driver license ~~renewal~~ issuance:

- a. The applicant has developed a visual, physical, or psychological condition that may constitute a disqualifying medical condition; or
 - b. There has been a change in an existing visual, physical, or psychological condition that may constitute a disqualifying medical condition.
4. As soon as ~~an applicant's~~ a licensee's medical condition allows, the ~~applicant~~ licensee shall notify the ~~Division~~ Department, in writing ~~or by telephone~~, that ~~the applicant has or may have~~ a medical condition ~~exists~~ not previously reported to the ~~Division~~ Department that ~~affects~~ may affect the ~~applicant's~~ licensee's functional ability. On receipt of the required notification, the Department shall require the licensee to complete an examination or evaluation.
 5. ~~Upon receipt of the notification required under subsection (B)(4), the Division shall require the applicant to:~~
 - a. ~~Complete the medical screening questions and certification on the application, and~~
 - b. ~~Continue with the screening process for safe operation of a motor vehicle.~~
- C. ~~Evaluation, interview, and additional evaluation.~~ An applicant or licensee shall submit to an evaluation, ~~attend an interview, or submit to an additional evaluation~~ as required by the ~~Division~~ Department.
1. The ~~Division~~ Department shall require an evaluation if the ~~Director~~ Department notifies the applicant or licensee in writing that:
 - a. The applicant or licensee comes under the provisions of R17-4-503 or R17-4-506;
 - b. The applicant or licensee reports a possible disqualifying medical condition or fails to successfully complete an examination;
 - c. The applicant or licensee shows unexplained confusion, loss of consciousness, or incoherence that is observed by ~~Division~~ Department personnel; or
 - d. A person with direct knowledge submits to the ~~Division~~ Department written information about specific events or conduct indicating the applicant or licensee may have a disqualifying medical condition.
 2. The applicant or licensee shall have the physician, appropriate specialist, or certified substance abuse counselor who performs an evaluation submit timely, to the ~~Division's~~ Department's Medical Review Program, an evaluation report on a form provided by the ~~Division~~ Department.
 3. ~~If the evaluation report on the applicant or licensee is inconclusive regarding the existence of a disqualifying medical condition, the Division shall require the applicant or licensee to appear for an interview to explain information in the evaluation report.~~
 4. ~~If the Division is unable to determine whether a disqualifying medical condition exists after an interview with the applicant or licensee, the Division shall require an additional evaluation, performed by an appropriate specialist and reported to the Division's Medical Review Program, on a form provided by the Division.~~
- ~~5.3.~~ An applicant or licensee shall pay for any expense incurred by the applicant or licensee to show compliance with the visual, physical, and psychological standards for a driver license.

- D. Licensing action. The ~~Division~~ Department shall take a licensing action after requiring an applicant or licensee to complete an examination successfully, or obtain an evaluation and submit an evaluation report, ~~or appear at an interview.~~
1. The ~~Division~~ Department shall deny a driver license if an applicant or licensee:
 - a. Fails to complete successfully an examination; or
 - b. Fails to:
 - i. Obtain an evaluation; or
 - ii. Have a physician, appropriate specialist, or certified substance abuse counselor submit an evaluation report to the ~~Division~~ Department within 30 days after the ~~Division~~ Department notifies the applicant that an evaluation is required; or
 - iii. ~~Appear at an interview; or~~
 - c. Has an evaluation report submitted that indicates a disqualifying medical condition.
 2. The ~~Division~~ Department shall summarily suspend a ~~licensee's driver license~~ an applicant's or licensee's driving privileges under A.R.S. §§ 28-3306 and 41-1064 for a reason stated in subsection (D)(1).
 3. The ~~Division~~ Department shall issue a revocation notice with a notice of summary suspension. The revocation notice shall inform the applicant or licensee that:
 - a. Unless the ~~Division~~ Department receives the applicant or licensee's timely hearing request under subsection (F), the revocation becomes effective:
 - i. Fifteen days after the date the applicant or licensee is personally served with the notice, ~~or~~
 - ii. Twenty days after the date the notice is mailed to the applicant or licensee.
 - b. ~~A person~~ An applicant or licensee who wishes to obtain a license after suspension or revocation shall reapply for a license as specified in A.R.S. § 28-3315.
 4. The ~~Division~~ Department shall issue a driver license ~~to an applicant~~ or shall not suspend or revoke a ~~licensee's driver license~~ an applicant or licensee's driving privileges if:
 - a. The applicant or licensee successfully completes all required examinations and the ~~Division~~ Department does not require an evaluation, or
 - b. The applicant or licensee obtains all required evaluations and the most recent evaluation report submitted on behalf of the applicant or licensee conclusively indicates no disqualifying medical condition.
- E. Driver license restrictions. If an applicant or licensee uses an adaptation, including those listed below to demonstrate functional ability during an examination, the ~~Division~~ Department shall indicate the adaptation as a restriction on a driver license issued to the applicant or licensee and on the applicant's or licensee's driving record.
1. Automatic transmission,
 2. Hand dimmer switch,
 3. Left-foot gas pedal,
 4. Parking-brake extension,

5. Power steering,
6. Power brakes,
7. Six-way power seat,
8. Right-side directional signal,
9. A device that enables an operator to spin the steering wheel,
10. A device that enables full foot control,
11. Dual outside mirrors,
12. Chest restraints,
13. Shoulder restraints,
14. A device that extends pedals,
15. A device that enables full hand control, ~~and~~
16. Adapted seat, ~~and~~
17. Prosthetic aid.

- F. ~~Hearings. This subsection states the hearing procedure for licensing actions taken by the Division after the screening process for safe operation of a motor vehicle. The Department's Executive Hearing Office shall conduct the hearing as provided under A.R.S. Title 41, Chapter 6, Article 6, and 17 A.A.C. 1, Article 5.~~
1. ~~If the Division takes an adverse licensing action under this Section, an applicant or licensee may request a hearing with the Division's Executive Hearing Office. A hearing request is timely if received by the Division:~~
 - a. ~~Within 15 days after the date the notice is delivered to the applicant or licensee, or~~
 - b. ~~Within 20 days after the date the notice is mailed to the applicant or licensee.~~
 2. ~~A.A.C. R17-1-501 through R17-1-511 and R17-1-513 govern a hearing conducted under this subsection.~~
 3. ~~The administrative law judge shall sustain, modify, or void the Division's licensing action.~~
- G. ~~The Division~~ Department shall not release information required to be submitted to the ~~Division~~ Department under this Section by an applicant or licensee except to a person or entity qualified under A.R.S. § 28-455.

R17-4-503. Vision standards Standards

A. Definitions.

1. "Binocular vision" means the ability to see in both eyes.
2. "Biotopic Telescopic Lens System" means a biotopic, spectacle-mounted corrective lens prescribed by a physician or optometrist for meeting vision acuity requirements for driving that uses magnification as the main method of obtaining minimal visual acuity.
3. "Corrected visual acuity" means distance vision corrected by eyeglasses, contact lenses, or a biotopic telescopic lens system.
4. "Corrective lens" means eyeglasses, contact lenses, or a biotopic telescopic lens system used to correct distance vision.
5. "Diplopia" means double vision.

6. "Field of vision" means the area in which objects may be seen when the eye is fixed.
7. "Impaired night vision" means below normal ability to see in reduced light.
8. "Monocular vision" means the ability to see in one eye only.
9. "Optometrist" means a person licensed to practice optometry in any state, territory, or possession of the United States or the Commonwealth of Puerto Rico.
10. "Retinitis pigmentosa" means a chronic progressive inflammation of the retina with atrophy and pigmentary infiltration of the inner layers of the retina.
11. "Snellen Chart" means a chart imprinted with lines of black letters of decreasing size for testing visual acuity.
12. "Visual acuity" means the clarity of a person's vision.

B. Standard. The following applies only to class D, G, or M applicants or licensees.

1. Visual acuity. A person shall have binocular or monocular vision and visual acuity of 20/40 in at least one eye.
 - a. The Department shall not license a person with monocular vision and visual acuity of 20/50 or greater.
 - b. The Department shall not license a person with binocular vision and visual acuity of 20/70 or greater.
2. Field of vision. Field of vision shall be 70 degrees or greater temporally, and 35 degrees or greater nasally, in at least one eye.

C. Restrictions.

1. A person with corrected vision shall wear corrective lenses at all times when driving if the corrective lens is required to achieve the vision standards in subsection (B).
2. The ~~Division~~ Department shall restrict a person with diagnosed impaired night vision to daytime driving only.
3. The ~~Division~~ Department shall restrict a person with binocular vision and corrected or uncorrected visual acuity of 20/50 or 20/60, when using both eyes, to daytime driving only.
4. ~~The Division shall not license a person with monocular vision and visual acuity of 20/50 or greater.~~
5. ~~The Division shall not license a person with binocular vision and visual acuity of 20/70 or greater.~~

D. Screening process.

1. The ~~Division~~ Department, a physician, or an optometrist may administer visual acuity and field of vision screening through the use of visual screening equipment or the Snellen Chart to determine if a person's visual acuity ~~and field of vision~~ meets minimum standards and through the use of visual screening equipment to determine if a person's field of vision meets minimum standards.
2. A person may use a bioptic telescopic lens system during vision screening.
 - a. Beginning on the date of a an initial application and every year thereafter, a person using a bioptic telescopic lens system shall submit to the ~~Division~~ Department an annual exam performed by a physician or optometrist to ascertain whether the person has a progressive eye disease.
 - b. The ~~Division~~ Department shall not license a person using a bioptic telescopic lens system unless the person submits to the ~~Division~~ Department a written statement from vision examination form provided

by the ~~Division~~ Department and completed by a physician or an optometrist indicating that the individual meets the visual acuity standard as prescribed in subsection (B).

c. The ~~Division~~ Department shall not license a person using a bioptic telescopic lens system with magnification of the lens that is more than 4X.

3. ~~The Division shall conduct visual acuity screening through the use of visual screening equipment or the Snellen Chart to determine whether a person's corrected vision is 20/40 in at least one eye.~~

E. Reporting requirements.

1. A person choosing to have initial visual acuity and visual field screening done by a physician or an optometrist shall submit the results to the ~~Division~~ Department.

2. If the ~~Division~~ Department does initial visual acuity and visual field screening and the person does not meet vision standards of subsection (B), the ~~Division~~ Department shall require the person to submit the results of the person's visual acuity and vision field screening by a physician or an optometrist.

3. The ~~Division~~ Department shall require a person diagnosed with any of the following conditions to file the results of the person's visual acuity and visual field screening completed by the physician or optometrist:

- a. Any progressive eye disease,
- b. Diplopia, or
- c. Impaired night vision.

F. Results of visual acuity and visual field screening from a physician or optometrist shall contain the following.

1. An examination date no more than three months before the submission date to the ~~Division~~ Department;

2. Visual acuity and field of vision;

3. If applicable, specification that the person is monocular;

4. If applicable, diagnosis of any condition described in subsection (E)(3);

5. Any recommendations on frequency of reporting requirements for the person, in addition to those required by the ~~Division~~ Department;

6. Suggested restrictions on driving, in addition to those required by the ~~Division~~ Department; and

7. Any recommendations on the person's ability to safely operate a motor vehicle.

G. The ~~Division~~ Department shall require a driving test if a person's eye disease is determined by a physician or optometrist to be progressive.

R17-4-504. Medical Alert Conditions

A. Definition. In this Section, "license" means any class driver license, commercial driver license, non-operating identification license, or instruction permit.

B. Medical alert condition displayed on license. The ~~Division~~ Department will provide on each license a space to indicate a medical alert condition. A list of recognized medical alert conditions is available at all Motor Vehicle Division Customer Service offices and Authorized Third Party Driver License offices.

C. Retention of medical alert condition authorization. The ~~Division~~ Department will not maintain the medical alert code on the ~~Division~~ Department computer record unless written authorization is submitted.

- D. A person shall submit a signed statement, from a physician or registered nurse practitioner, stating that the person is diagnosed with a medical condition. The signed statement is required every time the person requests a license unless the person authorizes the ~~Division~~ Department to maintain the medical alert code ~~in~~ on the ~~Division~~ Department computer record.

R17-4-506. Neurological Standards

A. Driver license application.

1. A person who has a seizure in the three months before applying for a driver license shall undergo ~~a medical examination~~ an evaluation as provided in R17-4-502.
2. After the ~~medical examination~~ evaluation under R17-4-502, the person or the person's physician shall submit the medical examination report to the ~~Division~~ Department.
3. The ~~Division~~ Department shall not issue a driver license to a person if the medical examination report shows that the person has a neurological disorder that affects the person's ability to operate a motor vehicle safely.

B. Driver license revocation.

1. A person with a driver license or ~~non-resident~~ nonresident driving privileges who experiences a seizure shall cease driving and:
 - a. Undergo ~~a medical examination~~ an evaluation as provided in R17-4-502;
 - b. Submit the medical examination report to the ~~Division~~ Department; and
 - c. Undergo a follow-up ~~medical examination~~ evaluation within one year after the seizure or within a shorter time, as recommended by a physician.
2. After each ~~medical examination~~ evaluation, the person or the person's physician shall submit the applicable medical examination report to the ~~Division~~ Department.
3. The ~~Division~~ Department shall revoke a person's driver license or nonresident ~~driver~~ driving privileges if any medical examination report shows the person has a neurological disorder that affects the person's ability to operate a motor vehicle safely.

C. Medical examination report. A medical examination report under this Section shall include the following information:

1. Age at onset of seizures, diagnosis, and history;
2. Aftereffects of seizures;
3. EEG findings, if any;
4. Description, cause, frequency, duration, and date of most recent seizure;
5. Current medications, including dosage, side effects, and serum level; and
6. A physician's medical opinion as to whether the neurological disorder will affect the person's ability to operate a motor vehicle safely.

D. Physician's medical opinion. A neurological disorder does not affect a person's ability to operate a motor vehicle safely if a physician concludes with reasonable medical certainty that:

1. Any seizure that occurred within the last three months was due to a change in anticonvulsant medication ordered by a physician and that seizures are under control after the change in medication;
2. Any seizure that occurred within the last three months was a single event that will not recur in the future;
3. Any seizure is likely to occur but has an established pattern of occurring only during sleep; or
4. There is an established pattern of an aura of sufficient duration to allow the person to cease operating a motor vehicle immediately at the onset of the aura.

R17-4-510. ~~Motorcycle noise level limits~~ Noise Level Limits

~~A. No person shall operate any motorcycle on the streets or highways of the state of Arizona at any time or under any condition of grade, load, acceleration or deceleration in such a manner as to exceed the following noise limits. For the purpose of this Section, “dBA” shall mean “A” weighted decibel, a sound level measurement unit.~~

Model year of motorcycle	Speed limit of 35 m.p.h. or less	Speed limit of more than 35 m.p.h. and less than or equal to 45 m.p.h.	Speed limit of more than 45 m.p.h.
Before 1972	84 dBA	88 dBA	88 dBA
1972-1980	79 dBA	82 dBA	86 dBA
After 1980	76 dBA	80 dBA	83 dBA

~~B. The noise limits established by this Section shall be based on measurements taken at a distance of 50 feet from the center of the lane of travel within the specified speed limit. Noise measurements can be made at distances other than 50 feet from the center of the lane of travel. In such cases, the measurement shall be corrected to what it would be at the standard distance of 50 feet, for comparison with the standard.~~

~~C. For speed zones of 35 miles per hour or less, notwithstanding the provisions stated above, measurement shall not be made within 200 feet of any intersection controlled by an official traffic device or within 20 feet of the beginning or end of any grade in excess of plus or minus 1%. Measurements shall be made when it is reasonable to assume that the vehicle flow is at a constant rate of speed and measurement shall not be made under congested traffic conditions which require notice able acceleration or deceleration. The Department incorporates by reference 40 CFR 205.152 and 205.166, revised as of July 1, 2019, and no later amendments or editions. The incorporated material is on file with the Department at 206 S. 17th Avenue, Phoenix, AZ 85007. The incorporated material is published by National Archives and Records Administration, Office of the Federal Register, 8601 Adelphi Road, College Park, MD 20740-6001, and printed and distributed by the U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000. The incorporated material can be viewed online at <http://www.ofr.gov> or <https://www.govinfo.gov/app/collection/cfr> and ordered online by visiting the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>. The International Standard Book Number is 9780160952975.~~

R17-4-512. ~~Child-restraint~~ Child Restraint Systems in Motor Vehicles

The ~~Motor Vehicle Division~~ Department incorporates by reference the Federal Motor Vehicle Safety Standards for child restraint system under 49 CFR 571.213, Federal Motor Vehicle Safety Standard number 213 revised as of the October 1, 2003 2019, edition and no later amendments or editions. The incorporated material ~~is available from the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-0001,~~ and is on file with the Division Department at 206 S. 17th Avenue, Phoenix, AZ 85007. The incorporated material is published by National Archives and Records Administration, Office of the Federal Register, 8601 Adelphi Road, College Park, MD 20740-6001, and printed and distributed by the U.S. Government Publishing Office, P.O. Box 979050, St. Louis, MO 63197-9000. The incorporated material can be viewed online at <http://www.ofr.gov> or <https://www.govinfo.gov/app/collection/cfr> and ordered online by visiting the U.S. Government Online Bookstore at <http://bookstore.gpo.gov>. The International Standard Book Number is 9780160954894.