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Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000

or

U.S. Fish and Wildlife Service
4040 North Fairfax Drive, Suite 130
Arlington, Virginia 22203

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ARTICLE 1. ADMINISTRATION

Section 3-906. Collection and salvage of protected plants; procedures, permits, tags and seals; duration; exception.

A. Except as provided in this chapter a person shall not take, transport or possess any protected native plant taken from the original growing site in this state without possessing a valid permit issued by the division. The division shall issue permits in either a name or business name. A permit to take, transport or possess native plants is nontransferable, except that a permittee, by subcontract or otherwise, may allow its agents to work under the permit if the permittee remains primarily responsible for the actions of persons acting under his expressed or implied authority.

B. In addition to the requirements prescribed by this section, a person who moves or salvages a saguaro cactus (cereus giganteus) that is more than four feet tall, from other than its original growing location, must purchase a permit, tag and seal from the department. A person may move a saguaro cactus without obtaining a permit, tag and seal only if the person maintains documentation of a previous legal movement of the cactus by the person. Saguaros that are propagated by humans are exempt from the requirements of this subsection.

C. Permits applicable to highly safeguarded native plants may be issued only for collection for scientific purposes or for the noncommercial salvage of highly safeguarded native plants whose existence is threatened by intended destruction, or by their location or by a change in land usage, and if the permit may enhance the survival of the affected species.

D. Permits issued for the salvage of salvage assessed native plants shall be issued for a period of one calendar year without respect to the land from which the plants will later be taken. The associated tags and seals shall be issued individually or in bulk on payment of any fees required under section 3-913, subsection A, without respect to the specific plants for which they will be used. All such tags and seals remain valid for use in subsequent years as long as the permit is renewed.

E. The division shall provide tags and seals for each permit issued for taking, transporting or possessing highly safeguarded, salvage restricted or salvage assessed native plants. The director by rule shall establish procedures and forms for permits, tags and seals to be issued for the collection and salvage of highly safeguarded native plants and the salvage of salvage restricted and salvage assessed native plants. The director by rule may establish and modify the form and character of the tags and seals described in this section. All such tags and seals shall be attached to the plants at the time of taking and before transporting. It is unlawful to remove a tag or seal from a protected native plant that has been taken and tagged pursuant to this article before the plant has been transplanted at its designated site. A tag or seal may be removed only by a designated agent of the division or by the owner of the plant.

F. This section does not apply to the transporting of protected native plants by a landowner or his agent from one of his properties to another if the plants are not offered for sale.

Last legislative year: 2005


3-907. Cutting or removal of harvest restricted plants for their by-products, fiber or wood; procedures; exceptions

A. The division shall provide harvest permits, and wood receipts with each wood permit, authorizing the taking, transporting or possessing of harvest restricted native plants cut or removed for manufacturing or processing purposes, for their by-products, fiber or wood. It is unlawful for a person to take, transport or
possess such a plant for its by-products, fiber or wood if he is not in possession of a permit and any required receipt. A permit or receipt is not transferable by the permittee or his agent, nor may it be used by anyone other than the person to whom it was issued, except that the permittee shall transfer the receipt to the purchaser as proof of ownership of the wood covered by the receipt.

B. A person in possession of a valid permit for the removal of dead plants, wood, fiber or other by-products issued by the United States department of agriculture or the United States department of the interior from lands under the administration of the United States forest service or the United States bureau of land management is exempt from the permit required by subsection A.

C. This chapter shall not be construed to prohibit any person from cutting, removing, transporting or possessing any harvest restricted native plant or part for manufacturing or processing purposes in amounts of one hundred pounds or less, or any such plant or part as wood in amounts of two cords or less in quantity from land owned or leased by that person, other than state-owned land or other public land, or from land if the owner has given written consent to the person to cut, remove, transport or use the plant, or its fiber or wood.

D. This section does not apply to the use of dead wood for branding fires or at permissible camping or cooking sites for camping or cooking fires or cutting, removing, transporting or possessing dead harvest restricted plants or the dead parts from such plants from land owned or leased by that person.

E. The director may give written permission for a person or a scientific institution to take a definite number of specified plants in a protected group from areas specified by the department for scientific purposes. In addition the director may give written permission for a person to take specific plants or parts of plants not in the highly safeguarded category from areas specified by the department for salvage or for scientific purposes. In addition the director may give written permission for a person or a scientific institution to take a definite number of specified plants in a protected group from areas specified by the department for scientific purposes. In addition the director may give written permission for a person or a scientific institution to take a definite number of specified plants in a protected group from areas specified by the department for scientific purposes.

A. Except as provided in this chapter, it is unlawful for a person to destroy, dig up, mutilate, collect, cut, harvest or take any living highly safeguarded native plant or the living parts of any highly safeguarded native plant, including seeds or fruit, or any other living protected native plant or the living parts of any other protected plant, except seeds or fruit, from state land or public land without obtaining any required permit, tags, seals or receipts from the department, or from private land without obtaining written permission from the landowner, and any required permit, tags, seals or receipts from the department. It is unlawful for a person to falsify any paper or document issued to give permission for a person to take native plants of the protected group or to take more protected native plants than authorized by the permit or to take protected native plants from areas other than authorized by the permit.

B. Permits issued for the removal of protected native plants, or any parts of protected native plants, except permits issued for the salvage of salvage assessed native plants, shall be granted only on submission to the division of an application executed by both the landowner or his agent and the party who intends to be the permittee, after being completed by either or both, and are valid for a stated period of time to allow the permittee to remove the specific amount of plants, by-products, fiber or wood stated in the permit, or that period of time stated by the landowner as part of the landowner's permission, whichever is shorter. The permit expires on the termination date shown on the permit, when the tags and seals issued with the permit have been attached to the plants covered by the permit and the plants are no longer in the possession of the permittee or when the receipts have been transferred to the purchaser of the wood covered by the receipts.

C. A permit is valid for taking plants or parts of plants listed on the permit but not removed from the land described in the permit until the permit's expiration or for one year from the date of issuance, whichever occurs first, except that for any permit the tags and seals, or receipts, issued therewith but not yet used by the permittee become invalid if the land on which the plants are growing, and described in the permit, changes ownership, unless the new owner certifies in writing that the permittee may continue taking the plants or parts of plants as specified on the permit.

D. It is unlawful for a person or scientific or educational institution to misuse a permit in any manner. A permittee shall make permits, tags, seals and receipts available for inspection by the department or any peace officer as provided for in this chapter. A tag, seal or receipt is invalid unless it is issued with a valid permit. A permit is invalid unless it bears the required tag numbers or receipt numbers on its face. It is unlawful to alter or deface any permit, tag, seal or receipt.

E. The director may give written permission for a person or a scientific institution to take a definite number of specified plants in a protected group from areas specified by the department for scientific purposes. In addition the director may give written permission for a person to take specific plants or parts of plants not in the highly safeguarded category from areas specified by the department for salvage or for manufacturing or processing purposes or for the cutting or removal of wood and assess reasonable and proper fees for such taking of the plants or parts of the plants. The director may give written permission for a landowner to transfer specified plants in the protected group from land he owns to another property owned by him, and such permits shall be exempt from fees.

Last legislative year: 1990

3-908. Prohibited acts; use of permits, tags, seals and receipts

A. Except as provided in this chapter, it is unlawful for a person to destroy, dig up, mutilate, collect, cut, harvest or take any living highly safeguarded native plant or the living parts of any highly safeguarded native plant, including seeds or fruit, or any other living protected native plant or the living parts of any other protected plant, except seeds or fruit, from state land or public land without obtaining any required permit, tags, seals or receipts from the department, or from private land without obtaining written permission from the landowner, and any required permit, tags, seals or receipts from the department. It is unlawful for a person to falsify any paper or document issued to give permission for a person to take native plants of the protected group or to take more protected native plants than authorized by the permit or to take protected native plants from areas other than authorized by the permit.

B. Permits issued for the removal of protected native plants, or any parts of protected native plants, except permits issued for the salvage of salvage assessed native plants, shall be granted only on submission to the division of an application executed by both the landowner or his agent and the party who intends to be the permittee, after being completed by either or both, and are valid for a stated period of time to allow the permittee to remove the specific amount of plants, by-products, fiber or wood stated in the permit, or that period of time stated by the landowner as part of the landowner's permission, whichever is shorter. The permit expires on the termination date shown on the permit, when the tags and seals issued with the permit have been attached to the plants covered by the permit and the plants are no longer in the possession of the permittee or when the receipts have been transferred to the purchaser of the wood covered by the receipts.

C. A permit is valid for taking plants or parts of plants listed on the permit but not removed from the land described in the permit until the permit's expiration or for one year from the date of issuance, whichever occurs first, except that for any permit the tags and seals, or receipts, issued therewith but not yet used by the permittee become invalid if the land on which the plants are growing, and described in the permit, changes ownership, unless the new owner certifies in writing that the permittee may continue taking the plants or parts of plants as specified on the permit.

D. It is unlawful for a person or scientific or educational institution to misuse a permit in any manner. A permittee shall make permits, tags, seals and receipts available for inspection by the department or any peace officer as provided for in this chapter. A tag, seal or receipt is invalid unless it is issued with a valid permit. A permit is invalid unless it bears the required tag numbers or receipt numbers on its face. It is unlawful to alter or deface any permit, tag, seal or receipt.

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Last legislative year: 1990

3-909. Shipment of plants; exhibition of permit and certificate of inspection to carrier; sale of highly safeguarded plants

A. No person or common carrier may transport a plant, or any part of a plant, belonging to the protected group, nor receive or possess a protected native plant for transportation within or without this state, except for manufactured wood articles, unless the person offering the plant for shipment exhibits to the person or common carrier a valid written permit for the transportation of the plant or part of a plant and has securely and properly attached a valid required native plant tag and seal to the plant. If for transport without the state, the plant shall also bear a certificate of inspection by the department. All protected native
plant species or varieties, not grown in Arizona and imported into this state, shall be transported directly to a department field office at which a movement permit and seals must be purchased before proceeding to the final destination.

B. Plants of the protected group that are shipped into this state shall be accompanied by all permits, tags and seals required by the exporting state or country.

C. It is unlawful for a person to commercially sell or offer for commercial sale in interstate commerce any highly safeguarded native plant or in the course of interstate commercial activity to deliver, receive, carry, transport or ship by any means any such plant in furtherance of a commercial sale or offer for commercial sale.

Last legislative year: 2005

Recent legislative history: Laws 2004, Ch. 301, § 26; Laws 2005, Ch. 173, § 8.

ARTICLE 2. ENFORCEMENT

3-931. Enforcement powers and procedures

A. An employee, officer or agent of the department may enter in or on any premises or other place, train, vehicle or other means of transportation within or entering this state, if he has reason to believe there is present or on such premises or means of transportation a protected native plant taken, transported or possessed in violation of this chapter.

B. A power granted pursuant to this chapter to any person may be exercised by a deputy, inspector or agent of the authorized person. A person who is authorized to enforce this chapter, including an employee of a state, the United States or an Indian tribe with which cooperative agreements have been made by the director, has powers of a peace officer to enforce this chapter. It is unlawful to interfere with or hinder the actions of a peace officer or an officer or employee of the department in the enforcement of this chapter.

C. In the enforcement of this chapter, a peace officer or an officer or employee of the department may make arrests without warrant for a violation of this chapter which he may witness and may confiscate, or seize by the attachment of a “warning hold” notice, any protected native plant found without a valid and properly affixed tag and seal when required by this chapter, or any plant by-product, fiber or wood from protected native plants found in the possession of a person without a valid receipt if a receipt is required under this chapter. It is unlawful to move or otherwise handle or dispose of any protected plant or part of a plant held under a “warning hold” notice, except with the express written permission of the enforcing officer, and for the specified purpose. Plants, by-products, fiber or wood confiscated under this subsection, if not released to the person from whom they were seized before such time, shall be disposed of by the department or pursuant to court order at the conclusion of the proceedings.

D. Devices, equipment or vehicles used in the illegal taking, transportation, destruction or mutilation of protected native plants may be seized by a peace officer or officer of the department on a temporary basis, not to exceed one working day, to permit the protected native plants or parts of plants involved in the illegal act to be moved to a secure location.

E. An officer, employee or agent of the department who is duly authorized to enforce this chapter, in addition to peace officers, may enforce title 41, chapter 4.1, article 4 and sections 13-3702 and 13-3702.01. Such an officer, employee or agent may make an arrest without warrant for violations witnessed by the officer, employee or agent and may confiscate archaeological and other specimens or objects if unlawfully excavated or collected.

Last legislative year: 1990

TITLE 4

ALCOHOLIC BEVERAGES

ARTICLE 3. PROHIBITIONS

4-244. Unlawful acts.

It is unlawful:

1. For a person to buy for resale, sell or deal in spirituous liquors in this state without first procuring a license duly issued by the board.

2. For a person to sell or deal in alcohol for beverage purposes without first complying with this title.

3. For a distiller, vintner, brewer or wholesaler knowingly to sell, dispose of or give spirituous liquor to any person other than a licensee except in sampling wares as may be necessary in the ordinary course of business, except in donating spirituous liquor to a nonprofit organization which has obtained a special event license for the purpose of charitable fund raising activities or except in donating spirituous liquor with a cost to the distiller, brewer or wholesaler of up to five hundred dollars in a calendar year to an organization that is exempt from federal income taxes under section 501(c)(3), (4), (6) or (7) of the internal revenue code and not licensed under this title.

4. For a distiller, vintner or brewer to require a wholesaler to offer or grant a discount to a retailer, unless the discount has also been offered and granted to the wholesaler by the distiller, vintner or brewer.

5. For a distiller, vintner or brewer to use a vehicle for trucking or transportation of spirituous liquors unless there is affixed to both sides of the vehicle a sign showing the name and address of the licensee and the type and number of the person’s license in letters not less than three and one-half inches in height.

6. For a person to take or solicit orders for spirituous liquors unless the person is a salesman or solicitor of a
licensed wholesaler, a salesman or solicitor of a distiller, brewer, vintner, importer or broker or a registered retail agent.

7. For any retail licensee to purchase spirituous liquors from any person other than a solicitor or salesman of a wholesaler licensed in this state.

8. For a retailer to acquire an interest in property owned, occupied or used by a wholesaler in his business, or in a license with respect to the premises of the wholesaler.

9. Except as provided in paragraphs 10 and 11 of this section, for a licensee or other person to sell, furnish, dispose of or give, or cause to be sold, furnished, disposed of or given, to a person under the legal drinking age or for a person under the legal drinking age to buy, receive, have in the person's possession or consume spirituous liquor. This paragraph shall not prohibit the employment by an off-sale retailer of persons who are at least sixteen years of age to check out, if supervised by a person on the premises who is at least nineteen years of age, package or carry merchandise, including spirituous liquor, in unbroken packages, for the convenience of the customer of the employer, if the employer sells primarily merchandise other than spirituous liquor.

10. For a licensee to employ a person under nineteen years of age to manufacture, sell or dispose of spirituous liquors. This paragraph shall not prohibit the employment by an off-sale retailer of persons who are at least sixteen years of age to check out, if supervised by a person on the premises who is at least nineteen years of age, package or carry merchandise, including spirituous liquor, in unbroken packages, for the convenience of the customer of the employer, if the employer sells primarily merchandise other than spirituous liquor.

11. For an on-sale retailer to employ a person under nineteen years of age in any capacity connected with the handling of spirituous liquors. This paragraph does not prohibit the employment by an on-sale retailer of a person under nineteen years of age who cleans up the tables on the premises for reuse, removes dirty dishes, keeps a ready supply of needed items and helps clean up the premises.

12. For a licensee, when engaged in waiting on or serving customers, to consume spirituous liquor or for a licensee or on-duty employee to be on or about the licensed premises while in an intoxicated or disorderly condition.

13. For an employee of a retail licensee, during that employee's working hours or in connection with such employment, to give to or purchase for any other person, accept a gift of, purchase for himself or consume spirituous liquor, except that:

(a) An employee of a licensee, during that employee's working hours or in connection with the employment, while the employee is not engaged in waiting on or serving customers, may give spirituous liquor to or purchase spirituous liquor for any other person.

(b) An employee of an on-sale retail licensee, during that employee's working hours or in connection with the employment, while the employee is not engaged in waiting on or serving customers, may taste samples of beer or wine not to exceed four ounces per day or distilled spirits not to exceed two ounces per day provided by an employee of a wholesaler or distributor who is present at the time of the sampling.

(c) An employee of an on-sale retail licensee, under the supervision of a manager as part of the employee's training and education, while not engaged in waiting on or serving customers may taste samples of distilled spirits not to exceed two ounces per educational session or beer or wine not to exceed four ounces per educational session, and provided that a licensee shall not have more than two educational sessions in any thirty day period.

(d) An unpaid volunteer who is a bona fide member of a club and who is not engaged in waiting on or serving spirituous liquor to customers may purchase for himself and consume spirituous liquor while participating in a scheduled event at the club. An unpaid participant in a food competition may purchase for himself and consume spirituous liquor while participating in the food competition.

(e) An unpaid volunteer of a special event licensee under section 4-203.02 may purchase and consume spirituous liquor while not engaged in waiting on or serving spirituous liquor to customers at the special event. This subdivision does not apply to an unpaid volunteer whose responsibilities include verification of a person's legal drinking age, security or the operation of any vehicle or heavy machinery.

14. For a licensee or other person to serve, sell or furnish spirituous liquor to a disorderly or obviously intoxicated person, or for a licensee or employee of the licensee to allow or permit a disorderly or obviously intoxicated person to come into or remain on or about the premises, except that a licensee or an employee of the licensee may allow an obviously intoxicated person to remain on the premises for a period of time of not to exceed thirty minutes after the state of obvious intoxication is known or should be known to the licensee in order that a nonintoxicated person may transport the obviously intoxicated person from the premises. For the purposes of this section, "obviously intoxicated" means inebriated to the extent that a person's physical faculties are substantially impaired and the impairment is shown by significantly uncoordinated physical action or significant physical dysfunction that would have been obvious to a reasonable person.

15. For an on-sale or off-sale retailer or an employee of such retailer to sell, dispose of, deliver or give spirituous liquor to a person between the hours of 2:00 a.m. and 6:00 a.m.

16. For a licensee or employee to knowingly permit any person on or about the licensed premises to give or furnish any spirituous liquor to any person under twenty-one years of age or knowingly permit any person under twenty-one years of age to have in the person's possession spirituous liquor on the licensed premises.

17. For an on-sale retailer or an employee of such retailer to allow a person to consume or possess spirituous liquors on the premises between the hours of 2:30 a.m. and 6:00 a.m.

18. For an on-sale retailer to permit an employee or for an employee to solicit or encourage others, directly or indirectly, to buy the employee drinks or anything of
value in the licensed premises during the employee's working hours. No on-sale retailer shall serve employees or allow a patron of the establishment to give spirituous liquor to, purchase liquor for or drink liquor with any employee during the employee's working hours.

19. For an off-sale retailer or employee to sell spirituous liquor except in the original unbroken container, to permit spirituous liquor to be consumed on the premises or to knowingly permit spirituous liquor to be consumed on adjacent property under the licensee's exclusive control.

20. For a person to consume spirituous liquor in a public place, thoroughfare or gathering. The license of a licensee permitting a violation of this paragraph on the premises shall be subject to revocation. This paragraph does not apply to the sale of spirituous liquors on the premises of and by an on-sale retailer. This paragraph also does not apply to a person consuming beer from a broken package in a public recreation area or on private property with permission of the owner or lessee or on the walkways surrounding such private property or to a person consuming beer or wine from a broken package in a public recreation area as part of a special event or festival that is conducted under a license secured pursuant to section 4-203.02 or 4-203.03.

21. For a person to have possession of or to transport spirituous liquor which is manufactured in a distillery, winery, brewery or rectifying plant contrary to the laws of the United States and this state. Any property used in transporting such spirituous liquor shall be forfeited to the state and shall be seized and disposed of as provided in section 4-221.

22. For an on-sale retailer or employee to allow a person under the legal drinking age to remain in an area on the licensed premises during those hours in which its primary use is the sale, dispensing or consumption of alcoholic beverages after the licensee, or the licensee's employees, know or should have known that the person is under the legal drinking age. An on-sale retailer or employee from selling and delivering an opened, original container of distilled spirits if:

(a) If the person under the legal drinking age is accompanied by a spouse, parent or legal guardian of legal drinking age or is an on-duty employee of the licensee.

(b) If the owner, lessee or occupant of the premises is a club as defined in section 4-101, paragraph 7, subdivision (a) and the person under the legal drinking age is any of the following:

(i) An active duty military service member.

(ii) A veteran.

(iii) A member of the United States army national guard or the United States air national guard.

(iv) A member of the United States military reserve forces.

(c) To the area of the premises used primarily for the serving of food during the hours when food is served.

23. For an on-sale retailer or employee to conduct drinking contests, to sell or deliver to a person an unlimited number of spirituous liquor beverages during any set period of time for a fixed price, to deliver more than forty ounces of beer, one liter of wine or four ounces of distilled spirits in any spirituous liquor drink to one person at one time for that person's consumption or to advertise any practice prohibited by this paragraph. The provisions of this paragraph do not prohibit an on-sale retailer or employee from selling and delivering an opened, original container of distilled spirits if:

(a) Service or pouring of the spirituous liquor is provided by an employee of the on-sale retailer.

(b) The employee of the on-sale retailer monitors consumption to ensure compliance with this paragraph. Locking devices may be used, but are not required.

24. For a licensee or employee to knowingly permit the unlawful possession, use, sale or offer for sale of narcotics, dangerous drugs or marijuana on the premises. As used in this paragraph, “dangerous drug” has the same meaning prescribed in section 13-3401.

25. For a licensee or employee to knowingly permit prostitution or the solicitation of prostitution on the premises.

26. For a licensee or employee to knowingly permit unlawful gambling on the premises.

27. For a licensee or employee to knowingly permit trafficking or attempted trafficking in stolen property on the premises.

28. For a licensee or employee to fail or refuse to make the premises or records available for inspection and examination as provided in this title or to comply with a lawful subpoena issued under this title.

29. For any person other than a peace officer or a member of a sheriff’s volunteer posse while on duty who has received firearms training that is approved by the Arizona peace officer standards and training board, the licensee or an employee of the licensee acting with the permission of the licensee to be in possession of a firearm while on the licensed premises of an on-sale retailer. This paragraph shall not be construed to include a situation in which a person is on licensed premises for a limited time in order to seek emergency aid and such person does not buy, receive, consume or possess spirituous liquor. This paragraph shall not apply to:

(a) Hotel or motel guest room accommodations.

(b) The exhibition or display of a firearm in conjunction with a meeting, show, class or similar event.
(c) A person with a permit issued pursuant to section 13-3112 who carries a concealed handgun on the licensed premises of any on-sale retailer that has not posted a notice pursuant to section 4-229.

30. For a licensee or employee to knowingly permit a person in possession of a firearm other than a peace officer or a member of a sheriff’s volunteer posse while on duty who has received firearms training that is approved by the Arizona peace officer standards and training board, the licensee or an employee of the licensee acting with the permission of the licensee to remain on the licensed premises or to serve, sell or furnish spirituous liquor to a person in possession of a firearm while on the licensed premises of an on-sale retailer. It shall be a defense to action under this paragraph if the licensee or employee requested assistance of a peace officer to remove such person. This paragraph shall not apply to:
   (a) Hotel or motel guest room accommodations.
   (b) The exhibition or display of a firearm in conjunction with a meeting, show, class or similar event.
   (c) A person with a permit issued pursuant to section 13-3112 who carries a concealed handgun on the licensed premises of any on-sale retailer that has not posted a notice pursuant to section 4-229.

31. For any person in possession of a firearm while on the licensed premises of an on-sale retailer to consume spirituous liquor. This paragraph does not prohibit the consumption of small amounts of spirituous liquor by an undercover peace officer on assignment to investigate the licensed establishment.

32. For a licensee or employee to knowingly permit spirituous liquor to be removed from the licensed premises, except in the original unbroken package. This paragraph does not apply to any of the following:
   (a) A person who removes a bottle of wine which has been partially consumed in conjunction with a purchased meal from licensed premises if a cork is inserted flush with the top of the bottle or the bottle is otherwise securely closed.
   (b) A person who is in licensed premises that have noncontiguous portions that are separated by a public or private walkway or driveway and who takes spirituous liquor from one portion of the licensed premises across the public or private walkway or driveway directly to the other portion of the licensed premises.
   (c) A bar, beer and wine bar, liquor store, beer and wine store or domestic microbrewery licensee who dispenses beer only in a clean glass container with a maximum capacity that does not exceed one gallon and not for consumption on the premises as long as:
      (i) The licensee or the licensee’s employee fills the container at the tap at the time of sale.
      (ii) The container is sealed with a plastic adhesive and displays a government warning label.
      (iii) The dispensing of that beer is not done through a drive-through or walk-up service window.

The department shall review the effects of this subdivision and submit a report by July 1, 2015 on the effects of this subdivision to the governor, the speaker of the house of representatives and the president of the senate. The department shall provide a copy of this report to the secretary of state.

33. For a person who is obviously intoxicated to buy or attempt to buy spirituous liquor from a licensee or employee of a licensee or to consume spirituous liquor on licensed premises.

34. For a person under twenty-one years of age to drive or be in physical control of a motor vehicle while there is any spirituous liquor in the person’s body.

35. For a person under twenty-one years of age to operate or be in physical control of a motorized watercraft that is underway while there is any spirituous liquor in the person’s body. For the purposes of this paragraph, “underway” has the same meaning prescribed in section 5-301.

36. For a licensee, manager, employee or controlling person to purposely induce a voter, by means of alcohol, to vote or abstain from voting for or against a particular candidate or issue on an election day.

37. For a licensee to fail to report an occurrence of an act of violence to either the department or a law enforcement agency.

38. For a licensee to use a vending machine for the purpose of dispensing spirituous liquor.

39. For a licensee to offer for sale a wine carrying a label including a reference to Arizona or any Arizona city, town or geographic location unless at least seventy-five per cent by volume of the grapes used in making the wine were grown in Arizona.

40. For a retailer to knowingly allow a customer to bring spirituous liquor onto the licensed premises, except that an on-sale retailer may allow a wine and food club to bring wine onto the premises for consumption by the club’s members and guests of the club’s members in conjunction with meals purchased at a meeting of the club that is conducted on the premises and that at least seven members attend. An on-sale retailer who allows wine and food clubs to bring wine onto its premises under this paragraph shall comply with all applicable provisions of this title and any rules adopted pursuant to this title to the same extent as if the on-sale retailer had sold the wine to the members of the club and their guests. For the purposes of this paragraph, “wine and food club” means an association that has more than twenty bona fide members paying at least six dollars per year in dues and that has been in existence for at least one year.

41. For a person under twenty-one years of age to have in the person’s body any spirituous liquor. In a prosecution for a violation of this paragraph:
   (a) Pursuant to section 4-249, it is a defense that the spirituous liquor was consumed in connection with the bona fide practice of a religious belief or as an integral part of a religious exercise and in a manner not dangerous to public health or safety.
   (b) Pursuant to section 4-226, it is a defense that the spirituous liquor was consumed for a bona fide medicinal purpose and in a manner not dangerous to public health or safety.

42. For an employee of a licensee to accept any gratuity, compensation, remuneration or consideration of any kind to either:
   (a) Permit a person who is under twenty-one years of age to enter any portion of the premises where that person is prohibited from entering pursuant to paragraph 22 of this section.
(b) Sell, furnish, dispose of or give spirituous liquor to a person who is under twenty-one years of age.

43. For a person to purchase, offer for sale or use any device, machine or process which mixes spirituous liquor with pure oxygen or another gas to produce a vaporized product for the purpose of consumption by inhalation.

44. For a retail licensee or an employee of a retail licensee to sell spirituous liquor to a person if the retail licensee or employee knows the person intends to resell the spirituous liquor.

45. Except as authorized by paragraph 32, subdivision (c) of this section, for a person to reuse a bottle or other container authorized for use by the laws of the United States or any agency of the United States for the packaging of distilled spirits or for a person to increase the original contents or a portion of the original contents remaining in a liquor bottle or other authorized container by adding any substance.

Last legislative year: 2013

Recent legislative history: Laws 1998, Ch. 259, § 16; Laws 2000, Ch. 40, § 1; Laws 2000, Ch. 85, § 1; Laws 2001, Ch. 352, § 5; Laws 2002, Ch. 285, § 1; Laws 2004, Ch. 77, § 1; Laws 2005, Ch. 284, § 11; Laws 2007, Ch. 187, § 7; Laws 2009, Ch. 50, § 1; Laws 2009, Ch. 175, § 3; Laws 2010, 2nd Reg. Sess., Ch. 224, § 2; Laws 2011, 1st Reg. Sess., Ch. 165, § 16; Laws 2012, 2nd Reg. Sess., Ch. 336, § 19; Laws 2013, 1st Reg. Sess., Ch. 219, § 1.

**TITLE 5**

AMUSEMENTS AND SPORTS

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**CHAPTER 3**

BOATING AND WATER SPORTS

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ARTICLE 1. GENERAL PROVISIONS

5-301. Definitions
In this chapter, unless the context otherwise requires:
1. “Commercial motorized watercraft” means a motorized watercraft that carries passengers or property for a valuable consideration that is paid to the owner, charterer, operator or agent or to any other person interested in the watercraft.
2. “Commission” means the Arizona game and fish commission.
3. “Department” means the Arizona game and fish department.
5. “Domicile” means a person’s true, fixed and permanent home and principal residence, proof of which may be demonstrated as prescribed by rules adopted by the commission.
6. “Motorboat” means any watercraft that is not more than sixty-five feet in length and that is propelled by machinery whether or not such machinery is the principal source of propulsion.
7. “Motorized watercraft” means any watercraft that is propelled by machinery whether or not the machinery is the principal source of propulsion.
8. “Nonresident” means a citizen of the United States or an alien person who is not domiciled in this state and who is not a resident as defined in this section.
9. “Operate” means to operate or be in actual physical control of a watercraft while on public waters.
10. “Operator” means a person who operates or is in actual physical control of a watercraft.
11. “Person” includes any individual, firm, corporation, partnership or association, and any agent, assignee, trustee, executor, receiver or representative thereof.
12. “Public waters” means any body of water that is publicly owned or that the public is permitted to use without permission of the owner upon which a motorized watercraft can be navigated, including that part of waters that is common to interstate boundaries and that is within the boundaries of this state.
13. “Resident” means a person who is either:
(a) A member of the armed forces of the United States on active duty and stationed in this state for a period of thirty days immediately before the date of application for a watercraft decal.
(b) A member of the armed forces of the United States on active duty and stationed in another state or another country and who lists this state as that member’s home of record at the time of an application for a watercraft decal.
(c) Domiciled in this state for at least six consecutive months immediately before the date of the application for a watercraft decal and who does not claim residency for any purpose in any other state or country.
14. “Revocation” means invalidating the certificate of number, numbers and annual validation decals issued by the department to a watercraft and prohibiting the operation of the watercraft on the waters of this state during a period of noncompliance with this chapter.
15. “Sailboard” means any board of less than fifteen feet in length which is designed to be propelled by wind action upon a sail for navigation on the water by a person operating the board.
16. “Special anchorage area” means an area set aside and under the control of a federal, state or local governmental agency, or by a duly authorized marina operator or concessionaire for the mooring, anchoring or docking of watercraft.
17. “State of principal operation” means the state where a watercraft is primarily used, navigated or employed.
18. “Underway” means a watercraft that is not at anchor, is not made fast to the shore or is not aground.
19. “Undocumented watercraft” means any watercraft which does not have and is not required to have a valid marine document as a watercraft of the United States.
20. “Wakeless speed” means a speed that does not cause the watercraft to create a wake, but in no case in excess of five miles per hour.
21. “Watercraft” means any boat designed to be propelled by machinery, oars, paddles or wind action
upon a sail for navigation on the water, or as may be defined by rule of the commission.

22. “Waterway” means any body of water, public or private, upon which a watercraft can be navigated.

Last legislative year: 2012


5-302. Application of chapter
A. This chapter applies to all watercraft operating on all of the waterways of this state, including that part of waters that is common to interstate boundaries and that is within the boundaries of this state, excluding vessels owned by agencies of the federal government in performance of their official duties.

B. Section 5-391, subsections G and H and sections 5-392 and 5-393 apply to all watercraft in this state, whether or not operating on waterways of this state, and includes watercraft operating on waterways that are part of water that is common to interstate boundaries and that is within the boundaries of this state.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 256, § 2.

ARTICLE 2. POWERS AND DUTIES

5-311. Powers and duties of the commission
A. The commission may:
1. Make rules and regulations required to carry out in the most effective manner all the provisions of this chapter.
2. Modify the equipment requirements in conformity with the provisions of the federal navigation laws or with the navigation regulations promulgated by the United States coast guard.
3. Prescribe additional equipment requirements not in conflict with federal navigation laws or regulations.
4. Provide for a uniform waterway marking system and establish, operate and maintain aids to navigation and regulatory markers on the waters of this state.
5. Make regulations for the registration and operation of watercraft.
6. Prescribe regulations for the issuance of permits for motor boat races, regattas or other watercraft events.
7. Administer the law enforcement and boating safety program on the state level, and accept federal grants for the purpose of boating safety and related enforcement.

B. Regulations established under this section shall not be in conflict with those prescribed by the United States coast guard.

Last legislative year: 1981

ARTICLE 3. REGISTRATION AND TAXATION OF WATERCRAFT

5-321. Numbering; registration fees; exemption from taxation; penalty; procedures
A. Except as provided in section 5-322, the owner of each motorized watercraft requiring numbering by this state shall file an application for a registration number with the department, or its agent, on forms approved by the department. Except as provided by rule adopted by the commission, the application shall be signed by the owner of the motorized watercraft and shall be accompanied by a registration fee. After the effective date of this amendment to this section, the commission shall establish by rule a registration fee for each motorized watercraft requiring numbering by this state.

B. Pursuant to article IX, section 16, constitution of Arizona, watercraft are exempt from ad valorem property tax and from license taxes in lieu of property tax.

C. The length of the motorized watercraft shall be measured from the most forward part of the bow excluding the bowsprit or jibboom, over the centerline to the rearmost part of the transom excluding sheer, outboard motor, rudder, handles or other attachments.

D. The commission may assess an additional registration fee, to be collected at the same time and in the same manner as the registration fee imposed by subsection A of this section. The amount of the additional fee shall be determined by the commission and may be imposed in different amounts with respect to resident and nonresident owners. An additional registration fee under this subsection is to be used solely for the purpose of the lower Colorado river multispecies conservation program under section 48-3713.03.

E. On receipt of the application in an approved form with the applicable fees, the department or its agent shall enter the application on the records of its office and issue to the applicant two current annual decals and a certificate of number stating the number issued to the watercraft and the name and address of the owner. The owner shall display the assigned number and the current annual decals in such manner as may be prescribed by rules of the commission. The number and decals shall be maintained in legible condition. The certificate of number or commission approved proof of valid certificate of number, except as provided in section 5-371, shall be available at all times for inspection by a peace officer whenever the watercraft is in operation. No number issued by another state or the United States coast guard, unless granted exemption or exception pursuant to this chapter, shall be displayed on the watercraft.

F. No person may operate a motorized watercraft on the waterways of this state unless the watercraft displays the assigned number and current annual decals or the person is in possession of a valid thirty-day temporary registration as prescribed by this article.

G. No motorized watercraft shall be purchased, sold or otherwise transferred without assignation by the owner of the current numbering certificate or other documentation as may be prescribed by rules of the commission. Within fifteen days after such transfer, the person to whom such transfer is made shall make application to the department to have the motorized watercraft registered in the person's name by the department, for which the department shall charge a transfer fee as prescribed in rule by the commission. The department shall not issue or transfer a numbering certificate for a motorized watercraft to a person...
who is subject to the use tax under title 42, chapter 5, article 4 unless the applicable tax has been paid as shown by a receipt from the collecting officer. Persons doing business as marine dealers and licensed as such by this state are not required to register in their name any watercraft in their possession that may be offered for resale.

H. In the event of the loss or destruction of the certificate of number or annual decal, the department shall issue a duplicate to the owner on payment of a fee as prescribed in rule by the commission.

I. The department may issue any certificate of number directly or may authorize any person to act as agent for the issuance of the certificate of number in conformity with this chapter and with any rules of the commission. An agent that contracts with the commission to renew certificates of number by telecommunication may impose additional fees for the services as provided in the contract.

J. The owner shall furnish to the department notice of the transfer of all or any part of the owner’s interest other than the creation of a security interest in a motorized watercraft numbered in this state pursuant to this chapter or of the destruction or abandonment of such watercraft within fifteen days. Such transfer, destruction or abandonment shall terminate the certificate of number of such watercraft, except that in the case of a transfer of a part interest that does not affect the owner’s right to operate such watercraft, the transfer shall not terminate the certificate of number.

K. Any holder of a certificate of number shall notify the department within fifteen days if the holder’s address no longer conforms to the address appearing on the certificate and, as a part of such notification, shall furnish the department with the holder’s new address. The commission may provide in its rules for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

L. On renewal of any motorized watercraft registration that has not been renewed by the current expiration date, the department shall assess a penalty unless the watercraft ownership has been transferred and the watercraft was not registered subsequent to the expiration date. The commission shall establish the penalty by rule. If more than twelve months have lapsed since the expiration date of the last registration or renewal the penalty and back fees are waived.

Last legislative year: 2013

Recent legislative history: Laws 1998, Ch. 1, § 2; Laws 1999, Ch. 177, § 1; Laws 2001, Ch. 119, § 1; Laws 2005, Ch. 78, § 1; Laws 2005, Ch. 318, § 1; Laws 2012, 2nd Reg. Sess., Ch. 237, § 2; Laws 2013, 1st Reg. Sess., Ch. 197, § 1.

5-321.01. Staggered watercraft registration; rules

A. The commission shall establish a system of staggered registration on a monthly basis in order to distribute the work of registering watercraft as uniformly as practicable throughout the twelve months of the calendar year.

B. All watercraft registrations provided for in this article expire in accordance with the schedules established by the commission. The commission may set the number of renewal periods within a month from one each month to one each day depending on which system is most economical and best accommodates the public.

C. The commission, in order to initiate the staggered registration system, may register a watercraft for a period of greater or less than twelve months up to a period of thirty-six months. If a registration period is set for a period other than twelve months the commission may prorate the registration fee.

D. The commission shall adopt rules necessary to accomplish the purposes of this section.

Last legislative year: 2008

Recent legislative history: Laws 2005, Ch. 318, § 2; Laws 2008, Ch. 256, § 3.

5-322. Motorized watercraft to be numbered; exceptions

A. All motorized watercraft whether underway, moored or anchored on the waters within the boundaries of the state shall be numbered in accordance with this chapter or rules of the commission in accordance with the federally approved numbering system except:

1. Foreign watercraft temporarily using the waters of the state.

2. Military or public vessels of the United States, except recreational type public vessels.

3. Watercraft used solely as lifeboats.

4. Undocumented watercraft operating under a valid temporary certificate issued pursuant to rules adopted by the commission.

5. Documented watercraft numbered in accordance with the regulations of the United States coast guard.

B. Motorized watercraft owned and operated exclusively by the state or by any political subdivision of the state shall be numbered, but no registration fee shall be paid on the watercraft.

C. All owners of motorized watercraft when in the course of interstate operation displaying a current and valid number issued under an approved federal numbering system of the United States coast guard, a state, the Commonwealth of Puerto Rico, the Virgin Islands, Guam or the District of Columbia shall register such watercraft with the department before the expiration of the reciprocity period prescribed by rules of the commission.

D. All motorized watercraft, when in the course of interstate operation and not required to be numbered in their state of principal operation, shall comply with the requirements of subsection C of this section.

E. When this state becomes the new state of principal operation of a motorized watercraft displaying a current number issued under a federally approved numbering system, the validity of such number shall be recognized for a period of ninety days. On expiration of the ninety-day period and before any subsequent use, the owner shall number any motorized watercraft pursuant to section 5-321.

F. Each dealer or manufacturer in this state engaged in the sale of motorized watercraft using the watercraft for demonstration shall obtain one or more dealer
watercraft certificates of number with the current validating decals. Applications, fees for each certificate of number and accompanying current decals, renewal and display of certificates of number shall be as prescribed in this chapter or by rules of the commission.

Last legislative year: 2013

Recent legislative history: Laws 1999, Ch. 177, § 2; Laws 2005, Ch. 318, § 3; Laws 2012, 2nd Reg. Sess., Ch. 237, § 3; Laws 2013, 1st Reg. Sess., Ch. 197, § 2.

5-323. Disposition of fees

Each month monies received from the registration and infrastructure fees received under this chapter for the numbering of watercraft shall be deposited, pursuant to sections 35-146 and 35-147, in the watercraft licensing fund. Each month, the department shall distribute the monies as follows:

1. All revenues collected pursuant to section 5-321, subsection A and section 5-326 shall be allocated as follows:

   (a) Sixty-five per cent shall be deposited in the watercraft licensing fund. The watercraft licensing fund is to be used by the department for administering and enforcing this chapter, providing an information and education program relating to boating and boating safety and administering any aquatic invasive species program established under this title or title 17. These monies are subject to legislative appropriation.

   (b) Thirty-five per cent of such revenues shall be further allocated as follows:

      (i) Fifteen per cent to the state lake improvement fund to be used as prescribed by section 5-382.

      (ii) Eighty-five per cent to the law enforcement and boating safety fund to be used as prescribed by section 5-383.

2. All revenues collected from any additional registration fees collected pursuant to section 5-321, subsection C shall be paid to an account designated by a section 35-146 and 35-147, in the watercraft licensing fund. Each month, the department shall distribute the monies as follows:

   (a) Sixty-five per cent shall be deposited in the watercraft licensing fund. The watercraft licensing fund is to be used by the department for administering and enforcing this chapter, providing an information and education program relating to boating and boating safety and administering any aquatic invasive species program established under this title or title 17. These monies are subject to legislative appropriation.

   (b) Thirty-five per cent of such revenues shall be further allocated as follows:

      (i) Fifteen per cent to the state lake improvement fund to be used as prescribed by section 5-382.

      (ii) Eighty-five per cent to the law enforcement and boating safety fund to be used as prescribed by section 5-383.

3. All revenues collected from any additional registration fees collected pursuant to section 5-321, subsection C shall be paid to an account designated by a multi-county water conservation district established under title 22, chapter 22 to be used solely for the lower Colorado river multispecies conservation program and for no other purpose.

Last legislative year: 2012

Recent legislative history: Laws 2000, Ch. 193, § 55; Laws 2004, Ch. 254, § 1; Laws 2005, Ch. 318, §§ 4, 5; Laws 2009, Ch. 77, § 1; Laws 2012, 2nd Reg. Sess., Ch. 237, § 4.

5-324. Public records; identification of requester; supplying information by mail; records custodians; certification of records

A. All records of the department made or kept pursuant to this article are public records.

B. The department shall furnish information or copies from the records kept pursuant to this section subject to sections 39-121.01 and 39-121.03.

C. Persons requesting a copy of a public record pursuant to this section shall identify themselves and state the reason for making the request. The department shall verify the name and address of the person making the request by requiring the person to produce necessary information to ensure that the information given is true and correct.

D. The department shall not divulge any information from a watercraft registration record unless the person requesting the information provides the following:

   1. The name of the owner.

   2. The hull identification number of the watercraft.

   3. The department issued number assigned to the watercraft.

   E. The procedures required by subsections C and D of this section do not apply to:

      1. This state or any of its departments, agencies or political subdivisions.

      2. A court.

      3. A law enforcement officer.

      4. A licensed private investigator.

      5. Financial institutions and enterprises under the jurisdiction of the department of financial institutions or a federal monetary authority.

      6. The federal government or any of its agencies.

      7. An attorney admitted to practice in this state who alleges the information is relevant to any pending or potential court proceeding.

      8. An operator of a self-service storage facility located in this state who alleges both of the following:

         (a) That the watercraft on which the operator is requesting the record is in the operator’s possession.

         (b) That the record is requested to allow the operator to notify the registered owner and any lienholders of record of the operator’s intent to foreclose its lien and to sell the watercraft.

      9. A towing company located in this state that alleges both of the following:

         (a) That the watercraft on which the towing company is requesting the record is in the towing company’s possession.

         (b) That the record is requested to allow the towing company to notify the registered owner and any lienholders of record, if known, of the towing company’s intent to sell the watercraft.

      10. An insurance company.

F. The department may supply the requested information by mail or telecommunications.

G. The director may designate as custodian of the department’s public records those department employees the director deems necessary. If a public record of the department has been certified by a records custodian and authenticated as required under proof of records (records of public officials), rules of civil procedure and the rules of evidence for courts in this state, it is admissible in evidence without further foundation.

H. Notwithstanding subsection D of this section, information may be supplied for commercial purposes, as defined in section 39-121.03, if the information is transmitted in a machine readable form such as computer magnetic tape to the person making the request.

I. The department shall maintain for a period of at least one year a file of requests for information that shall be maintained by the name of the person whose record was requested, except those requests made by government agencies.
5-325. Investment of temporary monies; earned interest
On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

Last legislative year: 2000
Recent legislative history: Laws 2000, Ch. 193, § 56.

5-326. Nonresidents; registration; payment of fees; exemption
A. A nonresident owner of a watercraft who establishes this state as the state of principal operation shall register and number that watercraft pursuant to this article and pay an additional boating safety infrastructure fee assessed pursuant to section 5-327 before placing that watercraft on the waterways of this state.
B. A member of the armed forces of the United States who is on active duty and stationed in this state for a period of at least thirty days immediately before applying for watercraft registration is exempt from this section.
C. The owner shall carry and display proof of payment of the fee required by this section in a manner prescribed by the commission while the watercraft is underway, moored or anchored on the waterways of this state.
D. Subsection A of this section does not apply to nonrecreational or commercial motorized watercraft.

Last legislative year: 2012

5-327. Nonresident boating safety infrastructure fees
A. In accordance with section 5-326, the commission shall assess a nonresident boating safety infrastructure fee for each watercraft registered in this state by a nonresident as defined in section 5-301. The fees assessed pursuant to this section shall be paid in addition to the fees required pursuant to section 5-321.
B. For the purposes of section 5-326, subsection A, the commission shall establish nonresident boating safety infrastructure fees. After the effective date of this amendment to this section, the commission shall establish by rule a nonresident boating safety infrastructure fee for each watercraft registered in this state by a nonresident.
C. The length of the motorized watercraft shall be measured in the same manner prescribed in section 5-321, subsection C.
D. Unless the person or watercraft qualifies for an exemption pursuant to section 5-326, no person who is subject to this section shall operate or grant permission to operate a watercraft within the boundaries of this state unless that watercraft displays a valid nonresident boating safety infrastructure decal in conformance with the rules adopted pursuant to section 5-326.

Last legislative year: 2013
Recent legislative history: Laws 2012, 2nd Reg. Sess., Ch. 237, § 6; Laws 2013, 1st Reg. Sess., Ch. 197, § 3.

5-328. Fee limitation
The department may establish fees pursuant to sections 5-321, 5-322 and 5-327, but the total amount of fees collected in any fiscal year may not exceed fifty percent more than the amount appropriated from the watercraft licensing fund for fiscal year 2012-2013.

Last legislative year: 2013
Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 197, § 4.

ARTICLE 4. REQUIRED EQUIPMENT
5-331. Personal flotation devices; exceptions
A. All watercraft, except sailboards, shall carry United States coast guard approved personal flotation devices of the type and category prescribed by regulations of the commission. There shall be one such device in good and serviceable condition for each person on board and so placed as to be readily accessible for immediate use.
B. Any person being towed behind a watercraft shall wear a buoyant belt or personal flotation device while being towed except for a performer engaged in a professional exhibition.
C. A child twelve years of age or under on board a watercraft shall wear a United States coast guard approved type I, II or III personal flotation device whenever the watercraft is underway.
D. The provisions of subsection C shall not apply to small passenger vessels that are not for hire on navigable waters, that maintain a coast guard certificate of inspection and that are being operated by United States coast guard licensed pilots within a distance of one-fourth mile from the nearest shore as a means of transporting passengers and when the duration of time the vessel is underway on the water does not exceed ten minutes.

Last legislative year: 1992

5-332. Fire extinguishers
A. All watercraft, unless exempted by the commission, carrying as fuel any volatile liquid having a flash point of one hundred ten degrees Fahrenheit or less shall have aboard a readily accessible United States coast guard approved fire extinguisher in a condition available for immediate and effective use.
B. All watercraft over twenty-six feet in length and carrying as fuel any volatile liquid having a flash point of one hundred ten degrees Fahrenheit or less shall have aboard such fire extinguishers as may be prescribed or approved by the regulations of the United States coast guard.

Last legislative year: 1972

5-333. Classification of watercraft; lights
A. Watercraft subject to the provisions of this chapter shall be divided into four classes as follows:
1. Class A. Less than sixteen feet in length.
2. Class 1. Sixteen feet or over and less than twenty-six feet in length.
3. Class 2. Twenty-six feet or over and less than forty feet in length.
4. Class 3. Forty feet or over and not more than sixty-five feet in length.

B. Every motorboat, in all weather from sunset to sunrise, shall carry and exhibit the following lights when underway and, during such time, no other lights which may be mistaken for those prescribed shall be exhibited:

1. Every motorboat of classes A and 1 shall carry the following lights:
   (a) A bright white light aft to show all around the horizon.
   (b) A combined light in the fore part of the watercraft and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two points (22 1/2°) abaft the beam on their respective sides.
2. Every motorboat of classes 2 and 3 shall carry the following lights:
   (a) A bright white light in the fore part of the watercraft as near the stem as practicable, so constructed as to show the unbroken light over an arc of the horizon of twenty points (225°) of the compass, so fixed as to throw the light ten points (112 1/2°) on each side of the watercraft, namely, from right ahead to two points (22 1/2°) abaft the beam on either side.
   (b) A bright white light aft, mounted higher than the white light forward, to show all around the horizon.
   (c) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2°) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2°) abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points (112 1/2°) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2°) abaft the beam on the port side. The side lights shall be fitted with inboard screens so set as to prevent these lights from being seen across the bow.
3. Motorboats of classes A and 1 when propelled by sail alone shall exhibit the combined light prescribed by paragraph 1 of this subsection and a twelve point (135°) white light aft. Motorboats of classes 2 and 3, when so propelled, shall exhibit the colored side lights, suitably screened as prescribed by paragraph 2 of this subsection and a twelve point (135°) white light aft.
4. Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word “visible” in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.
5. When propelled by sail and machinery, every motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.
6. All other watercraft over sixty-five feet in length and those propelled solely by wind effect on the sail shall display lights prescribed by the federal regulations.

C. Manually propelled watercraft shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision. Manually propelled watercraft used on the waters of this state where power driven watercraft are prohibited are exempt from the provisions of this section.

D. Any watercraft may carry and exhibit the lights required by the international rules of the road as adopted by the federal regulations for preventing collisions at sea, 1960, federal act of September 24, 1963, (33 USC 1051-1053 and 1061-1064) as amended, in lieu of the lights required by subsection B of this section.

E. All watercraft, when anchored, other than in a special anchorage area, shall, from sunset to sunrise, carry and display a steady white light visible all around the horizon for a distance of no less than two miles.

F. No watercraft may display a blue light of any size or type unless it is either an authorized law enforcement watercraft of the federal, state or local government actually engaged in the enforcement of this chapter or an emergency watercraft.

Last legislative year: 1972

5-334. Flame arrestor
All watercraft using gasoline as fuel, except outboard motors, shall attach to the carburetor or carburetors a backfire flame arrestor that is approved for marine use and suitably secured to the air intake with flame tight connections, or any attachment to the carburetor or the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the watercraft in such a manner that the flames will not endanger the watercraft, persons on board or nearby watercraft and structures. All attachments shall be of a metallic construction with flame tight connections and firmly secured to withstand vibration, shock and engine backfire.

Last legislative year: 1994

5-335. Ventilation
A. All watercraft, except open boats, using as fuel any liquid of a volatile nature shall be provided with such means for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or flammable gases.
B. The regulations for ventilation shall be as prescribed by the United States coast guard or as otherwise provided by the commission.

Last legislative year: 1972

5-336. Muffling devices
A. Every motor driven watercraft shall at all times be equipped with effective equipment, in good working order and in constant operation, to prevent excessive or unusual noise except as provided in subsection C.
B. It is not the intent of this section to prohibit the use of any type of exhaust system or exhaust device, including those systems and devices which do not discharge water with the exhaust gases, if such system or device complies with subsection A of this section.
C. All watercraft actually competing in a regatta, boat race or official trials for speed records, and within the time limits authorized by the sanctioning body of such event are exempt from this section. Permits designating place and time limits are required and shall be issued by the department prior to the testing of watercraft on the water when sufficient evidence is provided by the applicant that such watercraft is actually entered in an event sanctioned by a national or regional organization having jurisdiction over the event.

Last legislative year: 1972

ARTICLE 5. OPERATION OF WATERCRAFT

5-341. Negligent operation of watercraft or water skis; restriction in operation of watercraft; violation; classification

A. No person shall operate a watercraft in a careless, reckless or negligent manner.

B. A person shall not operate a watercraft while allowing a person to ride on the gunwales, the transom or the decked over bow of a watercraft propelled by machinery operating in excess of wakeless speed except if:
   1. That portion of the watercraft was designed and constructed for the purpose of carrying passengers at all speeds.
   2. The watercraft is being maneuvered for anchoring, mooring or casting off moorings.
   3. No watercraft shall be operated with a passenger or passengers on the bow in such a manner as to obstruct the view of the operator.
   4. No person on water skis, a surfboard or a similar contrivance shall behave in a careless, reckless or negligent manner.
   5. Except in case of emergency no person under the age of twelve years may operate a watercraft propelled by a motor of greater than eight horsepower unless the person's parent or legal guardian or at least one person who is eighteen years of age or older is present on the watercraft.
   6. Except as provided in subsection E, it is unlawful for any person to allow another person under the age of twelve to operate a motor-powered watercraft.
   7. A person violating subsection A, B, C or D is guilty of a class 2 misdemeanor.

Last legislative year: 2001

Recent legislative history: Laws 2001, Ch. 245, § 1.

5-343. Speed restrictions; excessive wake

No person shall operate a watercraft in excess of the posted limit or at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any person or other watercraft, swamping other watercraft or otherwise endangering the lives or property of other persons.

Last legislative year: 1972

5-344. Overloading

A. No watercraft shall be loaded and operated with passengers or cargo beyond its safe carrying capacity or the limitations on the manufacturer's load capacity plate.

B. All new watercraft twenty feet in length and under designed to carry two or more persons and to be propelled by machinery or oars, offered for sale or manufactured in the state after January 1, 1971, shall have affixed permanently thereto a manufacturer's load capacity plate in a location easily observed from the position designed or intended to be occupied by the operator. Canoes and sailboats shall be exempt from the provisions of this section.

C. The load capacity plate shall be certified by a licensed manufacturer or the United States coast guard.

Last legislative year: 1975

5-345. Navigation rules

A. The operator of a watercraft under power shall yield right-of-way to any craft not under power, unless such nonpowered watercraft is overtaking a power craft.

B. The area from a point directly ahead to one hundred twelve and one-half degrees of the compass to the starboard side of the watercraft shall be designated the danger zone. Operators of the watercraft shall yield the right-of-way to any other watercraft occupying or entering into this danger zone which may result in collision.

C. Operators of watercraft may pass on either side of any other watercraft overtaken, but the passing operator shall be responsible for the wake of the watercraft which might cause damage to overtaken watercraft or danger to occupants of overtaken watercraft. The overtaken watercraft shall maintain course and speed until such time as the overtaking watercraft is clear. Watercraft approaching head-on shall pass port side to port side where practical to do so.

D. Normal traffic on the waterways of this state shall be counterclockwise. Watercraft shall approach shoreline areas from the right and leave to the left as observed from a point on the water looking toward the shore. Watercraft leaving the shoreline area shall yield right-of-way to watercraft approaching the shoreline area, notwithstanding the provisions of subsection B of this section.

E. Subsections A through D of this section shall not apply on any waterways of this state where power driven watercraft are prohibited.

F. In every case, the operator of any watercraft shall use due caution to avoid an accident or collision with another watercraft or person.

Last legislative year: 1972

5-346. Water skiing

A. No watercraft which has in tow a person or persons on water skis, a surfboard or similar contrivance shall be operated in or upon any waterway unless such watercraft shall be occupied by at least two persons, an operator and an observer.

B. The operator shall observe other watercraft traffic, swimmers and hazards and shall not tow a person or persons on water skis, a surfboard or similar contrivance so close to other watercraft, swimmers or
structures as to constitute a hazard to life or limb of any person.

C. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons falls into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle and displayed as to be visible from every direction.

D. No watercraft operator shall have in tow a person or persons on water skis, a surfboard or similar contrivance during the hours between sunset and sunrise.

Last legislative year: 1972

5-347. Interference with navigation or launching areas

A. No person shall unreasonably or unnecessarily interfere with other watercraft, with the free and proper use of the waterways of the state or with areas used for launching watercraft onto such waterways. Anchoring or swimming in heavily traveled channels or launching areas shall constitute such interference.

B. No person shall camp or park any vehicle on any boat launching area or otherwise restrict or prevent free access to any area.

Last legislative year: 1972

5-348. Dumping refuse, rubbish or debris on waterways

No person shall dump, deposit, place, throw or leave refuse, rubbish, debris, filthy or odoriferous objects, substances or other trash on any waterways or the shorelines of any waterways of the state.

Last legislative year: 1972

5-349. Watercraft casualties; violation; classification

A. The operator of a watercraft involved in a collision, accident or other casualty, to the extent the operator can do so without serious danger to the operator's own watercraft or persons aboard, shall:

1. Immediately stop the watercraft at the scene of the collision, accident or other casualty or as close to the scene of the collision, accident or other casualty as possible but shall immediately return to the scene.

2. Render all practical and necessary assistance to persons affected to save them from danger caused by the collision, accident or other casualty.

3. Remain at the scene of the collision, accident or other casualty until the operator has complied with subsection B of this section.

B. The operator of a watercraft involved in a collision, accident or other casualty shall give the operator's name and address and the identification of the operator's watercraft to any person injured and to the owners of any property damaged.

C. Whenever death or injury results from any watercraft collision, accident or other casualty, a written report shall be submitted within forty-eight hours. For every other collision, accident or other casualty involving property damage exceeding five hundred dollars, a report shall be submitted within five days after the incident by the operator or owner of the watercraft involved. Written reports shall be submitted directly to the department for use in statistical studies for casualty prevention. Reports shall not be used as evidence in any trial, civil or criminal, arising from any collision, accident or other casualty. On request, a report shall be forwarded to the United States coast guard or other authorized federal agency to be used in statistical studies for casualty prevention.

D. To maintain uniformity, watercraft casualty reports shall be on a form approved by the commission.

E. Every peace officer who, in the regular course of duty, investigates any watercraft collision, accident or other casualty involving death or personal injury or involving property damage exceeding five hundred dollars shall prepare and transmit a report to the department pursuant to subsection C of this section.

F. If the operator of a watercraft is involved in a collision or accident that results in death or serious physical injury, as defined in section 13-105, and the operator fails to stop and comply with the requirements of subsection A of this section, the operator is guilty of a class 5 felony. If the operator of a watercraft is involved in a collision or accident that results in injury other than death or serious physical injury and the operator fails to stop and comply with the requirements of subsection A of this section, the operator is guilty of a class 6 felony. If the operator of a watercraft is involved in a collision or accident that results only in damage to another watercraft that is operated or attended by another person, and the operator fails to stop and comply with the requirements of subsection B of this section, the operator is guilty of a class 3 misdemeanor.

Last legislative year: 2008

Recent legislative history: Laws 2001, Ch. 245, § 2; Laws 2008, Ch. 256, § 4.

5-350. Personal watercraft; requirements for operation; definition

A. A person shall not operate a personal watercraft unless each person aboard is wearing a wearable personal flotation device that is approved by the United States coast guard.

B. A person who operates a personal watercraft that is equipped by the manufacturer with a lanyard type engine cutoff switch shall attach the lanyard to his body, clothing or personal flotation device as appropriate for the specific watercraft.

C. A person shall not operate or knowingly allow another person to operate a personal watercraft under his ownership or control in a reckless or negligent manner endangering the life or property of another person. Prima facie evidence of reckless operation exists if the person commits two or more of the following acts simultaneously:

1. Operates the personal watercraft within a zone of proximity to another watercraft closer than sixty feet unless both are leaving a flat wake or are traveling at a speed of five nautical miles per hour or less.

2. Operates the personal watercraft within the vicinity of a motorboat in a manner that obstructs the visibility of either operator.
3. Heads into the wake of a motorboat that is within a zone of proximity closer than sixty feet and causes one-half or more of the length of the personal watercraft to leave the water.

4. Within a zone of proximity to another watercraft closer than sixty feet, maneuvers quickly, turns sharply or swerves, unless the maneuver is necessary to avoid a collision.

D. If equipped by the manufacturer, a person shall not operate a personal watercraft without a functioning spring-loaded throttle mechanism that immediately returns the engine to an idle speed on release of the operator’s hand from the control or without any other engine cutoff feature that is installed by the manufacturer.

E. A personal watercraft shall not be loaded and operated with passengers or cargo beyond its safe carrying capacity or the manufacturer’s recommended limits.

F. A person who owns, leases or hires a personal watercraft or who has charge or control over a personal watercraft shall not authorize or knowingly permit the personal watercraft to be operated in violation of this section.

G. This section does not apply to a performer who engages in a professional exhibition or to a person who participates in an officially sanctioned regatta, race, marine parade, tournament or exhibition.

H. For purposes of this section, “personal watercraft” means a watercraft that is less than sixteen feet long, propelled by machinery powering a water jet pump and designed to be operated by a person who sits, stands or kneels on rather than sitting or standing inside the watercraft.

5-361. Uniform navigational marking of waters; intergovernmental agreements

A. No city, county or person shall mark the waters of this state in any manner in conflict with the uniform navigational marking standards of waters as prescribed by the commission or the United States coast guard.

B. On waters where the uniform state waterway marking system has been established and maintained by a governmental agency, the commission may, upon request of such agency, enter into agreements to assist with the maintenance of the system.

5-362. Diver flag

A. A red flag with white diagonal stripe from staffhead to opposite corner shall be recognized as a diver flag and shall be displayed when a person or persons are actually diving below the water surface and are equipped with apparatus to allow such person or persons to breathe under water.

ARTICLE 7. BOAT LIVERIES

5-371. Boat livery; requirements

A. The owner of a boat livery shall keep or cause to be kept a record of the name and address of the person or persons hiring any watercraft which is designed or permitted by him to be operated as a watercraft, the identification number thereof, the departure date and time and the expected and actual time of return. Such record shall be preserved for at least three months.

B. Neither the owner of a boat livery nor his agent or employee shall permit any watercraft to be operated from his premises unless it shall have been provided, either by the owner or renter, with the equipment required by this chapter.

C. The certificate of number for a watercraft less than twenty-six feet in length that is leased or rented to a person for noncommercial use of less than twenty-four hours may be retained on shore by the owner or his representative at the place from which the watercraft departs or returns to the possession of the owner or his representative. A watercraft which does not have the certificate of number on board shall be identified while in use as may be prescribed by the regulations of the commission.

ARTICLE 8. LAKE IMPROVEMENT AND BOATING SAFETY FUNDS

5-382. State lake improvement fund; administration; report

A. A state lake improvement fund is established. Monies deposited in the fund shall be used only as provided in this section.

B. All monies in the state lake improvement fund are appropriated to the Arizona state parks board solely for the purposes provided in this section. Interest earned on monies in the fund shall be credited to the fund. Monies in the state lake improvement fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

C. The Arizona state parks board shall administer the monies in the fund as follows:

1. To fund staff support to plan and administer the state lake improvement fund in conjunction with other administrative tasks and recreation plans of the board.

2. To fund projects on waters where gasoline powered boats are permitted and shall be limited to the following:

(a) Public launching ramps.

(b) Public piers, marinas or marina stadia.

(c) Public toilets, sanitation facilities and domestic waters.

(d) Public picnic tables and facilities.

(e) Public parking areas.

(f) Lake construction or improvement.

(g) Marking buoys and other safety facilities.

Last legislative year: 1994
(h) Watercraft.
  (i) Public campgrounds.
  (j) Acquisition of real and personal property through purchase, lease, agreement or otherwise for the purpose of providing access to waters where boating is permitted.
  (k) Design and engineering projects.

D. Projects involving expenditure of monies from such fund may be accomplished by the Arizona state parks board, by the Arizona game and fish commission, by the board of supervisors of any county or by the governing body of a city or town, provided such projects do not interfere with any vested water rights, or the operation or maintenance of water projects, including domestic, municipal, irrigation district, drainage district, flood control district or reclamation projects. The Arizona outdoor recreation coordinating commission, established by section 41-511.25, shall examine applications for eligible projects, determine the amount of funding, if any, for each project and submit a list of projects, subject to prior review by the joint committee on capital review, to the Arizona state parks board for allocation from the fund. The board shall annually report to the legislature the expenditures made for such projects in conjunction with the report required by section 41-511.12.

E. State lake improvement funds may be used on projects where matching funds are made available.

Last legislative year: 2011

Recent legislative history: Laws 2000, Ch. 193, § 57; Laws 2006, Ch. 349, § 1; Laws 2011, 1st Reg. Sess., Ch. 333, § 1.

5-383. Law enforcement and boating safety fund; boating law enforcement, personnel, equipment and training funding to counties

A. A law enforcement and boating safety fund is established that consists of monies distributed to the fund pursuant to section 5-323. The monies are subject to legislative appropriation.

B. Only a board of supervisors of a county that has a law enforcement agency of the county solely for boating law enforcement, personnel, equipment and training.

C. The state treasurer shall administer the fund. Using an allocation formula as determined annually by the commission, the state treasurer shall distribute monies monthly from the law enforcement and boating safety fund to eligible counties as prescribed in subsection B of this section.

D. In determining the allocation formula, the commission may consider the following:
  1. The adequacy of existing county boating safety programs that include accident investigations.
  2. The number of recreational days of use on water within the jurisdiction of the counties in areas of administrative authority.
  3. The surface acreage of water within the jurisdiction of the counties in areas of administrative authority.
  4. The county water safety record.

E. The monies distributed to a county board of supervisors receiving funds.

F. Each failure to obey an order or to comply with a warning order issued under subsection C of this section shall constitute a separate offense punishable as a separate violation of this chapter.

G. A person is guilty of a class 6 felony who knowingly removes, defaces, obliterates, changes, alters or causes to be removed, defaced, obliterated, changed or altered a factory, engine, serial, outdrive, lower unit, power trim or hull identification number or mark on a watercraft.

H. A person is guilty of a class 2 misdemeanor who:
  1. Knowingly displays or has in the person’s possession a fictitious, stolen, revoked or altered certificate of number, department issued number or annual decal.

5-391. Enforcement; violation; classification

A. Any person who violates any provision of this chapter, except section 5-341, subsection A, B, C or D, section 5-349, section 5-350, subsection C, section 5-393, 5-395, 5-396 or 5-397 and subsection C, D, G or H of this section or any rule issued thereunder, is guilty of a petty offense. Any person who violates section 5-350, subsection C is guilty of a class 2 misdemeanor.

B. All peace officers of the state, counties and cities shall enforce the provisions of this chapter and all laws and rules relating to the operation of watercraft.

C. In the enforcement of this chapter, the operator of the watercraft on being hailed by any peace officer shall stop immediately and lay to, or maneuver in such a way as to permit the peace officer to come aboard or alongside. The operator may be ordered ashore to correct any unlawful condition, issued a written warning or written repair order or issued a citation for any violation of this chapter.

D. An operator of a watercraft who wilfully flees or attempts to elude a pursuing law enforcement officer issuing an order pursuant to subsection C of this section is guilty of a class 5 felony. The law enforcement watercraft shall be appropriately marked to show that it is an official law enforcement watercraft.

E. In the enforcement of this chapter, sections 13-2506 and 13-3903 apply.

F. Each failure to obey an order or to comply with a warning order issued under subsection C of this section shall constitute a separate offense punishable as a separate violation of this chapter.

G. A person is guilty of a class 6 felony who knowingly removes, defaces, obliterates, changes, alters or causes to be removed, defaced, obliterated, changed or altered a factory, engine, serial, outdrive, lower unit, power trim or hull identification number or mark on a watercraft.

H. A person is guilty of a class 2 misdemeanor who:
  1. Knowingly displays or has in the person’s possession a fictitious, stolen, revoked or altered certificate of number, department issued number or annual decal.
2. Lends to or knowingly permits the use of the person’s certificate of number, department issued number or annual decal on a watercraft for which those items have not been issued.

I. On receipt of notice of conviction of a person under subsection G or H of this section, the department may revoke the numbers and decals issued to the watercraft that was involved in the violation and any other watercraft owned by the person convicted.

Last legislative year: 2008

Recent legislative history: Laws 2001, Ch. 245, § 3; Laws 2002, Ch. 225, § 1; Laws 2008, Ch. 256, § 5.

5-392. Seizure and forfeiture of watercraft
A. Peace officers, in the manner provided in title 13, chapter 39:
1. May seize any watercraft and its trailer if the watercraft displays a fictitious, falsified or altered number or annual decal, or an annual decal from which the accountability or expiration numbers have been intentionally removed or partially removed. This paragraph does not apply to a boat owner or an authorized agent who removes decals or boat numbers for routine maintenance or repair.
2. May seize for forfeiture any watercraft which has had a manufacturer’s hull identification number, mark or label or any engine, outdrive, lower unit or power trim number intentionally removed, partially removed, falsified or altered.
B. Allocation of watercraft seized for forfeiture pursuant to subsection A, paragraph 2 of this section shall follow the provisions of section 13-4315, except that if the forfeited property is sold by public or otherwise commercially reasonable sale the expenses of keeping and selling the property and the amount of all valid interests established by claimants shall first be paid out of the proceeds of the sale and the balance shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 193, § 58.

5-393. Inspection for stolen watercraft; violation; classification
A. For purposes of enforcing this chapter or locating stolen watercraft or parts of watercraft, peace officers may inspect watercraft to examine the hull identification number, manufacturer’s label, outdrive, lower unit or power trim number, or the annual decal or state issued number in a public marina, a storage, repair, sales, leasing or rental lot or facility or a salvage yard or other similar location or establishment and may inspect the registration, title and certificate of number of the watercraft to establish the rightful ownership or possession of the watercraft.
B. Inspections shall be conducted at a time and in a manner so as to minimize any unreasonable interference with or delay of the use of the watercraft or the operation of the business where the watercraft is located.
C. A person who refuses to permit an inspection under this section is guilty of a class 1 misdemeanor.

Last legislative year: 1987

ARTICLE 10. BOATING WHILE INTOXICATED
5-395. Operating or in actual physical control of a motorized watercraft while under the influence; violation; classification; definition
A. It is unlawful for any person to operate or be in actual physical control of a motorized watercraft that is underway within this state under any of the following circumstances:
1. While under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.
2. If the person has an alcohol concentration of 0.08 or more within two hours of operating or being in actual physical control of the motorized watercraft and the alcohol concentration results from alcohol consumed either before or while operating or being in actual physical control of the motorized watercraft.
3. While there is any drug as defined in section 13-3401 or its metabolite in the person’s body.
4. If the motorized watercraft is a commercial motorized watercraft and the person has an alcohol concentration of 0.04 or more.
B. It is not a defense to a charge of a violation of subsection A, paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.
C. A person using a drug prescribed by a medical practitioner licensed pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of violating subsection A, paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.
D. The state shall not dismiss a charge of violating this section for either of the following:
1. In return for a plea of guilty or no contest to any other offense by the person charged with the violation of this section.
2. For the purpose of pursuing any other misdemeanor or a petty offense, including those arising out of the same event or course of conduct, unless there is clearly an insufficient legal or factual basis to pursue the charge of violating this section.
E. In any prosecution for a violation of this section the state, for the purpose of classification and sentencing pursuant to section 5-395.01 or 5-396, shall allege all prior convictions of violating this section occurring within the past eighty-four months, unless there is clearly an insufficient legal or factual basis to do so.
F. In a trial, action or proceeding for a violation of this section or section 5-396 other than a trial, action or proceeding involving operating or being in actual physical control of a commercial motorized watercraft, the defendant’s alcohol concentration within two hours of the time of operating or being in actual physical control as shown by analysis of the defendant’s blood, breath or other bodily substance gives rise to the following presumptions:
1. If there was at that time 0.05 or less alcohol concentration in the defendant’s blood, breath or other
bodily substance, it may be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 but less than 0.08 alcohol concentration in the defendant's blood, breath or other bodily substance, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at that time 0.08 or more alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was under the influence of intoxicating liquor.

G. Subsection F of this section shall not be construed as limiting the introduction of any other competent evidence bearing on the question of whether or not the defendant was under the influence of intoxicating liquor.

H. If a blood test is administered, only a physician, a registered nurse or another qualified person may withdraw blood for the purpose of determining the alcohol concentration or drug content. The qualifications of the individual withdrawing the blood and the method used to withdraw the blood are not foundational prerequisites for the admissibility of any blood alcohol content determination made pursuant to this subsection.

I. If a law enforcement officer administers a duplicate breath test and the person tested is given a reasonable opportunity to arrange for an additional test pursuant to subsection J of this section, a sample of the person's breath does not have to be collected or preserved.

J. The person tested shall be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of the tested person's own choosing to administer a test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

K. If a person under arrest refuses to submit to a test or tests under section 5-395.03, whether or not a sample was collected pursuant to subsection L of this section or a search warrant, evidence of refusal is admissible in any civil or criminal action or other proceeding. The issue of refusal shall be an issue of fact to be determined by the trier of fact in all cases.

L. Notwithstanding any other law, if a law enforcement officer has probable cause to believe that a person has violated this section and a sample of blood, urine or any other bodily substance is taken from that person for any reason a portion of that sample sufficient for analysis shall be provided to a law enforcement officer if requested for law enforcement purposes. A person who fails to comply with this subsection is guilty of a class 1 misdemeanor.

M. A person who collects blood, urine or any other bodily substance under this section or any hospital, laboratory or clinic employing or utilizing the services of the person does not incur any civil liability as a result of this activity if requested by a law enforcement officer to collect blood, urine or any other bodily substances unless the person, while performing the activity, acts with gross negligence.

N. A statement by the defendant that the defendant was operating a motorized watercraft that was underway and that was involved in an accident resulting in injury to or death of any person is admissible in any criminal proceeding without further proof of corpus delicti if it is otherwise admissible.

O. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.

P. For the purposes of this section, "alcohol concentration" means grams of alcohol per one hundred milliliters of blood or grams of alcohol per two hundred liters of breath.

Last legislative year: 2008

Recent legislative history: Laws 2000, Ch. 4, § 1; Laws 2001, Ch. 95, § 1; Laws 2008, Ch. 256, § 6.

5-395.01. Operating or in actual physical control of a motorized watercraft while under the influence; classification; penalties

A. A person who is convicted of a violation of section 5-395 is guilty of a class 1 misdemeanor. The person:

1. Shall be sentenced to serve not less than ten consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two hundred fifty dollars.

3. May be ordered by a court to perform community restitution.

4. Shall pay an additional assessment of five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. Shall pay an additional assessment of five hundred dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

B. In addition to any other penalties under this section, the judge shall order the person to complete alcohol or other drug screening that is provided by a facility approved by the department of health services or a probation department. If a judge determines that the person requires further alcohol or other drug education or treatment, the person may be required pursuant to court order to obtain alcohol or other drug screening.
transmit the monies received to the state treasurer. The city or county treasurer shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

C. Notwithstanding subsection A, paragraph 1 of this section and except as provided in section 5-398.01, the judge may either:

1. Suspend any imposed sentence for a first violation of section 5-395 if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

2. Suspend all but twenty-four consecutive hours of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program and the court determines the person recklessly endangered another person with a substantial risk of physical injury. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

D. If within a period of eighty-four months a person is convicted of a second violation of section 5-395 or is convicted of a violation of section 5-395 and has previously been convicted of an act in another jurisdiction that if committed in this state would be a violation of section 5-395, the person:

1. Shall be sentenced to serve not less than ninety days in jail, thirty days of which shall be served concurrently and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars.

3. Shall be ordered by the court to perform at least thirty hours of community restitution. If the person fails to complete the community restitution ordered pursuant to this paragraph, the court may order alternative sanctions if the court determines that alternative sanctions are more appropriate.

4. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

E. Notwithstanding subsection D, paragraph 1 of this section, at the time of sentencing, except if the court determines the person recklessly endangered another person with a substantial risk of physical injury, the judge may suspend all but thirty days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause as to why the remaining jail sentence should not be served.

F. In applying the eighty-four month provision of subsection D of this section, the dates of the commission of the offense shall be the determining factor irrespective of the sequence in which the offenses were committed.

G. A second violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

H. Any political subdivision processing or utilizing the services of a person ordered to perform community restitution pursuant to this section does not incur any civil liability to the person ordered to perform community restitution as a result of these activities unless the political subdivision or its agent or employee acts with gross negligence.

I. After a person who is sentenced pursuant to subsection A of this section has served twenty-four consecutive hours in jail or after a person who is sentenced pursuant to subsection D of this section has served forty-eight consecutive hours in jail and after receiving confirmation that the person is employed or is a student, the court, on pronouncement of any jail sentence under this section, may provide in the sentence that the person may be permitted, if the person is employed or is a student, the court to continue such employment or studies, to continue such employment or studies for not more than twelve hours per day nor more than five days per week, and the remaining days, or hours of days shall be spent in jail until the sentence is served. The person shall be allowed out of jail only long enough to complete the actual hours of employment or studies and no longer.

J. A person who is sentenced pursuant to this section is eligible for a home detention program pursuant to section 9-499.07, subsections L through R or section 11-459, subsections K through Q.

K. The court shall allow the allegation of a prior conviction or other pending charge of a violation of section 5-395 filed twenty or more days before the date the case is actually tried and may allow the allegation of a prior conviction or other pending charge of a
Violation of section 5-395 filed any time before the date the case is actually tried, provided that when the allegation is filed this state must make available to the defendant a copy of any information obtained concerning the prior conviction or other pending charge. Any conviction may be used to enhance another conviction irrespective of the dates on which the offenses occurred within the eighty-four month provision.

L. If a person is placed on probation for violating section 5-395, the probation shall be supervised unless the court finds that supervised probation is not necessary or the court does not have supervisory probation services.

Last legislative year: 2012

Recent legislative history: Laws 1994, Ch. 276, § 5; Laws 1995, Ch. 181, § 1; Laws 1996, Ch. 200, § 2; Laws 2003, 2nd Sp. Sess., Ch. 5, § 1; Laws 2005, Ch. 187, § 1; Laws 2005, Ch. 307, § 1; Laws 2008, Ch. 256, § 7; Laws 2008, Ch. 286, §§ 1, 2; Laws 2011, 1st Reg. Sess., Ch. 341, § 1; Laws 2012, 2nd Reg. Sess., Ch. 97, § 1.

5-395.04. Preliminary breath tests; authority

A. A law enforcement officer who has reasonable suspicion to believe that a person has committed a violation of section 5-395 may request that the person submit to a preliminary breath test or tests before an arrest.

B. In addition to a breath test or tests the officer may require that the person submit to further testing pursuant to section 5-395.03.

C. The director of the department of public safety shall adopt rules prescribing the approval of quantitative preliminary breath testing devices.
A. A person is guilty of aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of intoxicating liquor or drugs if the person does any of the following:

1. Within a period of eighty-four months commits a third or subsequent violation of section 5-395 or 5-397 or this section or is convicted of a violation of section 5-395 or 5-397 or this section and has previously been convicted of any combination of convictions of section 5-395 or 5-397 or this section or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section.

2. While a person under fifteen years of age is aboard the motorized watercraft, commits any of the following:
   (a) A first violation of section 5-395, if the person recklessly endangers the person who is under fifteen years of age with a substantial risk of physical injury.
   (b) A second violation of section 5-395 within a period of eighty-four months.
   (c) A violation of section 5-397.

B. The dates of the commission of the offenses are the determining factor in applying the eighty-four month provision provided in subsection A, paragraph 1 or paragraph 2, subdivision (b) of this section regardless of the sequence in which the offenses were committed. For purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts. The time that a probationer is found to be an absconder status or the time that a person is incarcerated in any state, federal, county or city jail or correctional facility is excluded when determining the eighty-four month period provided in subsection A, paragraph 1, subsection A, paragraph 2, subdivision (b) and subsection D of this section.

C. A person who is convicted under subsection A, paragraph 1 of this section and who within an eighty-four month period has been convicted of two prior violations of section 5-395 or 5-397 or this section, or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served at least the minimum term of incarceration required pursuant to section 5-395.01.

D. A person who is convicted under subsection A, paragraph 1 of this section and who within an eighty-four month period has been convicted of three or more prior violations of section 5-395 or 5-397 or this section, or acts committed in another jurisdiction that if committed in this state would be a violation of section 5-395 or 5-397 or this section, is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in prison.

E. A person who is convicted under subsection A, paragraph 2, subdivision (a) or (b) of this section shall serve at least the minimum term of incarceration required pursuant to section 5-395.01.

F. A person who is convicted under subsection A, paragraph 2, subdivision (c) of this section shall serve at least the minimum term of incarceration required pursuant to section 5-397.

G. A person who is convicted of a violation of this section and who is placed on probation shall attend and complete alcohol or drug screening, counseling and education from an approved facility and, if ordered by the court, treatment from an approved facility. If the person fails to comply with this subsection, in addition to section 13-901 the court may order that the person be incarcerated as a term of probation as follows:

1. For a person sentenced pursuant to subsection C of this section, for an individual period of not more than four months and a total period of not more than one year.

2. For a person sentenced pursuant to subsection D of this section, for an individual period of not more than eight months and a total period of not more than two years.

H. The time that a person spends in custody pursuant to subsection G of this section shall not be counted toward the sentence imposed if the person’s probation is revoked and the person is sentenced to prison following revocation of probation.

1. On conviction for a violation of this section, the court:
   1. Shall order the person to pay a fine of not less than seven hundred fifty dollars.
   2. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304. Any fine imposed for a violation of this section and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in this paragraph.

3. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

4. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by

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Historical Notes:

Laws 2008, Ch. 256, § 10.

Recent legislative history: Laws 2006, Ch. 271, § 2; Laws 2008, Ch. 256, § 10.
alcohol consumed either before or while operating or watercraft and the alcohol concentration results from or being in actual physical control of the motorized concentration as follows within two hours of operating underway within this state if the person has an alcohol actual physical control of a motorized watercraft that is 4 felony .

1. Subsection A, paragraph 1 of this section is a class 4 felony.

2. Subsection A, paragraph 2 of this section is a class 6 felony.

Last legislative year: 2008


5-396.01. Aggravated operating or actual physical control of a motorized watercraft while under the influence of intoxicating liquor or drugs; forfeiture of motorized watercraft; disposition
A. If a person is convicted of violating section 5-396 the court, in addition to any other penalty imposed by law, shall order the motorized watercraft owned and operated by the person at the time of the offense forfeited in the same manner as provided under title 13, chapter 39.

B. A motorized watercraft used by any person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture unless it appears that the owner or other person in charge of the vehicle consented to or was privy to a violation described in subsection A of this section.

C. Any property that is subject to forfeiture and all interests in property that are forfeited under this section shall be disposed of and allocated in the same manner as provided in title 13, chapter 39, except that all monies that are obtained as a result of forfeiture under this section shall be deposited, pursuant to sections 35-146 and 35-147, in the state general fund.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 193, § 59.

5-397. Operating or in actual physical control of a motorized watercraft while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification; definition
A. It is unlawful for a person to operate or be in actual physical control of a motorized watercraft that is underway within this state if the person has an alcohol concentration as follows within two hours of operating or being in actual physical control of the motorized watercraft and the alcohol concentration results from alcohol consumed either before or while operating or being in actual physical control of the motorized watercraft:
  1. 0.15 or more but less than 0.20.
  2. 0.20 or more.
B. A person who is convicted of a violation of this section is guilty of operating or being in actual physical control of a motorized watercraft while under the extreme influence of alcohol.
C. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.
D. A person who is convicted of a violation of this section:
  1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served if the person is convicted of a violation of subsection A, paragraph 1 of this section. A person who is convicted of a violation of subsection A, paragraph 2 of this section shall be sentenced to serve not less than forty-five consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.
  2. Shall pay a fine of not less than two hundred fifty dollars, except that a person who is convicted of a violation of subsection A, paragraph 2 of this section shall pay a fine of not less than five hundred dollars. The fine prescribed in this paragraph and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in paragraph 3 of this subsection.
  3. Shall pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304.
  4. May be ordered by a court to perform community restitution.
  5. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.
  6. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or
county treasurer shall transmit the monies received to the state treasurer.

E. Notwithstanding subsection D, paragraph 1 of this section, at the time of sentencing if the person is convicted of a violation of subsection A, paragraph 1 of this section, the judge may suspend all but ten days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

F. If within a period of eighty-four months a person is convicted of a second violation of this section or is convicted of a violation of this section and has previously been convicted of a violation of section 5-395 or 5-396 or an act in another jurisdiction that if committed in this state would be a violation of this section or section 5-395 or 5-396, the person:

1. Shall be sentenced to serve not less than one hundred twenty days in jail, sixty days of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served if the person is convicted of a violation of subsection A, paragraph 1 of this section. A person who is convicted of a violation of subsection A, paragraph 2 of this section shall be sentenced to serve not less than one hundred eighty days in jail, ninety of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars, except that a person who is convicted of a violation of subsection A, paragraph 2 of this section shall pay a fine of not less than one thousand dollars. The fine prescribed in this paragraph and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in paragraph 3 of this subsection.

3. Shall pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

4. The person's ability to pay part or all of the incarceration costs.


Reimbursement of incarceration costs

A. The court shall order a person who is sentenced to a term of incarceration for a violation of this article to reimburse the political subdivision that is responsible for the costs of the person's incarceration for those incarceration costs.

B. The court may determine the amount of incarceration costs to be paid based on the following factors:

1. The per diem per person cost of incarceration incurred by the political subdivision that incarcerates the person.

2. The person's ability to pay part or all of the incarceration costs.
Last legislative year: 2002
Recent legislative history: Laws 2002, Ch. 225, § 3.

5-399.01. Waiver of fine, surcharge or assessment
Notwithstanding any other law, the court shall not waive a fine or assessment imposed pursuant to this article or a surcharge imposed pursuant to section 12-116.01 or 12-116.02 for a conviction of an offense listed in this article.

Last legislative year: 2003

5-399.02. Records of convictions and judgments; abstract of record; reports
A. Each magistrate, judge or hearing officer of a court shall:
1. Keep or cause to be kept a record of each violation of this article deposited with or presented to the court.
2. Keep a record of each official action by the court in reference to each violation of this article deposited with or presented to the court, including but not limited to a record of:
   (a) Each conviction, forfeiture of bail or deposit or judgment of acquittal.
   (b) The amount of the penalty, fine or forfeiture resulting from each complaint deposited with or presented to the court.
B. Within ten days after the conviction, judgment or forfeiture of bail or deposit of a person on a charge of violating this article, each magistrate of the court or clerk of the court of record in which the conviction or judgment was had or bail or deposit was forfeited shall prepare and immediately forward to the department of transportation an abstract of the record of the court covering the case in which the person either:
   1. Was convicted.
   2. Was adjudicated to have committed a violation.
   3. Forfeited bail or deposit.
C. The person required to prepare the abstract shall certify that it is true and correct.
D. The abstract shall be made on a form furnished or in a manner prescribed by the department of transportation and shall include:
   1. A complete description of the watercraft.
   2. The number, if any, of the driver license, permit or identification license of the party charged.
   3. The nature of the offense or violation.
   4. The disposition or whether bail or deposit was forfeited.
   5. The amount of the fine, penalty or forfeiture.
   E. The department of transportation shall keep all abstracts received under this section for inspection as required by law.

Last legislative year: 2004
Recent legislative history: Laws 2004, Ch. 254, § 3.

ARTICLE 11. TOWING OF WATERCRAFT

5-399. Towing companies
A. If a towing company tows a watercraft, the towing company shall provide written notification by mail to the owner and lienholder, if known, of the watercraft’s location. The towing company shall obtain the owner and lienholder information pursuant to section 5-324.
B. If the watercraft’s owner or lienholder, if known, does not remove the watercraft from the towing company’s premises within fifteen days of mailing of notice under subsection A of this section, the towing company shall:
   1. Report the watercraft on forms prescribed by the director of the Arizona game and fish department.
   2. Submit the report to the director of the Arizona game and fish department.

Last legislative year: 2002
Recent legislative history: Laws 2002, Ch. 314, § 2.

5-399.01. Abandoned watercraft; notice of intent to transfer ownership
A. On receipt of a report as required by this article, the director shall determine the names and addresses of the owner and lienholder, if known, or any other person identified on the department’s record who may have an interest in the watercraft by either:
   1. Searching the department records.
   2. Asking the watercraft registration agency of another state if the watercraft is registered in that state.
B. On receipt of information from reports pursuant to section 5-399 and after determining the names and addresses of the owner and lienholder, if known, or any other person identified on the department’s record who may have an interest in the watercraft, the director shall notify all interested persons by mail within five business days for a watercraft with a record in this state or within thirty days for all other watercraft. The notice shall include:
   1. A complete description of the watercraft.
   2. A notice of intent to transfer ownership of the watercraft to the towing company in possession of the watercraft if within thirty days from the date indicated in the notification by the department the owner or lienholder, if known, or a person who has an interest in the watercraft does not notify the department of the owner’s, lienholder’s, if known, or person’s interest in the watercraft and claim the watercraft.
   3. The watercraft’s hull identification number.
   4. The state issued registration number assigned to the watercraft.
   5. The place from which and date the watercraft was towed.
   6. The storage location of the watercraft.
C. If the records of the department or out of state jurisdiction do not disclose the names and addresses of the owner and lienholder, if any, or any other person identified on the department’s record who may have an interest in the watercraft, or if the notice is returned marked unclaimed or address unknown, the department shall publish a notice of the intent of the director to transfer ownership of the towed watercraft pursuant to this article once in a newspaper or other publication of general circulation in the county in which the watercraft was towed. The published notice shall include a statement of the intent of the director to transfer ownership of the watercraft after ten days of the published notice and the department shall make avail-
able to the public a complete description of abandoned watercraft subject to transfer of ownership.

D. The towing company that filed the report shall notify the director within twenty-four hours and in the manner prescribed by the director if the watercraft is released or returned to or redeemed or repossessed by the lawful owner or lienholder, if any, or any other known person who is identified on the department’s record who may have an interest in the watercraft.

Last legislative year: 2002
Recent legislative history: Laws 2002, Ch. 314, § 2.

5-399.02. Unclaimed watercraft; transfer of ownership; violation; classification

A. If a watercraft remains unclaimed at the expiration of the deadlines prescribed in section 5-399.01, subsections B and C, the director shall make an inquiry to determine if the watercraft is stolen. On receiving notice that the watercraft has not been reported stolen, the director may transfer ownership of the watercraft to the towing company free and clear of all liens or encumbrances on compliance with this article.

B. An application for transfer of ownership shall be completed and signed by the towing company or authorized agent of the towing company and shall contain a certified statement that includes the following:

1. As of the date of application, no person has presented proof of ownership or proof of interest in the watercraft and entered into an agreement for the release or return of the watercraft.

2. The towing company is currently in possession of the watercraft.

C. This state and its agencies, employees and agents are not liable for relying in good faith on the contents of the reports or affidavits as prescribed by this article.

D. If a towing company complies with this article, the towing company in possession of a watercraft is not liable for obtaining a transfer of ownership of the watercraft.

E. A towing company that obtains watercraft pursuant to this article shall maintain records of all of the following:

1. The request made pursuant to section 5-324.

2. The notification provided pursuant to section 5-399.

3. The application for transfer of ownership pursuant to this section.

4. Any documents pertaining to ownership transfer of abandoned watercraft that the director deems necessary.

F. A towing company shall maintain the records prescribed by subsection E of this section for three years from the date the ownership of the watercraft is transferred. The records may be audited by any law enforcement officer or employee of the department during normal business hours.

G. A tower who fails to maintain records as prescribed in this section is guilty of a class 2 misdemeanor.

Last legislative year: 2002
Recent legislative history: Laws 2002, Ch. 314, § 2.

5-399.03. Abandoned watercraft processing rules; fees

The department may:

1. Adopt rules to carry out the requirements of this article.

2. Establish fees to implement this article.

Last legislative year: 2002
Recent legislative history: Laws 2002, Ch. 314, § 2.

TITLE 13

CRIMINAL CODE

PROBATION AND RESTORATION OF CIVIL RIGHTS

Section 13-907. Setting aside judgment of convicted person on discharge; application; release from disabilities; exceptions.

A. Except as provided in subsection D of this section, every person convicted of a criminal offense, on fulfillment of the conditions of probation or sentence and discharge by the court, may apply to the judge, justice of the peace or magistrate who pronounced sentence or imposed probation or such judge, justice of the peace or magistrate’s successor in office to have the judgment of guilt set aside. The convicted person shall be informed of this right at the time of discharge.

B. The convicted person or, if authorized in writing, the convicted person’s attorney or probation officer may apply to set aside the judgment.

C. If the judge, justice of the peace or magistrate grants the application, the judge, justice of the peace or magistrate shall set aside the judgment of guilt, dismiss the accusations or information and order that the person be released from all penalties and disabilities resulting from the conviction except those imposed by:

1. The department of transportation pursuant to section 28-3304, 28-3306, 28-3307, 28-3308, 28-3319, except that the conviction may be used as a conviction if the conviction would be admissible had it not been set aside and may be pleaded and proved in any subsequent prosecution of such person by the state or any of its subdivisions for any offense or used by the department of transportation in enforcing section 28-3304,
28-3306, 28-3307, 28-3308 or 28-3319 as if the judgment of guilt had not been set aside.

2. The game and fish commission pursuant to section 17-314 or 17-340.

D. This section does not apply to a person who was convicted of a criminal offense:

1. Involving a dangerous offense.

2. For which the person is required or ordered by the court to register pursuant to section 13-3821.

3. For which there has been a finding of sexual motivation pursuant to section 13-118.

4. In which the victim is a minor under fifteen years of age.

5. In violation of section 28-3473, any local ordinance relating to stopping, standing or operation of a vehicle or title 28, chapter 3, except a violation of section 28-693 or any local ordinance relating to the same subject matter as section 28-693.

Last legislative year: 2011

Recent legislative history: Laws 2001, Ch. 109, § 1; Laws 2005, Ch. 313, § 1; Laws 2006, Ch. 238, § 2; Laws 2011, 1st Reg. Sess., Ch. 90, § 5.

CHAPTER 15

CRIMINAL TRESPASS AND BURGLARY

Section
13-1502. Criminal trespass in the third degree; classification.

13-1501. Definitions

In this chapter, unless the context otherwise requires:

1. “Critical public service facility” means:

a. A structure or fenced yard that is posted with signage indicating it is a felony to trespass or signage indicating high voltage or high pressure and is used by a rail, bus, air or other mass transit provider, a public or private utility, any municipal corporation, city, town or other political subdivision that is organized under state law and that generates, transmits, distributes or otherwise provides natural gas, liquefied petroleum gas, electricity or a combustible substance for a delivery system that is not a retail-only facility, a telecommunications carrier or telephone company, a municipal provider as defined in section 45-561, a law enforcement agency, a public or private fire department or an emergency medical service provider.

b. A structure or fenced yard or any equipment or apparatus that is posted with signage indicating it is a felony to trespass or signage indicating high voltage or high pressure and is used to manufacture, extract, transport, distribute or store gas, including natural gas or liquefied petroleum gas, oil, electricity, water or hazardous materials, unless it is a retail-only facility.

2. “Enter or remain unlawfully” means an act of a person who enters or remains on premises when the person’s intent for so entering or remaining is not licensed, authorized or otherwise privileged except when the entry is to commit theft of merchandise displayed for sale during normal business hours, when the premises are open to the public and when the person does not enter any unauthorized areas of the premises.

3. “Entry” means the intrusion of any part of any instrument or any part of a person’s body inside the external boundaries of a structure or unit of real property.

4. “Fenced commercial yard” means a unit of real property that is surrounded completely by fences, walls, buildings or similar barriers, or any combination of fences, walls, buildings or similar barriers, and that is zoned for business operations or where livestock, produce or other commercial items are located.

5. “Fenced residential yard” means a unit of real property that immediately surrounds or is adjacent to a residential structure and that is enclosed by a fence, wall, building or similar barrier or any combination of fences, walls, buildings or similar barriers.

6. “Fenced yard” means a unit of real property that is surrounded by fences, walls, buildings or similar barriers or any combination of fences, walls, buildings or similar barriers.

7. “In the course of committing” means any acts that are performed by an intruder from the moment of entry to and including flight from the scene of a crime.

8. “Manipulation key” means a key, device or instrument, other than a key that is designed to operate a specific lock, that can be variably positioned and manipulated in a vehicle keyway to operate a lock or cylinder, including a wiggle key, jiggle key or rocker key.

9. “Master key” means a key that operates all the keyed locks or cylinders in a similar type or group of locks.

10. “Nonresidential structure” means any structure other than a residential structure and includes a retail establishment.

11. “Residential structure” means any structure, movable or immovable, permanent or temporary, that is adapted for both human residence and lodging whether occupied or not.

12. “Structure” means any vending machine or any building, object, vehicle, railroad car or place with sides and a floor that is separately securable from any other structure attached to it and that is used for lodging, business, transportation, recreation or storage.

13. “Vending machine” means a machine that dispenses merchandise or service through the means of currency, coin, token, credit card or other nonpersonal means of accepting payment for merchandise or service received.

Last legislative year: 2012

Recent legislative history: Laws 2001, Ch. 334, § 9; Laws 2003, Ch. 39, § 1; Laws 2003, Ch. 172, § 1; Laws 2009, Ch. 127, § 1; Laws 2012, 2nd Reg. Sess., Ch. 31, § 1.

13-1502. Criminal trespass in the third degree; classification

A. A person commits criminal trespass in the third degree by:

1. Knowingly entering or remaining unlawfully on any real property after a reasonable request to leave by a law enforcement officer, the owner or any other
person having lawful control over such property, or reasonable notice prohibiting entry.

2. Knowingly entering or remaining unlawfully on the right-of-way for tracks, or the storage or switching yards or rolling stock of a railroad company.

B. Pursuant to subsection A, paragraph 1 of this section, a request to leave by a law enforcement officer acting at the request of the owner of the property or any other person having lawful control over the property has the same legal effect as a request made by the property owner or other person having lawful control of the property.

C. Criminal trespass in the third degree is a class 3 misdemeanor.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 135, § 1.

CHAPTER 16

CRIMINAL DAMAGE TO PROPERTY

Section
13-1602. Criminal damage; classification.
13-1603. Criminal littering or polluting; classification.

13-1601. Definitions

In this chapter, unless the context otherwise requires:

1. “Damaging” means damage as defined in section 13-1701.

2. “Defacing” means any unnecessary act of substantially marred any surface or place, by any means, or any act of putting up, affixing, fastening, printing or painting any notice on any structure, without permission from the owner.

3. “Litter” includes any rubbish, refuse, waste material, offal, paper, glass, cans, bottles, organic or inorganic trash, debris, filthy or odoriferous objects, dead animals or any foreign substance of whatever kind or description, including junked or abandoned vehicles, whether or not any of these items are of value.

4. “Property of another” means property in which any person other than the defendant has an interest, including community property and other property in which the defendant also has an interest and, for damage caused by theft of scrap metal, the property of other persons damaged directly or indirectly as a result of the acts of the defendant.


6. “Tampering with utility property” means any of the following if committed against property that is owned or operated by a utility for the purposes of transmission or distribution:

(a) Rearranging, damaging, altering, interfering with or otherwise preventing the performance of a normal or customary function of utility property.

(b) Connecting any wire, conduit or device to any utility property without authorization.

(c) Defacing, puncturing, removing, reversing or altering any utility property.

(d) Preventing any meter from properly measuring or registering.

(e) Taking, receiving, using or converting to personal use or the use of another any utility service that has not been measured or authorized.

(f) Diverting or changing the intended course or path of the utility service without the authorization or consent of the utility.

(g) Causing, procuring, permitting, aiding or abetting any person to do any of the acts listed in this paragraph.

7. “Utility” means any enterprise, public or private, that provides gas, electric, irrigation, steam, water, water conservation, sewer or communications services, as well as any common carrier on land, rail, sea or air.

Last legislative year: 2013

Recent legislative history: Laws 2009, Ch. 144, § 1; Laws 2013, 1st Reg. Sess., Ch. 97, § 1.

13-1602. Criminal damage; classification

A. A person commits criminal damage by:

1. Recklessly defacing or damaging property of another person; or

2. Recklessly tampering with property of another person so as substantially to impair its function or value; or

3. Recklessly damaging the property of a utility.

4. Recklessly parking any vehicle in such a manner as to deprive livestock of access to the only reasonably available water.

5. Recklessly drawing or inscribing a message, slogan, sign or symbol that is made on any public or private building, structure or surface, except the ground, and that is made without permission of the owner.

6. Intentionally tampering with utility property.

B. Criminal damage is punished as follows:

1. Criminal damage is a class 4 felony if the person recklessly damages property of another in an amount of ten thousand dollars or more.

2. Criminal damage is a class 4 felony if the person reckless damages the property of a utility in an amount of five thousand dollars or more or if the person intentionally tampers with utility property and the damage causes an imminent safety hazard to any person.

3. Criminal damage is a class 5 felony if the person reckless damages property of another in an amount of two thousand dollars or more but less than ten thousand dollars.

4. Criminal damage is a class 6 felony if the person reckless damages the property of another in an amount of one thousand dollars or more but less than two thousand dollars.

5. Criminal damage is a class 1 misdemeanor if the person reckless damages property of another in an amount of more than two hundred fifty dollars but less than one thousand dollars.
6. In all other cases criminal damage is a class 2 misdemeanor.

Last legislative year: 2013

Recent legislative history: Laws 2009, Ch. 8, § 5; Laws 2009, Ch. 144, § 2; Laws 2013, 1st Reg. Sess., Ch. 97, § 2.

13-1603. Criminal littering or polluting; classification
A. A person commits criminal littering or polluting if the person without lawful authority does any of the following:
1. Throws, places, drops or permits to be dropped on public property or property of another that is not a lawful dump any litter, destructive or injurious material that the person does not immediately remove.
2. Discharges or permits to be discharged any sewage, oil products or other harmful substances into any waters or onto any shorelines within this state.
3. Dumps any earth, soil, stones, ores or minerals on any land.
B. Criminal littering or polluting is punishable as follows:
1. A class 6 felony if the act is a knowing violation of subsection A in which the amount of litter or other prohibited material or substance exceeds three hundred pounds in weight or one hundred cubic feet in volume or is done in any quantity for a commercial purpose.
2. A class 1 misdemeanor if the act is a knowing violation of subsection A, paragraph 1 in which the amount of litter or prohibited material or substance is more than one hundred pounds in weight but less than three hundred pounds in weight or more than thirty-five cubic feet in volume but less than one hundred cubic feet in volume and is not done for a commercial purpose.
3. A class 1 misdemeanor if the act is not punishable under paragraph 1 of this subsection and involves placing any destructive or injurious material on or within fifty feet of a highway, beach or shoreline of any body of water used by the public.
4. A class 2 misdemeanor if the act is not punishable under paragraph 1, 2 or 3 of this subsection.
C. If a fine is assessed for a violation of subsection A, paragraph 1 or 2, one hundred per cent of any assessed fine shall be deposited in the general fund of the county in which the fine was assessed. At least fifty per cent of the fine shall be used by the county for the purposes of illegal dumping cleanup.

Last legislative year: 2013


CHAPTER 29
OFFENSES AGAINST PUBLIC ORDER

Section 13-2927. Unlawful feeding of wildlife; classification.

13-2927. Unlawful feeding of wildlife; classification
A. A person commits unlawful feeding of wildlife by intentionally, knowingly or recklessly feeding, attracting or otherwise enticing wildlife into an area, except for:
1. Persons lawfully taking or holding wildlife pursuant to title 17 or pursuant to rules or orders of the Arizona game and fish commission.
2. Public employees or authorized agents acting within the scope of their authority for public safety or for wildlife management purposes.
3. Normal agricultural or livestock operational practices.
4. Tree squirrels or birds.
B. This section applies in a county with a population of more than two hundred eighty thousand persons.
C. Unlawful feeding of wildlife is a petty offense.

Last legislative year: 2006

Recent legislative history: Laws 2006, Ch. 238, § 3.

CHAPTER 31
WEAPONS AND EXPLOSIVES

Section 13-3107. Unlawful discharge of firearms; exceptions; classification; definitions.

13-3108. Firearms regulated by state; state preemption; violation; classification; definition.

13-3107. Unlawful discharge of firearms; exceptions; classification; definitions
A. A person who with criminal negligence discharges a firearm within or into the limits of any municipality is guilty of a class 6 felony.
B. Notwithstanding the fact that the offense involves the discharge of a deadly weapon, unless a dangerous offense is alleged and proven pursuant to section 13-704, subsection L, section 13-604 applies to this offense.
C. This section does not apply if the firearm is discharged:
1. As allowed pursuant to chapter 4 of this title.
2. On a properly supervised range.
3. To lawfully take wildlife during an open season established by the Arizona game and fish commission and subject to the limitations prescribed by title 17 and Arizona game and fish commission rules and orders. This paragraph does not prevent a city, town or county from adopting an ordinance or rule restricting the discharge of a firearm within one-fourth mile of an occupied structure. For purposes of this paragraph, “take” has the same meaning prescribed in section 17-101.
4. For the control of nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.
5. By special permit of the chief of police of the municipality.
6. As required by an animal control officer in the performance of duties as specified in section 9-499.04.
8. More than one mile from any occupied structure as defined in section 13-3101.
9. In self-defense or defense of another person against an animal attack if a reasonable person would
believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

D. For the purposes of this section:
   1. “Municipality” means any city or town and includes any property that is fully enclosed within the city or town.
   2. “Properly supervised range” means a range that is any of the following:
      a. Operated by a club affiliated with the national rifle federation of America, the amateur trapshooting association, the national skeet association or any other nationally recognized shooting organization, or by any public or private school.
      b. Approved by any agency of the federal government, this state or a county or city within which the range is located.
      c. Operated with adult supervision for shooting air or carbon dioxide gas operated guns, or for shooting in underground ranges on private or public property.

Last legislative year: 2011

Recent legislative history: Laws 2000, Ch. 119, § 1; Laws 2008, Ch. 301, § 68; Laws 2011, 1st Reg. Sess., Ch. 349, § 1.

13-3108. Firearms regulated by state; state pre-emption; violation; classification; definition

A. Except as provided in subsection G of this section, a political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition components or related accessories in this state.

B. A political subdivision of this state shall not require the licensing or registration of firearms or ammunition or any firearm or ammunition components or related accessories or prohibit the ownership, purchase, sale or transfer of firearms or ammunition or any firearm or ammunition components, or related accessories.

C. A political subdivision of this state shall not require or maintain a record in any form, whether permanent or temporary, including a list, log or database, of any of the following:

   1. Any identifying information of a person who leaves a weapon in temporary storage at any public establishment or public event, except that the operator of the establishment or the sponsor of the event may require that a person provide a government issued identification or a reasonable copy of a government issued identification for the purpose of establishing ownership of the weapon. The operator or sponsor shall store any provided identification with the weapon and shall return the identification to the person when the weapon is retrieved. The operator or sponsor shall not retain records or copies of any identification provided pursuant to this paragraph after the weapon is retrieved.

   2. Except in the course of a law enforcement investigation, any identifying information of a person who owns, possesses, purchases, sells or transfers a firearm.

   3. The description, including the serial number, of a weapon that is left in temporary storage at any public establishment or public event.

D. A political subdivision of this state shall not enact any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater than any state law penalty. A political subdivision’s rule or ordinance that relates to firearms and that is inconsistent with or more restrictive than state law, whether enacted before or after July 29, 2010, is null and void.

E. A political subdivision of this state shall not enact any ordinance, rule or regulation limiting the lawful taking of wildlife during an open season established by the Arizona game and fish commission unless the ordinance, rule or regulation is consistent with title 17 and rules and orders adopted by the Arizona game and fish commission. This subsection does not prevent a political subdivision from enacting an ordinance or rule restricting the discharge of a firearm within one-fourth mile of an occupied structure. For the purposes of this subsection, “take” has the same meaning prescribed in section 17-101.

F. This state, any agency or political subdivision of this state and any law enforcement agency in this state shall not facilitate the destruction of a firearm or purchase or otherwise acquire a firearm for the purpose of destroying the firearm except as authorized by section 13-3105 or 17-240.

G. This section does not prohibit a political subdivision of this state from enacting and enforcing any ordinance or rule pursuant to state law or relating to any of the following:

   1. Imposing any privilege or use tax on the retail sale, lease or rental of, or the gross proceeds or gross income from the sale, lease or rental of, firearms or ammunition or any firearm or ammunition components at a rate that applies generally to other items of tangible personal property.

   2. Prohibiting a minor who is unaccompanied by a parent, grandparent or guardian from knowingly possessing or carrying on the minor’s person, within the minor’s immediate control or in or on a means of transportation a firearm in any place that is open to the public or on any street or highway or on any private property except private property that is owned or leased by the minor or the minor’s parent, grandparent or guardian. Any ordinance or rule that is adopted pursuant to this paragraph shall not apply to a minor who is fourteen, fifteen, sixteen or seventeen years of age and who is engaged in any of the following:

      a. Lawful hunting or shooting events or marksman-ship practice at established ranges or other areas where the discharge of a firearm is not prohibited.

      b. Lawful transportation of an unloaded firearm for the purpose of lawful hunting.

      c. Lawful transportation of an unloaded firearm for the purpose of attending shooting events or marksman-ship practice at established ranges or other areas where the discharge of a firearm is not prohibited.
(d) Any activity that is related to the production of crops, livestock, poultry, livestock products, poultry products or ratites or storage of agricultural commodities.

3. The regulation of land and structures, including a business relating to firearms or ammunition or their components or a shooting range in the same manner as other commercial businesses. Notwithstanding any other law, this paragraph does not authorize a political subdivision to regulate the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is different than or inconsistent with state law. For the purposes of this paragraph, a use permit or other contract that provides for the use of property owned, leased, operated or controlled by a political subdivision shall not be considered a sale, conveyance or disposition of property.

4. Regulating employees or independent contractors of the political subdivision who are acting within the course and scope of their employment or contract.

5. Limiting or prohibiting the discharge of firearms in parks and preserves except:
   (a) As allowed pursuant to chapter 4 of this title.
   (b) On a properly supervised range as defined in section 13-3107.

   (c) In an area approved as a hunting area by the Arizona game and fish department. Any such area may be closed when deemed unsafe by the director of the Arizona game and fish department.

   (d) To control nuisance wildlife by permit from the Arizona game and fish department or the United States fish and wildlife service.

   (e) By special permit of the chief law enforcement officer of the political subdivision.

   (f) As required by an animal control officer in performing duties specified in section 9-499.04 and title 11, chapter 7, article 6.

   (g) In self-defense or defense of another person against an animal attack if a reasonable person would believe that deadly physical force against the animal is immediately necessary and reasonable under the circumstances to protect oneself or the other person.

   H. A violation of any ordinance established pursuant to subsection G, paragraph 5 of this section is a class 2 misdemeanor unless the political subdivision designates a lesser classification by ordinance.

   I. For the purposes of this section, “political subdivision” includes a political subdivision acting in any capacity, including under police power, in a proprietary capacity or otherwise.

Last legislative year: 2013

Recent legislative history: Laws 2000, Ch. 376, § 2; Laws 2003, Ch. 162, § 1; Laws 2010, 2nd Reg. Sess., Ch. 19, § 1; Laws 2010, 2nd Reg. Sess., Ch. 327, § 2; Laws 2011, 1st Reg. Sess., Ch. 349, § 2; Laws 2013, 1st Reg. Sess., Ch. 141, § 1; Laws 2013, 1st Reg. Sess., Ch. 145, § 6.

CHAPTER 37
MISCELLANEOUS OFFENSES

Section 13-3702. Defacing or damaging petroglyphs, pictographs, caves or caverns; classification.

13-3702. Defacing or damaging petroglyphs, pictographs, caves or caverns; classification

A. A person commits defacing or damaging petroglyphs, pictographs, caves or caverns if such person knowingly, without the prior written permission of the owner:

1. Breaks, breaks off, cracks, carves upon, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, removes, displaces, mars or harms petroglyphs, pictographs or any natural material found in any cave or cavern; or

2. Kills, harms or disturbs plant or animal life found in any cave or cavern, except for safety reasons; or

3. Disturbs or alters the natural condition of such petroglyph, pictograph, cave or cavern or takes into a cave or cavern any aerosol or other type of container containing paints, dyes or other coloring agents; or

4. Breaks, forces, tampers with, removes or otherwise disturbs a lock, gate, door or other structure or obstruction designed to prevent entrance to a cave or cavern whether or not entrance is gained.

B. As used in this section, “natural material” means stalactites, stalagmites, helictites, anthodites, gypsum flowers or needles, flowstone, draperies, columns, tufa dams, clay or mud formations or concretions or other similar crystalline mineral formations found in any cave or cavern.

C. Defacing or damaging petroglyphs, pictographs, caves or caverns is a class 2 misdemeanor.

Last legislative year: 1977

13-3702.01. Excavating certain sites; collecting certain specimens; classification

A. A person who knowingly excavates in violation of section 41-841, subsection A without obtaining a permit as required under section 41-842 is guilty of a class 5 felony. A second or subsequent violation under this subsection is a class 3 felony.

B. A person who knowingly collects any archaeological specimen in violation of section 41-841, subsection B, is guilty of a class 1 misdemeanor.

Last legislative year: 1981

TITLE 17
GAME AND FISH

Ch. Art. Section
1. GENERAL PROVISIONS 17-101
   1. Definitions and Authority of the State
2. GAME AND FISH DEPARTMENT AND GAME AND FISH COMMISSION 17-201
   1. Membership
   2. Director and Employees
   3. Powers and Duties
   3.1. Aquatic Invasive Species
implement used for taking wildlife. Device does not include a raptor or any equipment used in the sport of falconry.

7. “Domicile” means a person’s true, fixed and permanent home and principal residence. Proof of domicile in this state may be shown as prescribed by rule by the commission.

8. “Falconry” means the sport of hunting or taking quarry with a trained raptor.

9. “Fishing” means to lure, attract or pursue aquatic wildlife in such a manner that the wildlife may be captured or killed.

10. “Fur dealer” means any person engaged in the business of buying for resale the raw pelts or furs of wild mammals.

11. “Guide” means a person who does any of the following:
   (a) Advertises for guiding services.
   (b) Holds himself out to the public for hire as a guide.
   (c) Is employed by a commercial enterprise as a guide.
   (d) Accepts compensation in any form commensurate with the market value in this state for guiding services in exchange for aiding, assisting, directing, leading or instructing a person in the field to locate and take wildlife.
   (e) Is not a landowner or lessee who, without full fair market compensation, allows access to the landowner’s or lessee’s property and directs and advises a person in taking wildlife.

12. “License classification” means a type of license, permit, tag or stamp authorized under this title and prescribed by the commission by rule to take, handle or possess wildlife.

13. “License year” means the twelve month period between January 1 and December 31, inclusive, or a different twelve-month period as prescribed by the commission by rule.

14. “Nonresident”, for the purposes of applying for a license, permit, tag or stamp, means a citizen of the United States or an alien who is not a resident.

15. “Open season” means the time during which wildlife may be lawfully taken.

16. “Possession limit” means the maximum limit, in number or amount of wildlife, that may be possessed at one time by any one person.

17. “Resident”, for the purposes of applying for a license, permit, tag or stamp, means a person who is:
   (a) A member of the armed forces of the United States on active duty and who is stationed in:
   (i) This state for a period of thirty days immediately preceding the date of applying for a license, permit, tag or stamp.
   (ii) Another state or country but who lists this state as the person’s home of record at the time of applying for a license, permit, tag or stamp.
   (b) Domiciled in this state for six months immediately preceding the date of applying for a license, permit, tag or stamp and who does not claim residency privileges for any purpose in any other state or jurisdiction.

18. “Road” means any maintained right-of-way for public conveyance.
19. “Statewide” means all lands except those areas lying within the boundaries of state and federal refuges, parks and monuments, unless specifically provided differently by commission order.

20. “Take” means pursuing, shooting, hunting, fishing, trapping, killing, capturing, snaring or netting wildlife or the placing or using of any net or other device or trap in a manner that may result in the capturing or killing of wildlife.

21. “Taxidermist” means any person who engages for hire in the mounting, refurbishing, maintaining, restoring or preserving of any display specimen.

22. “Traps” or “trapping” means taking wildlife in any manner except with a gun or other implement in hand.

23. “Wild” means, in reference to mammals and birds, those species that are normally found in a state of nature.

24. “Wildlife” means all wild mammals, wild birds and the nests or eggs thereof, reptiles, amphibians, mollusks, crustaceans and fish, including their eggs or spawn.

25. “Youth” means a person who is under eighteen years of age.

26. “Zoo” means a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes.

B. The following definitions of wildlife shall apply:

1. Aquatic wildlife are all fish, amphibians, mollusks, crustaceans and soft-shelled turtles.

2. Game mammals are deer, elk, bear, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), mountain lion, tree squirrel and cottontail rabbit.

3. Big game are wild turkey, deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo), peccary (javelina), bear and mountain lion.

4. “Trophy” means:
   (a) A mule deer buck with at least four points on one antler, not including the eye-guard point.
   (b) A whitetail deer buck with at least three points on one antler, not including the eye-guard point.
   (c) A bull elk with at least six points on one antler, including the eye-guard point and the brow tine point.
   (d) A pronghorn (antelope) buck with at least one horn exceeding or equal to fourteen inches in total length.
   (e) Any bighorn sheep.
   (f) Any bison (buffalo).

5. Small game are cottontail rabbits, tree squirrels, upland game birds and migratory game birds.

6. Fur-bearing animals are muskrats, raccoons, otters, weasels, bobcats, beavers, badgers and ringtail cats.

7. Predatory animals are foxes, skunks, coyotes and bobcats.

8. Nongame animals are all wildlife except game mammals, game birds, fur-bearing animals, predatory animals and aquatic wildlife.

9. Upland game birds are quail, partridge, grouse and pheasants.

10. Migratory game birds are wild waterfowl, including ducks, geese and swans; sandhill cranes; all coots, all gallinules, common snipe, wild doves and bandtail pigeons.

11. Nongame birds are all birds except upland game birds and migratory game birds.

12. Raptors are birds that are members of the order of falconiformes or strigiformes and include falcons, hawks, owls, eagles and other birds that the commission may classify as raptors.

13. Game fish are trout of all species, bass of all species, catfish of all species, sunfish of all species, northern pike, walleye and yellow perch.

14. Nongame fish are all the species of fish except game fish.

15. Trout means all species of the family salmonidae, including grayling.

Last legislative year: 2013


17-102. Wildlife as state property; exceptions

Wildlife, both resident and migratory, native or introduced, found in this state, except fish and bullfrogs impounded in private ponds or tanks or wildlife and birds reared or held in captivity under permit or license from the commission, are property of the state and may be taken at such times, in such places, in such manner and with such devices as provided by law or rule of the commission.

Last legislative year: 1998

17-103. Duties of county attorneys

Each county attorney shall prosecute and defend on behalf of the state, in all courts of the county, all actions, criminal or civil, arising under this title in which the state, commission member, or department employee is a party thereof.

Last legislative year: 1958

17-104. Duties of peace officers as special game rangers

All county, city and town peace officers are ex officio special game rangers and are required to carry out the duties of this title.

Last legislative year: 1958

17-105. Immunity of witnesses

No person called upon by the state to testify as a witness in any action brought under this title shall be excused or exempted from so testifying or from producing documentary evidence on the ground that the testimony or evidence might incriminate him, but the person shall not thereafter be prosecuted for an offense concerning which he is called upon to give such testimony or evidence.

Last legislative year: 1958
CHAPTER 2
GAME AND FISH DEPARTMENT AND GAME AND FISH COMMISSION

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Section
17-201. Game and fish department and game and fish commission members; appointment; removal; meetings.

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17-211. Director; selection; removal; powers and duties; employees.
17-212. Director's seal; authentication of records.
17-213. Prohibition on political activity.
17-214. Arizona game and fish department reserve; members; powers and duties; compensation.
17-215. Fingerprint clearance card; employees; volunteers.

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17-299. Arizona wildlife conservation fund.
ARTICLE 1. MEMBERSHIP

17-201. Game and fish department and game and fish commission members; appointment; removal; meetings

A. The laws of the state relating to wildlife shall be administered by the game and fish department. Control of the department is vested in the game and fish commission. The commission shall consist of five members, appointed by the governor pursuant to section 38-211. Not more than three members shall be members of the same political party, and no two members may be residents of the same county. Members shall be well informed on the subject of wildlife and requirements for its conservation. Appointments shall be for a term of five years and shall expire on the third Monday in January of the appropriate year.

B. The governor may, after public hearing, remove a member for inefficiency, neglect of duty or misconduct in office. Upon removal of a member the governor shall file in the office of the secretary of state a complete statement of all charges made against the members and his findings thereon, together with a complete record of the proceedings.

C. Each member of the commission while attending general or specific meetings of the commission or while performing official duties for the commission shall receive compensation as determined pursuant to section 38-611. A commission member who is otherwise employed as a public officer shall not receive such payment if it is prohibited by law. Compensation and expenses shall be paid monthly from the game and fish fund.

D. The commission shall have its principal office at the state capitol but meetings may be held at any time or place within the state. The commission shall meet at least once quarterly. Meetings may be held at the call of the chairman or majority of the commission. A majority of the commission shall constitute a quorum to transact business.

Last legislative year: 1972

17-202. Arizona game and fish commission appointment recommendation board

A. The Arizona game and fish commission appointment recommendation board is established consisting of members appointed by the governor pursuant to this section and section 38-211. The board shall consist of one person who has been a resident of this state for at least five years from each of the following qualifying groups:

1. One member designated by the board of directors of an organization that is qualified pursuant to section 501(c)(3) or 501(c)(4) of the internal revenue code, whose membership consists of a significant cross-section of wildlife conservation and sportsmen organizations from throughout the state, that does not have an affiliation or charter with a national wildlife conservation or sportsmen’s organization and that has been in existence for at least five years.

2. One member designated by the board of directors of an organization that is qualified pursuant to section 501(c)(3) or 501(c)(4) of the internal revenue code whose articles of incorporation or bylaws stipulate that the mission or purpose of the organization is to increase, sustain or otherwise conserve wild turkey, deer, elk, pronghorn (antelope), bighorn sheep, ducks, quail or fish and that has been in existence for at least five years.

3. One member designated by the board of directors of an organization that is qualified pursuant to section 501(c)(3) or 501(c)(4) of the internal revenue code whose articles of incorporation or bylaws define it as a sportsman’s organization whose membership is primarily confined to a specific geographic area or region of the state or an organization described in paragraph 2 of this subsection or is a chapter or affiliate of a national sportsman’s conservation or shooting organization and that has been in existence for at least five years.

4. One member designated by the board of directors of an organization that is qualified pursuant to section 501(c)(3) or 501(c)(4) of the internal revenue code that is statewide, whose membership is comprised of cattlemen or ranchers and that has been in existence for at least five years.

5. One member of the general public or one member of a nongame organization that is qualified pursuant to section 501(c)(3) or 501(c)(4) of the internal revenue code.

B. Except as otherwise provided by law, members of the board serve five year terms of office. A board member must maintain continuous membership in the organization the member represented when appointed during the entire term of office. The governor may remove a member of the board for inefficiency, conflict of interest, neglect of duty or misconduct in office and replace the member with an individual from the same organization represented by the former member. If a board member dies, resigns or is removed from office, the governor shall appoint an individual to fill the vacancy within thirty days from the same organization represented by the former member.

C. Three members of the board constitute a quorum. Meetings of the board shall be held at the Arizona game and fish department main office or at a regional office as determined by the board. The department shall issue a public notice at least one week before the meeting.

D. Members of the board are not eligible for compensation for their services or reimbursement of expenses.

E. The board shall assist the governor by interviewing, evaluating and recommending candidates to fill vacancies on the Arizona game and fish commission as follows:

1. After the governor’s call for applications for an open position on the commission and the application period is closed, the governor shall deliver a final list of the applicants to the board within five days after the close of the application period. The board shall review the list of applicants and the application submitted by each applicant and proceed to interview, evaluate and recommend candidates as provided by this subsection.

2. If the board is considering candidates to fill the office of a commission member whose designated term is about to expire:

(a) On or before November 15 of each year, the board shall host a public forum to interview the commission candidates. The department shall issue a notice of the
public forum at least five days before the scheduled date of the forum.

(b) On or before November 25, the board shall recommend at least two, but no more than five, candidates from the governor’s final list of candidates.

(c) The governor must select and appoint a commissioner from the list submitted by the board.

3. If the board is considering candidates for a vacancy resulting from a commission member’s death, resignation or removal from office:

(a) Not later than two weeks after receipt of the final list of commission candidates from the governor, the board shall host a public forum to interview the candidates. The department shall issue a notice of the public forum at least five days before the scheduled date of the forum.

(b) Within one week after the public forum, the board shall recommend at least two, but no more than five, candidates from the governor’s final list of candidates.

(c) The governor must select and appoint a commissioner from the list submitted by the board.

F. The board shall assist the governor to identify commission applicants.

Last legislative year: 2011


ARTICLE 2. DIRECTOR AND EMPLOYEES

17-211. Director; selection; removal; powers and duties; employees

A. The commission shall appoint a director of the Arizona game and fish department, who shall be the chief administrative officer of the game and fish department. The director shall receive compensation as determined pursuant to section 38-611. The director shall be selected on the basis of administrative ability and general knowledge of wildlife management. The director shall act as secretary to the commission, and shall serve at the pleasure of the commission. The director shall not hold any other office, and shall devote the entire time to the duties of office.

B. The commission shall prepare an examination for the post of director to comply with the requirements of this title. The examination shall be conducted at the offices of the commission at the capital to establish an active list of eligible applicants. The director shall be selected from those scoring satisfactory grades and having other qualities deemed advisable by the commission. The commission may call for additional examinations from time to time for selection of a new list of eligible applicants to fill a vacancy.

C. Subject to title 41, chapter 4, article 4, the director may appoint employees necessary to carry out the purposes of this title, when funds for the payment of their salaries are appropriated. Department employees shall be located in different sections of the state where their services are most needed. Compensation for persons appointed shall be as determined pursuant to section 38-611.

D. The director shall:

1. Have general supervision and control of all activities, functions and employees of the department.

2. Enforce all provisions of this title, including all commission rules.

3. Collaborate with the state forester in presentations to legislative committees on issues associated with forest management and wildfire prevention and suppression as provided by section 37-622, subsection B.

4. Inspect all wildlife taken or possessed in violation of law and seize all wildlife taken or possessed in violation of law, or showing evidence of illegal taking.

5. Seize as evidence devices used illegally in taking wildlife and hold them subject to the provisions of section 17-240.

6. Generally exercise the powers of peace officers with primary duties the enforcement of this title.

7. Seize devices that cannot be lawfully used for the taking of wildlife and are being so used and hold and dispose of them pursuant to section 17-240.

Last legislative year: 2012

Recent legislative history: Laws 2003, Ch. 245, § 1; Laws 2012, 2nd Reg. Sess., Ch. 321, § 22.

17-212. Director’s seal; authentication of records

A. The director shall adopt a seal of office which shall be used to authenticate records and copies of records required by law to be made and kept by the department.

B. The director and any department employees the director designates in writing may use the seal to authenticate records and copies of records.

C. Authenticated records or authenticated copies of records shall be received in evidence without further proof of their authenticity.

Last legislative year: 1977

17-213. Prohibition on political activity

Neither the director nor any employee of the department shall take active part in a political campaign nor use his office to influence in any way an election or the results thereof. Failure to abide by the provisions of this section shall constitute grounds for dismissal of the director or any employee.

Last legislative year: 1958

17-214. Arizona game and fish department reserve; members; powers and duties; compensation

A. The commission may establish a volunteer organization known as the Arizona game and fish depart-
ment reserve and prescribe the qualifications for membership. Members of the reserve serve at the pleasure of the director who has general supervision and control of all reserve activities.

B. The reserve shall assist the department as an auxiliary body and perform such duties in the areas of education, conservation and enforcement as the commission prescribes by rule or regulation. The director may designate qualified reservists as peace officers in the same manner and with the same powers as game wardens and wildlife managers. Such reservists are not entitled to participate in the public safety personnel retirement system pursuant to title 38, chapter 5, article 4.

C. Members of the reserve are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2. Members of the reserve are deemed to be employees of this state for the purpose of coverage under Arizona workers’ compensation pursuant to title 23, chapter 6.

**Last legislative year: 1984**

**17-215. Fingerprint clearance card; employees; volunteers**

Each employee and volunteer who has contact with children or vulnerable adults as part of their regular duties must have a valid fingerprint clearance card issued pursuant to section 41-1758.07 or provide the department documentation of the person’s application for a fingerprint clearance card.

**Last legislative year: 2011**

**Recent legislative history:** Laws 2011, 1st Reg. Sess., Ch. 113, § 1.

**ARTICLE 3. POWERS AND DUTIES**

**17-231. General powers and duties of the commission**

A. The commission shall:

1. Adopt rules and establish services it deems necessary to carry out the provisions and purposes of this title.

2. Establish broad policies and long range programs for the management, preservation and harvest of wildlife.

3. Establish hunting, trapping and fishing rules and prescribe the manner and methods that may be used in taking wildlife, but the commission shall not limit or restrict the magazine capacity of any authorized firearm.

4. Be responsible for the enforcement of laws for the protection of wildlife.

5. Provide for the assembling and distribution of information to the public relating to wildlife and activities of the department.

6. Prescribe rules for the expenditure, by or under the control of the director, of all funds arising from appropriation, licenses, gifts or other sources.

7. Exercise such powers and duties necessary to carry out fully the provisions of this title and in general exercise powers and duties that relate to adopting and carrying out policies of the department and control of its financial affairs.

8. Prescribe procedures for use of department personnel, facilities, equipment, supplies and other resources in assisting search or rescue operations on request of the director of the division of emergency management.

9. Cooperate with the Arizona Mexico commission in the governor’s office and with researchers at universities in this state to collect data and conduct projects in the United States and Mexico on issues that are within the scope of the department’s duties and that relate to quality of life, trade and economic development in this state in a manner that will help the Arizona Mexico commission to assess and enhance the economic competitiveness of this state and of the Arizona Mexico region.

B. The commission may:

1. Conduct investigations, inquiries or hearings in the performance of its powers and duties.

2. Establish game management units or refuges for the preservation and management of wildlife.

3. Construct and operate game farms, fish hatcheries, fishing lakes or other facilities for or relating to the preservation or propagation of wildlife.

4. Expend funds to provide training in the safe handling and use of firearms and safe hunting practices.

5. Remove or permit to be removed from public or private waters fish which hinder or prevent propagation of game or food fish and dispose of such fish in such manner as it may designate.

6. Purchase, sell or barter wildlife for the purpose of stocking public or private lands and waters and take at any time in any manner wildlife for research, propagation and restocking purposes or for use at a game farm or fish hatchery and declare wildlife salable when in the public interest or the interest of conservation.

7. Enter into agreements with the federal government, with other states or political subdivisions of the state and with private organizations for the construction and operation of facilities and for management studies, measures or procedures for or relating to the preservation and propagation of wildlife and expend funds for carrying out such agreements.

8. Prescribe rules for the sale, trade, importation, exportation or possession of wildlife.

9. Expend monies for the purpose of producing publications relating to wildlife and activities of the department for sale to the public and establish the price to be paid for annual subscriptions and single copies of such publications. All monies received from the sale of such publications shall be deposited in the game and fish publications revolving fund.

10. Contract with any person or entity to design and produce artwork on terms that, in the commission’s judgment, will produce an original and valuable work of art relating to wildlife or wildlife habitat.

11. Sell or distribute the artwork authorized under paragraph 10 of this subsection on such terms and for such price as it deems acceptable.

12. Consider the adverse and beneficial short term and long term economic impacts on resource dependent communities, small businesses and the state of Arizona, of policies and programs for the management, preservation and harvest of wildlife by holding a public
hearing to receive and consider written comments and public testimony from interested persons.

13. Adopt rules relating to range operations at public shooting ranges operated by and under the jurisdiction of the commission, including the hours of operation, the fees for the use of the range, the regulation of groups and events, the operation of related range facilities, the type of firearms and ammunition that may be used at the range, the safe handling of firearms at the range, the required safety equipment for a person using the range, the sale of firearms, ammunition and shooting supplies at the range, and the authority of range officers to enforce these rules, to remove violators from the premises and to refuse entry for repeat violations.

14. Solicit and accept grants, gifts or donations of money or other property from any source, which may be used for any purpose consistent with this title.

C. The commission shall confer and coordinate with the director of water resources with respect to the commission's activities, plans and negotiations relating to water development and use, restoration projects under the restoration acts pursuant to chapter 4, article 1 of this title, where water development and use are involved, the abatement of pollution injurious to wildlife and in the formulation of fish and wildlife aspects of the director of water resources' plans to develop and utilize water resources of the state and shall have jurisdiction over fish and wildlife resources and fish and wildlife activities of projects constructed for the state under or pursuant to the jurisdiction of the director of water resources.

D. The commission may enter into one or more agreements with a multi county water conservation district and other parties for participation in the lower Colorado river multispecies conservation program under section 48 3713.03, including the collection and payment of any monies authorized by law for the purposes of the lower Colorado river multispecies conservation program.

Last legislative year: 2012


17-232. Agreements with other states for reciprocal use of licenses

The commission, subject to the approval of the governor and the attorney general, is authorized to enter into reciprocal agreements with corresponding state or county agencies of adjoining states pertaining to the establishment of a basis whereby licenses or permits issued by either of the parties may be used by the licensees within the jurisdiction of either party to the agreement.

Last legislative year: 1958

17-233. Acquisition and disposition of buffalo and buffalo meat

The commission may purchase, sell, barter, or give away buffalo or buffalo meat provided the same may be given only to public institutions or charitable institutions and monies derived therefrom shall be deposited in the game and fish fund.

Last legislative year: 1958

17-234. Open or closed seasons; bag limits; possession limits

The commission shall by order open, close or alter seasons and establish bag and possession limits for wildlife, but a commission order to open a season shall be issued not less than ten days prior to such opening date. The order may apply statewide or to any portion of the state. Closed season shall be in effect unless opened by commission order.

Last legislative year: 1958

17-235. Migratory birds

The commission shall prescribe seasons, bag limits, possession limits and other regulations pertaining to taking migratory birds in accordance with the migratory bird treaty act and regulations issued thereunder, but the commission may shorten or modify seasons, bag and possession limits and other regulations on migratory birds as it deems necessary.

Last legislative year: 1958

17-236. Taking birds; possession of raptors

A. It is unlawful to take or injure any bird or harass any bird upon its nest, or remove the nests or eggs of any bird, except as may occur in normal horticultural and agricultural practices and except as authorized by commission order. Nothing in this title shall be construed to prohibit the taking of such birds for scientific purposes under permits issued by the commission.

B. The commission shall issue licenses to permit the possession and transportation of raptors for sport falconry consistent with the requirements of the migratory bird treaty act (40 Stat. 755; 16 United States Code sections 703 through 711) and the endangered species act of 1973 (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531 through 1544).

C. A person who has qualified to become a class II, general, or class III, master, falconer, as provided by commission rule, may possess, transport and use for sport falconry purposes, raptors not listed in the migratory bird treaty act (40 Stat. 755; 16 United States Code sections 703 through 711) without possessing a sport falconry license.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 217, § 1.

17-237. Pollution of waters

The commission is authorized to bring suit in the name of the state against any person, corporation, or government agency, to restrain or enjoin the person, corporation, or government agency from discharging or dumping into a stream or body of water in the state any deleterious substance which is injurious to wildlife.

Last legislative year: 1958

17-238. Special licenses for field trials, for shooting preserves and for collecting or holding wildlife in captivity

A. The commission may adopt rules and regulations
and issue licenses for the conduct of field trials, shooting preserves, private wildlife farms and zoos, or for the personal use and possession of wildlife so as to safeguard the interests of the wildlife and people of the state.

B. The commission, at its discretion and under such regulations as it deems necessary, may issue a permit to take wildlife for scientific purposes to any person or duly accredited representative of public educational or scientific institutions, or governmental departments of the United States engaged in the scientific study of wildlife.

C. A person holding a permit issued pursuant to this section may, upon advance approval by the commission, buy, sell and transport wildlife legally possessed. Each person receiving a permit under this section shall file with the department within fifteen days after requested by the department a report of his activities under the permit. The commission may revoke such licenses or permits for noncompliance with regulations.

Last legislative year: 1986

17-239. Wildlife depredations; investigations; corrective measures; disposal; reports; judicial review

A. Any person suffering property damage from wildlife may exercise all reasonable measures to alleviate the damage, except that reasonable measures shall not include injuring or killing game mammals, game birds or wildlife protected by federal law or regulation unless authorized under subsection D of this section. A person may not retain or sell any portion of an animal taken pursuant to this subsection except as provided in section 3-2403.

B. Any person suffering such property damage, after resorting to the relief as is provided in subsection A of this section, may file a written report with the director, advising the director of the damage suffered, and the species of animals causing the damage, and the director shall immediately order an investigation and report by an employee trained in the handling of wild animal depredation.

C. The department shall provide technical advice and assist in the necessary anti-depredation measures recommended in the report, including trapping, capturing and relocating animals.

D. If harvest of animals is found to be necessary to relieve damage, the commission may establish special seasons or special bag limits, and either set reduced fees or waive any or all license fees required by this title, to crop that wildlife. If the commission determines that this cropping by hunters is impractical, it may issue a special permit for taking that wildlife to the landowner, lessee, livestock operator or municipality suffering damage, provided that the edible portions, or other portions as prescribed by the commission, of all the wildlife taken by the person suffering damage are turned over to an agent of the department for delivery to a public institution or charitable organization.

E. Except as provided in section 41-1092.08, subsection H, in the event any person suffering property damage from wildlife is dissatisfied with the final decision of the commission, the person may seek judicial review pursuant to title 12, chapter 7, article 6.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 113, § 41.

17-240. Disposition of wildlife; devices; unlawful devices; notice of intention to destroy; waiting period; destruction; jurisdiction of recovery actions; disposition of unclaimed property

A. Wildlife seized under this title may be disposed of in such manner as the commission or the court may prescribe, except that the edible portions shall be given to public institutions or charitable organizations. In consultation with the department of health services and the chief veterinary meat inspector, the commission shall adopt rules for the handling, transportation, processing and storing of game meat given to public institutions and charitable organizations.

B. Devices, excepting firearms, which cannot be used lawfully for the taking of wildlife and being so used at the time seized may be destroyed. Notice of intention to destroy such devices as prescribed in this section must be sent by registered mail to the last known address of the person from whom seized if known and posted in three conspicuous places within the county wherein seized, two of said notices being posted in the customary place for posting public notices about the county courthouse of said county. Such device shall be held by the department for thirty days after such posting and mailing, and if no action is commenced to recover possession of such device within such time, the same shall be summarily destroyed by the department, or if such device shall be held by the court in any such action to have been used for the taking of wildlife, then such device shall be summarily destroyed by the department immediately after the decision of the court has become final. The justice court shall have jurisdiction of any such actions or proceedings commenced to recover the possession of such devices.

C. Devices other than those referred to in subsection B, including firearms seized under this title shall, after final disposition of the case, be returned to the person from whom the device was seized. If the person from whom the device was seized cannot be located or ascertained, the device seized shall be retained by the department at least ninety days after final disposition of the case, and all devices so held by the department may be:

1. Sold annually.
2. Destroyed only if considered a prohibited or defaced weapon, as defined in section 13-3101, except that any seized firearm registered in the national firearms registry and transfer records of the United States treasury department or has been classified as a curio or relic by the United States treasury department shall not be destroyed.
3. If no complaint is filed pursuant to this title, the device shall be returned to the person from whom seized within thirty days from the date seized.
4. A complete report of all wildlife and devices seized by the department showing a description of the items, the person from whom it was seized, if known, and a record of the disposition shall be kept by the depart-
ment. The money derived from the sale of any devices shall be deposited in the game and fish fund.

**Last legislative year:** 1998

### 17-241. Acquisition and disposition of lands and waters; retention of rights; disposition of proceeds

**A.** The commission, in the name of the state, with the approval of the governor may:

1. Acquire by purchase, lease, exchange, gift or condemnation lands for use as fish hatcheries, game farms, firing ranges, reservoir sites or rights of way to fishing waters.

2. Acquire by purchase, lease, exchange or gift lands or waters for use as fish hatcheries, game farms, shooting areas, firing ranges or other purposes necessary to carry out the provisions of this title.

3. Acquire by condemnation waters for use as fish hatcheries. The acquisition of land acquired by condemnation shall be limited to a maximum of one hundred sixty acres unless first approved by the legislature.

**B.** The commission may, with approval of the governor and state land commissioner, lease, sublease, exchange, or sell, in the name of the state, any land acquired by gift, purchase, lease, exchange, or other method.

**C.** Notwithstanding any other provision of law, the sale or transfer of any lands under the provisions of this section shall be subject to a reservation to the state of all mineral rights and may be subject to the right of entry thereon by the public for hunting and fishing purposes.

**D.** Money derived from a sale or lease shall be deposited in the game and fish fund.

**Last legislative year:** 1958

### 17-242. Guaranteeing irrigation district assessment; sale of land located within federal reclamation projects and irrigation districts

**A.** The commission, by and with the approval of the governor and state land commissioner, may make contracts with irrigation districts in the name of the state to guarantee the payment of and to pay to the irrigation district the full amount of district assessments or charges against land owned by the game and fish commission located within a federal reclamation project, or an irrigation district which is served wholly or in part by such federal reclamation project, at any time such assessments or charges become delinquent.

**B.** If the commission sells any of the land referred to in subsection A, it shall require at least one-fourth of the sale price to be paid at the time of sale and the balance payable in not less than twenty years. The contract of sale or other document of sale shall require that the purchaser pay such irrigation district assessments or charges before delinquency; and that failure to do so shall constitute a breach of the terms of sale. If a purchaser defaults in the payment of such irrigation district assessments or charges and the interest of the purchaser in such land is terminated, the subsequent purchaser shall pay to the commission as reimbursement the full amount of delinquent assessments due upon such land.

**C.** The contract or other document of sale shall also require that if the purchaser defaults upon any term or condition of the sale and does not remedy the default within six months, the irrigation district may perform or remedy the default of the purchaser. When the irrigation district cures the default in the terms of sale, the interest of the purchaser shall be cancelled and his interest in such land shall be transferred to the irrigation district subject to the contract of sale.

**D.** Nothing in this section shall be construed as creating any lien upon state lands or against the interest of the state therein, or as creating any obligation of the state to pay any charges, assessments or debts incurred by any districts other than those described in this section.

**Last legislative year:** 1958

### 17-243. Sale of surplus products of federal aid projects; disposition of proceeds

The commission may sell surplus products of federal aid wildlife projects. The proceeds of such sale shall be placed in a special game and fish fund to be known as the federal aid wildlife projects maintenance fund and may be used by the commission for maintenance of federal aid projects wherever located in the state.

**Last legislative year:** 1958

### 17-244. Bulletin; refuge signboards; posted lands

**A.** A hunting and fishing bulletin shall be available through all license dealers and at such places as the commission may designate.

**B.** Notices or signboards shall be of a size not less than eight by eleven inches and as many of the notices or signboards shall be posted as the commission determines necessary to give public notice of the location of the boundaries of the closed area. The notices or signboards shall be removed immediately upon the reopening of such closed area.

**Last legislative year:** 1958

### 17-245. Training courses

The commission may:

1. Offer training courses on a voluntary basis to all persons as prescribed by rule.

2. Require any person whose hunting, fishing or guide license has been revoked or suspended to show a certificate of completion of a training course as a condition to issuance or renewal of a hunting, fishing or guide license.

**Last legislative year:** 2008

**Recent legislative history:** Laws 2008, Ch. 37, § 3.

### 17-246. Ground leases; installment purchase of facilities

**A.** In this section and section 17-247, "game and fish facilities" has the same meaning as prescribed in section 17-281.

**B.** For the purpose of acquiring and financing game and fish facilities and with the approval of the joint legislative budget committee the commission may:

1. Enter into leases, as lessor, of land held by the department or the commission, including land held in
fee, in the name of this state, by institutional lease from the state land department or by permit from the federal government, if a game and fish facility is to be built, renovated or improved on the land and sold to the department under an installment purchase agreement.

2. Enter into installment purchase agreements pursuant to section 17-247 for the purpose of acquiring a game and fish facility.

3. Contract that any game and fish facility to be purchased is deemed to be personal property notwithstanding the fact that the facility is permanently attached to the land.

Last legislative year: 1984

17-247. Terms of agreements

Installment purchase agreements entered into under section 17-246:

1. Shall include an interest component in the payments to be made pursuant to the agreement.

2. May provide for annual, monthly or other payment periods.

3. May provide that payments be made in advance, at the start of each payment period.

4. May provide for the inception of payments before the construction, renovation or improvement of the game and fish facility being acquired.

5. May permit the sale of certificates of participation or other representations of interest in some or all of the seller's rights under the installment purchase agreement and the assignment of some or all of the seller's rights under the installment purchase agreement to a trustee on behalf of the seller and the holders of the certificates or other representations of interests. The agreements and the certificates or other representations of interest, their transfer and the income from them are free from taxation in this state and are exempt from title 44, chapter 12.

6. Shall provide that all right, title and interest in and to the game and fish facility purchased vest in this state or the department when full payment has been made and all other conditions in the agreement have been complied with.

7. Shall provide that the commission shall operate and maintain the game and fish facility during the life of the installment purchase agreement.

8. May provide either that the seller shall construct, renovate or improve the game and fish facility and turn over the completed facility to the commission or that the commission enter into and administer the construction, renovation or improvement of the facility as the seller's agent. If the commission acts as the seller's agent, the seller shall deliver to a fiscal agent agreed on by the seller and the commission monies in an amount reasonably expected to be sufficient to pay for the construction, renovation or improvement of the facility to be acquired. The monies advanced shall be held in trust until they are expended for construction, renovation or improvement of the facility. On completion of the facility, any excess monies shall be returned to the seller. If the commission acts as the agent for construction, renovation or improvement, all contracts regarding construction shall be awarded and administered pursuant to title 34, chapters 2 and 3.

9. May provide that on an event of default, which is not cured as provided in the installment purchase agreement, the commission shall vacate the game and fish facility which is the subject of the installment purchase agreement. The superior court has jurisdiction to enforce this provision by an appropriate injunction and other relief.

10. May contain such other terms, covenants and conditions as the commission prescribes.

11. May be for any term not to exceed thirty years. The installment purchase agreement is not an obligation of this state, the commission or the department in any fiscal year, except to the extent that monies for payment on the installment purchase agreement have been appropriated by the legislature and allocated for payment on the installment purchase agreement by the department for that fiscal year and the commission has executed an annual renewal of the installment purchase agreement for that fiscal year. On appropriation, allocation and annual renewal, the installment purchase agreement is a binding contract of the department in full force and effect for that fiscal year.

Last legislative year: 1984

17-248. Certification of installment purchase agreements by the attorney general

A. The commission shall submit to the attorney general any initial installment purchase agreement after all actions for the authorization of the installment purchase agreement have been taken by the commission and the department. The attorney general shall examine into and pass upon the validity of the initial installment purchase agreement submitted and the regularity of all proceedings in connection with the installment purchase agreement. If the attorney general determines that the proceedings conform to the provisions of this article and that the installment purchase agreement, when executed and delivered, will constitute a binding and legal obligation of the commission according to its terms and subject to the limitations of section 17-247, paragraph 11, the attorney general shall certify on the installment purchase agreement that it is issued in accordance with the constitution and laws of this state.

B. The commission may submit to the attorney general any subsequent installment purchase agreement after all actions for the authorization of the installment purchase agreement have been taken by the commission and the department if the terms of the installment purchase agreement are substantially the same as the terms of the initial installment purchase agreement reviewed pursuant to subsection A of this section. The attorney general shall examine into and pass on the validity of any installment purchase agreement submitted and the regularity of all proceedings in connection with the installment purchase agreement. If the attorney general determines that the proceedings conform to the provisions of this article and that the installment purchase agreement, when executed and delivered, will constitute a binding and legal obligation of the commission according to its terms and subject to the limitations of section 17-247, paragraph 11, the attorney general shall certify on the installment pur-
chase agreement that it is issued in accordance with the constitution and laws of this state.

Last legislative year: 1984

17-249. Inmate labor

The commission may contract with the state department of corrections or ARCOR enterprises for the use of inmate labor, including juveniles, in constructing, operating or maintaining game and fish facilities.

Last legislative year: 1984

17-250. Wildlife diseases; order of director; violation; classification; rule making exemption

A. If a wildlife disease is suspected or documented in freeranging or captive wildlife, the director may issue orders that are necessary to minimize or eliminate the threat from the disease. The director may also order or direct an employee of the department to:
1. After notification of and in coordination with the state veterinarian, establish quarantines and the boundary of the quarantine.
2. Destroy wildlife as necessary to prevent the spread of any infectious, contagious or communicable disease.
3. Control the movement of wildlife, wildlife carcases or wildlife parts that may be directly related to spreading or disseminating diseases that pose a health threat to animals or humans.
4. Require any individual who has taken wildlife, who is in possession of wildlife or who maintains wildlife under a license issued by the department to submit the wildlife or parts for disease testing.
B. On finding there is reason to believe an infectious, contagious or communicable disease is present, the director may require an employee of the department to enter any place where wildlife may be located and take custody of the wildlife for purposes of disease testing. If search warrants are required by law, the director shall apply for and obtain warrants for entry to carry out the requirements of this subsection.
C. A person who violates any lawful order issued under this section is guilty of a class 2 misdemeanor.
D. An order issued under this section is exempt from title 41, chapter 6, article 3, except that the director shall promptly file a copy of the order with the secretary of state for publication in the Arizona administrative register pursuant to section 41-1013.

Last legislative year: 2003
Recent legislative history: Laws 2003, Ch. 183, § 1.

17-251. Possession or use of a firearm silencer or muffler while hunting; definition

A. The commission shall not adopt or enforce any rule that prohibits the lawful possession or use of a firearm silencer or muffler, including for the taking of wildlife or while hunting.
B. This section does not limit the authority of the commission to prescribe the type and caliber of firearm or ammunition that may be used for taking wildlife.
C. For the purposes of this section, “firearm silencer or muffler” means any device that is designed, made or adapted to muffle the report of a firearm.

Last legislative year: 2012

17-252. Geospatial data and geographic information system services; wildlife species location information; disclosure or inspection; definitions

A. Geospatial data that the department receives, maintains, shares or stores is not subject to disclosure or inspection under title 39, chapter 1, article 2 if the department provides geospatial data to the public through geographic information system services.
B. Wildlife species location information is not subject to disclosure or inspection under title 39, chapter 1, article 2 for wildlife species location information on private property or when the department determines that disclosure or inspection of the information may cause harm to any wildlife species.
C. For the purposes of this section, “geospatial data” and “geographic information system” have the same meaning as prescribed in section 37-171.

Last legislative year: 2012
Recent legislative history: Laws 2012, 2nd Reg. Sess., Ch. 272, § 3.

ARTICLE 3.1. AQUATIC INVASIVE SPECIES

17-255. Definition of aquatic invasive species

In this article, unless the context otherwise requires, “aquatic invasive species”:
1. Means any aquatic species that is not native to the ecosystem under consideration and whose introduction or presence in this state may cause economic or environmental harm or harm to human health.
2. Does not include:
(a) Any nonindigenous species lawfully or historically introduced into this state for sport fishing recreation.
(b) Any species introduced into this state by the department, by other governmental entities or by any person pursuant to this title.

Last legislative year: 2009
Recent legislative history: Laws 2009, Ch. 77, § 2.

17-255.01. Aquatic invasive species program; powers

A. The director may establish and maintain an aquatic invasive species program.
B. The director may issue orders:
1. Establishing a list of aquatic invasive species for this state.
2. Establishing a list of waters or locations where aquatic invasive species are present and take steps that are necessary to eradicate, abate or prevent the spread of aquatic invasive species within or from those bodies of water.
3. Establishing mandatory conditions as provided in subsection C of this section on the movement of watercraft, vehicles, conveyances or other equipment from waters or locations where aquatic invasive species are present to other waters.
C. If the presence of an aquatic invasive species is suspected or documented in this state, the director or an authorized employee or agent of the department may take one or more of the following actions to abate or eliminate the species:
1. Authorize and establish lawful inspections of watercraft, vehicles, conveyances and other equipment to locate the aquatic invasive species.
2. Order any person with an aquatic invasive species in or on the person’s watercraft, vehicle, conveyance or other equipment to decontaminate the watercraft, vehicle, conveyance or equipment in a manner prescribed by rule. Notwithstanding paragraph 3 of this subsection, mandatory on-site decontamination shall not be required at a location where an on-site cleaning station charges a fee.
3. Require any person with a watercraft, vehicle, conveyance or other equipment in waters or locations where an aquatic invasive species is present to decontaminate the property before moving it to any other waters in this state or any other location in this state where aquatic invasive species could thrive.
4. An order issued under subsection B or C of this section is exempt from title 41, chapter 6, article 3, except that the director shall promptly file a copy of the order with the secretary of state for publication in the Arizona administrative register pursuant to section 41-1013.

Last legislative year: 2009
Recent legislative history: Laws 2009, Ch. 77, § 2.

17-255.02. Prohibitions
Except as authorized by the commission, a person shall not:
1. Possess, import, ship or transport into or within this state, or cause to be imported, shipped or transported into or within this state, an aquatic invasive species.
2. Notwithstanding section 17-255.04, subsection A, paragraph 4, release, place or plant, or cause to be released, placed or planted, an aquatic invasive species into waters in this state or into any water treatment facility, water supply or water transportation facility, device or mechanism in this state.
3. Notwithstanding section 17-255.04, subsection A, paragraph 4, place in any waters of this state any equipment, watercraft, vessel, vehicle or conveyance that has been in any water or location where aquatic invasive species are present within the preceding thirty days without first decontaminating the equipment, watercraft, vessel, vehicle or conveyance.
4. Sell, purchase, barter or exchange in this state an aquatic invasive species.

Last legislative year: 2009
Recent legislative history: Laws 2009, Ch. 77, § 2.

17-255.03. Violations; civil penalties; classification; cost recovery
A. Except as otherwise provided by this section, a person who violates this article is subject to a civil penalty of not more than five hundred dollars.
B. A person who knowingly violates section 17-255.02, paragraph 2 or 4 is guilty of a class 2 misdemeanor. In addition, the commission, or any officer charged with enforcing this article if directed by the commission, may bring a civil action in the name of this state to recover damages and costs against a person who violates section 17-255.02, paragraph 2 or 4. Damages and costs recovered pursuant to this subsection shall be deposited in the game and fish fund.
C. The court shall order a person found in violation of section 17-255.01, subsection C, paragraph 2 to pay to this state all costs not exceeding fifty dollars incurred by this state to decontaminate any watercraft, vehicle, conveyance or other equipment on which aquatic invasive species were present. Monies paid pursuant to this subsection shall be deposited in the game and fish fund.
D. This section applies regardless of whether the director establishes an aquatic invasive species program pursuant to section 17-255.01.

Last legislative year: 2009
Recent legislative history: Laws 2009, Ch. 77, § 2.

17-255.04. Applicability; no private right of action
A. This article does not apply to the owner or operator of:
1. Any system of canals, laterals or pipes, any related or ancillary facilities, fixed equipment and structures related to the delivery of water and any discharges from the system.
2. Any water treatment or distribution facility system, any related or ancillary facilities, fixed equipment and structures and any discharges from the system.
3. Any drainage, wastewater collection, treatment or disposal facility system, any related or ancillary facilities, fixed equipment and structures and any discharges from the system.
4. A public or private aquarium and education or research institution holding a permit pursuant to section 17-238 or 17-306.
5. Any stock ponds or livestock water facilities or distribution facilities, including fixed equipment and structures related to the delivery of water and any discharges from the system.
B. The director may consult with the entities listed in subsection A of this section to assist in the implementation of this article.
C. This article does not create any express or implied private right of action and may be enforced only by this state.

Last legislative year: 2009
Recent legislative history: Laws 2009, Ch. 77, § 2.

ARTICLE 4. FISCAL PROVISIONS

17-261. Game and fish fund
On or before the fifth day of each month the department shall deposit, pursuant to sections 35-146 and 35-147, the monies received from licenses, from the sale of goods or services at locations other than at shooting ranges that the commission owns and operates or from
any other source under this title in a special fund known as the game and fish fund, which is set aside, appropriated and made available to the commission in carrying out the provisions of this title, and the monies shall be used for no other purpose. Expenditures of the monies shall be under control of the budget laws of this state and no monies shall be expended from the fund except:

1. By the annual budget and to match federal grants for wildlife restoration as provided for by the legislature.
2. For emergency purposes not to exceed twenty-five thousand dollars in any one fiscal year when authorized by the governor and the department of administration.

Last legislative year: 2012


17-261.01. Game and fish revolving fund

A. Notwithstanding the provisions of section 35-193, there is established a permanent game and fish revolving fund in an amount not to exceed thirty thousand dollars for use in making cash outlays for postage, C.O.D. packages, travel or other minor disbursements which are proper as ultimate claims for payment from the game and fish fund. The director of the department of administration shall prescribe rules and regulations for expenditures from this fund and reimbursement to the fund.

B. The game and fish permanent revolving fund shall be established as a separate account on the books of the game and fish department and a full accounting of its use shall be made to the director of the department of administration annually or as required by the director of the department of administration.

C. All monies deposited in the game and fish revolving fund are appropriated to the game and fish department for use as provided in this section and are exempt from the provisions of section 35-190, relating to lapsing of appropriations.

Last legislative year: 1983

17-262. Investment of surplus funds; earned interest

A. When the commission is of the opinion that the actual amount of funds held by the commission is in excess of the amount necessary to meet the immediate demands, the commission may authorize the investment of such funds, unless prohibited by federal and state rules and regulations.

B. On notice from the commission, the state treasurer shall invest and divert monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the game and fish fund.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 193, § 120.

17-263. Membership dues

The department may expend monies for membership dues in organizations dealing directly with fish and game management.

Last legislative year: 1989

17-264. Budget appropriation

The legislature shall, in its general appropriation measure and in accordance with the budget laws of the state, make an appropriation for the operation of the commission and department, the appropriation to be payable from game and fish funds.

Last legislative year: 1958

17-266. Construction by employees or force account

Notwithstanding sections 41-2535 and 41-2572, the commission may build, alter, repair, improve or demolish a structure or other improvement by employees or force account if the project cost does not exceed thirty-five thousand dollars. This exemption does not apply to an office or residence building or to storage facilities for equipment and supplies. In fiscal year 1986-1987, and each fiscal year thereafter, the maximum project cost for which construction by employees or force account is authorized shall be adjusted by the annual percentage change in the GDP price deflator as defined in section 41-563, subsection E.

Last legislative year: 1993

17-267. Land and water conservation and recreation development fund

A. There is established a land and water conservation and recreation development fund. The monies of such fund may be used by the commission to pay for recreation benefits in connection with fish and wildlife restoration projects. The monies of such fund may be used to match other funds available from the Pittman-Robertson federal aid in wildlife restoration act in 50 Stat. 917, 16 U.S.C. 669-669j, the Dingell-Johnson federal aid in fish restoration act in 64 Stat. 430, 16 U.S.C.A. 777-777k and the rules and regulations pursuant thereto, land and water conservation fund act which is Public Law 88-578 of 1965 and rules and regulations pertaining thereto, the state lake improvement fund, the state game and fish restoration fund or funds available from other federal, state, county or municipal sources. The monies of such fund may also be used for purchase of engineering services, land, rights of way, water rights or for construction on a participating basis in such projects or to provide recreational facilities appurtenant thereto.

B. The commission may review and recommend to the legislature in its annual budget request, projects which will provide recreation benefits in connection with fish and wildlife restoration projects.

C. All monies in the land and water conservation and recreation development fund shall be subject to annual legislative appropriation.

Last legislative year: 1978

17-268. Game, non-game, fish and endangered species fund

A. A game, non-game, fish and endangered species fund is established to be used by the commission for game, non-game, fish and endangered species purposes. Monies in the fund are subject to annual legislative appropriation pursuant to section 35-143.01.
B. Monies received by this state pursuant to section 43-615 shall be deposited, pursuant to sections 35-146 and 35-147, in the fund.

C. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and notwithstanding section 17-262, monies earned from investment of the game, non-game, fish and endangered species fund shall be credited to the fund.

Last legislative year: 2000
Recent legislative history: Laws 2000, Ch. 193, § 121.

17-269. Game and fish publications revolving fund

A game and fish publications revolving fund is established consisting of monies received from the sale of publications pursuant to section 17-231, subsection B, paragraph 9. The monies in the fund are appropriated to the department to produce and distribute department publications and information. Monies in the game and fish publications revolving fund that at any time are in excess of eighty thousand dollars shall immediately revert to the game and fish fund. Monies in the game and fish publications revolving fund up to an amount of eighty thousand dollars are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

Last legislative year: 2003
Recent legislative history: Laws 2000, Ch. 138, § 1; Laws 2003, Ch. 104, § 11.

17-271. Wildlife endowment fund

A. The wildlife endowment fund is established to be used by the commission for wildlife conservation and management purposes. The fund consists of:

1. Revenues from sales of lifetime licenses and benefactor licenses.
2. Gifts, grants and contributions specifically designated for the fund.
3. Interest and investment income derived from monies in the fund as provided by subsection C of this section.

B. Monies in the wildlife endowment fund are:

1. Subject to annual appropriation by the legislature pursuant to section 35-143.01.
2. Exempt from lapsing under section 35-190.

C. The commission shall administer the wildlife endowment fund. On notice from the commission the state treasurer shall invest and divest monies in the wildlife endowment fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. On July 1 of each year the department of administration shall transfer from the wildlife endowment fund to the game and fish fund an amount equal to the interest and investment income deposited in the wildlife endowment fund during the preceding fiscal year.

Last legislative year: 2013
Recent legislative history: Laws 2000, Ch. 193, § 122; Laws 2013, 1st Reg. Sess., Ch. 197, § 7.

17-272. Voluntary contributions in lieu of property taxes

A. If the commission purchases real property and if the property was subject to taxation, or was exempt from taxation under section 42-11114 or 42-11115, at the time of purchase, notwithstanding any other law, the commission may make voluntary contributions of money to the state, the county, the municipality, school districts, a community college district and any other special taxing district organized under title 48 in which the property is located. On or before April 1 of each year in which the commission elects to make voluntary contributions under this section, the commission shall notify the county assessor of the county in which the property is located of its election to make a voluntary contribution pursuant to this section. Contributions under this section:

1. May be made from the game, nongame, fish and endangered species fund, the conservation development fund, the Arizona game and fish commission heritage fund or any other source of monies available to and budgeted by the commission, except that monies from the heritage fund may be used only with respect to property acquired pursuant to section 17-298.
2. Are subject to legislative appropriation if legislative appropriation is required for the particular source of monies.

B. The department shall consult with the assessor of the county in which the property is located and determine the assessed valuation of the property and the amount of the contribution under this section. Each year the contribution shall be computed assuming classification as class two property pursuant to section 42-12002 and shall be valued each year as agricultural land pursuant to section 42-13101. The assessed valuation used to compute the contribution shall not be increased from one tax year to the next tax year by more than two per cent.

C. The amount of the contribution shall be determined by applying the current aggregate tax rate to the determined valuation.

D. The county treasurer shall collect and the commission shall pay the amount of contribution under this section at the same time and in the same manner as ad valorem property taxes are collected and paid.

E. The county treasurer shall distribute the monies received under this section to the various taxing jurisdictions in which the property is located in the same manner as property taxes are distributed.

F. This section does not apply to, and the commission shall not make contributions with respect to, lands acquired for fish hatcheries, game farms, firing ranges, reservoir sites, administrative sites or rights-of-way to fishing waters.

Last legislative year: 2013
Recent legislative history: Laws 1999, Ch. 344, § 4; Laws 2013, 1st Reg. Sess., Ch. 197, § 8.

17-273. Firearms safety and ranges fund; uses; criteria

A. The firearms safety and ranges fund is established consisting of monies transferred to the fund pursuant to section 42-5029, subsection D, paragraph 4, subdivision (c) and revenues derived from the sale or lease of real property owned by the commission and acquired for or used for the purpose of providing public
shooting ranges and monies received from the sale of goods and services from commissioned-owned shooting ranges except for program income associated with federal grants. The Arizona game and fish commission shall administer the fund which is continuously appropriated. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. Interest earned on monies in the fund shall be credited to the fund.

B. The Arizona game and fish commission shall use monies in the fund on shooting ranges open to the public and operated by government or nonprofit entities for the following purposes:

1. Shooting range engineering and studies.
2. Safety enhancement.
3. Shooting range design.
4. New shooting range sites and construction.
5. Shooting range relocation.
6. Shooting sports programs.
7. Other projects or expenses that are necessary to operate and maintain a shooting range under good practices and management.

C. The director of the Arizona game and fish department shall consult with the state land commissioner to identify eligible state trust land suitable for the location or relocation of shooting ranges.

D. The Arizona game and fish commission may accept and spend private grants, gifts and contributions to assist in carrying out this section.

Last legislative year: 2012


ARTICLE 5. CONSERVATION DEVELOPMENT FUND

17-281. Definitions

In this article, unless the context otherwise requires:

1. “Bonds” means bonds issued by the commission pursuant to this article.
2. “Game and fish facilities purpose” means:
   (a) Construction of game and fish facilities.
   (b) Acquiring, converting, renovating or improving existing facilities for game and fish facilities.
   (c) Acquiring real property for game and fish facilities.
   (d) Establishing reserves to secure payment of principal, interest and premiums due on the bonds.
   (e) Refunding any matured or unmatured bonds.
   (f) Expenses of the commission incident to and reasonable and necessary to carry out the purposes specified in this paragraph.
3. “Game and fish facility” means any real property, fixtures, furnishings and equipment that the commission deems appropriate to carry out this title, including the preservation or propagation of wildlife and the preservation or development of habitat.
4. “Resolution” means any resolution adopted by the commission and any trust indenture or other agreement executed by the commission pursuant to a resolution.

Last legislative year: 1984

17-282. Conservation development fund; purposes

A. The conservation development fund is established.

B. The fund shall be held and administered by a fiscal agent designated by the commission pursuant to section 17-290.

C. Monies in the fund are not subject to the appropriation or budget laws of this state and no action of the legislature is required for expenditure of monies from the fund.

Last legislative year: 1984

17-283. Issuance of bonds; negotiability; resolution; notice; tax exemption

A. The commission, with the approval of the joint legislative budget committee, may issue bonds for game and fish facilities purposes. The bonds are payable solely from the monies in the conservation development fund. The commission may pledge and assign all or any portion of these monies necessary to secure payment of the bonds to a fiscal agent or to a trustee in trust for the bondholders.

B. Bonds issued under this article are fully negotiable within the meaning and for all purposes of title 44.

C. The commission may prescribe by resolution any of the following:

1. Whether the bonds are in one or more series.
2. The date of the bonds.
3. The place, medium, manner and time of payment for the bonds.
4. The maturity date of the bonds which shall not exceed forty years from the date of the bond.
5. Any registration privileges.
6. The manner of execution and form of the bonds, either unregistered, registered as to principal only or registered as to both principal and interest and either certificated or uncertificated.
7. Whether the bonds are additionally secured by reserve or sinking funds which may either be capitalized in whole or in part by bond proceeds or accumulated over the term of the bonds from pledged revenues.
8. The denomination, interest rate, price and method of sale of the bonds. The commission may provide for interest rates which change from time to time based on a percentage of a recognized indicator of interest rates if a maximum and minimum rate of interest is specified in the resolution.
9. The terms on and manner in which bonds are callable. The bonds may be refunded by the issuance of refunding bonds either at or before maturity, but the issuance of refunding bonds shall not be construed to advance the maturity or change stated call dates of the bonds being refunded.
10. Any provisions necessary to secure the bonds and any terms, covenants or conditions deemed necessary by the commission.

D. In conjunction with the issuance of bonds the commission may enhance the security of the bonds by
acquiring insurance covering the payment of debt service, acquiring letters of credit or other credit facilities or entering into investment agreements which provide for fixed yields on monies of the commission which may either be received from bond proceeds or from the revenues pledged to the payment of debt service. The commission may enter into an agreement to pay for insurance or letters of credit which pledges bond proceeds or monies deposited in the conservation development fund for the payments. The agreement shall not be effective for a term longer than the final maturity of the bonds being secured, except for payment of fees due from the commission.

E. The bonds, their transfer and the income from them are free from taxation in this state.

Last legislative year: 1984

17-284. Pledges; lien; personal liability; incontestability

A. Any pledge made pursuant to this article is valid and binding from the time the pledge is made. Monies pledged and received by the commission or its fiscal agent for deposit in the conservation development fund are immediately subject to the lien of the pledge without any physical delivery or further act, and the lien of the pledge is valid and binding against all parties with or without notice of the pledge who have claims of any kind against the commission. The instrument by which the pledge is created is, when placed in the records of the commission, notice to all persons of the creation of the pledge and need not be recorded in any other place.

B. The members of the commission and any person executing a bond are not personally liable for the payment of a bond.

C. After the sale and delivery of a bond it is incontestable by the commission and is a legal and binding obligation of the commission notwithstanding any imperfection in proceedings with respect to site selection, property acquisition, planning, construction, operation or administration of or for any game and fish facility or any other action taken by the commission not directly affecting the issuance of the bonds.

Last legislative year: 1984

17-285. Bonds as legal investments; state nonliability

A. Bonds issued under this article are legal investments for all banks, trust companies and insurance companies organized and operating under the laws of this state.

B. The bonds and interest on the bonds shall be paid solely according to their terms and are not obligations general, special or otherwise of this state. The bonds do not constitute a legal debt of this state and are not enforceable against this state. The commission is not in any event liable for the payment of the principal of or interest on the bonds from any source of revenues other than those pledged for the payment of the bonds. The bonds shall not be construed to constitute an indebtedness of the commission within the meaning of any constitutional or statutory provision.

Last legislative year: 1984

17-286. Certification of bonds by attorney general

A. The commission shall submit to the attorney general any initial bond to be offered after all actions for the authorization of the bond have been taken by the commission. The attorney general shall examine into and pass upon the validity of any bond submitted and the regularity of all proceedings in connection with the bond. If the attorney general determines that the proceedings conform to the provisions of this article and that the bond, when delivered and paid for, will constitute a binding and legal obligation of the commission, the attorney general shall certify on the bond or any certificate used to indicate ownership that the bond is issued in accordance with the constitution and laws of this state.

B. The commission may submit to the attorney general any subsequent bond to be offered after all actions for the authorization of the bond have been taken by the commission if the terms of the bond are substantially the same as the terms of the initial bond reviewed pursuant to subsection A of this section. The attorney general shall examine into and pass on the validity of any bond submitted and the regularity of all proceedings in connection with the bond. If the attorney general determines that the proceedings conform to the provisions of this article and that the bond, when delivered and paid for, will constitute a binding and legal obligation of the commission, the attorney general shall certify on the bond or any certificate used to indicate ownership that the bond is issued in accordance with the constitution and laws of this state.

Last legislative year: 1984

17-287. Impairment of bondholder rights; prohibition; inclusion in resolutions and indentures

A. This state shall not limit or alter the rights vested in the commission to collect the surcharges necessary to produce sufficient revenue to fulfill the terms of any agreement made with the bondholders or in any way impair the rights and remedies of bondholders until the terms of all bonds and the costs in connection with any action enforcing the terms of the bonds are fully met and discharged.

B. The commission as agent of this state may include in its resolutions and indentures securing bonds an agreement to abide by the provisions of subsection A.

Last legislative year: 1984

17-288. Distributions from the conservation development fund

A. Not later than the first day of each month, the fiscal agent shall distribute from the conservation development fund to the appropriate bond payment funds and accounts such monies as are necessary to pay when due the principal of, interest on and any premium on all outstanding bonds. The time, method, amounts, prior-
ity and appropriate fund of these distributions shall be as provided in the resolution authorizing the issuance of the bonds and the agreement with the bondholders.

B. If the monies in all the funds and accounts are sufficient to pay when due all principal coming due on outstanding bonds during the ensuing twelve months and all other amounts coming due on outstanding bonds during the ensuing six months, the fiscal agent shall distribute any excess monies in the conservation development fund to the capital improvement fund.

Last legislative year: 1984

17-289. Bond proceeds fund; investment

A. The proceeds received from the sale and delivery of bonds after deducting the necessary costs and expenses of the issuance and sale of the bonds shall be deposited with the trustee designated by the commission pursuant to section 17-290 to be placed in a bond proceeds fund, which shall be established for each series or issue of bonds. The bond proceeds fund shall be separate and apart from all other funds, except that the trustee shall first apply those amounts of the bond proceeds set forth in the resolution issuing the bonds or notes to all reserve and sinking funds if required by the bond resolution. Monies in the bond proceeds fund may be spent for any game and fish facilities purpose consistent with the resolution authorizing the bonds.

B. On order of the commission, all monies in a bond proceeds fund shall be invested by the trustee for the series or issue of bonds in obligations issued or guaranteed by the United States or any of the senior debt of its agencies, sponsored agencies, corporations, sponsored corporations or instrumentalities or any investments authorized by any other agencies of the United States government which are now authorized for use to secure public deposits or state, county or municipal bonds issued in this state on which the payments of interest have not been deferred. The order directing the trustee to invest the monies shall set forth the specified time when the proceeds from the sale of the bonds shall be used for the purposes directed in the bond resolution, and the trustee shall invest the proceeds from the sale of the bonds, in the securities described in this subsection. If authorized by the commission, the trustee may purchase any of these securities which mature on a date after the date specified in the order if the trustee obtains a commitment to repurchase the securities on the date specified in the order from a bank or financial institution. The trustee shall exercise reasonable care in choosing the bank or financial institution repurchasing the securities.

C. The separate game and fish bond proceeds funds for different series of bonds may be held by different trustees designated pursuant to section 17-290.

D. If the revenues pledged to secure the bonds or any series of the bonds ever become insufficient to pay the annual principal and interest on the bonds, the commission shall direct the liquidation of the securities remaining in the respective bond proceeds fund and order the trustee to use the proceeds of the liquidation to make current all payments then due on the bonds.

Last legislative year: 2001

Recent legislative history: Laws 2001, Ch. 117, § 10.

17-290. Designation of fiscal agent and trustees; monies of the authority; fees

A. The commission shall designate a fiscal agent to receive and administer on behalf of the commission all monies to be paid into the conservation development fund, trustees to receive and administer on behalf of the commission all monies to be paid into the bond proceeds funds, a trustee to receive and administer on behalf of the commission all monies to be paid into the funds and accounts established by resolutions and a fiscal agent to receive and administer on behalf of the commission all monies to be paid into the capital improvement fund.

B. The designations in subsection A shall be made from banks or trust companies authorized to do business in this state. A single bank or trust company may act in more than one of the capacities described in this section.

C. Monies derived from the sale of bonds or pledged to the payment of these bonds shall not be paid into the state treasury but shall be deposited by the commission's treasurer or other fiscal officer, fiscal agent or trustee designated pursuant to this section in a separate bank account designated by the commission. All deposits of these monies shall be secured by obligations of the United States of America, of a market value equal at all times to the amount of the deposit, and all banks and trust companies may give such security. The monies shall be held for and on behalf of the commission and the holders of any bonds. These monies shall be disbursed as directed by the commission and according to the terms of any agreements with the holder of any bonds. This section shall not be construed as limiting the power of the commission to agree in connection with the issuance of any of its bonds as to the custody and disposition of the monies received from the sale of the bonds or the income and revenue pledged and assigned to or interest for the benefit of the holder of the bonds.

D. The fees and expenses of the fiscal agent and trustees designated pursuant to this section shall be paid from the conservation development fund or the bond proceeds fund as directed by the commission.

Last legislative year: 1984

17-291. Additional bonds

After the original issuance of bonds, the commission, with the approval of the joint legislative budget committee, may issue additional bonds. Additional bonds may be issued on a parity with one or more outstanding issues on such terms and conditions as the commission prescribes by resolution.

Last legislative year: 1984

17-292. Capital improvement fund

A. The capital improvement fund is established and shall be held and administered by a fiscal agent designated by the commission pursuant to section 17-290.
B. Monies in the capital improvement fund may be expended by the department, subject to legislative appropriation for:

1. Constructing game and fish facilities.
2. Acquiring, converting, renovating or improving existing facilities for game and fish facilities.
3. Acquiring real property for game and fish facilities.
4. Expenses of the commission incident to and reasonable and necessary to carry out the purposes of this subsection.

C. If at any time the monies in the conservation development fund are insufficient or the commission reasonably expects these monies to become insufficient for the distributions required in section 17-288, monies in the capital improvement fund not otherwise committed shall be transferred by the fiscal agent to the conservation development fund until the monies in the conservation development fund are sufficient to make the required distributions when due.

Last legislative year: 1984

17-293. Unlawful interest in real property by commission member; violation; classification

A. A member of the commission shall not have any direct or indirect financial interest in any real property purchased with monies made available by the issuance of bonds.

B. A person who violates subsection A is guilty of a class 2 misdemeanor.

Last legislative year: 1984

17-294. Annual audit of funds

A. The commission shall cause an annual audit to be made of the conservation development fund, capital improvement fund and any bond proceeds, sinking, reserve or other operation fund established pursuant to this article. The audit shall be made by a certified public accountant within thirty days after the close of the fiscal year, and a certified copy of the audit shall be filed with the auditor general.

B. The auditor general may, if he deems it advisable, make such further audits and examinations as he deems necessary and take appropriate action in relation thereto as provided by title 41, chapter 7, article 10.1. Unless the auditor general takes official action within thirty days after filing of the audit, the audit shall be deemed sufficient.

C. The fees and expenses, if any, of the certified public accountant and of the auditor general for audits and examinations pursuant to this section shall be paid from the conservation development fund or the bond proceeds fund as directed by the commission.

Last legislative year: 1984

17-295. Limitation on bonding

A. The aggregate amount of bonds that may be issued pursuant to this article shall be determined by the joint committee on capital review but shall not exceed seven million five hundred thousand dollars.

The limit determined by the joint committee on capital review shall not be less than the amount issued prior to the date such limit is determined.

B. The limitations of this section shall not apply to bonds issued to refund bonds lawfully issued under this article.

Last legislative year: 1988

ARTICLE 6. ARIZONA GAME AND FISH COMMISSION HERITAGE FUND

17-296. Definitions

In this article:

1. “Public access” means providing entry to publicly held lands for recreational use where such entry is consistent with the provisions establishing those lands.
2. “Sensitive habitat” means the specific areas within the geographical area historically or currently occupied by a species or community of species in which are found those physical or biological features essential to the establishment or continued existence of the species and which may require special management, conservation or protection considerations.
3. “Endangered species” means a species or subspecies of native Arizona wildlife whose population has been reduced due to any cause whatsoever to such levels that it is in imminent danger of elimination from its range in Arizona, or has been eliminated from its range in Arizona.
4. “Threatened species” means a species or subspecies of native Arizona wildlife that, although not presently in imminent danger of being eliminated from its range in Arizona, is likely to become an endangered species in the foreseeable future.
5. “Candidate species” means a species or subspecies of native Arizona wildlife for which habitat or population threats are known or suspected but for which substantial population declines from historic levels have not been documented.
6. “Urban wildlife” means the wildlife that occurs within the limits of an incorporated area or in close proximity to an urban area that receives significant impact from human use.
7. “Environmental education” means educational programs dealing with basic ecological principles and the effects of natural and man related processes on natural and urban systems and programs to enhance public awareness of the importance of safeguarding natural resources.
8. “Habitat protection” means the process of protecting the quality, diversity, abundance, and serviceability of habitats for the purposes of maintaining or recovering populations of Arizona wildlife.
Management actions may include maintenance of habitat, selective control of nonnative species, maintenance of genetic viability, monitoring of populations and habitat, coordinating conservation activities, funding conservation actions and assessing conservation progress.

3. Fifteen per cent on habitat evaluation or habitat protection.

4. Fifteen per cent on urban wildlife and urban wildlife habitat programs.

5. Five per cent on environmental education.

B. All monies earned as interest on monies received pursuant to section 5-572 shall be spent only in the percentages and for the purposes described in subsection A of this section or for costs of administering the Arizona game and fish commission heritage fund in such amounts as determined by the Arizona game and fish commission.

C. On or before December 31 each year the commission shall submit its annual report to the president of the Senate, the speaker of the house of representatives and the chairmen of the Senate and house of representatives committees on natural resources and agriculture, or their successor committees. The annual report shall include information on:

1. The amount of monies spent or encumbered in the fund during the preceding fiscal year and a summary of the projects, activities and expenditures relating to:
   (a) Property acquisition.
   (b) Identification, inventory, protection and management of sensitive habitat.
   (c) Habitat evaluation and protection.
   (d) Urban wildlife.
   (e) Environmental education.
   (f) Public access.

2. The number and location of parcels of property acquired during the preceding fiscal year.

3. For personal and real properties acquired with fund monies during the preceding fiscal year, the amount of property tax revenue paid to each taxing jurisdiction during the last full tax year prior to acquisition.

4. The amount of money spent from the fund during the preceding fiscal year for employee personal services.

5. The number of full-time employees employed in the preceding fiscal year in connection with property acquisition, including survey, appraisal and other related activities.

6. The total number of full-time employees employed in the preceding fiscal year for the programs listed in subsection A of this section.

7. A list of the grants awarded during the preceding fiscal year including information on the recipients, purposes and amounts.

Last legislative year: 2012


17-298.01. Decennial performance audit

Beginning in 2001 and every tenth succeeding year thereafter, the auditor general shall conduct a performance audit, as defined in section 41-1278, of the
programs and expenditures of the Arizona game and fish commission heritage fund pursuant to this article. The auditor general shall submit copies of the performance audit to the president of the senate, the speaker of the house of representatives and the chairmen of the senate and house of representatives committees on natural resources and agriculture, or their successor committees.

Last legislative year: 1997

ARTICLE 7. ARIZONA WILDLIFE CONSERVATION FUND

17-299. Arizona wildlife conservation fund
A. The Arizona wildlife conservation fund is established consisting of monies deposited pursuant to section 5-601.02(H)(3)(b)(iii) and interest earned on those monies. The Arizona state game and fish commission shall administer the fund. The fund is not subject to appropriation, and expenditures from the fund are not subject to outside approval notwithstanding any provision of sections 17-241 or 17-261 or any other statutory provisions to the contrary.

B. Monies received pursuant to section 5-601.02 shall be deposited directly with the Arizona wildlife conservation fund. On notice from the Arizona state game and fish commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund. No monies in the Arizona wildlife conservation fund shall revert to or be deposited in any other fund, including the state general fund. Monies in the Arizona wildlife conservation fund are exempt from the provisions of section 35-190 relating to the lapsing of appropriations. Monies provided from the Arizona wildlife conservation fund shall supplement, not supplant, existing monies.

C. All monies in the Arizona wildlife conservation fund shall be spent by the Arizona state game and fish commission to conserve, enhance, and restore Arizona’s diverse wildlife resources and habitats for present and future generations, and which may include the acquisition of real property. The commission may grant monies to any agency of the state or any political subdivision, Indian tribe, or non-profit organization exempt from federal income taxation under section 501(c) of the internal revenue code for the purpose of conservation of wildlife or wildlife habitat or acquisition of real property or interest in real property that is wildlife habitat. A grant of money under this subsection to a nonprofit organization is conditioned on the organization providing reasonable public access to any land that is wholly or partly purchased with that money.

Last legislative year: 2002

Recent legislative history: Added by proposition 202, § 7.

CHAPTER 3

TAKING AND HANDLING OF WILDLIFE

ARTICLE 1. GENERAL REGULATIONS

Section 17-301. Times when wildlife may be taken; exceptions; methods of taking.
ARTICLE 3. TRAPPERS, GUIDES AND TAXIDERMISTS

Section
17-361. Trappers; licensing; restrictions; duties; reports.
17-362. Guide license; violations; annual report; carrying firearms.
17-363. License to practice taxidermy.
17-364. Fur dealer's license; records; reports.

ARTICLE 4. TRANSPORTATION AND STORAGE

17-371. Transportation, possession and sale of wildlife and wildlife parts.
17-372. Shipment by common carrier.
17-373. Storage; exception.

ARTICLE 1. GENERAL REGULATIONS

17-301. Times when wildlife may be taken; exceptions; methods of taking

A. A person may take wildlife, except aquatic wildlife, only during daylight hours unless otherwise prescribed by the commission. A person shall not take any species of wildlife by the aid or with the use of a jacklight, other artificial light, or illegal device, except as provided by the commission.

B. A person shall not take wildlife, except aquatic wildlife, or discharge a firearm or shoot any other device from a motor vehicle, including an automobile, aircraft, train or powerboat, or from a sailboat, boat under sail, or a floating object towed by powerboat or sailboat except as expressly permitted by the commission. No person may knowingly discharge any firearm or shoot any other device upon, from, across or into a road or railway.

C. Fish may be taken only by angling unless otherwise provided by the commission. The line shall be constantly attended. In every case the hook, fly or lure shall be used in such manner that the fish voluntarily take or attempt to take it in their mouths.

D. It shall be unlawful to take wildlife with any leghold trap, any instant kill body gripping design trap, or by a poison or a snare on any public land, including state owned or state leased land, lands administered by the United States forest service, the federal bureau of land management, the national park service, the United States department of defense, the state parks board and any county or municipality.

This subsection shall not prohibit:
1. The use of the devices prescribed in this subsection by federal, state, county, city, or other local departments of health which have jurisdiction in the geographic area of such use, for the purpose of protection from or surveillance for threats to human health or safety.
2. The taking of wildlife with firearms, with fishing equipment, with archery equipment, or other implements in hand as may be defined or regulated by the Arizona game and fish commission, including but not limited to the taking of wildlife pursuant to a hunting or fishing license issued by the Arizona game and fish department.

3. The use of snares, traps not designed to kill, or nets to take wildlife for scientific research projects, sport falconry, or for relocation of the wildlife as may be defined or regulated by the Arizona game and fish commission or the government of the United States or both.

4. The use of poisons or nets by the Arizona game and fish department to take or manage aquatic wildlife as determined and regulated by the Arizona game and fish commission.

5. The use of traps for rodent control or poisons for rodent control for the purpose of controlling wild and domestic rodents as otherwise allowed by the laws of the state of Arizona, excluding any fur-bearing animals as defined in section 17-101.

Last legislative year: 1998

17-301.01. Protection from wildlife

A. Notwithstanding any other provision of this title, any person may take wildlife in self-defense or in defense of another person if it is immediately necessary to protect oneself or to protect the other person.

B. A person shall notify the department within five days after taking wildlife under this section. No animal or part of an animal taken pursuant to this section may be retained, sold or removed from the site without authorization from the department.

Last legislative year: 1997

17-302. Taking of bear or mountain lion for protection of property; report

A. Other provisions of this title notwithstanding, a landowner or lessee, who is a livestock operator and who has recently had livestock attacked or killed by bear or mountain lion, may, if he complies with subsection B, lawfully exercise such measures as necessary to prevent further damage from the offending bear or lion, including the taking of such bear or mountain lion in the following manner:

1. All traps shall be inspected within seventy-two hours and nontarget animals released without further injury. The department shall provide technical advice and assistance in the release of nontarget bears and lions. Nontarget animals seriously injured and unable to leave the scene upon release shall be humanely dispatched. Target bears and lions shall be humanely dispatched immediately.

2. Bears and lions may be taken only by means of:
   (a) Leg hold traps without teeth and with an open jaw spread not exceeding eight and one-half inches.
   (b) Leg snares.
   (c) Firearms.
   (d) Other legal hunting weapons and devices.

3. All traps and snares shall be identified as to the person or agency setting the trap or snare.

4. A livestock operator taking a lion or bear pursuant to this section shall notify a department office within five days after setting traps or initiating pursuit in any manner. The notification for both bears and lions shall include information on the number and kind of livestock attacked or killed and the name and address of the livestock operator experiencing depredation. Such information shall not be public information.
5. A livestock operator taking a bear or lion pursuant to this section shall provide reasonable evidence of having livestock recently attacked or killed if a person authorized by the director requests such evidence within forty-eight hours of the department being notified pursuant to paragraph 4. Information shall include location description of sufficient detail to allow the site of depredation and traps set to be located. Such information shall not be public information.

6. Dogs may be used to facilitate the pursuit of depredating bears and lions.

B. A license or tag shall not be required for the taking of a bear or mountain lion under this section, but within ten days after the taking, the livestock operator shall file a written report with the department. The location of the take, identity of the livestock operator filing the report and location and date of livestock depredation are not public information. Such report shall also contain the following information:

1. Name and address of livestock operator experiencing depredation losses.
2. Number, ages and kinds of livestock lost.
3. Numbers and location of bears or lions taken.
4. Sex and estimated age of each bear or lion taken.
5. Location and date of livestock depredation.

C. No portion of an animal taken pursuant to this section shall be retained or sold by any person except as authorized by the commission.

D. No animal trapped or taken alive under this section shall be held in captivity.

E. In addition to other penalties provided by law, persons not in compliance with the provisions of this section may be ordered by the department to remove devices not in compliance with the requirements of this section and to cease and desist current pursuit activities intended to take the depredating bear or lion which the livestock operator has failed to comply with the provisions of this section.

F. A livestock operator entitled to take a bear or lion under the provisions of this section may contract with another person for the taking of the depredating bear or lion. The person under contract shall comply with all of the provisions of this section.

Last legislative year: 1990

17-303. Taking or driving wildlife from closed areas

It is unlawful for any person, except by commission order, to enter upon a game refuge or other area closed to hunting, trapping or fishing and take, drive or attempt to drive wildlife from such areas.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 138, § 2.

17-304. Prohibition by landowner on hunting; posting; exception

A. Landowners or lessees of private land who desire to prohibit hunting, fishing or trapping on their lands without their written permission shall post such lands closed to hunting, fishing or trapping using notices or signboards.

B. State or federal lands including those under lease may not be posted except by consent of the commission.

C. The notices or signboards shall meet all of the following criteria:

1. Be not less than eight inches by eleven inches with plainly legible wording in capital and bold-faced lettering at least one inch high.

2. Contain the words “no hunting”, “no trapping” or “no fishing” either as a single phrase or in any combination.

3. Be conspicuously placed on a structure or post at least four feet above ground level at all points of vehicular access, at all property or fence corners and at intervals of not more than one-quarter mile along the property boundary, except that a post with one hundred square inches or more of orange paint may serve as the interval notices between property or fence corners and points of vehicular access. The orange paint shall be clearly visible and shall cover the entire aboveground surface of the post facing outward and on both lateral sides from the closed area.

D. The entry of any person for the taking of wildlife shall not be grounds for an action for criminal trespassing pursuant to section 13-1502 unless either:

1. The land has been posted pursuant to this section and the notices and signboards also contain the words “no trespassing”.

2. The person knowingly remains unlawfully on any real property after a reasonable request to leave by the owner or any other person having lawful control over the property or the person knowingly disregards reasonable notice prohibiting trespass at the person’s entry to any real property.

Last legislative year: 2011


17-305. Possession of other weapons while hunting; violation; classification

A. The possession of legal weapons, devices, ammunition or magazines, which are not authorized to take wildlife, is not prohibited while hunting if the weapon or device is not used to take wildlife.

B. Taking wildlife by using a weapon, device, ammunition or magazine that is not authorized to take wildlife is a class 1 misdemeanor.

Last legislative year: 2012


17-306. Importation, transportation, release or possession of live wildlife

No person shall import or transport into the state or sell, trade or release within the state or have in his possession any live wildlife except as authorized by the commission or as defined in title 3, chapter 16.

Last legislative year: 1990

17-307. Possession, storage, sale and gift of the carcass or parts thereof of wildlife

A. The carcass or parts thereof of wildlife lawfully obtained in accordance with the provisions of this title and commission regulations may be possessed by the person taking such wildlife.
B. The carcass or parts thereof of wildlife lawfully obtained may be placed in storage in accordance with the provisions of this title.
C. The carcass or parts thereof of wildlife lawfully produced by or lawfully obtained from a commercial wildlife breeding or processing establishment may be sold in this state.
D. A person may make a gift of the carcass or parts thereof of his lawfully obtained wildlife, or he may have it prepared in a public eating place and served to himself and his guests.

Last legislative year: 1969

17-308. Unlawful camping
It is unlawful for a person to camp within one-fourth mile of a natural water hole containing water or a man-made watering facility containing water in such a place that wildlife or domestic stock will be denied access to the only reasonably available water.

Last legislative year: 1976

17-309. Violations; classification
A. Unless otherwise prescribed by this title, it is unlawful for a person to:
   1. Violate any provision of this title or any rule adopted pursuant to this title.
   2. Take, possess, transport, buy, sell or offer or expose for sale wildlife except as expressly permitted by this title.
   3. Destroy, injure or molest livestock, growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.
   4. Discharge a firearm while taking wildlife within one-fourth mile of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident.
   5. Take a game bird, game mammal or game fish and knowingly permit an edible portion thereof to go to waste, except as provided in section 17-302.
   6. Take big game, except bear or mountain lion, with the aid of dogs.
   7. Make more than one use of a shipping permit or coupon issued by the commission.
   8. Obtain a license or take wildlife during the period for which the person's license has been revoked or suspended or the person has been denied a license.
   9. Litter hunting and fishing areas while taking wildlife.
   10. Take wildlife during the closed season.
   11. Take wildlife in an area closed to the taking of that wildlife.
   12. Take wildlife with an unlawful device.
   13. Take wildlife by an unlawful method.
   14. Take wildlife in excess of the bag limit.
   15. Possess wildlife in excess of the possession limit.
   16. Possess or transport any wildlife or parts of the wildlife that was unlawfully taken.
   17. Possess or transport the carcass of big game without a valid tag being attached.
   18. Use the edible parts of any game mammal or any part of any game bird or nongame bird as bait.
   19. Possess or transport the carcass or parts of a carcass of any wildlife that cannot be identified as to species and legality.

20. Take game animals, game birds and game fish with an explosive compound, poison or any other deleterious substances.
21. Import into this state or export from this state the carcass or parts of a carcass of any wildlife unlawfully taken or possessed.
B. Unless a different or other penalty or punishment is specifically prescribed a person who violates any provision of this title, or who violates or fails to comply with a lawful order or rule of the commission, is guilty of a class 2 misdemeanor.
C. A person who knowingly takes any big game during a closed season or who knowingly possesses, transports or buys any big game that was unlawfully taken during a closed season is guilty of a class 1 misdemeanor.
D. A person is guilty of a class 6 felony who knowingly:
   1. Barters, sells or offers for sale any big game or parts of big game taken unlawfully.
   2. Barters, sells or offers for sale any wildlife or parts of wildlife unlawfully taken during a closed season.
   3. Barters, sells or offers for sale any wildlife or parts of wildlife imported or purchased in violation of this title or a lawful rule of the commission.
   4. Assists another person for monetary gain with the unlawful taking of big game.
   5. Takes or possesses wildlife while under permanent revocation under section 17-340, subsection B, paragraph 3.
   E. A peace officer who knowingly fails to enforce a lawful rule of the commission or this title is guilty of a class 2 misdemeanor.

Last legislative year: 2012

Recent legislative history: Laws 2002, Ch. 103, § 1; Laws 2006, Ch. 238, § 5; Laws 2012, 2nd Reg. Sess., Ch. 128, § 2.

17-310. Agreement to appear in court
Game rangers, wildlife managers, and other peace officers may take any person before a magistrate within the county in which an offense is committed for a violation of any provision of this title, but any person apprehended for violating any provision of this title punishable as a misdemeanor may be issued a notice to appear before such magistrate bearing the date, time and place specified shall be cause for issuance of a warrant for his arrest for failure to appear.

Last legislative year: 1958

17-311. Duty to report shooting accident resulting in injury or death; duty to give assistance; authority of officers
A. Any person who, while taking wildlife, is involved in a shooting accident resulting in injury to another person shall render every possible assistance to the
injured person, and if the accident is fatal, he shall immediately report the accident to the nearest law enforcement officer available and render such assistance as may be required.

B. Such person shall within ten days file with the department a full and complete written report of such accident.

**Last legislative year:** 1958

### 17-312. Misuse of firearms

A. It is unlawful for any person while taking wildlife, or while in any hunting area, to handle or discharge any firearm while intoxicated or in a careless or reckless manner or with wanton disregard for the safety of human life or property.

B. Nothing in this section shall be construed in any way to limit the right of the state to prosecute any person who injures or kills another.

**Last legislative year:** 1958

### 17-313. Disposition of fines, forfeitures and penalties; reports

A. Fines, forfeitures and penalties collected for violations of this title shall be deposited, pursuant to sections 35-146 and 35-147, immediately by the officer collecting or receiving them in the wildlife theft prevention fund.

B. The state treasurer shall notify the commission of all monies received and paid under the provisions of this title.

C. Each justice of the peace and each clerk of a court of record shall, within twenty days after a judgment has been rendered under the provisions of this title, report in writing to the commission the results of the prosecution, the amount of fines, forfeitures and penalties collected, and disposition thereof.

**Last legislative year:** 2000

**Recent legislative history:** Laws 2000, Ch. 238, § 124.

### 17-314. Civil liability for illegally taking or wounding wildlife; recovery of damages

A. The commission or any officer charged with enforcement of the laws relating to game and fish, if so directed by the commission, may bring a civil action in the name of the state against any person unlawfully taking, wounding or killing, or unlawfully in possession of, any of the following wildlife, or part thereof, and seek to recover the following minimum sums as damages:

1. For each turkey or javelina .................. $500.00
2. For each bear, mountain lion, antelope or deer, other than trophy ............................... $1,500.00
3. For each elk or eagle, other than trophy or endangered species ................................. $2,500.00
4. For each predatory, fur-bearing or nongame animal .................. $250.00
5. For each small game or aquatic wildlife animal ........................................... $50.00
6. For each trophy or endangered species animal ................................. $8,000.00

B. No verdict or judgment recovered by the state in such action shall be for less than the sum fixed in this section. The minimum sum that the commission may seek to recover as damages from a person pursuant to this section may be doubled for a second verdict or judgment and tripled for a third verdict or judgment. The action for damages may be joined with an action for possession, and recovery had for the possession as well as the damages.

C. The pendency or determination of an action for damages or payment of a judgment, or the pendency or determination of a criminal prosecution for the same taking, wounding, killing or possession, is not a bar to the other, nor does either affect the right of seizure under any other provision of the laws relating to game and fish.

D. All monies recovered pursuant to this section shall be placed in the wildlife theft prevention fund.

**Last legislative year:** 2006

**Recent legislative history:** Laws 2006, Ch. 238, § 6.

### 17-315. Wildlife theft prevention fund; authorized expenditures

A. A wildlife theft prevention fund is established consisting of:

1. Monies received from damage assessments pursuant to section 17-314.
2. Money received from donations to the fund.
3. Monies appropriated by the legislature for the purposes provided in this article.
4. Monies received as fines, forfeitures and penalties collected for violations of this title.

B. Monies in the wildlife theft prevention fund shall be expended only for the following purposes:

1. The financing of reward payments to persons, other than peace officers, game and fish department personnel and members of their immediate families, responsible for information leading to the arrest of any person for unlawfully taking, wounding or killing, possessing, transporting or selling wildlife and attendant acts of vandalism. The commission shall establish the schedule of rewards to be paid for information received and payment shall be made from monies available for this purpose.
2. The financing of a statewide telephone reporting system under the name of "operation game thief", which shall be established by the director under the guidance of the commission.
3. The promotion of the public recognition and awareness of the wildlife theft prevention program.
4. Investigations of the unlawful commercial use of wildlife.

C. The wildlife theft prevention fund shall be expended in conformity with the laws governing state financial operations. Balances remaining at the end of
the fiscal year are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

**Last legislative year:** 2006

**Recent legislative history:** Laws 2006, Ch. 238, § 7.

### 17-316. Interference with rights of hunters; classification; civil action; exceptions

A. It is a class 2 misdemeanor for a person while in a hunting area to intentionally interfere with, prevent or disrupt the lawful taking of wildlife by:
   1. Harassing, driving or disturbing any wildlife.
   2. Blocking, obstructing or impeding, or attempting to block, obstruct or impede, a person lawfully taking wildlife.
   3. Erecting a barrier without the consent of the landowner or lessee with the intent to deny ingress to or egress from areas where wildlife may be lawfully taken.
   4. Making or attempting to make physical contact, without permission, with a person lawfully taking wildlife.
   5. Engaging in, or attempting to engage in, theft, vandalism or destruction of real or personal property.
   6. Disturbing or altering, or attempting to disturb or alter, the condition or authorized placement of real or personal property intended for use in the lawful taking of wildlife.
   7. Making or attempting to make loud noises or gestures, set out or attempt to set out animal baits, scents or lures or human scent, use any other natural or artificial visual, aural, olfactory or physical stimuli, or engage in or attempt to engage in any other similar action or activity, in order to disturb, alarm, drive, attract or affect the behavior of wildlife or disturb, alarm, disrupt or annoy a person lawfully taking wildlife.
   8. Interjecting oneself into the line of fire of a person lawfully taking wildlife.

B. It is a class 3 misdemeanor for a person to enter or remain on a designated hunting area on any public or private lands or waters or state lands including state trust lands with the intent to interfere with, prevent or disrupt the lawful taking of wildlife.

C. The commission or any person properly licensed to take wildlife who is directly affected by a violation of this section may bring an action to restrain conduct declared unlawful in this section and to recover damages.

D. A peace officer who reasonably believes that a person has violated this section may order the person to desist or to leave the area or arrest such person upon refusal to desist or leave.

E. The conduct declared unlawful in this section does not:
   1. Include any incidental interference arising from lawful activity by public land users, including ranchers, miners or recreationists.
   2. Apply to landowners, permittees, lessees or their agents or contractors engaged in animal husbandry practices or agricultural operations.

**Last legislative year:** 2006

**Recent legislative history:** Laws 2006, Ch. 128, § 1.

### 17-317. Possession and containment of white amur; determination of closed aquatic system

A. The commission shall establish a procedure by rule to permit the possession of certified triploid white amur (ctenopharyngodon idellus).

B. The department shall evaluate potential sites for the stocking of certified triploid white amur in this state. These sites shall be in closed aquatic systems as determined by the commission. The commission shall determine what constitutes a closed aquatic system after at least one public hearing and shall consider at least the following factors:
   1. Hydrologic:
      (a) Flood potential of the aquatic system.
      (b) Proximity of the aquatic system to other aquatic systems.
      (c) Water movement into and out of the aquatic system.
   2. The risk of severe damage to the aquatic habitat in other bodies of water due to the possession and use of white amur.

**Last legislative year:** 1988

### 17-318. Disease assessment and treatment before importing wildlife and transporting big game

A. The department shall test all cloven-hoofed wildlife it introduces or imports into this state, and all cloven-hoofed big game transported and released in this state for the purpose of creating new or expanding existing populations, for presence of diseases that can be transmitted to livestock. The tests to be conducted shall be determined by consultation with the state veterinarian. The department shall treat and cure all wildlife infected with any known disease that can be transmitted to livestock. The tests to be conducted creating new or expanding existing populations, for presence of diseases that can be transmitted to livestock.

B. Before introducing or importing cloven-hoofed wildlife into this state, or transporting and releasing cloven-hoofed big game in this state for purposes of creating new or expanding existing populations, the department shall determine the potential for livestock and domestic animals infecting the wildlife and, if possible, immunize the wildlife before they are released in this state.

**Last legislative year:** 1989

### 17-319. Big game killed by motor vehicle; salvage permit; violation; classification

A. Notwithstanding any other provision of this title, the carcass of a big game animal that has been killed as a result of an accidental collision with a motor vehicle on a maintained road may be possessed and transported by the driver of the vehicle if the driver first obtains a big game salvage permit issued by a peace officer. A person may possess or transport the carcass or
any part of the carcass of a big game animal killed as a result of an accidental collision with a motor vehicle only as provided by this section.  

B. The department shall provide big game salvage permit forms to peace officers on request. The permit may be issued only in the name of the driver of the motor vehicle and is not transferable. The permit form shall require the following information:

1. The name and address of the motor vehicle driver.  
2. A description of the big game animal that was killed.  
3. The date of the collision.  
4. The specific location of the collision.  
5. A description of the motor vehicle.  
6. The destination where the carcass will be transported.  
7. The name of the peace officer who issued the permit.  
C. The peace officer shall:

1. Complete all of the information required on the permit.  
2. Give the original of the permit to the driver of the motor vehicle.  
3. Mail a copy of the permit to the department within forty-eight hours after issuing the permit.  
D. A peace officer may inspect the carcass and motor vehicle prior to issuing the permit. The carcass and motor vehicle are subject to inspection by a game ranger within twenty days after issuance of the permit. If the carcass has been processed or if the motor vehicle has been repaired, a game ranger may inspect the invoices or other documents recording the processing or repair.
E. A person who possesses the carcass of a big game animal pursuant to this section may place all or part of the carcass in storage pursuant to section 17-373 or may make a gift of the carcass or parts to another individual.
F. A permit issued under this section carries no representation or implication that any part of the carcass is edible. Neither the peace officer, the agency employing the peace officer nor the department is liable with respect to any use made of the carcass.
G. A person who possesses a carcass of a big game animal under authority of a big game salvage permit that was obtained by fraud is guilty of a class 1 misdemeanor.

Last legislative year: 1991

17-320. Jaguar; protection; violation; classification; civil liability; exception

A. Notwithstanding section 17-239 or any other provision of this title, if the secretary of the interior publishes in the federal register a determination for the removal of jaguar (felis onca) from the list as required under section 4(c) of the endangered species act of 1973, as amended, (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531 through 1544):

1. It is unlawful for a person to knowingly kill, wound or possess a jaguar or any part thereof:
2. A person who unlawfully kills, wounds or possesses a jaguar or any part thereof:
   (a) Is guilty of a class 1 misdemeanor.
   (b) Is liable for civil damages of not more than seventy-two thousand five hundred dollars for each violation pursuant to procedures set forth in section 17-314.
B. Subsection A of this section does not apply to:

1. A jaguar or parts of a jaguar that were lawfully possessed under state and federal law before August 21, 1997.
2. Any person who kills or wounds a jaguar, if it can be shown by a preponderance of the evidence that the person committed an act based on a good faith belief that the person was acting to protect himself, a member of the person's family or any other individual from bodily harm from a jaguar.
C. A person shall notify the department within five days after killing or wounding a jaguar under subsection B, paragraph 2 of this section. A jaguar killed or wounded pursuant to subsection B, paragraph 2 of this section shall not be retained, sold or removed from the site without authorization from the department.

Last legislative year: 1998

ARTICLE 2. LICENSES

17-331. License or proof of purchase required; violation of child support order

A. Except as provided by this title, rules prescribed by the commission or commission order, a person shall not take any wildlife in this state without a valid license or a commission approved proof of purchase. The person shall carry the license or proof of purchase and produce it on request to any game ranger, wildlife manager or peace officer.

B. A certificate of noncompliance with a child support order issued pursuant to section 25-518 invalidates any license or proof of purchase issued to the support obligor for taking wildlife in this state and prohibits the support obligor from applying for any additional licenses issued by an automated drawing system under this title.

C. On receipt of a certificate of compliance with a child support order from the court pursuant to section 25-518 and without further action:

1. Any license or proof of purchase issued to the support obligor for taking wildlife that was previously invalidated by a certificate of noncompliance and that has not otherwise expired shall be reinstated.
2. Any ineligibility to apply for any license issued by an automated drawing system shall be removed.

Last legislative year: 2013

Recent legislative history: Laws 1999, Ch. 125, § 1; Laws 2013, 1st Reg. Sess., Ch. 197, § 9.

17-332. Form and contents of license; duplicate licenses; period of validity

A. Licenses and license materials shall be prepared by the department and may be furnished and charged to dealers authorized to issue licenses. The license shall be issued in the name of the department. Except as provided by rule adopted by the commission, each license shall be signed by the licensee in ink on the face of the license and any license not signed is invalid. With
each license authorizing the taking of big game the
department shall provide such tags as the commission
may prescribe, which the licensee shall attach to the
big game animal in such manner as prescribed by the
commission. The commission shall limit the number of
big game permits issued to nonresidents in a random
drawing to ten per cent or fewer of the total hunt
permits, but in extraordinary circumstances, at a pub-
lic meeting the commission may increase the number of
permits issued to nonresidents in a random drawing if,
on separate roll call votes, the members of the commis-
sion unanimously:
1. Support the finding of a specifically described
extraordinary circumstance.
2. Adopt the increased number of nonresident per-
mits for the hunt.

B. The commission shall issue with each license a
shipping permit entitling the holder of the license to a
shipment of game or fish as provided by article 4 of this
chapter.

C. It is unlawful, except as provided by the commis-
sion, for any person to apply for or obtain in any one
license year more than one original license permitting
the taking of big game. A duplicate license or tag may
be issued by the department or by a license dealer if the
person requesting such license or tag furnishes the
information deemed necessary by the commission.

D. No license or permit is transferable, nor shall
such license or permit be used by anyone except the
person to whom such license or permit was issued,
except that:
1. A person may transfer the person’s big game
permit or tag to a qualified organization for use by a
minor child who has a life threatening medical condi-
tion or by a minor child who has a permanent physical
disability. The commission may prescribe the manner
and conditions of transferring and using permits and
tags under this paragraph. If a physically disabled
child is under fourteen years of age, the child must satisfac-
torily complete the Arizona hunter education course or an-
other comparable hunter education course that is ap-
proved by the director.

2. A parent, grandparent or legal guardian may
allow the parent’s, grandparent’s or guardian’s minor
child or minor grandchild to use the parent’s, grand-
parent’s or guardian’s big game permit or tag to take
big game pursuant to the following requirements:
(a) The parent, grandparent or guardian must trans-
fer the permit or tag to the child in a manner prescribed
by the commission.
(b) The parent or guardian must accompany the
child in the field or, if a grandparent allows a minor
grandchild to use the grandparent’s permit or tag, the
grandparent, the parent or the child’s guardian must
accompany the child in the field.
(c) The child must possess a valid hunting license
and, if under fourteen years of age, must satisfactorily
complete the Arizona hunter education course or an-
other comparable hunter education course that is ap-
proved by the director.
(d) Any big game that is taken counts toward the
child’s bag limit.

E. No refunds may be made for the purchase of a
license or permit.

F. Licenses are valid for a license year as prescribed
in rule by the commission. Lifetime licenses and bene-
factor licenses are valid for the lifetime of the licensee.

Last legislative year: 2013

Recent legislative history: Laws 1999, Ch. 125, § 2;
Laws 2000, Ch. 349, § 1; Laws 2005, Ch. 10, § 1; Laws 2005,
Ch. 318, § 7; Laws 2006, Ch. 126, § 1; Laws 2007, Ch. 5, § 1;
Laws 2007, Ch. 66, § 1; Laws 2008, Ch. 37, § 4; Laws 2013,
1st Reg. Sess., Ch. 197, § 10.

17-333. License classifications; fees; annual re-
port; review

A. Through July 1, 2019, the commission shall pre-
scribe by rule license classifications that are valid for
the taking or handling of wildlife, fees for licenses,
permits, tags and stamps and application fees.

B. The commission may temporarily reduce or waive
any fee prescribed by rule under this title on the
recommendation of the director.

C. All monies collected pursuant to this section shall
be deposited, pursuant to sections 35-146 and 35-147,
in the game and fish fund established by section
17-261.

D. On or before December 31 of each year, the
commission shall submit an annual report to the pres-
ident of the senate, the speaker of the house of repres-
sentatives, the chairperson of the senate natural re-
sources and rural affairs committee and the
chairperson of the house of representatives energy,
environment and natural resources committee, or their
successor committees, that includes information relat-
ing to license classifications, fees for licenses, permits,
tags and stamps and any other fees that the commis-
sion prescribes by rule. On or before July 1, 2019 and
each fifth year thereafter, the joint legislative audit
committee shall assign a committee of reference to hold
a public hearing and review the annual report submit-
ted by the commission.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch.
197, § 12.

17-333.01. Fee limitation

The department may establish fees pursuant to this
article, but the total amount of license, permit, tag and
stamp fees collected in any fiscal year may not exceed
fifty per cent more than the amount appropriated from the game and fish fund for fiscal year 2012-2013.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 197, § 14.

17-333.02. Trapping license; education; exemption

A. A person applying for a trapping license must successfully complete a trapping education course conducted or approved by the department before being issued a trapping license. The department shall conduct or approve an educational course of instruction in responsible trapping and environmental ethics. The course shall include instruction on the history of trapping, trapping ethics, trapping laws, techniques in safely releasing nontarget animals, trapping equipment, wildlife management, proper catch handling, trapper health and safety and considerations and ethics intended to avoid conflicts with other public land users. A person must pass a written examination to successfully complete the course. The department shall not approve a trapping education course conducted by any person, agency, corporation or other organization for which a fee is charged greater than an amount the commission determines per person.

B. A person who is born before January 1, 1967 or who has completed, from and after December 31, 1987 and before March 1, 1993, the voluntary trapper education course conducted or approved by the department before being issued a trapping license is exempt from subsection A of this section.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 197, § 15.

17-334. Sale of licenses

Hunting, fishing and other licenses shall be issued by such person as may be designated license dealers by the commission. The commission may suspend or revoke a dealer’s license for failure to comply with rules specified by commission order.

Last legislative year: 1988

17-335. Blind resident; fishing license exemption

A blind resident may fish without a license and is entitled to the same privileges as the holder of a valid license.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 197, § 17.

17-335.01. Lifetime license and benefactor license

A. For the purposes of this title, the commission may prescribe by rule a lifetime license and a benefactor license and privileges associated with the taking and handling of fish and wildlife in this state pursuant to section 17-333. All monies derived from the sale of lifetime licenses and benefactor licenses shall be deposited, pursuant to sections 35-146 and 35-147, in the wildlife endowment fund established by section 17-271.

B. A lifetime license, benefactor license and trout stamp may be denied or suspended pursuant to, and for the offenses described in, section 17-340.

C. A lifetime license, benefactor license and trout stamp remain valid if the licensee subsequently resides outside this state, but the licensee must pay the nonresident fee to purchase any additional privileges, including stamps, permits and tags required to hunt and fish in this state. Limits set by the commission on issuing nonresident stamps, permits or tags do not apply to stamps, permits or tags sold to a lifetime licensee.

Last legislative year: 2013

Recent legislative history: Laws 1999, Ch. 125, § 3; Laws 1999, Ch. 177, § 5; Laws 2008, Ch. 37, § 8; Laws 2013, 1st Reg. Sess., Ch. 197, § 18.

17-336. Complimentary and honorary youth licenses

A. The commission may issue a complimentary license to:

1. A pioneer who is seventy years of age or older and who has been a resident of this state for twenty-five or more consecutive years immediately preceding application for the license. The pioneer license is valid for the lifetime of the licensee, and the commission shall not require renewal of the license.

2. A veteran of the armed forces of the United States who has been a resident of this state for one year or more immediately preceding application for the license and who is receiving compensation from the United States government for permanent service connected disabilities rated as one hundred per cent disabling.

B. The commission may issue a youth license for a reduced fee, as prescribed by the commission, to a resident of this state who is a member of the boy scouts of America who has attained the rank of eagle scout or a member of the girl scouts of the USA who has received the gold award.

Last legislative year: 2013

Recent legislative history: Laws 2010, 2nd Reg. Sess., Ch. 216, § 1; Laws 2013, 1st Reg. Sess., Ch. 197, § 19.

17-337. Soldier’s hunting and fishing licenses

A member of the armed forces of the United States on active duty and stationed in this state for a period of thirty days immediately preceding the date of application for a license may purchase a resident license permitting the taking of wildlife.

Last legislative year: 1959

17-337.01. Licenses for enrollees in the job corps

Enrollees in the job corps created by the economic opportunity act of 1964, who are stationed within the state, shall be entitled to purchase a fishing license as provided by law for other residents of the state.

Last legislative year: 1966

17-338. Remission of fees from sale of licenses or permits; violation; classification

A. License dealers shall transmit to the department all license or permit fees collected and furnish such
information as the commission prescribes by rule. The failure to make such a transmission within thirty days after the deadline the commission prescribes by rule shall be cause to cancel a license dealer’s license. The knowing failure to transmit all collected license and permit fees within thirty days is a class 2 misdemeanor.

B. Persons issuing licenses or permits other than the department shall retain as their compensation five percent of the selling price of each license or permit, except that:

1. Compensation for Arizona, California, Nevada and Utah-Colorado river special use permits shall be established through agreement between the respective states and the commission.

2. License dealers who contract with the commission to sell licenses by telecommunication may impose additional fees for their services as provided in the contract.

**Last legislative year:** 2013

**Recent legislative history:** Laws 1999, Ch. 125, § 4; Laws 2013, 1st Reg. Sess., Ch. 197, § 20.

17-339. Reports and returns by license dealers; noncompliance; classification

A. Each license dealer shall by January 10, or on demand of the commission or department, return to the department:

1. All duplicate stubs, unused licenses, permits and big game tags.

2. All due and unremitted license and permit fees collected.

3. A full and complete report of the licenses, permits and big game tags returned.

B. The failure to make such return within thirty days shall automatically cancel the license dealer’s license, and intentional failure to comply with the provisions of this section is a class 1 misdemeanor. Any license dealer who makes a false or fraudulent return or report or who fails to submit returns, reports or all due and unremitted fees as required under this section with the intent of defrauding the department is guilty of a class 6 felony.

**Last legislative year:** 1995

17-340. Revocation, suspension and denial of privilege of taking wildlife; notice; violation; classification

A. On conviction or after adjudication as a delinquent juvenile as defined in section 8-201 and in addition to other penalties prescribed by this title, the commission, after a public hearing, may revoke or suspend any license issued under this title to take wildlife until the licensing authority has had the opportunity to take or possess wildlife for a period of not to exceed five years for:

1. Unlawful taking, unlawful selling, unlawful offering for sale, unlawful bartering or unlawful possession of wildlife.

2. Careless use of firearms which has resulted in the injury or death of any person.

3. Destroying, injuring or molesting livestock, or damaging or destroying growing crops, personal property, notices or signboards, or other improvements while hunting, trapping or fishing.

4. Littering public hunting or fishing areas while taking wildlife.

5. Knowingly allowing another person to use the person’s big game tag, except as provided by section 17-332, subsection D.

6. A violation of section 17-303, 17-304 or 17-341 or section 17-362, subsection A.

7. A violation of section 17-309, subsection A, paragraph 5 involving a waste of edible portions other than meat damaged due to the method of taking as follows:

   (a) Upland game birds, migratory game birds and wild turkey; breast.

   (b) Deer, elk, pronghorn (antelope), bighorn sheep, bison (buffalo) and peccary (javelina); hind quarters, front quarters and loins.

   (c) Game fish: fillets of the fish.

8. A violation of section 17-309, subsection A, paragraph 1 involving any unlawful use of aircraft to take, assist in taking, harass, chase, drive, locate or assist in locating wildlife.

B. On conviction or after adjudication as a delinquent juvenile and in addition to any other penalties prescribed by this title:

1. For a first conviction or a first adjudication as a delinquent juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny a person’s privilege to take wildlife for a period of up to five years.

2. For a second conviction or a second adjudication as a delinquent juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny a person’s privilege to take wildlife for a period of up to ten years.

3. For a third conviction or a third adjudication as a delinquent juvenile, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny a person’s privilege to take wildlife permanently.

C. A person who is assessed civil damages under section 17-314 shall not apply for or obtain a license during the pendency of an action for damages, while measures are pursued to collect damages or prior to the full payment of damages.

D. On receiving a report from the licensing authority of a state which is a party to the wildlife violator compact, adopted under chapter 5 of this title, that a resident of this state has failed to comply with the terms of a wildlife citation, the commission, after a public hearing, may suspend any license issued under this title to take wildlife until the licensing authority furnishes satisfactory evidence of compliance with the terms of the wildlife citation.

E. In carrying out this section the director shall notify the licensee, within one hundred eighty days after conviction, to appear and show cause why the license should not be revoked, suspended or denied. The notice may be served personally or by certified mail sent to the address appearing on the license.

F. The commission shall furnish to license dealers the names and addresses of persons whose licenses have been revoked or suspended, and the periods for
which they have been denied the right to secure licenses.

G. The commission may use the services of the office of administrative hearings to conduct hearings and to make recommendations to the commission pursuant to this section.

H. Except for a person who takes or possesses wildlife while under permanent revocation, a person who takes wildlife in this state, or attempts to obtain a license to take wildlife, at a time when the person’s privilege to do so is suspended, revoked or denied under this section is guilty of a class 1 misdemeanor.

Last legislative year: 2012


17-341. Violation; classification

A. It is unlawful for a person to knowingly purchase, apply for, accept, obtain or use, by fraud or misrepresentation a license, permit, tag or stamp to take wildlife and a license or permit so obtained is void and of no effect from the date of issuance thereof.

B. Any person who violates this section is guilty of a class 2 misdemeanor.

Last legislative year: 2012


17-342. Colorado river special use permit

A. A person taking fish or amphibians for purposes other than for profit from or while on a boat or other floating device on all waters of the Colorado river south of the Nevada-Arizona boundary shall have in his possession a valid angling or fishing license issued by either the state of Arizona or the state of California. In addition to one of the above described licenses, such person shall have in his possession a valid California or Arizona-Colorado river special use permit, as provided by sections 17-343 and 17-344, which shall be obtained on payment of a fee to be fixed by the commission at not to exceed four dollars. Such a permit shall not be required to take fish or amphibians from canals, drains or ditches used to carry water from the Colorado river for irrigation or domestic purposes.

B. A person having in his possession a valid Arizona fishing license must have a California-Colorado river special use permit to legally fish the waters described in subsection A of this section. A person having in his possession a valid California angling license must have an Arizona-Colorado river special use permit to legally fish the waters described in subsection A of this section. Such special use permit when accompanied by the proper license will allow the holder to fish in any portion of such waters and permit him to enter the waters from any point.

C. Shore line fishing does not require a Colorado river special use permit as long as the fisherman remains on the shore of the state from which he holds a valid license and does not embark on the water.

Last legislative year: 1978

17-343. Reciprocal sale of licenses and special use permits

The Arizona game and fish department and the California department of fish and game may enter into a reciprocal agreement to handle licenses and special use permits of either state and issue them to their authorized dealers. Arizona shall by April 30 of each year make an audit report together with remittance to California covering such sales. California shall by April 30 of each year make an audit report and remittance to Arizona covering such sales.

Last legislative year: 1991

17-344. Period of validity of special permits

Arizona-Colorado river special use permits and California-Colorado river special use permits shall be valid from January 1 to December 31, inclusive, or as the commission prescribes by rule or order.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 197, § 21.

17-345. Surcharges; purposes

In addition to any other fees, the commission may impose and collect:

1. A surcharge on a license, permit, tag and stamp as the commission prescribes by rule. Monies collected pursuant to this paragraph shall be segregated from other fees and deposited in the conservation development fund.

2. Surcharges on Arizona-Colorado river special use permits, California-Colorado river special use permits and Nevada-Colorado river special use permits issued in this state as provided by sections 17-342, 17-343 and 17-344. The amount of the surcharges shall be determined by the commission. A surcharge under this paragraph is to be used solely for the purpose of the lower Colorado river multispecies conservation program under section 48-3713.03. Any monies collected pursuant to this paragraph shall be segregated from other revenues and deposited, pursuant to sections 35-146 and 35-147, in a fund designated as the Colorado river special use permit clearing account. Each month, on notification by the department, the state treasurer shall pay all of the monies in the clearing account to an account designated by a multi-county water conservation district established under title 48, chapter 22 to be used solely for the lower Colorado river multispecies conservation program and for no other purpose.

Last legislative year: 2013

Recent legislative history: Laws 1999, Ch. 177, § 6; Laws 2005, Ch. 78, § 4; Laws 2005, Ch. 318, § 9; Laws 2013, 1st Reg. Sess., Ch. 197, § 22.

17-346. Special big game license tags

In addition to any license tags issued under section 17-333 the commission may issue special big game license tags in the name of an incorporated nonprofit organization that is dedicated to wildlife conservation.
No more than three special big game license tags may be issued for each species of big game in a license year. Notwithstanding section 17-332, subsection D, an organization that receives special big game license tags issued under this section may sell and transfer them if all proceeds of the sale are used in this state for wildlife management.

Last legislative year: 2013

Recent legislative history: Laws 2005, Ch. 318, § 10; Laws 2013, 1st Reg. Sess., Ch. 197, § 23.

ARTICLE 3. TRAPPERS, GUIDES AND TAXIDERMISTS

17-361. Trappers; licensing; restrictions; duties; reports
A. The holder of a trapping license, may trap predatory, nongame, and fur-bearing mammals under such restrictions as the commission may specify.

B. All traps shall be plainly identified with the name, address, or registered number of the owner, and such markings of identification shall be filed with the department. All traps in use shall be inspected daily.

C. It shall be unlawful for a person to disturb the trap of another unless authorized to do so by the owner.

D. Pursuant to rules and regulations of the commission, each trapping licensee shall, on dates designated by the commission, submit on forms provided by the department, a legible report of the number of each kind of predatory, nongame and fur-bearing mammal taken and the names and addresses of the persons to whom they were shipped or sold or the wildlife management units where the animals were taken.

Last legislative year: 1978

17-362. Guide license; violations; annual report; carrying firearms
A. No person shall act as a guide without first satisfying the director of the person’s qualifications and without having procured a guide license. No person under eighteen years of age shall be issued a guide license.

B. If a licensed guide fails to comply with this title or is convicted of violating any provision of this title, in addition to any other penalty prescribed by this title:
   1. For a first offense, the commission, after a public hearing, may revoke or suspend the guide license and deny the person the right to secure another license for a period of up to five years.
   2. For a second offense, the commission, after a public hearing, may revoke or suspend the guide license and deny the person the right to secure another license for a period of up to ten years.
   3. For a third offense, the commission, after a public hearing, may revoke or suspend the guide license and permanently deny the person the right to secure another license.

C. By January 10 of each year, or at the request of the commission, guides shall report to the department, on forms provided by the department, the name and address of each person guided, the number of days so employed and the number and species of game animals taken. No guide license shall be issued to any person who has failed to deliver the report to the department for the preceding license year, or until meeting such requirements as the commission may prescribe.

D. No person acting as guide shall carry firearms other than a revolver or pistol.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 37, § 9.

17-363. License to practice taxidermy
A. No person shall engage in the business of a taxidermist for hire until such person has procured a license which may be granted to any person at the discretion of the commission.

B. A taxidermist shall keep a register, and exhibit it upon request of authorized representatives of the game and fish department and the United States fish and wildlife service, of the names and addresses of persons who furnish raw and unmounted specimens, the taker’s tag or license number, the date and number of each species of wildlife received, and shall by the tenth day of October, January, April and July, file a legible report in English with the department of such entries except names and addresses on forms provided therefor.

Last legislative year: 1978

17-364. Fur dealer’s license; records; reports
A. No person shall engage in the business of buying for resale any specimen of predatory, nongame and fur-bearing mammals taken within this state without obtaining a fur dealer’s license.

B. A fur dealer shall keep a record of the date, number and species of all pelts or furs received, the name and addresses of the persons from whom such pelts or furs were received and the names and addresses of the persons to whom such pelts or furs were shipped or sold.

C. Fur dealers shall by the tenth day of October, January, April and July file a legible report with the department of all such records required by paragraph B on forms provided by the department.

Last legislative year: 1977

ARTICLE 4. TRANSPORTATION AND STORAGE

17-371. Transportation, possession and sale of wildlife and wildlife parts
A. A person may transport in his possession his legally taken wildlife, or may authorize the transportation of his legally taken big game, provided such big game or any part thereof has attached thereto a valid transportation permit issued by the department. Such wildlife shall be transported in such manner that it may be inspected by authorized persons upon demand until the wildlife is packaged or stored. Species of wildlife, other than game species, may be transported in any manner unless otherwise specified by the commission. A person possessing a valid license may transport lawfully taken wildlife other than big game given to him but in no event shall any person possess more than one bag or possession limit.
B. A holder of a resident license shall not transport from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent.

C. Migratory birds may be possessed and transported in accordance with the migratory bird treaty act (40 Stat. 755; 16 United States Code sections 703 through 711) and regulations under that act.

D. A holder of a sport falconry license may transport one or more raptors that the person lawfully possesses under terms and conditions prescribed by the commissioner. Regardless of whether a person holds a sport falconry license and as provided by section 17-236, subsection C, the person may transport for sport falconry purposes one or more raptors that are not listed pursuant to the migratory bird treaty act.

E. Heads, horns, antlers, hides, feet or skin of wildlife lawfully taken, or the treated or mounted specimens thereof, may be possessed, sold and transported at any time, except that migratory birds may be possessed and transported only in accordance with federal regulations.

Last legislative year: 2012


17-372. Shipment by common carrier
A. A common carrier shall not transport any wildlife except as provided for under this title or title 3, chapter 16.

B. Wildlife may be shipped during the open season, or within five days thereafter, but such shipment shall not exceed the possession limit for any one species and no more than one such possession limit may be shipped in a period of seven consecutive days. When shipped a valid permit shall be firmly attached to such shipment and the specimens shall be clearly and conspicuously labeled with the name and address of the consignor and consignee and an accurate statement of the contents of package.

C. A resident may ship wildlife as provided under this section, except that a holder of a resident license shall not ship or offer for shipment from a point within to a point without the state any big game species or parts thereof without first having obtained a special permit issued by the department or its authorized agent.

Last legislative year: 1990

17-373. Storage; exception
A. Commercial food establishments processing or storing wildlife shall stamp all packages containing such wildlife with a stamp furnished by the department and such packages shall be marked with the date received or processed. The operator of such establishment shall keep a record, and exhibit it upon request, of the names and addresses of persons who furnish such wildlife for processing or storage, the date, amount, and species of such wildlife received.

B. This section does not apply to processing or storing aquatic animals that are cultivated, propagated or maintained in an aquaculture facility that is licensed under title 3, chapter 16.

Last legislative year: 1990

CHAPTER 4

CONSERVATION PROJECTS AND FEDERAL COOPERATION

ARTICLE 1. RESTORATION PROJECTS

Section
17-401. Definitions.
17-402. Acceptance of federal aid acts.
17-403. Restoration projects.
17-404. Acquisition of lands.
17-405. Acceptance of grants.
17-406. Revolving fund; appropriation; purpose and reimbursement.
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ARTICLE 2. FISH HATCHING AND FISH CULTURE

17-421. Right to conduct fish hatching and culture; limitations.

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17-452. Restrictions on motor vehicle use; recommendations; agreements; rules.
17-453. Notices of restrictions; posting; publication.
17-454. Prohibition against vehicle travel.
17-455. Exceptions.
17-456. Expenditure of funds; source; functions.
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ARTICLE 4. WILDLIFE HABITAT RESTORATION AND ENHANCEMENT FUND

17-471. Wildlife habitat restoration and enhancement fund; commission duties.

ARTICLE 5. USE OF AQUATIC POISONS

17-481. Application of aquatic poisons; analysis; notice; exceptions.

ARTICLE 1. RESTORATION PROJECTS

17-401. Definitions
In this article, unless the context otherwise requires:
1. “Secretary” means the secretary of the interior of the United States, or any officer or agency of the United States authorized to administer the restoration acts.
2. “Restoration acts” means the Pittman-Robertson federal aid in wildlife restoration act found in 50 Stat. 917, 16 U.S.C.A. sections 669 through 669j; and the Dingell-Johnson federal aid in fish restoration act found in 64 Stat. 430, 16 U.S.C.A. sections 777 through 777k, and includes the rules and regulations issued by the secretary pursuant thereto.
3. “Restoration projects” or “projects” means a project for selection, restoration, rehabilitation or improve-
ment of areas of land or water adaptable as feeding, resting or breeding places for wildlife or fish, and includes acquisition by purchase, lease or gift of the property or interest therein as may be suitable or capable of being made suitable therefor, and the construction of such works as may be necessary to efficient administration of wildlife resources, and such preliminary or incidental expenses as may be incurred in and about the project.

Last legislative year: 1958

17-402. Acceptance of federal aid acts
A. The state assents to the provisions of Public Law 415, 75th Congress, chapter 899, first session, and Public Law 681, 81st Congress, chapter 658, second session.
B. The commission shall be the agency of the state for the purposes of this article.

Last legislative year: 1958

17-403. Restoration projects
The commission may cooperate and enter into agreements with the secretary for establishment, maintenance and completion of restoration projects, pursuant to the restoration acts.

Last legislative year: 1958

17-404. Acquisition of lands
The commission, in the name of the state and with approval of the governor, may acquire by purchase, lease or gift, either for cash or upon installments, such lands or other property or interest therein as may be necessary for the purpose of carrying on a restoration project pursuant to an agreement entered into between the commission and the secretary.

Last legislative year: 1958

17-405. Acceptance of grants
A. The commission shall notify the secretary of its desires to avail itself of monies apportioned not later than sixty days after receipt of certification by the secretary of the estimated amount to be apportioned to this state.
B. Upon receipt of final certification by an agency of the federal government allocating funds to this state for any fiscal year or portion thereof available to the Arizona game and fish department, the commission shall transfer this state's share of the amount so allocated from any monies appropriated by the legislature of this state for the purpose of carrying out wildlife programs and if the monies are insufficient, the commission may transfer from the game and fish fund such sum as it deems advisable to further match the federal apportionments. Monies received from funds of the United States shall be deposited in the federal aid accounts. Claims against the accounts shall be made and paid in the manner provided by law for payment of claims against the game and fish fund.
C. Monies in the federal aid accounts shall be expended solely for work allowable under the provisions of the projects.

Last legislative year: 2000

Recent legislative history: Laws 2000, Ch. 193, § 125.

17-406. Revolving fund; appropriation; purpose and reimbursement
A. There is established a permanent revolving fund to be known as the game and fish revolving fund.
B. The fund is appropriated for the initial financing or continuation of projects approved in compliance with the provisions of the restoration acts of Congress known as the Pittman-Robertson act and the Dingell-Johnson act and provisions of section 17-402 and other wildlife projects in which the cost may be partially or wholly reimbursed from federal funds.
C. Funds received from the federal government for deposit and appropriated state matching money shall be deposited to the credit of the revolving fund to the extent of expenditures therefrom.
D. This article is exempt from the provisions of section 35-190 relating to lapsing appropriations.

Last legislative year: 1963

17-407. Acquisition of lands by United States for migratory bird conservation
A. Notwithstanding section 37-620.01, the consent of this state is given pursuant to title 16 United States Code section 715f and article I, section 8, clause 17 of the Constitution of the United States for the acquisition by the United States of land and any buildings and other improvements required for migratory bird conservation purposes.
B. This state shall maintain concurrent civil and criminal jurisdiction over persons on lands acquired by the United States under this section.

Last legislative year: 1986

ARTICLE 2. FISH HATCHING AND FISH CULTURE

17-421. Right to conduct fish hatching and culture; limitations
A. The secretary of the interior is granted the privilege to conduct fish hatching, fish culture and other operations connected therewith, including the acquisition of land, with the approval of the commission, in any manner and at any time that may be considered by the secretary necessary and proper, any laws of the state to the contrary notwithstanding.
B. Nothing in this section shall be construed as permitting or granting to the secretary jurisdiction over or interference with the established activities or facilities of the department nor shall this section be construed as contravening any law of this state relating to public health or water rights.

Last legislative year: 1958

ARTICLE 3. WILDLIFE HABITAT PROTECTION

17-451. Definitions
In this article, unless the context otherwise requires:
1. "Cross-country" means travel over the countryside other than by road.
2. "Road" means any maintained or unmaintained road that has been utilized by the public.

Last legislative year: 1972

17-452. Restrictions on motor vehicle use; recommendations; agreements; rules
A. When the commission determines that the operation of motor vehicles within a certain area, except private land, is or may be damaging to wildlife reproduction, wildlife management or wildlife habitat of such area, the commission, with the concurrence of the land management agency involved and after a public hearing, may order such area closed to motor vehicles for not more than five years from the date of such closure, provided that all roads in such area shall remain open unless specifically closed.
B. The commission may also recommend that particular areas of land be set aside or made available for the use of recreational vehicles.
C. The commission may enter into agreements with landowners and agencies controlling areas that the commission has made recommendations on pursuant to subsection B. Any such agreement shall stipulate the restrictions, prohibitions and permitted uses of motor vehicles in such area and the duties of the commission and such landowner or agency relating to the enforcement of the terms of such agreement.
D. The commission shall adopt rules pursuant to title 41, chapter 6 to carry out the provisions of this section.

Last legislative year: 1991

17-453. Notices of restrictions; posting; publication
A. For all areas specified under agreements pursuant to section 17-452, the commission shall cause notices of the restrictions, prohibitions or permitted uses of such area to be posted, prior to the effective date of such restrictions, prohibitions or permitted uses, on the main traveled roads and highways entering such area and such locations that the commission deems appropriate.
B. In addition to the posted notices required by subsection A of this section, the commission shall cause a notice of such restrictions, prohibitions or permitted uses, together with a description of the area, to be published three times in a newspaper of general circulation in the state prior to the effective date of such restrictions, prohibitions or permitted uses.

Last legislative year: 1972

17-454. Prohibition against vehicle travel
No person shall drive a motor operated vehicle cross-country on public or private lands where such cross-country driving is prohibited by rule or regulation or, in the case of private lands, by proper posting.

Last legislative year: 1972

17-455. Exceptions
A. The restrictions, prohibitions or permitted uses established pursuant to section 17-452 shall not apply to:
1. Public employees acting in the scope of their employment.
2. Valid licensees and permittees of state agencies and land management agencies. Holders of such licenses and permits shall be limited to the specific purposes and areas of travel for which such licenses or permits were issued or granted.
3. Necessary travel within or across restricted or prohibited land by employees and agents of public utilities, subject to Arizona corporation commission (or any successor agency) or federal power commission regulation, of suppliers of water or power acting as agents of the federal government, and employees or agents of mining companies exercising rights pursuant to any state or federal mining law or regulation. Other persons who are regularly engaged in prospecting or mineral exploration shall upon application be issued vehicular access permits by the director.
4. A licensed hunter who enters an area solely to pick up a big game animal which he has legally killed.
B. Emergency situations, such as fire or other disasters, or when otherwise necessary to protect life or property shall not require a permit.
C. Parking and camping shall be allowed along open roads in closed areas, except that no vehicle shall be parked or operated at a distance greater than three hundred feet from such roads.

Last legislative year: 1972

17-456. Expenditure of funds; source; functions
The commission may expend such funds as may become available from general fund appropriations to carry out the provisions of this article, including, but not limited to:
1. Investigations and surveys of actual or possible wildlife habitat damage by motor vehicles and the study of areas to be recommended for recreational vehicle use.
2. Posting notices of restrictions, prohibitions and permitted uses of motor vehicles.
3. Providing maps.
4. An informational and educational program on wildlife habitat preservation and restoration.
5. The enforcement of the provisions of this article.

Last legislative year: 1972

17-457. Enforcement of article
All peace officers of the state, counties and municipalities and other duly authorized state employees may enforce the provisions of this article.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 231, § 1.

17-458. Violations; classification
Any person who violates any provision of this article or any rule or regulation adopted pursuant to this article is guilty of a class 3 misdemeanor.

Last legislative year: 1978

ARTICLE 4. WILDLIFE HABITAT RESTORATION AND ENHANCEMENT FUND

17-471. Wildlife habitat restoration and enhancement fund; commission duties
A. The wildlife habitat restoration and enhancement
fund is established consisting of legislative appropriations for specific wildlife habitat restoration and enhancement projects. Monies in the fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations. On notice from the director of the Arizona game and fish department, the state treasurer shall invest and divers monies in the fund as provided in section 35-313 and monies earned from investment shall be credited to the fund.

B. The commission shall:
1. Monitor and have oversight of specific projects for which the legislature appropriates monies to the wildlife habitat restoration and enhancement fund.
2. If necessary, change the priority of appropriated projects under its oversight, but any change in priority shall be subject to approval of the commission at a public hearing.
3. Submit a semiannual report on the work, goals, objectives and funding of the wildlife habitat restoration and enhancement fund to the governor, the president of the senate, the speaker of the house of representatives, the chairpersons of the senate and house of representatives appropriations committees and provide a copy of the report to the secretary of state and the director of the Arizona state library, archives and public records.

Last legislative year: 2006
Recent legislative history: Laws 2006, Ch. 372, § 1.

ARTICLE 5. USE OF AQUATIC POISONS
17-481. Application of aquatic poisons; analysis; notice; exceptions
A. The department shall not apply rotenone or antimycin A for any purpose to any spring, seep, watershed, stream, river, stockpond, irrigation water delivery system, lake or other body of standing or running water in this state until conducting and submitting to the commission a full impact analysis of any risks posed to the environment and to downstream potable water supplies and livestock water sources. On receipt and review of the analysis, the commission shall issue either:
1. A written approval if the commission finds the application will not endanger the health of the environment, humans or livestock.
2. A written disapproval of the analysis.

B. The department must:
1. Provide at least ten days’ advance written notice to all owners, lessees and permittees of real property, including federal and state public lands that are contiguous with the treatment area as defined in the impact analysis, and publish general notice in two publications in a daily or weekly newspaper of general circulation in the general area in which the rotenone or antimycin A will be applied.
2. Conduct soil and water analyses:
   (a) Before applying rotenone or antimycin A to establish baseline levels.
   (b) After application to monitor downstream levels in soil, potable water supplies and livestock water sources. The department shall continue to monitor the downstream levels until they return to pretreatment baseline levels.
C. This article does not apply if the application is both:
1. To a reservoir, or to a water body for purposes of operating a reservoir or delivering water from a reservoir or system of reservoirs, that has a capacity of at least ten thousand acre feet, or to the Colorado river below and including lake Mead.
2. Pursuant to a federally issued incidental take permit pursuant to the federal endangered species act.

Last legislative year: 2013
Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 117, § 1.

CHAPTER 5
WILDLIFE VIOLATOR COMPACT

ARTICLE 1. ADOPTION

Section 17-501. Short title.
17-502. Adoption and text of compact.
17-503. Administration; expenses.

ARTICLE 1. ADOPTION

17-501. Short title
This chapter shall be known and may be cited as "the wildlife violator compact".

Last legislative year: 1990

17-502. Adoption and text of compact
The wildlife violator compact is adopted and enacted into law as follows:

Article I

Findings, declaration of policy and purpose
(a) The participating states find that:
(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.
(2) The protection of the wildlife resources of a state is materially affected by the degree of compliance with state statutes, laws, regulations, ordinances and administrative rules relating to the management of such resources.
(3) The preservation, protection, management and restoration of wildlife contributes immeasurably to the aesthetic, recreational and economic aspects of such natural resources.
(4) Wildlife resources are valuable without regard to political boundaries; therefore, every person should be required to comply with wildlife preservation, protection, management and restoration laws, ordinances, and administrative rules and regulations of the participating states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap or possess wildlife.
(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.
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(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communication among the various states.

(7) In some states, a person who is cited for a wildlife violation in a state other than his home state:
   (i) Is required to post collateral or a bond to secure appearance for a trial at a later date; or
   (ii) Is taken into custody until the collateral or bond is posted; or
   (iii) Is taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices set forth in paragraph (7) of this article is to ensure compliance with the terms of a wildlife citation by the cited person who, if permitted to continue on his way after receiving the citation, could return to his home state and disregard his duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in his home state is permitted to accept the citation from the officer at the scene of the violation and immediately continue on his way after agreeing or being instructed to comply with the terms of the citation.

(10) The practices described in paragraph (7) of this article cause unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial or pay a fine, and thus is compelled to remain in custody until some alternative arrangement is made.

(11) The enforcement practices described in paragraph (7) of this article consume an undue amount of law enforcement time.

(b) It is the policy of the participating states to:

(1) Promote compliance with the statutes, laws, ordinances, regulations and administrative rules relating to management of wildlife resources in their respective states.

(2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a participating state and treat such suspension as if it had occurred in their state provided the violation which resulted in the suspension could have been the basis for suspension in their state.

(3) Allow a violator, except as provided in paragraph (b) of article III, to accept a wildlife citation and, without delay, proceed on his way, whether or not a resident of the state in which the citation was issued, provided that the violator’s home state is party to this compact.

(4) Report to the appropriate participating state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(5) Allow the home state to recognize and treat convictions recorded against its residents, which convictions occurred in a participating state, as though they had occurred in the home state.

(6) Extend cooperation to its fullest extent among the participating states for enforcing compliance with the terms of a wildlife citation issued in one participating state to a resident of another participating state.

(7) Maximize effective use of law enforcement personnel and information.

(8) Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is:

(1) Provide a means through which a participating state may join in a reciprocal program to effectuate the policies enumerated in paragraph (b) of this article in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of wildlife violators operating within participating states in recognition of the violator’s right to due process and the sovereign status of a participating state.

Article II
Definitions

As used in this compact, unless the context requires otherwise:

(a) “Citation” means any summons, complaint, summons and complaint, ticket, penalty assessment or other official document issued to a person by a wildlife officer or other peace officer for a wildlife violation which contains an order requiring the person to respond.

(b) “Collateral” means any cash or other security deposited to secure an appearance for trial in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(c) “Compliance” with respect to a citation means the act of answering a citation through an appearance in a court or tribunal, or through the payment of fines, costs and surcharges, if any.

(d) “Conviction” means a conviction, including any court conviction, for any offense related to the preservation, protection, management or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance or administrative rule, and such conviction shall also include the forfeiture of any bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, the payment of a penalty assessment, a plea of nolo contendere and the imposition of a deferred or suspended sentence by the court.

(e) “Court” means a court of law, including magistrate’s court and the justice of the peace court.

(f) “Home state” means the state of primary residence of a person.

(g) “Issuing state” means the participating state which issues a wildlife citation to the violator.

(h) “License” means any license, permit or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing or taking any wildlife regulated by statute, law, regulation, ordinance or administrative rule of a participating state.

(i) “Licensing authority” means the department or division within each participating state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap or possess wildlife.

(j) “Participating state” means any state which enacts legislation to become a member of this wildlife compact.

(k) “Personal recognizance” means an agreement by a person made at the time of issuance of the wildlife
citation that such person will comply with the terms of
the citation.

(l) “State” means any state, territory or possession of
the United States, the District of Columbia, the Com-
monwealth of Puerto Rico, the provinces of Canada and
other countries.

(m) “Suspension” means any revocation, denial or
withdrawal of any or all license privileges, including
the privilege to apply for, purchase or exercise the
benefits conferred by any license.

(n) “Terms of the citation” means those conditions
and options expressly stated upon the citation.

(o) “Wildlife” means all species of animals including,
but not limited to, mammals, birds, fish, reptiles,
amphibians, mollusks and crustaceans, which are de-
defined as “wildlife” and are protected or otherwise regu-
lated by statute, law, regulation, ordinance or admin-
istrative rule in a participating state. Species included
in the definition of “wildlife” vary from state to state
and determination of whether a species is “wildlife” for
the purposes of this compact shall be based on local law.

(p) “Wildlife law” means any statute, law, regulation,
ordinance or administrative rule developed and en-
acted for the management of wildlife resources and the
uses thereof.

(q) “Wildlife officer” means any individual autho-
rized by a participating state to issue a citation for a
wildlife violation.

(r) “Wildlife violation” means any cited violation of a
statute, law, regulation, ordinance or administrative
rule developed and enacted for the management of
wildlife resources and the uses thereof.

Article III

Procedures for issuing state

(a) When issuing a citation for a wildlife violation, a
wildlife officer shall issue a citation to any person
whose primary residence is in a participating state in
the same manner as though the person were a resident
of the issuing state and shall not require such person to
post collateral to secure appearance, subject to the
exception noted in paragraph (b) of this article, if the
officer receives the recognizance of such person that he
will comply with the terms of the citation.

(b) Personal recognizance is acceptable (1) if not
prohibited by local law or the compact manual and (2)
if the violator provides adequate proof of identification
to the wildlife officer.

(c) Upon conviction or failure of a person to comply
with the terms of a wildlife citation, the appropriate
official shall report the conviction or failure to comply
to the licensing authority of the participating state in
which the wildlife citation was issued. The report shall
be made in accordance with procedures specified by the
issuing state.

(d) Upon receipt of the report of conviction or non-
compliance pursuant to paragraph (c) of this article,
the licensing authority of the issuing state shall trans-
mitt to the licensing authority of the home state of the
violator the information in form and content as pre-
scribed in the compact manual.

Article IV

Procedure for home state

(a) Upon receipt of a report from the licensing au-
thority of the issuing state reporting the failure of a
violator to comply with the terms of a citation, the
licensing authority of the home state shall notify the
violator and shall initiate a suspension action in ac-
cordance with the home state's suspension procedures and
shall suspend the violator's license privileges until
satisfactory evidence of compliance with the terms of
the wildlife citation has been furnished by the issuing
state to the home state licensing authority. Due process
safeguards will be accorded.

(b) Upon receipt of a report of conviction from the
licensing authority of the issuing state, the licensing
authority of the home state shall enter such conviction
in its records and shall treat such conviction as though
it occurred in the home state for the purposes of the
suspension of license privileges.

(c) The licensing authority of the home state shall
maintain a record of actions taken and shall make
reports to issuing states.

Article V

Reciprocal recognition of suspension

(a) All participating states shall recognize the sus-
pension of license privileges of any person by any
participating state as though the violation resulting in
the suspension had occurred in their state and could
have been the basis for suspension of license privileges
in their state.

(b) Each participating state shall communicate sus-
pension information to other participating states in
form and content as contained in the compact manual.

Article VI

Applicability of other Laws

(a) Except as expressly required by provisions of this
compact; nothing herein shall be construed to affect the
right of any participating state to apply any of its laws
relating to license privileges to any person or circum-
stance or to invalidate or prevent any agreement or
other cooperative arrangement between a participating
state and a nonparticipating state concerning wildlife
law enforcement.

Article VII

Compact administrator procedures

(a) For the purpose of administering the provisions
of this compact and to serve as a governing body for the
resolution of all matters relating to the operation of this
compact, a board of compact administrators is estab-
lished. The board shall be composed of one representa-
tive from each of the participating states to be known
as the compact administrator. The compact administra-
tor shall be appointed by the head of the licensing
authority of each participating state and shall serve
and be subject to removal in accordance with the laws
of the state he represents. A compact administrator may provide for the discharge of his duties and the performance of his function as a board member by an alternate. An alternate shall not be entitled to serve unless written notification of his identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of the board’s votes are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the participating states are represented.

(c) The board shall elect annually from its membership a chairman and vice-chairman.

(d) The board shall adopt bylaws not inconsistent with the provisions of this compact or the laws of a participating state for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact any and all donations and grants of monies, equipment, supplies, materials and services conditional or otherwise, from any state, the United States or any governmental agency, and may receive, utilize and dispose of same.

(f) The board may contract with, or accept services or personnel from, any governmental or intergovernmental agency, individual, firm or corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in a compact manual.

Article VIII
Entry into compact and withdrawal

(a) This compact shall become effective at such time as it is adopted in a substantially similar form by two or more states.

(b) (1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairman of the board.

(2) The resolution shall substantially be in the form and content as provided in the compact manual and shall include the following:

(i) A citation of the authority from which the state is empowered to become a party to this compact;

(ii) An agreement of compliance with the terms and provisions of this compact.

(iii) The effective date of entry shall be specified by the applying state but shall not be less than sixty days after notice has been given (a) by the chairman of the board of the compact administrators or (b) by the secretary of the board to each participating state that the resolution from the applying state has been received.

(iv) A participating state may withdraw from participation in this compact by official written notice to each participating state, but withdrawal shall not become effective until ninety days after the notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal of any state shall affect the validity of this compact as to the remaining participating states.

Article IX
Amendments to the compact

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairman of the board of compact administrators and shall be initiated by one or more participating states.

(b) Adoption of an amendment shall require endorsement by all participating states and shall become effective thirty days after the date of the last endorsement.

Article X
Construction and severability

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States, or the applicability thereof to any government, agency, individual or circumstance is held invalid, the validity of the remainder of this compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the participating state affected as to all severable matters.

Article XI
Title

This compact shall be known as the “wildlife violator compact”.

Last legislative year: 1990

17-503. Administration; expenses
A. The department is designated as the licensing authority in this state for purposes of the compact. The director shall furnish to the appropriate authorities of the participating states any information or documents reasonably necessary to facilitate the administration of the compact.

B. The compact administrator from this state is not entitled to any additional compensation for his service as such but is eligible for reimbursement for expenses incurred in connection with his responsibilities as administrator in the same manner as expenses incurred in connection with other responsibilities of his office or employment.
CHAPTER 6
SHOOTING RANGES

ARTICLE 1. OUTDOOR SHOOTING RANGE NOISE STANDARDS

Section
17-601. Definition of outdoor shooting range.
17-602. State outdoor shooting range noise standards; preemption; measurement; definitions.
17-603. Preexisting outdoor shooting ranges; noise buffering or attenuation.
17-604. Nighttime outdoor shooting range operations.
17-605. Noise pollution; nuisance; defense; costs.

ARTICLE 2. DISCLOSURE OF PROXIMITY TO SHOOTING RANGE

17-621. Recording proximity to shooting range; definition.

ARTICLE 1. OUTDOOR SHOOTING RANGE NOISE STANDARDS

17-601. Definition of outdoor shooting range

In this article, unless the context otherwise requires, “outdoor shooting range” or “range” means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouette, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting range does not include any area for the exclusive use of archery or air guns or a totally enclosed facility that is designed to offer a totally controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range’s approved use.

Last legislative year: 1990

ARTICLE 2. DISCLOSURE OF PROXIMITY TO SHOOTING RANGE

17-621. Recording proximity to shooting range; definition.

Last legislative year: 2002

Recent legislative history: Laws 2002, Ch. 222, § 1.

17-602. State outdoor shooting range noise standards; preemption; measurement; definitions

A. The legislature finds that outdoor shooting range noise standards are a matter of statewide concern. City, town, county and any other state noise standards are preempted as applied to outdoor shooting ranges.

B. Each outdoor shooting range in this state shall measure the noise emitted from the range pursuant to subsection E at least once. In addition, the range shall measure the noise it emits if the range expands the area designed and operated for the use of firearms or explosives by more than twenty per cent in size than at the time of its initial noise measurement or if the range introduces the use of a type of firearm or explosive device that will increase noise production. The range shall pay for the measurement and shall keep the results of the measurement at the range at all times. Any person may review the noise measurement during the range’s business hours. Ranges that are located at least one mile from areas that are zoned for residences, schools, hotels, motels, hospitals or churches are exempt from this subsection.

C. Any person, at the person’s expense, may measure the noise emitted from an outdoor shooting range pursuant to subsection E.

D. The noise emitted from an outdoor shooting range shall not exceed an Leq(h) of sixty-four DBA.

E. In measuring the noise emitted from an outdoor shooting range:

1. If a range performs the measurement of noise pursuant to subsection B, sound pressure measurements shall be taken twenty feet from the nearest occupied residence, school, hotel, motel, hospital or church, or from the nearest proposed location of a residence, school, hotel, motel, hospital or church if the property is zoned for such a structure but is currently unimproved. If a person performs the measurement of noise pursuant to subsection C, sound pressure measurements shall be taken twenty feet from the person’s residence, school, hotel, motel, hospital or church, or twenty feet from the proposed location of the person’s residence, school, hotel, motel, hospital or church if the property is zoned for such a structure but is currently unimproved.

2. Sound pressure measurements shall be made in a location directly between the range and the nearest existing or proposed residence, school, hotel, motel, hospital or church. If there are natural or artificial obstructions that prevent an accurate noise measurement, the measurement may be taken within an additional twenty feet radius from the initial measurement location.

3. Sound pressure measurements shall be made on the A-weighted fast response mode scale. Measurements shall be taken during the noisiest hour of peak use during the operation of the range. Measurements shall be taken according to American national standards institute’s standard methods ANSI S1.2-1962 (R1976) American national standard method for physical measurement of sound and ANSI S1.2-1971 (R1976) American national standard method for measuring sound pressure levels. Measurements shall be taken using a type 1 sound meter meeting the requirements of ANSI S1.4L-1971. Any part of the measurements conducted on a range shall comply with the range safety rules.

F. Outdoor shooting ranges in operation on July 1, 2002 shall comply with the provisions of this section before July 1, 2003. Ranges not in operation on July 1, 2002 shall comply with the provisions of this section when they begin operation.

G. Subsection B does not apply to an outdoor shooting range that is built for military or armed nuclear security guard training and that is not open to the general public.

H. For the purposes of this section:

1. “A-weighted” means a frequency weighting network used to account for changes in sensitivity as a function of frequency.

2. “DBA” means A-weighted decibels, taking into account human response to sound energy in different frequency bands.

3. “Decibel” means the unit of measure for sound pressure denoting the ratio between two quantities...
that are proportional to power. The number of decibels is ten times the base ten logarithm of this ratio.

4. “Leq(h)” means the equivalent energy level that is the steady state level that contains the same amount of sound energy as a time varying sound level for a sixty minute time period.

Last legislative year: 2011

Recent legislative history: Laws 2002, Ch. 222, § 1; Laws 2011, 1st Reg. Sess., Ch. 211, § 2.

17-603. Preexisting outdoor shooting ranges; noise buffering or attenuation

A. If an outdoor shooting range was constructed before July 1, 2002 in compliance with existing applicable county or municipal ordinances and zoning requirements and if property located within one mile of the exterior property boundary of the range is rezoned after July 1, 2002 for residential use or any other use that includes a school, hotel, motel, hospital or church, the zoning authority must provide for noise buffers or attenuation devices that are either:
1. Within the new development as a condition for developing the property or as supplied by the zoning authority.
2. Supplied or funded by the zoning authority for location in the range.
B. Property owners, developers, zoning authorities and ranges may negotiate and provide for noise buffers or attenuation devices located on or off the range.
C. Any noise buffering or attenuation under this section must comply with the state noise standards prescribed by section 17-602.

Last legislative year: 2002

Recent legislative history: Laws 2002, Ch. 222, § 1.

17-604. Nighttime outdoor shooting range operations

A. Outdoor shooting ranges that are located in areas that are zoned for residential use or any other use that includes a school, hotel, motel, hospital or church shall not operate from 10:00 p.m. through 7:00 a.m.
B. This section does not apply to any outdoor shooting range while it is providing law enforcement, military or armed nuclear security guard training. These ranges must provide adequate public notice including posting in four public locations within one mile of the exterior boundaries of the range each calendar quarter of the schedule of when the range will operate from 10:00 p.m. through 7:00 a.m. and the purpose for those nighttime operations. Nighttime operations under this subsection must comply with the nighttime noise standards prescribed by section 17-602.

Last legislative year: 2011

Recent legislative history: Laws 2002, Ch. 222, § 1; Laws 2011, 1st Reg. Sess., Ch. 211, § 3.

17-605. Noise pollution; nuisance; defense; costs

A. It is an affirmative defense to any civil liability or claim for equitable relief arising from any allegation regarding noise or noise pollution that results from owning, operating or using an outdoor shooting range if the entity or individual owning, operating or using the range complies with this article.
B. In any action where a defense has been raised pursuant to subsection A, the court shall award the prevailing party its costs and all expenses, including the party's costs incurred in measuring noise emitted from the range and reasonable attorney fees.

Last legislative year: 2002

Recent legislative history: Laws 2002, Ch. 222, § 1.

ARTICLE 2. DISCLOSURE OF PROXIMITY TO SHOOTING RANGE

17-621. Recording proximity to shooting range; definition

A. A city with a population of more than one million persons shall execute and record in the office of the county recorder a document relating to real property located within one-half mile of the exterior boundaries of any shooting range that is owned by this state and that is located within or adjacent to the exterior municipal boundaries on or before January 1, 2004. The city attorney shall prepare the document in recordable form. The document must be on eight and one-half inch by eleven inch paper containing the following information in twelve point type:
1. A legal description of the property within one-half mile of the exterior boundaries of the shooting range. To assist in identifying that property, the game and fish commission shall submit the legal description of the shooting range to the city attorney.
2. The following disclosure:
   This property is located within one-half mile of the exterior boundaries of a shooting range and may be subject to:
   1. Increased noise.
   2. Restrictions on the use of the property under the city's general plan and zoning ordinances.
B. The game and fish commission shall not close a shooting range described in this section unless all of the following occur:
1. The director of the department recommends the closure in writing.
2. The commission issues a report detailing the basis for the recommendation.
3. The commission unanimously approves the closure after public hearings have been held to discuss the closure in the three counties with the highest population.
4. The joint committee on capital review reviews the closure recommendation.
5. The governor approves the closure in an executive order.
C. For the purposes of this section, “shooting range” means a permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range does not include:
1. Any area for the exclusive use of archery or air guns.
2. An enclosed indoor facility that is designed to offer a totally controlled shooting environment and that
includes impenetrable walls, floor and ceiling, adequate ventilation, lighting systems and acoustical treatment for sound attenuation suitable for the range’s approved use.

3. A national guard facility located in a city or town with a population of more than one million persons.

4. A facility that was not owned by this state before January 1, 2002.

Last legislative year: 2004
Recent legislative history: Laws 2004, Ch. 112, § 2.

TITLE 28
TRANSPORTATION

Ch. 3. TRAFFIC AND VEHICLE REGULATION

15. Miscellaneous Rules ................................ 28-892
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CHAPTER 3
TRAFFIC AND VEHICLE REGULATION

ARTICLE 15. MISCELLANEOUS RULES

Section 28-892. Riding on motorcycle or all-terrain vehicle.

ARTICLE 16. EQUIPMENT

28-921. Applicability of equipment requirements.
28-925. Tail lamps.
28-927. Stop lamps.
28-928. Applicability of lighting laws.
28-929. Additional lighting equipment required on certain vehicles.
28-930. School bus lighting equipment; standards and specifications.
28-931. Lamp colors.
28-932. Reflector and lamp mountings.
28-933. Reflector and lamp visibility.
28-934. Obstructed lights not required.
28-935. Lamp or flag on projecting load.
28-936. Lamps on parked vehicles.
28-937. Lamps on other vehicles and equipment.
28-938. Spot and auxiliary lamps.
28-939. Signal lamps and devices.
operator of a motorcycle or all-terrain vehicle shall not carry any other person and any other person shall not ride on a motorcycle or all-terrain vehicle unless the motorcycle or all-terrain vehicle is designed to carry more than one person. On a motorcycle or all-terrain vehicle designed to carry more than one person, a passenger may ride on the permanent and regular seat if it is designed for two persons or on another seat firmly attached to the motorcycle or all-terrain vehicle at the rear or side of the operator.

Last legislative year: 1997

ARTICLE 16. EQUIPMENT

28-921. Applicability of equipment requirements

A. A person shall not:
   1. Drive or move and the owner shall not knowingly cause or permit to be driven or moved on a highway a vehicle or combination of vehicles that:
      (a) Is in an unsafe condition that endangers a person.
      (b) Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this article.
      (c) Is equipped in any manner in violation of this article.
   2. Do an act forbidden or fail to perform an act required under this article.

B. This article does not prohibit the use of additional parts and accessories on a vehicle if the use is not inconsistent with this article.

C. The provisions of this article with respect to equipment on vehicles do not apply to:
   1. Trailers used solely in the operation of a farm for the transportation of the unprocessed fiber products on the farm or from the farm to a cotton gin, road machinery, road rollers, farm tractors or implements of husbandry when the implement is being incidentally operated or moved on a highway whether as a trailer or self-propelled unit. Notwithstanding this paragraph, a farm tractor equipped with an electric lighting system shall display at all times mentioned in section 28-922 a red tail lamp and either multiple beam or single beam head lamps meeting the requirements of sections 28-925, 28-941 and 28-943. For the purposes of this paragraph, “incidentally operated or moved on a highway” means travel between a farm and another part of the same farm, from one farm to another farm or between a farm and a place of repair, supply or storage.
   2. Vehicles driven by enforcement officers of the Arizona game and fish department in conducting night patrols and investigating night poaching activities.

Last legislative year: 2012


28-925. Tail lamps

A. A motor vehicle, trailer, semitrailer and pole trailer and any other vehicle that is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp mounted on the rear. When lighted as required by this article, the tail lamp shall emit a red light plainly visible from a distance of five hundred feet to the rear, except that in the case of a train of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified.

B. A tail lamp on a vehicle shall be located at a height of not more than seventy-two inches nor less than fifteen inches to be measured as provided in section 28-923, subsection B.

C. Either a tail lamp or a separate lamp shall be constructed and placed in a manner that illuminates with a white light the rear license plate and renders it clearly legible from a distance of fifty feet to the rear. A tail lamp or tail lamps together with any separate lamp for illuminating the rear license plate shall be wired to provide that the tail lamp or lamps are lighted whenever the head lamps or auxiliary driving lamps are lighted.

Last legislative year: 2009

Recent legislative history: Laws 2009, Ch. 187, § 19.

28-926. New motor vehicles; reflectors

A. Except as provided in subsection B of this section, a new motor vehicle sold and operated on a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, either:
   1. Two red reflectors that comply with this section.
   2. If it is a motorcycle or a motor driven cycle, at least one reflector that complies with this section.

B. A vehicle of the type provided in section 28-929 shall be equipped with reflectors as required in that section.

C. A reflector shall be mounted on the vehicle at a height of not less than twenty inches nor more than sixty inches measured as provided in section 28-923, subsection B and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from the vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is required of reflectors on certain types of vehicles.

Last legislative year: 1996

28-927. Stop lamps

A person shall not sell a new motor vehicle, including a motorcycle or motor driven cycle, in this state and shall not drive a vehicle on the highways unless it is equipped with a stop lamp that meets the requirements of section 28-939.

Last legislative year: 1996

28-928. Applicability of lighting laws

The sections of this article, including sections 28-929 through 28-934, relating to clearance and marker lamps, reflectors and stoplights, apply as stated in those sections to vehicles of the type enumerated in the sections, namely passenger buses, trucks, truck tractors and certain trailers, semitrailers and pole trailers, respectively, when operated on a highway. These vehicles shall be equipped as required and all lamp equip-
ment required shall be lighted at the times mentioned in section 28-922, except that clearance and side marker lamps need not be lighted on a vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet.

Last legislative year: 1996

28-929. Additional lighting equipment required on certain vehicles

In addition to other equipment required in this article, the following vehicles shall be equipped with the following equipment under the conditions stated in section 28-928:

1. On a bus or truck regardless of size, on the rear, two reflectors, one at each side, and two stoplights.
2. On a bus or truck eighty inches or more in overall width, in addition to the requirements in paragraph 1 of this section:
   (a) On the front, two clearance lamps, one at each side.
   (b) On the rear, two clearance lamps, one at each side.
   (c) On each side, two side marker lamps, one at or near the front and one at or near the rear. Vehicles that exceed thirty feet in length shall have a third side marker lamp at the midpoint between the front and rear marker lamps.
   (d) On each side, two reflectors, one at or near the front and one at or near the rear. Vehicles that exceed thirty feet in length shall have a third reflector at the midpoint between the front and rear reflectors.
3. On a truck tractor:
   (a) On the front, two clearance lamps, one at each side.
   (b) On the rear, two stoplights.
4. On a trailer or semitrailer with a gross weight of more than three thousand pounds:
   (a) On the front, two clearance lamps, one at each side.
   (b) On each side, two reflectors, one at each side, and two stoplights.
5. On a pole trailer with a gross weight of more than three thousand pounds:
   (a) On each side, one side marker lamp and one clearance lamp that may be in combination, to show to the front, side and rear.
   (b) On the rear of the pole trailer or load, two reflectors, one at each side.
6. On a trailer, semitrailer or pole trailer with a gross weight of three thousand pounds or less:
   (a) On the rear, two reflectors, one on each side.
   (b) Two stoplights on a trailer or semitrailer if it is loaded in such a manner or is of such dimensions as to obscure the stoplight on the towing vehicle.

Last legislative year: 2008

Recent legislative history: Laws 2001, Ch. 126, § 1; Laws 2006, Ch. 270, § 3.

28-930. School bus lighting equipment; standards and specifications

A. The director may adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with and supplemental to this article. The standards and specifications may designate and permit the use of alternately flashing warning signal lights on school buses for the purpose of indicating when children are boarding or alighting from a school bus. The standards and specifications shall correlate with and, as far as possible, conform to the current specifications as approved by the society of automotive engineers.

B. A person shall operate an alternately flashing warning signal light on any school bus when the school bus is a minimum of one hundred feet from a stop or is stopped on a highway for the purpose of permitting school children to board or alight from it.

C. A school bus may be equipped with alternately flashing red strobe lamps on the octagonal signal manually operated by the school bus operator pursuant to section 28-857, subsection D.

Last legislative year: 2006

Recent legislative history: Laws 2001, Ch. 126, § 1; Laws 2006, Ch. 270, § 3.

28-931. Lamp colors

A. Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

B. Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

C. All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except that:
   1. The stoplight or other signal device may be red, amber or yellow, except on a commercial vehicle, as defined in section 28-2231, the stoplight shall be red and the other signal devices shall be red or amber.
   2. The light illuminating the license plate or the light emitted by a backup lamp shall be white.

Last legislative year: 2008


28-932. Reflector and lamp mountings

A. Reflectors that are required by section 28-929 shall be mounted at a height of not less than twenty-four inches and not more than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches, the reflector at that point shall be mounted as high as that part of the permanent structure permits.
B. The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.
C. A required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but the reflector shall meet all of the other reflector requirements of this article.
D. Clearance lamps shall be mounted on the permanent structure of the vehicle in a manner that indicates its extreme width and as near the top of the vehicle as practicable. Clearance lamps and side marker lamps may be mounted in combination if illumination is given as required by this section with reference to both.

Last legislative year: 1996

28-933. Reflector and lamp visibility
A. A reflector on a vehicle referred to in section 28-929 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within five hundred feet to fifty feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and reflectors mounted on the rear shall reflect a red color to the rear.
B. Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the front and rear, respectively, of the vehicle.
C. Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the side of the vehicle on which mounted.

Last legislative year: 1996

28-934. Obstructed lights not required
If motor and other vehicles are operated in combination when lights are required, any lamp, except tail lamps, need not be lighted if the lamp would be obscured by another vehicle of the combination by reason of its location on a vehicle of the combination. This section does not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps or that all lights required on the rear of the rearmost vehicle of any combination be lighted.

Last legislative year: 1996

28-935. Lamp or flag on projecting load
A. If the load on a vehicle extends to the rear four feet or more beyond the bed or body of the vehicle, two red lights or two lanterns and reflectors, one on each side, plainly visible from a distance of at least five hundred feet to the sides and rear shall be displayed at the extreme rear end of the load, at the times specified in section 28-922. The red light or lantern required by this section is in addition to the red rear light required on every vehicle.
B. At any other time, a red flag or cloth not less than eighteen inches square shall be displayed at the extreme rear end of the load. The flag or cloth shall be displayed so that the entire area is visible to the driver of a vehicle approaching from the rear.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 142, § 5.

28-936. Lamps on parked vehicles
A. When a vehicle is lawfully parked on a street or highway during the hours between a half hour after sunset and a half hour before sunrise and if there is sufficient light to reveal a person or object within a distance of five hundred feet on the street or highway, lights need not be displayed on the parked vehicle.
B. When a vehicle is parked or stopped on a roadway or shoulder adjacent to the roadway, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and if there is not sufficient light to reveal a person or object within a distance of five hundred feet on the highway, the parked or stopped vehicle shall be equipped with one or more lamps that exhibit a white or amber light on the roadway side and that are visible from a distance of five hundred feet to the front of the vehicle and a red light visible from a distance of five hundred feet to the rear. This subsection does not apply to a motor driven cycle.
C. A lighted head lamp on a parked vehicle shall be depressed or dimmed.

Last legislative year: 1996

28-937. Lamps on other vehicles and equipment
All vehicles, including animal-drawn vehicles and vehicles that are referred to in section 28-921, subsection C and that are not specifically required by this article to be equipped with lamps, shall be equipped at the times specified in section 28-922 with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of the vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear.

Last legislative year: 1996

28-938. Spot and auxiliary lamps
A motor vehicle may be equipped with any of the following:
1. Not more than one spot lamp that when lighted is aimed and used on approaching another vehicle only so that no part of the high intensity portion of the beam is directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.
2. Not more than two fog lamps that are mounted on the front at a height of not less than twelve inches and not more than thirty inches above the level surface on which the vehicle stands and that are aimed so that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall project, at a distance of twenty-five feet ahead, higher than a level of four inches below the level of the center of the lamp that is aimed.
3. Not more than two auxiliary passing lamps that are mounted on the front at a height of not less than twenty-four inches and not more than forty-two inches
28-939. Signal lamps and devices

A. A motor vehicle may be equipped and if required under this article shall be equipped with the following:

1. A stop lamp on the rear that emits a red or yellow light, that is actuated on application of the service or foot brake and that may be incorporated with a tail lamp.

2. One or more lamps or a mechanical signal device that is capable of clearly indicating an intention to turn either to the right or to the left and that is visible both from the front and rear.

B. A stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and at nighttime. A signal lamp or lamps indicating the intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. If a vehicle is equipped with a stop lamp or other signal lamps, the lamp or lamps shall:

1. Be maintained at all times in good working condition.

2. Not project a glaring or dazzling light.

C. A mechanical signal device shall be self-illuminated when in use at the times provided in section 28-922.

Last legislative year: 1996

Recent legislative history: Laws 2011, 1st Reg. Sess., Ch. 190, § 3.

28-940. Additional lighting equipment

A motor vehicle may be equipped with any of the following:

1. Not more than two side cowl or fender lamps that emit an amber or white light without glare.

2. Not more than one running board courtesy lamp on each side of the motor vehicle that emits a white or amber light without glare.

3. Not more than two backup lamps either separately or in combination with other lamps, but a backup lamp shall not be lighted when the motor vehicle is in forward motion.

Last legislative year: 1996

28-941. Multiple beam road lighting equipment arrangement

Except as otherwise provided in this article, the head lamps, the auxiliary driving lamp or the auxiliary passing lamp or combinations of the head lamps, driving lamp or passing lamp on a motor vehicle other than a motor driven cycle shall be arranged so that selection may be made between distributions of light projected to different elevations, subject to the following requirements and limitations:

1. There shall be an uppermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead, and under any condition of loading, none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. A new motor vehicle, other than a motor driven cycle, that is registered in this state and that has multiple beam road lighting equipment shall be equipped with a beam indicator that is:

(a) Lighted when the uppermost distribution of light from the head lamps is in use and not otherwise lighted.

(b) Designed and located so that when lighted it is readily visible without glare to the driver of the vehicle.

4. A person shall not operate a motor vehicle with a colored transparent or translucent substance or material installed, affixed or applied on or in front of the head lamps, the auxiliary driving lamp or the auxiliary passing lamp or combinations of the head lamps, driving lamp or passing lamp that would obstruct, reduce or interfere with the visibility or effectiveness of the head lamps or that would change the color of light emitted. This paragraph does not prohibit the placement of clear transparent material mounted in front of the head lamps, fog lamps or auxiliary driving lamps.

Last legislative year: 1996

28-942. Multiple beam road lighting equipment usage

If a motor vehicle is operated on a roadway or shoulder adjacent to a roadway during the times provided in section 28-922, the driver shall use a distribution of light or composite beam that is directed high enough and that has sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

1. If a driver of a vehicle approaches an oncoming vehicle within five hundred feet, the driver shall use a distribution of light or composite beam that is directed high enough and that has sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle.

2. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead, and under any condition of loading, none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

3. A new motor vehicle, other than a motor driven cycle, that is registered in this state and that has multiple beam road lighting equipment shall be equipped with a beam indicator that is:

(a) Lighted when the uppermost distribution of light from the head lamps is in use and not otherwise lighted.

(b) Designed and located so that when lighted it is readily visible without glare to the driver of the vehicle.

4. A person shall not operate a motor vehicle with a colored transparent or translucent substance or material installed, affixed or applied on or in front of the head lamps, the auxiliary driving lamp or the auxiliary passing lamp or combinations of the head lamps, driving lamp or passing lamp that would obstruct, reduce or interfere with the visibility or effectiveness of the head lamps or that would change the color of light emitted. This paragraph does not prohibit the placement of clear transparent material mounted in front of the head lamps, fog lamps or auxiliary driving lamps.

Last legislative year: 1996

28-943. Single beam road lighting equipment

Head lamps that are arranged to provide a single distribution of light are permitted on motor vehicles
manufactured and sold before January 1, 1951, and on neighborhood electric vehicles, in lieu of multiple beam road lighting equipment specified in this article, if the single distribution of light complies with the following requirements and limitations:

1. The head lamps are aimed so that when the vehicle is not loaded none of the high intensity portion of the light projects, at a distance of twenty-five feet ahead, higher than a level of five inches below the level of the center of the lamp that is aimed and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

2. The intensity is sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

Last legislative year: 1997

28-944. Lighting equipment on motor driven cycles

The head lamp or head lamps on a motor driven cycle may be of the single beam or multiple beam type and shall comply with requirements and limitations as follows:

1. A head lamp or head lamps on a motor driven cycle shall be of sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor driven cycle is operated at a speed of less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor driven cycle is operated at a speed of twenty-five or more miles per hour, and the motor driven cycle is subject to the speed limitations in section 28-705.

2. If the motor driven cycle is equipped with a multiple beam head lamp or head lamps:
   (a) The upper beam shall meet the minimum requirements provided in paragraph 1 of this section and shall not exceed the limitations set forth in section 28-941, paragraph 1.
   (b) The lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in section 28-941, paragraph 2.

3. If the motor driven cycle is equipped with a single beam lamp or lamps, the lamp or lamps shall be aimed so that when the vehicle is loaded none of the high intensity portion of light, at a distance of twenty-five feet ahead, projects higher than the level of the center of the lamp from which it comes.

Last legislative year: 1996

28-945. Alternate road lighting equipment

A motor vehicle, except a commercial vehicle as defined in section 28-2231, may be operated under the conditions specified in section 28-922 when it is equipped with two lighted lamps that are on the front of the motor vehicle and that are capable of revealing persons and objects seventy-five feet ahead in lieu of the lamp from which it comes.

28-946. Number of driving lamps required or permitted

A. At all times provided in section 28-922, at least two lighted lamps shall be displayed, one on each side at the front of a motor vehicle other than a motorcycle or motor driven cycle, except when the vehicle is parked subject to the rules governing lights on parked vehicles.

B. If a motor vehicle equipped with head lamps as required by this article is also equipped with any auxiliary lamps, spot lamp or other lamp on the front of the motor vehicle projecting a beam of intensity greater than three hundred candlepower, not more than four of any such lamps on the front of a vehicle shall be lighted at any one time when on a highway.

Last legislative year: 1996

28-947. Special restrictions on lamps

A. A person shall direct a lighted lamp or illuminating device on a motor vehicle, other than a head lamp, spot lamp, auxiliary lamp or flashing front direction signal, that projects a beam of light of an intensity greater than three hundred candlepower so that no part of the beam strikes the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. A person shall not drive or move a vehicle or equipment on a highway with a lamp or device on the vehicle that is capable of displaying a red or red and blue light or lens visible from directly in front of the center of the vehicle. Lights visible from the front of a vehicle shall be amber or white. This section does not apply to either of the following:

1. An authorized emergency vehicle or a vehicle on which a red or red and blue light or lens visible from the front is expressly authorized or required by this chapter.

2. A fire engine that is solely used for hobby or display purposes and that has been issued a historic vehicle license plate pursuant to section 28-2484 if either of the following applies:
   (a) The lights are covered and are not activated while a person is transporting or driving the vehicle to or from a parade, authorized assemblage of historic vehicles or test.
   (b) The lights are activated only in a parade, for an authorized assemblage of historic vehicles or for testing purposes.

C. Except as provided in subsection D or E of this section, flashing lights on motor vehicles are prohibited except either:

1. On authorized emergency vehicles, school buses or snow removal equipment.

2. As warning lights on disabled or parked vehicles.

3. On a vehicle as a means for indicating a right or left turn.

D. A vehicle may have lamps that may be used to warn the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing. The vehicle may display these lamps as a warning in addition to any other warning signals required by this article. The lamps used to display the warning to the front shall be mounted at the same level and as widely
spaced laterally as practicable and shall display simultaneously flashing white or amber lights or any shade of color between white and amber. The lamps used to display the warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable and shall show simultaneously flashing amber or red lights or any shade of color between amber and red. These warning lights shall be visible from a distance of at least one thousand five hundred feet under normal atmospheric conditions at night.

E. A person may equip a motorcycle with a means of modulating the intensity of a head lamp beam between the higher and lower brightness at a rate of two hundred to two hundred eighty cycles per minute. A person shall not modulate the head lamp beam during the hours of darkness as prescribed in section 28-922.

Last legislative year: 2005

Recent legislative history: Laws 2005, Ch. 247, § 1.

28-948. Snow removal equipment lamps
A person shall not operate snow removal equipment on a highway unless the lamps on the equipment comply with and are lighted when and as required by applicable federal safety standards and specifications.

Last legislative year: 2011


28-949. Selling or using lamps
A. A person shall not have for sale, sell or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer or semitrailer or shall not use on any such vehicle a reflector that is required by this article, head lamp, auxiliary driving lamp, rear lamp, signal lamp or parts of any of the foregoing that tend to change the original design or performance unless the lamps or reflectors are of a type that meets applicable federal safety standards.

B. A person shall not have for sale, sell or offer for sale for use on or as a part of the equipment of a motor vehicle, trailer or semitrailer a lamp or device that is described in this section unless the lamp or device bears the trademark or name under which it is approved so as to be legible when installed.

C. A person shall not use on any motor vehicle, trailer or semitrailer a lamp that is described in this section unless the lamp is mounted and adjusted to focus and aim pursuant to applicable federal safety standards.

Last legislative year: 2011

Recent legislative history: Laws 2011, 1st Reg. Sess., Ch. 190, § 5.

28-952. Required brake equipment
A. The following brake equipment is required:
1. A motor vehicle, other than a motorcycle, all-terrain vehicle or motor driven cycle, if it is operated on a highway shall be equipped with brakes adequate to control the movement of and to stop and hold the vehicle, including two separate means of applying the brakes, each of which means is effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be constructed so that failure of any one part of the operating mechanism does not leave the motor vehicle without brakes on at least two wheels.

2. A motorcycle, an all-terrain vehicle and every motor driven cycle when operated on a highway shall be equipped with at least one brake that may be operated by hand or foot.

3. When it is operated on a highway a trailer or semitrailer with a gross weight of three thousand pounds or more shall be equipped with brakes that are adequate to control the movement of and to stop and to hold the vehicle and that are designed to either be applied by the driver of the towing motor vehicle from its cab or be of a type that operates automatically when the service brakes of the towing motor vehicle are applied. The brakes shall be connected in such a way that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied, except that brakes are not required on all wheels of a truck that is being towed as a semitrailer and that is being towed in a drive-away, tow-away operation, if the combination of vehicles is capable of complying with all state and federal brake performance requirements. Only those brakes on the vehicle being towed need to be operative as may be necessary to ensure compliance with the performance requirements.

4. A new motor vehicle, trailer or semitrailer, except a motorcycle, all-terrain vehicle or motor driven cycle, sold in this state and operated on the highways shall be equipped with service brakes on all wheels of the vehicle, except that a semitrailer or trailer with a gross weight of less than three thousand pounds need not be equipped with brakes.

5. In any combination of motor drawn vehicles, means shall be provided for either or both of the following if capable of being used alternatively:
   (a) Applying the rearmost trailer brakes of a trailer equipped with brakes in approximate synchronism with the brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate.
   (b) Applying braking effort first on the rearmost trailer equipped with brakes.

6. A motor vehicle and combination of vehicles manufactured or sold in this state after July 1, 1964, except motorcycles, all-terrain vehicles and motor driven cycles, shall be equipped with parking brakes that are:
   (a) Adequate to hold the vehicle on any grade on which it is operated under all conditions of loading on a surface free from snow, ice or loose material.
   (b) Capable of being applied in conformance with the requirements of subdivision (a) of this paragraph by the driver's muscular effort, by spring action or by equivalent means. The operation of the parking brakes may be assisted by the service brakes or other source of power, if failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements.
   (c) Designed so that when the brakes are applied they shall remain applied with the required effective-
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ness despite exhaustion of any source of energy or leakage of any kind.

7. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be constructed so that failure of any one part does not leave the vehicle without operative brakes.

8. The brake shoes operating within or on the drums on the vehicle wheels of a motor vehicle may be used for both service and hand operation.

B. At all times, under all conditions of loading, on a dry, smooth, level road free from loose material and on application of the service or foot brake, a motor vehicle or combination of motor drawn vehicles shall be capable of being stopped within the distances specified below or of being decelerated at a sustained rate corresponding to these distances:

<table>
<thead>
<tr>
<th>Feet to stop from 20 miles per hour</th>
<th>Deceleration in feet per second</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicles or combinations of vehicles having brakes on all wheels</td>
<td>30</td>
</tr>
<tr>
<td>Vehicles or combinations of vehicles not having brakes on all wheels</td>
<td>40</td>
</tr>
</tbody>
</table>

C. Brakes shall be maintained in good working order and shall be adjusted to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 142, § 7.

28-953. Brakes on all-terrain vehicles and motor driven cycles

A. The director may:
1. Require an inspection of the brake on an all-terrain vehicle or a motor driven cycle.
2. Disapprove a brake that does not comply with the performance ability standard provided in section 28-952 or that is not so designed or constructed to ensure reasonable and reliable performance in actual use.

B. The director may refuse to register or may suspend or revoke the registration of a vehicle referred to in this section if the director determines that the brake on the vehicle does not comply with this section.

C. A person shall not operate on a highway a vehicle referred to in this section if the director has disapproved the brake equipment on the vehicle or type of vehicle.

Last legislative year: 1997

28-954. Horns and warning devices

A. A motor vehicle when operated on a highway shall be equipped with a horn that is in good working order and that is capable of emitting sound audible under normal conditions from a distance of at least two hundred feet. Any horn or other warning device shall not emit an unreasonably loud or harsh sound or a whistle.

B. If reasonably necessary to ensure the safe operation of a motor vehicle, the driver shall give an audible warning with the driver's horn but shall not otherwise use the horn when on a highway.

C. A vehicle shall not be equipped with and a person shall not use on a vehicle a siren, whistle or bell, except as otherwise permitted in this section.

D. A vehicle may but is not required to be equipped with a siren, whistle or bell, except as otherwise permitted in this section.

E. A siren shall be allowed on a fire engine that is solely used for hobby or display purposes and that has been issued a historic vehicle license plate pursuant to section 28-2484 if either of the following applies:
1. The siren is covered and is not activated while a person is transporting or driving the vehicle to or from a parade, authorized assemblage of historic vehicles or test.
2. The siren is activated only in a parade, for an authorized assemblage of historic vehicles or for testing purposes.

Last legislative year: 2005

Recent legislative history: Laws 2005, Ch. 247, § 2.

28-955. Mufflers; noise and air pollution prevention; emissions control devices; civil penalty; exception

A. A motor vehicle shall be equipped at all times with a muffler that is in good working order and that is in constant operation to prevent excessive or unusual noise.

B. A person shall not use a muffler cutout, bypass or similar device on a motor vehicle on a highway.

C. The engine and power mechanism of a motor vehicle shall be equipped and adjusted to prevent the escape of excessive fumes or smoke.

D. Beginning with motor vehicles and motor vehicle engines of the 1968 model year, motor vehicles and motor vehicle engines shall be equipped with emissions control devices that meet the standards established by the director of environmental quality.

E. A person who violates this section is subject to a civil penalty of at least one hundred dollars.

F. This section does not apply to an electrically powered motor vehicle.
28-955.01  Motorcycles; noise level equipment; unauthorized equipment
A. A person shall not operate or as an owner permit the operation of a motorcycle in this state that is not equipped with the manufacturer's original muffler or other original noise reduction equipment or with a replacement muffler or replacement noise reduction equipment capable of reducing the noise levels below the maximum operating noise levels established by the department pursuant to section 28-955.02.
B. A person shall not use a muffler cutout, bypass or similar device on a motorcycle operated in this state.

28-955.02  Motorcycle noise level rules
A. The department shall establish by rule maximum operating noise levels for motorcycles operated in this state.
B. The rules shall:
   1. Provide for varying maximum operational noise levels for motorcycles, categorized by year of manufacture and speed of operation of the motorcycle.
   2. Be based on noise reduction levels achieved by reasonable and prudent operation of a motorcycle and proper maintenance of the noise reduction equipment.

28-955.03  Exemption for racing motorcycles; definition
A. Sections 28-955.01 and 28-955.02 do not apply to a racing motorcycle operated in a racing event or in a facility used for a racing event.
B. For the purposes of this section, “racing motorcycle” means either:
   1. A motorcycle that is intended by the manufacturer to be operated at a facility used for a racing event.
   2. A motorcycle that has been modified by the owner to be operated at a facility used for a racing event.

28-955.04  Exhaust system; visual inspection; requirements; civil penalty
A. A commercial motor vehicle that operates in this state shall have an exhaust system that is detectable by a visual inspection and that meets all of the following:
   1. Is free from a defect that adversely affects sound reduction.
   2. Is equipped with either a muffler or other noise dissipative device.
   3. Is not equipped with a cutout, bypass or similar device.
B. A person who violates this section is subject to a civil penalty of at least five hundred dollars. If the person shows the court that a muffler has been installed or the existing muffler has been serviced to comply with subsection A, the court may reduce or waive the civil penalty.

28-956. Mirrors
A motor vehicle that is constructed or loaded in a manner that obstructs the driver's view to the rear of the vehicle from the driver's position shall be equipped with two mirrors located in a manner to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.

28-957. Windshield wipers required; golf cart exception
A. The windshield on a motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield. The device shall be constructed in a manner to be controlled or operated by the driver of the vehicle.
B. A windshield wiper on a motor vehicle shall be maintained in good working order.
C. This section does not apply to a golf cart.

28-957.01  Windshields required
A. The following vehicles shall be equipped with an adequate windshield:
   1. A passenger vehicle, except a motorcycle, an all-terrain vehicle and a golf cart manufactured or modified before June 17, 1998.
   2. A motor truck or truck tractor, except fire trucks, fire engines or other fire apparatus, whether publicly or privately owned.
B. This section does not apply to an implement of husbandry or to an antique, classic or horseless carriage automobile if it was not originally equipped with a windshield.

28-958. Tire equipment restrictions
A. A solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.
B. A tire on a vehicle that is moved on a highway shall not have on its periphery any block, stud, flange, cleat, spike or other protruberance that is made of any material other than rubber and that projects beyond the tread of the traction surface of the tire, except that it is permissible to use:
   1. Farm machinery with tires having protruberances that will not injure the highway.
   2. Tire chains of reasonable proportions on a vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.
   3. From October 1 to May 1 pneumatic tires containing metal type studs of tungsten carbide or other suitable material that are inserted or constructed in a manner so that the number of studs or the percentage of metal in contact with the roadway does not exceed three per cent of the total tire area in contact with the roadway under any conditions.
C. The director and local authorities in their respective jurisdictions may issue special permits authorizing
the operation on a highway of traction engines or tractors having movable tracks with transverse corrugations on the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which on a highway would otherwise be prohibited under this chapter.

Last legislative year: 1996

28-958.01. Rear fender splash guards
A. A person shall not operate a truck, trailer, semitrailer or bus on a highway unless the vehicle is equipped with rear fender splash guards that comply with the specifications provided in this section.
B. The splash guards:
1. Shall be attached in a manner that prevents the splashing of mud or water on the windshield of other motor vehicles.
2. Shall extend to a length of not more than eight inches from the ground.
3. Shall be wide enough to cover the full tread or treads of the tires being protected.
4. Shall be installed close enough to the tread surface of the tire or wheel to control the side throw of the bulk of the thrown road surface material.
5. May be constructed of a flexible rubberized material.
6. Shall be attached in a manner that, regardless of movement either in the splash guards or the vehicle, the splash guards retain their general parallel relationship to the tread surface of the tire or wheel under all ordinary operating conditions.
C. This section does not apply to:
1. A vehicle commonly known as a pickup truck with a manufacturer’s gross vehicle weight rating of ten thousand pounds or less, except that this section applies if the pickup truck has been modified from the original bumper height design to raise the center of gravity of the pickup truck.
2. A truck tractor or converter dolly when used in combination with another vehicle.
3. A single, tandem or triple axle trailer with fenders and splash guards.
4. A trailer or bus on a highway unless the vehicle is equipped with rear fender splash guards that comply with the specifications provided in this section.

Last legislative year: 2008

Recent legislative history: Laws 1998, Ch. 199, § 1;
Laws 2008, Ch. 47, § 1.

28-959. Safety glass required; applicability; denial or suspension of registration; definition
A. A person shall not sell and the department shall not register a new motor vehicle unless it is equipped with an approved type of safety glass. The director shall suspend the registration of any motor vehicle that is subject to this section and that the director finds is not equipped with an approved type of safety glass. The suspension shall continue until the motor vehicle is made to conform to the requirements of this section.
B. A person shall not replace glass or glazing materials used in partitions, doors, windows, windshields or wind deflectors in a motor vehicle with a material other than safety glass.
C. For the purposes of this section, “safety glass” means a product composed of glass that is manufactured, fabricated or treated in a manner that substantially prevents shattering and flying of the glass when struck or broken and that meets applicable federal safety standards.

Last legislative year: 2011


28-959.01. Materials on windows or windshield; exceptions; requirements; violation; definitions
A. This section does not apply to:
1. Front side wing vents and windows that have a substance or material in conjunction with glazing material that has a light transmission of thirty-three per cent plus or minus three per cent and a luminous reflectance of thirty-five per cent plus or minus three per cent.
2. Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material that is used by a vehicle operator on a moving vehicle during daylight hours as provided in section 28-922.
3. Rearview mirrors.
4. Adjustable nontransparent sun visors that are mounted forward of the side windows and that are not attached to the glass.
5. Signs, stickers or other materials that are either:
   a. Displayed in a seven inch square in the lower corner of the windshield farthest removed from the driver.
   b. Displayed in a five inch square in the lower corner of the windshield nearest the driver.
6. Side windows that are to the rear of the driver and rear windows that have a substance or material in conjunction with glazing material that has a luminous reflectance of thirty-five per cent plus or minus three per cent or less.
7. Direction, destination or termination signs on a passenger common carrier motor vehicle, if the signs do not interfere with the driver’s clear view of approaching traffic.
8. Rear window wiper motors.
9. A rear trunk lid handle or hinges.
10. The rear window or windows if the motor vehicle is equipped with outside mirrors that are on both left-hand and right-hand sides of the vehicle and that are located in a manner to reflect to the driver a view of...
the highway through each mirror for a distance of at least two hundred feet to the rear of the motor vehicle.

11. Transparent material that is installed, affixed or applied to the topmost portion of the windshield if:
   (a) The bottom edge of the material is at least twenty-nine inches above the undepressed driver’s seat when measured from a point five inches in front of the bottom of the backrest with the driver’s seat in its rearmost and lowermost position with the vehicle on a level surface.
   (b) The material is not red or amber in color.

12. Safety monitoring equipment and driver feedback if mounted in either of the following locations:
   (a) Immediately behind, slightly above or slightly below the rearview mirror.
   (b) Where the rearview mirror would commonly be positioned if the motor vehicle is without a windshield mounted rearview mirror.

B. Except as otherwise provided in this section, a person shall not operate a motor vehicle with an object or material placed, displayed, installed, affixed or applied on the windshield or side or rear windows or with an object or material placed, displayed, installed, affixed or applied in or on the motor vehicle in a manner that obstructs or reduces a driver’s clear view through the windshield or side or rear windows.

C. Except as otherwise provided in this section, a person shall not place, install, affix or apply a transparent material on the windshield or side or rear windows of a motor vehicle if the material alters the color or reduces the light transmittance of the windshield or side or rear windows.

D. Each manufacturer shall certify to the director that the product or material the manufacturer manufactures or assembles complies with the reflectivity and transmittance requirements of this section.

E. This section does not permit or prohibit the use and placement of federal, state or local certificates on any window as are required by or permitted by applicable laws.

F. A person who sells or installs objects or materials under this section shall set forth in a conspicuous manner that the installation of the object or material to the driver or passenger side window may be illegal in some states.

G. On application from a person required for medical reasons to be shielded from the direct rays of the sun, that is supported by written attestation of this fact from a physician licensed pursuant to title 32, chapter 13 or 17, the department may issue an exemption from this section for a motor vehicle belonging to the person or in which the person is a habitual passenger. A person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle pursuant to an exemption issued by the director.

H. In this section, unless the context otherwise requires:
   1. “Light transmission” means the ratio of the amount of total light, expressed in percentages, that is allowed to pass through the product or material including the glazing to the amount of total light falling on the product or material and the glazing.
   2. “Luminous reflectance” means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the product or material to the amount of total light falling on the product or material.
   3. “Manufacturer” means either:
      (a) A person who engages in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with vehicle glazing materials.
      (b) A person who fabricates, laminates or tempers the glazing material incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process.

Last legislative year: 2011

Recent legislative history: Laws 2011, 1st Reg. Sess., Ch. 64, § 1.

28-960. Flares; warning devices; requirements
A. Except as provided in subsection B, a person shall not operate a motor truck, passenger bus or truck tractor on a highway outside the corporate limits of a city or town from a half hour after sunset to a half hour before sunrise unless the following equipment is carried in the vehicle:
   1. At least three flares or three red electric lanterns that comply with the following:
      (a) Each flare or lantern is capable of being seen and distinguished at a distance of five hundred feet under normal atmospheric conditions at nighttime.
      (b) Each flare or liquid-burning pot torch is capable of burning for at least twelve hours in five miles per hour wind velocity and capable of burning in any air velocity from zero to forty miles per hour.
      (c) Each flare is substantially constructed to withstand reasonable shocks without leaking.
      (d) Each flare is carried in the vehicle in a metal rack or box.
      (e) Each red electric lantern is capable of operating continuously for at least twelve hours and is substantially constructed to withstand reasonable shock without breakage.
   2. At least three red-burning fusees, unless red electric lanterns are carried, that are:
      (a) Made in accordance with specifications of the bureau of explosives, 30 Vesey Street, New York City and so marked.
      (b) Capable of burning at least fifteen minutes.
   3. At least two red cloth flags that are at least twelve inches square and have standards to support the flags.

B. At the time and under the conditions stated in subsection A, a person shall not operate a motor vehicle used in transporting flammable liquids in bulk or transporting compressed flammable gases, unless three red electric lanterns meeting the requirements stated in subsection A are carried in the vehicle. A flare, fusee or signal produced by a flare shall not be carried in a vehicle described in this subsection.

C. A person is in compliance with this section if the person operates a motor vehicle described in this section and carries in the vehicle three portable reflector units on standards and of a type approved by the department. The department shall not approve a portable reflector unit unless it is designed and con-
28-961. Display of warning devices; disabled vehicle  
A. Except as provided in subsection B of this section, if a motor truck, passenger bus, truck tractor, trailer, semitrailer or pole trailer is disabled on the traveled portion of a highway or the shoulder of a highway outside of a city or town at a time when lighted lamps are required on vehicles, the driver of the vehicle shall display the following warning devices on the highway during the time the vehicle is disabled on the highway:  
1. A lighted fusee immediately placed on the roadway at the traffic side of the motor vehicle unless electric lanterns are displayed.  
2. Within the burning period of the fusee and as promptly as possible, three lighted flares or pot torches or three electric lanterns placed on the roadway as follows:  
   (a) One at a distance of approximately one hundred feet in advance of the vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle, each in the center of the lane of traffic occupied by the disabled vehicle.  
   (b) One at the traffic side of the vehicle approximately ten feet rearward or forward of the vehicle.  
B. If a vehicle that is used in transporting flammable liquids in bulk or compressed flammable gases is disabled on a highway at a time or place provided in subsection A of this section, the driver of the vehicle shall display on the roadway the following lighted warning devices:  
1. One red electric lantern immediately placed on the roadway at the traffic side of the vehicle.  
2. Two other red electric lanterns placed to the front and rear of the vehicle in the same manner prescribed for flares in subsection A of this section.  
C. If a vehicle of a type provided in subsection B of this section is disabled, the use of flares, fusees or any signal produced by flame as warning signals is prohibited.  
D. If a vehicle referred to in this section is disabled on the traveled portion of a highway or the shoulder of a highway outside of a city or town at a time when the display of fusees, flares or electric lanterns is not required, the driver of the vehicle shall display two red flags on the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle.  
E. A person is in compliance with this section if three portable reflector units on standards and approved by the department are both:  
1. Displayed at the times and under the conditions provided in this section either during the daytime or at nighttime.  
2. Placed on the roadway in the locations prescribed by this section for the placing of electric lanterns and lighted flares.  
F. The flares, fusees, lanterns and flags required in this section shall conform with the requirements of section 28-960 applicable to the flares, fusees, lanterns and flags.

28-962. Vehicles transporting explosives; rules  
A. A person operating a vehicle transporting an explosive on a highway shall comply at all times with the following provisions:  
1. The vehicle shall be placarded in accordance with the placarding requirements specified in 49 Code of Federal Regulations part 172.  
2. The vehicle shall be equipped with a fire extinguisher as required in 49 Code of Federal Regulations part 393.  
B. The director shall adopt additional rules governing the transportation of explosives and other dangerous articles by vehicles on the highways as the director deems advisable for the protection of the public.

28-963. Image display device; prohibition; exceptions; definition  
A. A person shall not view a broadcast television image or a visual image from an image display device while that person is driving a motor vehicle and the motor vehicle is in motion on a public roadway or on an off-highway vehicle trail as defined in section 28-1171.  
B. A person shall not operate a motor vehicle with an image display device that is visible to a driver seated in a normal driving position when the vehicle is in motion.  
C. This section does not apply to any of the following:  
1. Emergency vehicles.  
2. Image display devices that do any of the following:  
   (a) Display images that provide a driver with navigation and related traffic, road and weather information.  
   (b) Provide vehicle information, controls or information related to driving a vehicle.  
   (c) Enhance or supplement a driver’s view of the area to the front, rear or side of the vehicle.  
   (d) Permit a driver to monitor the vehicle occupants seated behind the driver.  
   (e) Display information intended to enhance traffic safety.  
3. Image display devices that are built into the motor vehicle and that do not display images to a driver while the vehicle is in motion.  
4. Image display devices that are portable and are not used to display dynamic visual images other than for purposes of navigation or global positioning to a driver while the vehicle is in motion.  
5. Image display devices present in vehicles of a public service corporation or any political subdivision of this state and used for service or maintenance of its facilities.  
6. Any use of an image display device while the vehicle is parked.  
D. For the purposes of this section, “image display device” means equipment capable of displaying to the driver of a motor vehicle rapidly changing images that are either of the following:  
1. A broadcast television image or similar entertainment content transmitted by other wireless means to the image display device.
2. A dynamic visual image, other than text, from a digital video disc or other storage device.

Last legislative year: 2010


28-964. Motorcycles; all-terrain vehicles; motor driven cycles; equipment; exception; prohibition

A. An operator or passenger of a motorcycle, all-terrain vehicle or motor driven cycle who is under eighteen years of age shall wear at all times a protective helmet on the operator's or passenger's head in an appropriate manner. The protective helmet shall be safely secured while the operator or passenger is operating or riding on the motorcycle, all-terrain vehicle or motor driven cycle. An operator of a motorcycle, all-terrain vehicle or motor driven cycle shall wear at all times protective glasses, goggles or a transparent face shield of a type approved by the director unless the motorcycle, all-terrain vehicle or motor driven cycle is equipped with a protective windshield. This subsection does not apply to electrically powered three wheeled vehicles or three wheeled vehicles on which the operator and passenger ride within an enclosed cab.

B. A motorcycle, all-terrain vehicle and motor driven cycle shall be equipped with a rearview mirror, seat and footrests for the operator. A motorcycle, all-terrain vehicle or motor driven cycle operated with a passenger shall be equipped with a seat, footrests and handrails for the passenger.

C. A person shall not operate a motorcycle, all-terrain vehicle or motor driven cycle equipped with handlebars that are positioned so that the hands of the operator are above the operator's shoulder height when the operator is sitting astride the seat and the operator's hands are on the handlebar grips.

Last legislative year: 1997

ARTICLE 20. OFF-HIGHWAY VEHICLES

28-1171. Definitions

In this article, unless the context otherwise requires:
1. “Access road” means a multiple use corridor that meets all of the following criteria:
   (a) Is maintained for travel by two-wheel vehicles.
   (b) Allows entry to staging areas, recreational facilities, trail heads and parking.
   (c) Is determined to be an access road by the appropriate land managing authority.
2. “Closed course” means a maintained facility that uses department approved dust abatement and fire abatement measures.
3. “Highway” means the entire width between the boundary lines of every way publicly maintained by the federal government, the department, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of conventional two-wheel drive vehicular travel. Highway does not include routes designated for off-highway vehicle use.
4. “Mitigation” means the rectification or reduction of existing damage to natural resources, including flora, fauna and land or cultural resources, including prehistoric or historic archaeological sites, if the damage is caused by off-highway vehicles.
5. “Off-highway recreation facility” includes off-highway vehicle use areas and trails designated for use by off-highway vehicles.
6. “Off-highway vehicle”:
   (a) Means a motorized vehicle when operated primarily off of highways on land, water, snow, ice or other natural terrain or on a combination of land, water, snow, ice or other natural terrain.
   (b) Includes a two-wheel, three-wheel or four-wheel vehicle, motorcycle, four-wheel drive vehicle, dune buggy, amphibious vehicle, ground effects or air cushion vehicle and any other means of land transportation deriving motive power from a source other than muscle or wind.
   (c) Does not include a vehicle that is either:
      (i) Designed primarily for travel on, over or in the water.
      (ii) Used in installation, inspection, maintenance, repair or related activities involving facilities for the provision of utility or railroad service.
7. “Off-highway vehicle special event” means an event that is endorsed, authorized, permitted or sponsored by a federal, state, county or municipal agency and in which the event participants operate off-highway vehicles on specific routes or areas designated by a local authority pursuant to section 28-627.
8. “Off-highway vehicle trail” means a multiple use corridor that is both of the following:
   (a) Open to recreational travel by an off-highway vehicle.
   (b) Designated or managed by or for the managing authority of the property that the trail traverses for off-highway vehicle use.
9. “Off-highway vehicle use area” means the entire area of a parcel of land, except for approved buffer areas, that is managed or designated for off-highway vehicle use.

Last legislative year: 2008

Recent legislative history: Laws 2004, Ch. 145, § 2; Laws 2008, Ch. 294, § 1.

28-1172. Applicability; private and Indian lands

This article applies to all lands in this state except private land and Indian land.

Last legislative year: 1996

28-1173. Enforcement

All peace officers of this state and counties or municipalities of this state and other duly authorized state employees shall only enforce this article on land that is either of the following:
1. Solely under the jurisdiction of this state or a county or municipality of this state.
2. Open as indicated by federal law.

Last legislative year: 2013

Recent legislative history: Laws 2013, 1st Reg. Sess., Ch. 231, § 2.

28-1174. Operation restrictions; violation; classification

A. A person shall not drive an off-highway vehicle:
1. With reckless disregard for the safety of persons or property.
2. Off of an existing road, trail or route in a manner that causes damage to wildlife habitat, riparian areas, cultural or natural resources or property or improvements.
3. On roads, trails, routes or areas closed as indicated in rules or regulations of a federal agency, this state, a county or a municipality or by proper posting if the land is private land.
4. Over unimproved roads, trails, routes or areas unless driving on roads, trails, routes or areas where such driving is allowed by rule or regulation.
5. A person shall drive an off-highway vehicle only on roads, trails, routes or areas that are opened as indicated in rules or regulations of a federal agency, this state, a county or a municipality.
6. A person shall not operate an off-highway vehicle in a manner that damages the environment, including excessive pollution of air, water or land, abuse of the watershed or cultural or natural resources or impairment of plant or animal life, where it is prohibited by rule, regulation, ordinance or code.
7. A person shall not place or remove a regulatory sign governing off-highway vehicle use on any public or state land. This subsection does not apply to an agent of an appropriate federal, state, county, town or city agency operating within that agency's authority.
8. A person who violates subsection A, paragraph 1 is guilty of a class 2 misdemeanor.
9. A person who violates any other provision of this section is guilty of a class 3 misdemeanor.
10. In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course related to the off-highway operation of motor vehicles, or both.
11. Subsections A and B do not prohibit a private landowner or lessee from performing normal agricultural or ranching practices while operating an all-terrain vehicle or an off-highway vehicle on the private or leased land.

Last legislative year: 2008

Recent legislative history: Laws 2008, Ch. 294, § 2.

28-1175. Instruction course; fee

A. The Arizona game and fish department shall conduct or approve an educational course of instruction in off-highway vehicle safety and environmental ethics. The course shall include instruction on off-highway vehicle uses that limit air pollution and harm to natural terrain, vegetation and animals. Successful completion of the course requires successful passage of a written examination.
B. Any governmental agency, corporation or other individual that conducts a training or educational course, or both, that is approved by the Arizona game and fish department, the United States bureau of land management or the United States forest service or that is approved or accepted by the all-terrain vehicle safety institute or the national off-highway vehicle conserva-

B. Monies in the off-highway vehicle recreation fund are appropriated to the Arizona state parks board solely for the purposes provided in this article. Interest earned on monies in the fund shall be credited to the fund. Monies in the off-highway vehicle recreation fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.
C. The Arizona game and fish department shall spend thirty-five per cent of the monies in the off-highway vehicle recreation fund for informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation and law enforcement activities relating to this article and for off-highway vehicle law enforcement pursuant to title 17, chapter 4, article 3, including seven full-time employees to enforce this article and title 17, chapter 4, article 3.
D. The state land department shall spend five per cent of the monies in the off-highway vehicle recreational fund to allow occupants of off-highway vehicles with user indicia to cross state trust land on existing roads, trails and designated routes. The state land department shall use these monies for costs associated with off-highway vehicle use of lands within its jurisdiction, to mitigate damage to the land, for necessary environmental, historical and cultural clearance or compliance activities and to fund enforcement of off-highway vehicle laws.
E. The Arizona state parks board shall spend sixty per cent of the monies in the off-highway vehicle recreation fund for the following purposes:
1. No more than twelve per cent to fund staff support to plan and administer the off-highway vehicle recreation fund.
2. To establish an off-highway vehicle program based on the priorities established in the off-highway vehicle recreational plan.
3. To designate, construct, maintain, renovate, repair or connect off-highway vehicle routes and trails and to designate, manage and acquire land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas. After expenditures pursuant to paragraph 1 of this subsection, the Arizona state parks board shall not spend more than thirty-five per cent of the remaining monies received pursuant to this subsection for construction of new off-highway vehicle trails.
4. For enforcement of off-highway vehicle laws.

E. The Arizona state parks board shall spend sixty per cent of the monies in the off-highway vehicle recreation fund for the following purposes:
1. No more than twelve per cent to fund staff support to plan and administer the off-highway vehicle recreation fund.
2. To establish an off-highway vehicle program based on the priorities established in the off-highway vehicle recreational plan.
3. To designate, construct, maintain, renovate, repair or connect off-highway vehicle routes and trails and to designate, manage and acquire land for access roads, off-highway vehicle recreation facilities and off-highway vehicle use areas. After expenditures pursuant to paragraph 1 of this subsection, the Arizona state parks board shall not spend more than thirty-five per cent of the remaining monies received pursuant to this subsection for construction of new off-highway vehicle trails.
4. For enforcement of off-highway vehicle laws.

F. A person who violates a rule, regulation, ordinance or code.

G. In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty-four hours of community restitution or to complete an approved safety course related to the off-highway operation of motor vehicles, or both.

H. Subsections A and B do not prohibit a private landowner or lessee from performing normal agricultural or ranching practices while operating an all-terrain vehicle or an off-highway vehicle on the private or leased land.
5. For off-highway vehicle related informational and environmental education programs, information, signage, maps and responsible use programs.
6. For the mitigation of damages to land, revegetation and the prevention and restoration of damages to natural and cultural resources, including the closure of existing access roads, off-highway vehicle use areas and off-highway vehicle routes and trails.
7. For necessary environmental, historical and cultural clearance or compliance activities.
8. The allocation of the monies in subsection E, paragraphs 3 through 7 of this section and the percentages allocated to each of the purposes prescribed in subsection E, paragraphs 3 through 7 of this section shall be based on an off-highway vehicle recreational plan.
9. Monies in the off-highway vehicle recreation fund shall not be used to construct new off-highway vehicle trails or routes on environmentally or culturally sensitive land unless the appropriate land management agency determines that certain new trail construction would benefit or protect cultural or sensitive sites. For the purposes of this subsection, “environmentally or culturally sensitive land” means areas of lands that are either:
   1. Administratively or legislatively designated by the federal government as any of the following:
      (a) A national monument.
      (b) An area of critical environmental concern.
      (c) A conservation area.
      (d) An inventoried roadless area.
   2. Determined by the applicable land management agency to contain significant natural or cultural resources or values.
10. The Arizona state parks board shall examine applications for eligible projects and determine the amount of funding, if any, for each project. In determining the amount of monies for eligible projects, the Arizona state parks board shall give preference to applications for projects with mitigation efforts and for projects that encompass a large number of purposes described in subsection E, paragraphs 3 through 7 of this section.
11. Beginning September 1, 2011, and on or before September 1 of each subsequent year, each agency that receives monies from the off-highway vehicle recreation fund shall submit an off-highway vehicle report to the president of the senate, the speaker of the house of representatives, the chairperson of the senate natural resources and rural affairs committee, or its successor committee, and the chairperson of the house of representatives natural resources and public safety committee, or its successor committee. The report shall be made available to the public. The report shall include information on all of the following if applicable:
   1. The amount of monies spent or encumbered in the fund during the preceding fiscal year for the purposes of off-highway vehicle law enforcement activities.
   2. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for information and education.
   3. The number of full-time employees employed in the preceding fiscal year in connection with off-highway vehicle law enforcement activities.
   4. The amount of monies spent from the off-highway vehicle recreation fund during the preceding fiscal year for information and education.
   5. The number and specific location of verbal warnings, written warnings and citations given or issued during the preceding fiscal year.
   6. A specific and detailed accounting for all monies spent in accordance with this section for construction of new off-highway vehicle trails, mitigation of damages to lands, revegetation, the prevention and restoration of damages to natural and cultural resources, signage, maps and necessary environmental, historical and cultural clearance or compliance activities.
J. For the purposes of this section, “off-highway vehicle recreational plan” means a plan that is maintained by the Arizona state parks board pursuant to section 41-511.04.

Last legislative year: 2008


28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception

A. A person shall not operate an all-terrain vehicle or an off-highway vehicle in this state without an off-highway vehicle user indicia issued by the department if the all-terrain vehicle or off-highway vehicle meets both of the following criteria:
   1. Is designed by the manufacturer primarily for travel over unimproved terrain.
   2. Has an unladen weight of eighteen hundred pounds or less.
B. A person shall apply to the department of transportation for the off-highway vehicle user indicia by submitting an application prescribed by the department of transportation and a user fee for the indicia in an amount to be determined by the director of the department of transportation in cooperation with the director of the Arizona game and fish department and the Arizona state parks board. The user indicia is valid for one year from the date of issuance and may be renewed. The department shall prescribe by rule the design and placement of the indicia.
C. When a person pays for an off-highway vehicle user indicia pursuant to this section, the person may request a motor vehicle registration if the vehicle meets all equipment requirements to be operated on a highway pursuant to article 16 of this chapter. If a person submits a signed affidavit to the department affirming that the vehicle meets all of the equipment requirements for highway use and that the vehicle will be operated primarily off of highways, the department shall register the vehicle for highway use and the vehicle owner is not required to pay the registration fee prescribed in section 28-2003. This subsection does not apply to vehicles that as produced by the manufacturer meet the equipment requirements to be operated on a highway pursuant to article 16 of this chapter.
D. The director shall deposit, pursuant to sections 35-146 and 35-147, seventy per cent of the user fees collected pursuant to this section in the off-highway
vehicle recreation fund established by section 28-1176 and thirty per cent of the user fees collected pursuant to this section in the Arizona highway user revenue fund.

E. An occupant of an off-highway vehicle with a user indicia issued pursuant to this section who crosses state trust lands must comply with all of the rules and requirements under a state trust land recreational permit. All occupants of an off-highway vehicle with a user indicia shall obtain a state trust land recreational permit from the state land department for all other authorized recreational activities on state trust land.

F. This section does not apply to off-highway vehicles, all-terrain vehicles or off-road recreational motor vehicles that are used off-highway exclusively for agricultural, ranching, construction, mining or building trade purposes.

Last legislative year: 2008
Recent legislative history: Laws 2008, Ch. 294, § 5.

28-1178. Operation of off-highway vehicles; exceptions
A person may operate an all-terrain vehicle or an off-highway vehicle in this state without an off-highway vehicle user indicia issued pursuant to section 28-1177 if any of the following applies:
1. The person is participating in an off-highway special event.
2. The person is operating an all-terrain vehicle or an off-highway vehicle on private land.
3. The person is loading or unloading an all-terrain vehicle or an off-highway vehicle from a vehicle.
4. During a period of emergency or if the operation is directed by a peace officer or other public authority.
5. All of the following apply:
   (a) The person is not a resident of this state.
   (b) The person owns the vehicle.
   (c) The vehicle displays a current off-highway vehicle user indicia or registration from the person’s state of residency.
   (d) The vehicle is not in this state for more than thirty consecutive days.

Last legislative year: 2008
Recent legislative history: Laws 2008, Ch. 294, § 5.

28-1179. Off-highway vehicle equipment requirements; rule making; exception
A. An off-highway vehicle in operation in this state shall be equipped with all of the following:
1. Brakes adequate to control the movement of the vehicle and to stop and hold the vehicle under normal operating conditions.
2. Lighted headlights and taillights that meet or exceed original equipment manufacturer guidelines if operated between one-half hour after sunset and one-half hour before sunrise.
3. Except when operating on a closed course, either a muffler or other noise dissipative device that prevents sound above ninety-six decibels. The director shall adopt the current sound measurement standard of the society of automotive engineers for all-terrain vehicles and motorcycles and the current sound measurement standard of the international organization for standardization for all other off-highway vehicles.
4. A spark arrestor device that is approved by the United States department of agriculture and that is in constant operation except if operating on a closed course.
5. A safety flag that is at least six by twelve inches and that is attached to the off-highway vehicle at least eight feet above the surface of level ground, if operated on sand dunes or areas designated by the managing agency.

B. A person who is under eighteen years of age may not operate or ride on an off-highway vehicle on public or state land unless the person is wearing protective headgear that is properly fitted and fastened, that is designed for motorized vehicle use and that has a minimum United States department of transportation safety rating.

C. In consultation with the department of transportation, the Arizona game and fish commission may:
1. Adopt rules necessary to implement this section.
2. Prescribe additional equipment requirements not in conflict with federal laws.

D. This section does not apply to a private landowner or lessee performing normal agricultural or ranching practices while operating an all-terrain vehicle or an off-highway vehicle on the private or leased land in accordance with the landowner’s or lessee’s lease.

Last legislative year: 2008
Recent legislative history: Laws 2008, Ch. 294, § 5.

28-1180. Race or organized event; authorization required
No person may organize, promote or hold an off-highway vehicle race or other organized event on any land or highway in this state, except as authorized by the appropriate agency that has jurisdiction over the land or highway or the landowner.

Last legislative year: 2008
Recent legislative history: Laws 2008, Ch. 294, § 5.

28-1181. Civil traffic violation
Unless otherwise specified in this article, a violation of this article is a civil traffic violation.

Last legislative year: 2008
Recent legislative history: Laws 2008, Ch. 294, § 5.

CHAPTER 4
DRIVING UNDER THE INFLUENCE

ARTICLE 2. IMPLIED CONSENT AND TESTS
Section 28-1321. Implied consent; tests; refusal to submit to test; order of suspension; hearing; review; temporary permit; notification of suspension; special ignition interlock restricted driver license.

ARTICLE 3. DRIVING UNDER THE INFLUENCE
28-1381. Driving or actual physical control while under the
Section 28-1382. Driving or actual physical control while under the influence; trial by jury; presumptions; admissible evidence; sentencing; classification.

28-1383. Aggravated driving or actual physical control while under the influence; trial by jury; sentencing; classification.

28-1384. Aggravated driving or actual physical control while under the influence; forfeiture of vehicle.

28-1385. Administrative license suspension for driving under the influence or for homicide or assault involving a motor vehicle; report; hearing; summary review; ignition interlock device requirement.

28-1386. Operating a motor vehicle, aircraft, watercraft or water skis under the influence; emergency response costs; definitions.

28-1387. Prior convictions; alcohol or other drug screening, education and treatment; license suspension; supervised probation; civil liability; procedures.

28-1388. Blood and breath tests; violation; classification; admissible evidence.

28-1389. Waiver of fine, surcharge or assessment.

28-1390. Emergency personnel; law enforcement.

ARTICLE 2. IMPLIED CONSENT AND TESTS

28-1321. Implied consent; tests; refusal to submit to test; order of suspension; hearing; review; temporary permit; notification of suspension; special ignition interlock restricted driver license

A. A person who operates a motor vehicle in this state gives consent, subject to section 4-244, paragraph 34 or section 28-1381, 28-1382 or 28-1383, to a test or tests of the person's blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content if the person is arrested for any offense arising out of acts alleged to have been committed in violation of this chapter or section 4-244, paragraph 34 while the person was driving or in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs. The test or tests chosen by the law enforcement agency shall be administered at the direction of a law enforcement officer having reasonable grounds to believe that the person was driving or in actual physical control of a motor vehicle in this state either:
1. While under the influence of intoxicating liquor or drugs.
2. If the person is under twenty-one years of age, withspirits in the person's body.

B. After an arrest a violator shall be requested to submit to and successfully complete any test or tests prescribed by subsection A of this section, and if the violator refuses the violator shall be informed that the violator's license or permit to drive will be suspended or denied for twelve months, or for two years for a second or subsequent refusal within a period of eighty-four months, unless the violator expressly agrees to submit to and successfully completes the test or tests. A failure to expressly agree to the test or successfully complete the test is deemed a refusal. The violator shall also be informed that:
1. If the test results show a blood or breath alcohol concentration of 0.08 or more, if the results show a blood or breath alcohol concentration of 0.04 or more and the violator was driving or in actual physical control of a commercial motor vehicle or if the results show there is any drug defined in section 13-3401 or its metabolite in the person's body and the person does not possess a valid prescription for the drug, the violator's license or permit to drive will be suspended or denied for not less than ninety consecutive days.
2. The violator's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege may be issued or reinstated following the period of suspension only if the violator completes alcohol or other drug screening.

C. A person who is dead, unconscious or otherwise in a condition rendering the person incapable of refusal is deemed not to have withdrawn the consent provided by subsection A of this section and the test or tests may be administered, subject to section 4-244, paragraph 34 or section 28-1381, 28-1382 or 28-1383.

D. If a person under arrest refuses to submit to the test designated by the law enforcement agency as provided in subsection A of this section:
1. The test shall not be given, except as provided in section 28-1388, subsection E or pursuant to a search warrant.
2. The law enforcement officer directing the administration of the test shall:
(a) File a certified report of the refusal with the department.
(b) On behalf of the department, serve an order of suspension on the person that is effective fifteen days after the date the order is served.
(c) Require the immediate surrender of any license or permit to drive that is issued by this state and that is in the possession or control of the person.
(d) If the license or permit is not surrendered, state the reason why it is not surrendered.
(e) If a valid license or permit is surrendered, issue a temporary driving permit that is valid for fifteen days.
(f) Forward the certified report of refusal, a copy of the completed notice of suspension, a copy of any completed temporary permit and any driver license or permit taken into possession under this section to the department within five days after the issuance of the notice of suspension.

E. The certified report is subject to the penalty for perjury as prescribed by section 28-1561 and shall state all of the following:
1. The officer's reasonable grounds to believe that the arrested person was driving or in actual physical control of a motor vehicle in this state either:
(a) While under the influence of intoxicating liquor or drugs.
(b) If the person is under twenty-one years of age, with spirits in the person's body.
2. The manner in which the person refused to submit to the test or tests.
3. That the person was advised of the consequences of refusal.
F. On receipt of the certified report of refusal and a copy of the order of suspension and on the effective date stated on the order, the department shall enter the order of suspension on its records unless a written or online request for a hearing as provided in this section has been filed by the accused person. If the department receives only the certified report of refusal, the department shall notify the person named in the report in writing sent by mail that:

1. Fifteen days after the date of issuance of the notice the department will suspend the person's license or permit, driving privilege or nonresident driving privilege.
2. The department will provide an opportunity for a hearing if the person requests a hearing in writing or online and the request is received by the department within fifteen days after the notice is sent.

G. The order of suspension issued by a law enforcement officer or the department under this section shall notify the person that:

1. The person may submit a written or online request for a hearing.
2. The request for a hearing must be received by the department within fifteen days after the date of the notice or the order of suspension will become final.
3. The affected person's license or permit to drive or right to operate for a license or permit or any nonresident operating privilege will be suspended for twelve months from that date or for two years from that date for a second or subsequent refusal within a period of eighty-four months.
4. The person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege may be issued or reinstated following the period of suspension only if the person completes alcohol or other drug screening.

H. The order for suspension shall:

1. Be accompanied by printed forms that are ready to mail to the department, that may be filled out and signed by the person to indicate the person's desire for a hearing and that advise the person that the person may alternatively submit an online request for a hearing.
2. Advise the person that unless the person has surrendered any driver license or permit issued by this state the person's hearing request will not be accepted, except that the person may certify pursuant to section 28-3170 that the license or permit is lost or destroyed.

I. On the receipt of a request for a hearing, the department shall set the hearing within sixty days. The department may hold the hearing in person, by telephone or by videoconference. If the department holds the hearing in person, the hearing shall be held in the county in which the person named in the report resides unless the law enforcement agency filing the certified report of refusal pursuant to subsection D of this section requests at the time of its filing that the hearing be held in the county where the refusal occurred.

J. A timely request for a hearing stays the suspension until a hearing is held, except that the department shall not return any surrendered license or permit to the person but may issue temporary permits to drive that expire no later than when the department has made its final decision. If the person is a resident without a license or permit or has an expired license or permit, the department may allow the person to apply for a restricted license or permit. If the department determines the person is otherwise entitled to the license or permit, the department shall issue and retain a restricted license or permit subject to this section.

K. Hearings requested under this section shall be conducted in the same manner and under the same conditions as provided in section 28-3306. For the purposes of this section, the scope of the hearing shall include only the issues of whether:

1. A law enforcement officer had reasonable grounds to believe that the person was driving or was in actual physical control of a motor vehicle in this state either:
   (a) While under the influence of intoxicating liquor or drugs.
   (b) If the person is under twenty-one years of age, with spirituous liquor in the person's body.
2. The person was placed under arrest.
3. The person refused to submit to the test.
4. The person was informed of the consequences of refusal.

L. If the department determines at the hearing to suspend the affected person's privilege to operate a motor vehicle, the suspension provided in this section is effective fifteen days after giving written notice of the suspension, except that the department may issue or extend a temporary license that expires on the effective date of the suspension. If the person is a resident without a license or permit or has an expired license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of twelve months after the order of suspension becomes effective or for a period of two years after the order of suspension becomes effective for a second or subsequent refusal within a period of eighty-four months, and may reinstate the person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege following the period of suspension only if the person completes alcohol or other drug screening.

M. If the suspension order is sustained after the hearing, a motion for rehearing is not required. Within thirty days after a suspension order is sustained, the affected person may file a petition in the superior court to review the final order of suspension or denial by the department in the same manner provided in section 28-3317. The court shall hear the review of the final order of suspension or denial on an expedited basis.

N. If the suspension or determination that there should be a denial of issuance is not sustained, the ruling is not admissible in and has no effect on any administrative, civil or criminal court proceeding.

O. If it has been determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been suspended, the department shall give information either in writing or by electronic means of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

P. After completing not less than ninety consecutive days of the period of suspension required by this section and any alcohol or other drug screening that is ordered...
by the department pursuant to this chapter, a person whose driving privilege is suspended pursuant to this section may apply to the department for a special ignition interlock restricted driver license pursuant to section 28-1401. Unless the certified ignition interlock period is extended by the department pursuant to section 28-1461, a person who is issued a special ignition interlock restricted driver license as provided in this subsection shall maintain a functioning certified ignition interlock device in compliance with this chapter during the remaining period of the suspension prescribed by this section. This subsection does not apply to a person whose driving privilege is suspended for a second or subsequent refusal within a period of eighty-four months.

Last legislative year: 2013

Recent legislative history: Laws 1998, Ch. 302, § 19; Laws 1999, Ch. 11, § 7; Laws 2000, Ch. 40, § 6; Laws 2001, Ch. 95, § 4; Laws 2005, Ch. 312, § 3; Laws 2006, Ch. 395, § 2; Laws 2008, Ch. 256, § 18; Laws 2009, Ch. 175, § 9; Laws 2011, 1st Reg. Sess., Ch. 341, § 8; Laws 2013, 1st Reg. Sess., Ch. 128, § 1.

ARTICLE 3. DRIVING UNDER THE INFLUENCE

28-1381. Driving or actual physical control while under the influence; trial by jury; presumptions; admissible evidence; sentencing; classification

A. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state under any of the following circumstances:

1. While under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.

2. If the person has an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle.

3. While there is any drug defined in section 13-3401 or its metabolite in the person's body.

4. If the vehicle is a commercial motor vehicle that requires a person to obtain a commercial driver license as defined in section 28-3001 and the person has an alcohol concentration of 0.04 or more.

B. It is not a defense to a charge of a violation of subsection A, paragraph 1 of this section that the person is or has been entitled to use the drug under the laws of this state.

C. A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.

D. A person using a drug as prescribed by a medical practitioner licensed pursuant to title 32, chapter 7, 11, 13 or 17 is not guilty of violating subsection A, paragraph 3 of this section.

E. In any prosecution for a violation of this section, the state shall allege, for the purpose of classification and sentencing pursuant to this section, all prior convictions of violating this section, section 28-1382 or section 28-1383 occurring within the past thirty-six months, unless there is an insufficient legal or factual basis to do so.

F. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.

G. In a trial, action or proceeding for a violation of this section or section 28-1383 other than a trial, action or proceeding involving driving or being in actual physical control of a commercial vehicle, the defendant's alcohol concentration within two hours of the time of driving or being in actual physical control as shown by analysis of the defendant's blood, breath or other bodily substance gives rise to the following presumptions:

1. If there was at that time 0.05 or less alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was not under the influence of intoxicating liquor.

2. If there was at that time in excess of 0.05 but less than 0.08 alcohol concentration in the defendant's blood, breath or other bodily substance, that fact shall not give rise to a presumption that the defendant was or was not under the influence of intoxicating liquor, but that fact may be considered with other competent evidence in determining the guilt or innocence of the defendant.

3. If there was at that time 0.08 or more alcohol concentration in the defendant's blood, breath or other bodily substance, it may be presumed that the defendant was under the influence of intoxicating liquor.

H. Subsection G of this section does not limit the introduction of any other competent evidence bearing on the question of whether or not the defendant was under the influence of intoxicating liquor.

I. A person who is convicted of a violation of this section:

1. Shall be sentenced to serve not less than ten consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two hundred fifty dollars.

3. May be ordered by a court to perform community restitution.

4. Shall pay an additional assessment of five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

5. Shall pay an additional assessment of five hundred dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in the municipal court, the court shall transmit the assessed monies to the city treasurer.
curred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

6. Shall be required by the department, on report of the conviction, to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twelve months beginning on the date of reinstatement of the person’s driving privilege following a suspension or revocation or on the date of the department’s receipt of the report of conviction, whichever occurs later. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.

J. Notwithstanding subsection I, paragraph 1 of this section, at the time of sentencing the judge may suspend all but one day of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

K. If within a period of eighty-four months a person is convicted of a second violation of this section or is convicted of a violation of this section and has previously been convicted of a violation of section 28-1382 or 28-1383 or an act in another jurisdiction that if committed in this state would be a violation of this section or section 28-1382 or 28-1383, the person:

1. Shall be sentenced to serve not less than ninety days in jail, thirty days of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars.

3. Shall be ordered by a court to perform at least thirty hours of community restitution.

4. Shall have the person’s driving privilege revoked for one year. The court shall report the conviction to the department. On receipt of the report, the department shall revoke the person’s driving privilege and shall require the person to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twelve months beginning on the date of reinstatement of the person’s driving privilege following a suspension or revocation or on the date of the department’s receipt of the report of conviction, whichever occurs later. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.

5. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

6. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

L. Notwithstanding subsection K, paragraph 1 of this section, at the time of sentencing, the judge may suspend all but thirty days of the sentence if the person completes a court ordered alcohol or other drug screening, education or treatment program. If the person fails to complete the court ordered alcohol or other drug screening, education or treatment program and has not been placed on probation, the court shall issue an order to show cause to the defendant as to why the remaining jail sentence should not be served.

M. In applying the eighty-four month provision of subsection K of this section, the dates of the commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed.

N. A second violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

O. After completing forty-five days of the revocation period prescribed by subsection K of this section, a person whose driving privilege is revoked for a violation of this section and who is sentenced pursuant to subsection K of this section is eligible for a special ignition interlock restricted driver license pursuant to section 28-1401.

Last legislative year: 2012

Recent legislative history: Laws 1998, Ch. 302, § 21; Laws 1999, Ch. 303, § 3; Laws 2000, Ch. 4, § 2; Laws 2000, Ch. 153, § 1; Laws 2001, Ch. 95, § 5; Laws 2001, Ch. 253, § 1; Laws 2003, 2nd Sp. Sess., Ch. 5, § 5; Laws 2004, Ch. 97, § 1; Laws 2005, Ch. 187, § 26; Laws 2005, Ch. 307, § 4; Laws 2006, Ch. 395, § 3; Laws 2007, Ch. 219, § 1; Laws 2008, Ch. 286, § 12; Laws 2009, Ch. 124, § 1; Laws 2011, 1st Reg. Sess., Ch. 341, § 9; Laws 2012, 2nd Reg. Sess., Ch. 236, § 1.

28-1382. Driving or actual physical control while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification

A. It is unlawful for a person to drive or be in actual physical control of a vehicle in this state if the person has an alcohol concentration as follows within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from
alcohol consumed either before or while driving or being in actual physical control of the vehicle:

1. 0.15 or more but less than 0.20.
2. 0.20 or more.

B. A person who is convicted of a violation of this section is guilty of driving or being in actual physical control of a vehicle while under the extreme influence of intoxicating liquor.

C. At the arraignment, the court shall inform the defendant that the defendant may request a trial by jury and that the request, if made, shall be granted.

D. A person who is convicted of a violation of this section:

1. Shall be sentenced to serve not less than thirty consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served if the person is convicted of a violation of subsection A, paragraph 1 of this section. A person who is convicted of a violation of subsection A, paragraph 2 of this section shall be sentenced to serve not less than forty-five consecutive days in jail and is not eligible for probation or suspension of execution of sentence unless the entire sentence is served.

2. Shall pay a fine of not less than two hundred fifty dollars, except that a person who is convicted of a violation of subsection A, paragraph 2 of this section shall pay a fine of not less than five hundred dollars. The fine prescribed in this paragraph and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in paragraph 3 of this subsection.

3. Shall pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the monies received pursuant to this paragraph to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the monies received pursuant to this paragraph to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

4. May be ordered by a court to perform community restitution.

5. Shall be required by the department, on receipt of the report of conviction, to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twelve months beginning on the date of reinstatement of the person’s driving privilege following a suspension or revocation or on the date of the department’s receipt of the report of conviction, whichever occurs later. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.

6. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

7. Shall pay an additional assessment of one thousand dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

E. If within a period of eighty-four months a person is convicted of a second violation of this section or is convicted of a violation of this section and has previously been convicted of a violation of section 28-1381 or 28-1383 or an act in another jurisdiction that if committed in this state would be a violation of this section or section 28-1381 or 28-1383, the person:

1. Shall be sentenced to serve not less than one hundred twenty days in jail, sixty days of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served if the person is convicted of a violation of subsection A, paragraph 1 of this section. A person who is convicted of a violation of subsection A, paragraph 2 of this section shall be sentenced to serve not less than one hundred eighty days in jail, ninety of which shall be served consecutively, and is not eligible for probation or suspension of execution of sentence unless the entire sentence has been served.

2. Shall pay a fine of not less than five hundred dollars, except that a person who is convicted of a violation of subsection A, paragraph 2 of this section shall pay a fine of not less than one thousand dollars. The fine prescribed in this paragraph and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in paragraph 3 of this subsection.

3. Shall pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the monies received pursuant to this paragraph to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the monies received pursuant to this paragraph to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304.

4. Shall be ordered by a court to perform community restitution.

5. Shall have the person’s driving privilege revoked for at least one year. The court shall report the conviction to the department. On receipt of the report, the department shall revoke the person’s driving privilege and shall require the person to equip any motor vehicle the person operates with a certified ignition interlock device.
device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twelve months beginning on the date of reinstatement of the person’s driving privilege following a suspension or revocation or on the date of the department’s receipt of the report of conviction, whichever is later. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.

6. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

7. Shall pay an additional assessment of one thousand two hundred fifty dollars to be deposited by the state treasurer in the public safety equipment fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.

8. In applying the eighty-four month provision of subsection E of this section, the dates of the commission of the offense shall be the determining factor, irrespective of the sequence in which the offenses were committed.

G. A second violation for which a conviction occurs as provided in this section shall not include a conviction for an offense arising out of the same series of acts.

H. After completing forty-five days of the revocation period prescribed by subsection E of this section, a person whose driving privilege is revoked for a violation of this section and who is sentenced pursuant to subsection E of this section is eligible for a special ignition interlock restricted driver license pursuant to section 28-1401.

I. Notwithstanding subsection D, paragraph 1 of this section, at the time of sentencing if the person is convicted of a violation of subsection A, paragraph 1 of this section, the judge may suspend all but fourteen days of the sentence if the person equips any motor vehicle the person operates with a certified ignition interlock device for a period of twelve months. If the person is convicted of a violation of subsection A, paragraph 2 of this section, the judge may suspend all but fourteen days of the sentence if the person equips any motor vehicle the person operates with a certified ignition interlock device for a period of twelve months. If the person fails to comply with article 5 of this chapter and has not been placed on probation, the court shall issue an order to show cause as to why the remaining jail sentence should not be served.

J. A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.

Last legislative year: 2011

Recent legislative history: Laws 1998, Ch. 302, § 23; Laws 1999, Ch. 11, § 9; Laws 1999, Ch. 303, § 4; Laws 2000, Ch. 4, § 3; Laws 2000, Ch. 153, § 2; Laws 2001, Ch. 51, § 2; Laws 2001, Ch. 253, § 2; Laws 2003, 2nd Sp. Sess., Ch. 5, § 6; Laws 2004, Ch. 97, § 2; Laws 2005, Ch. 307, § 5; Laws 2006, Ch. 395, § 4; Laws 2007, Ch. 219, § 2; Laws 2008, Ch. 256, § 19; Laws 2008, Ch. 286, § 13; Laws 2011, 1st Reg. Sess., Ch. 341, § 10.

28-1383. Aggravated driving or actual physical control while under the influence; violation; classification; definition

A. A person is guilty of aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs if the person does any of the following:

1. Commits a violation of section 28-1381, section 28-1382 or this section while the person’s driver license or privilege to drive is suspended, canceled, revoked or refused or while a restriction is placed on the person’s driver license or privilege to drive as a result of violating section 28-1381 or 28-1382 or under section 28-1385.

2. Within a period of eighty-four months commits a third or subsequent violation of section 28-1381, section 28-1382 or this section or is convicted of a violation of section 28-1381, section 28-1382 or this section and has previously been convicted of any combination of convictions of section 28-1381, section 28-1382 or this section or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section.

3. While a person under fifteen years of age is in the vehicle, commits a violation of either:

(a) Section 28-1381.

(b) Section 28-1382.

4. While the person is ordered by the court to perform the community service or act in another jurisdiction that if committed in this state would be an act of actual physical control while under the influence.

B. The dates of the commission of the offenses are the determining factor in applying the eighty-four month provision provided in subsection A, paragraph 2 of this section regardless of the sequence in which the offenses were committed. For the purposes of this section, a third or subsequent violation for which a conviction occurs does not include a conviction for an offense arising out of the same series of acts. The time that a probationer is found to be on absconder status or is absent in violation of any conditions of probation is excluded when determining the eighty-four month period.

C. The notice to a person of the suspension, cancellation, revocation or refusal of a driver license or privilege to drive is effective as provided in section 28-3318 or pursuant to the laws of the state issuing the license.
D. A person is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person served not less than four months in prison if the person is convicted under any of the following:
   1. Subsection A, paragraph 1 of this section.
   2. Subsection A, paragraph 2 of this section and within an eighty-four month period has been convicted of two prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section.
   E. A person who is convicted under subsection A, paragraph 2 of this section and who within an eighty-four month period has been convicted of three or more prior violations of section 28-1381, section 28-1382 or this section, or any combination of those sections, or acts in another jurisdiction that if committed in this state would be a violation of section 28-1381, section 28-1382 or this section is not eligible for probation, pardon, commutation or suspension of sentence or release on any other basis until the person has served not less than eight months in prison.
   F. A person who is convicted under subsection A, paragraph 3, subdivision (a) of this section shall serve at least the minimum term of incarceration required pursuant to section 28-1381.
   G. A person who is convicted under subsection A, paragraph 3, subdivision (b) of this section shall serve at least the minimum term of incarceration required pursuant to section 28-1382.
   H. A person who is convicted of a violation of this section shall attend and complete alcohol or other drug screening, education or treatment from an approved facility. If the person fails to comply with this subsection and is placed on probation, in addition to the provisions of section 13-901 the court may order that the person be incarcerated as a term of probation as follows:
      1. For a person sentenced pursuant to subsection D of this section, for an individual period of not more than four months and a total period of not more than one year.
      2. For a person sentenced pursuant to subsection E of this section, for an individual period of not more than eight months and a total period of not more than two years.
   I. The time that a person spends in custody pursuant to subsection H of this section shall not be counted towards the sentence imposed if the person’s probation is revoked and the person is sentenced to prison after revocation of probation.
   J. On a conviction for a violation of this section, the court:
      1. Shall report the conviction to the department. On receipt of the report, the department shall revoke the driving privilege of the person. The department shall not issue the person a new driver license within one year of the date of the conviction and shall require the person to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. In addition, the court may order the person to equip any motor vehicle the person operates with a certified ignition interlock device for more than twenty-four months beginning on the date of reinstatement of the person’s driving privilege following a suspension or revocation on the date of the department’s receipt of the report of conviction, whichever occurs later. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.
      2. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of two hundred fifty dollars. If the conviction occurred in the superior court or a justice court, the court shall transmit the monies received pursuant to this paragraph to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the monies received to the state treasurer. The state treasurer shall deposit the monies received in the driving under the influence abatement fund established by section 28-1304. Any fine imposed for a violation of this section and any assessments, restitution and incarceration costs shall be paid before the assessment prescribed in this paragraph.
      3. Shall order the person to pay a fine of not less than seven hundred fifty dollars.
      4. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.
      5. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of one thousand five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1723. This assessment is not subject to any surcharge. If the conviction occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction occurred in a municipal court, the court shall transmit the assessed monies to the city treasurer. The city or county treasurer shall transmit the monies received to the state treasurer.
   K. After completing the period of suspension required by section 28-1385, a person whose driving privilege is revoked for a violation of subsection A, paragraph 3 of this section may apply to the department for a special ignition interlock restricted driver license pursuant to section 28-1401.
   L. Aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs committed under:
      1. Subsection A, paragraph 1, 2 or 4 of this section is a class 4 felony.
      2. Subsection A, paragraph 3 of this section is a class 6 felony.
M. For the purposes of this section, “suspension, cancellation, revocation or refusal” means any suspension, cancellation, revocation or refusal.

Last legislative year: 2011

Recent legislative history: Laws 1998, Ch. 216, § 17, Laws 1998, Ch. 302, § 24; Laws 1999, Ch. 11, § 10; Laws 1999, Ch. 303, § 5; Laws 2000, Ch. 153, § 3; Laws 2001, Ch. 253, § 3; Laws 2003, 2nd Sp. Sess., Ch. 5, § 7; Laws 2004, Ch. 97, § 3; Laws 2005, Ch. 307, § 6; Laws 2005, Ch. 312, § 4; Laws 2006, Ch. 299, § 8; Laws 2006, Ch. 312, § 1; Laws 2006, Ch. 395, § 5; Laws 2007, Ch. 159, § 1; Laws 2008, Ch. 286, § 15; Laws 2011, 1st Reg. Sess., Ch. 341, § 11.

28-1384. Aggravated driving or actual physical control while under the influence; forfeiture of vehicle

A. If a person is convicted of violating section 28-1383, the court, in addition to any other penalty imposed by law, shall order the motor vehicle owned and operated by the person at the time of the offense forfeited in the same manner as provided in title 13, chapter 39.

B. A vehicle used by a person as a common carrier in the transaction of business as a common carrier is not subject to forfeiture unless it appears that the owner or other person in charge of the vehicle consented to or was privy to a violation described in subsection A of this section.

C. Property that is subject to forfeiture and all interests in property that are forfeited under this section shall be disposed of and allocated in the same manner as provided in title 13, chapter 39, except that all monies that are obtained as a result of forfeiture under this section shall be deposited in the state general fund.

Last legislative year: 1997

28-1385. Administrative license suspension for driving under the influence or for homicide or assault involving a motor vehicle; report; hearing; summary review; ignition interlock device requirement

A. A law enforcement officer shall forward to the department a certified report as prescribed in subsection B of this section, subject to the penalty for perjury prescribed by section 28-1561, if both of the following occur:

1. The officer arrests a person for a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

2. The person submits to a blood or breath alcohol test permitted by section 28-1321 or any other law or a sample of blood is obtained pursuant to section 28-1388 and the results are either not available or the results indicate any of the following:

   a. 0.08 or more alcohol concentration in the person’s blood or breath.

   b. 0.04 or more alcohol concentration in the person’s blood or breath if the person was driving or in actual physical control of a commercial motor vehicle.

   c. Any drug defined in section 13-3401 or its metabolite is in the person’s body except if the person possesses a valid prescription for the drug.

B. The officer shall make the certified report required by subsection A of this section on forms supplied or approved by the department. The report shall state information that is relevant to the enforcement action, including:

1. Information that adequately identifies the arrested person.

2. A statement of the officer’s grounds for belief that the person was driving or in actual physical control of a motor vehicle in violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or committed a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

3. A statement that the person was arrested for a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

4. A report of the results of the blood or breath alcohol test that was administered, if the results are available.

C. The officer shall also serve an order of suspension on the person on behalf of the department. The order of suspension:

1. Is effective fifteen days after the date it is served.

2. Shall require the immediate surrender of any license or permit to drive that is issued by this state and that is in the possession or control of the person.

3. Shall contain information concerning the right to a summary review and hearing, including information concerning the hearing as required by section 28-1321, subsections G and H.

4. Shall be accompanied by printed forms that are ready to mail to the department, that the person may fill out and sign to indicate the person’s desire for a hearing and that advise the person that the person may alternatively submit an online request for a hearing.

5. Shall be entered on the department’s records on receipt of the report by the officer and a copy of the order of suspension.

6. Shall inform the person that the person’s driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege may be suspended or reinstated following the period of suspension only if the person completes alcohol or other drug screening.

7. Shall contain information on alcohol or other drug education and treatment programs that are provided by a facility approved by the department of health services.

D. If the blood test result is unavailable at the time the test is administered, the result shall be forwarded to the department before the hearing held pursuant to this section in a form prescribed by the director.

E. If the license or permit is not surrendered pursuant to subsection C of this section, the officer shall state the reason for the nonsurrender. If a valid license or permit is surrendered, the officer shall issue a temporary driving permit that is valid for fifteen days. The officer shall forward a copy of the completed order of suspension, a copy of any completed temporary permit
and any driver license or permit taken into possession under this section to the department within five days after the issuance of the order of suspension along with the report.

F. The department shall suspend the affected person's license or permit to drive or right to apply for a license or permit or any nonresident operating privilege for not less than ninety consecutive days from that date. If the person is otherwise qualified, the department may reinstate the person's driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege following the period of suspension only if the violator completes alcohol or other drug screening.

G. Notwithstanding subsections A through F of this section, the department shall suspend the driving privileges of the person described in subsection A of this section for not less than thirty consecutive days and shall restrict the driving privileges of the person for not less than sixty consecutive additional days to travel between the person's place of employment and residence and during specified periods of time while at employment, to travel between the person's place of residence and the person's secondary or postsecondary school, according to the person's employment or educational schedule, to travel between the person's place of residence and the office of the person's probation officer for scheduled appointments or to travel between the person's place of residence and a screening, education or treatment facility for scheduled appointments if the person:

1. Did not cause death or serious physical injury as defined in section 13-105 to another person during the course of conduct out of which the current action arose.

2. Has not been convicted of a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 within eighty-four months of the date of commission of the acts out of which the current action arose. The dates of commission of the acts are the determining factor in applying the eighty-four month provision.

3. Has not had the person's privilege to drive suspended pursuant to this section or section 28-1321 within eighty-four months of the date of commission of the acts out of which the current action arose.

4. Provides satisfactory evidence to the department of the person's completion of alcohol or other drug screening that is ordered by the department. If the person does not complete alcohol or other drug screening, the department may impose a ninety day suspension pursuant to this section.

H. If the officer does not serve an order of suspension pursuant to subsection C of this section and if the department does not receive the report of the results of the blood or breath alcohol test pursuant to subsection B, paragraph 4 of this section, but subsequently receives the results and the results indicate 0.08 or more alcohol concentration in the person's blood or breath, a blood or breath alcohol concentration of 0.04 or more and the person was driving or in actual physical control of a commercial motor vehicle or any drug defined in section 13-3401 or its metabolite in the person's body and the person does not possess a valid prescription for the drug, the department shall notify the person named in the report in writing sent by mail that fifteen days after the date of issuance of the notice the department will suspend the person's license or permit, driving privilege or nonresident driving privilege. The notice shall also state that the department will provide an opportunity for a hearing and administrative review if the person requests a hearing or review in writing and the request is received by the department within fifteen days after the notice is sent.

1. A timely request for a hearing stays the suspension until a hearing is held, except that the department shall not return any surrendered license or permit to the person but may issue temporary permits to drive that expire no later than when the department has made its final decision. If the person is a resident without a license or permit or has an expired license or permit, the department may allow the person to apply for a restricted license or permit. If the department determines the person is otherwise entitled to the restricted license or permit, the department shall issue, but retain, the license or permit, subject to this section. All hearings requested under this section shall be conducted in the same manner and under the same conditions as provided in section 28-3306.

J. For the purposes of this section, the scope of the hearing shall include only the following issues:

1. Whether the officer had reasonable grounds to believe the person was driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or drugs.

2. Whether the person was placed under arrest for a violation of section 4-244, paragraph 34, section 28-1381, section 28-1382 or section 28-1383 or for a violation of title 13, chapter 11 or section 13-1201 or 13-1204 involving a motor vehicle.

3. Whether a test was taken, the results of which indicated any of the following:

   (a) An alcohol concentration in the person's blood or breath at the time the test was administered of either:

      (i) 0.08 or more.

      (ii) 0.04 or more if the person was driving or in actual physical control of a commercial motor vehicle.

   Any drug defined in section 13-3401 or its metabolite in the person's body except if the person possesses a valid prescription for the drug.

4. Whether the testing method used was valid and reliable.

5. Whether the test results were accurately evaluated.

K. The results of the blood or breath alcohol test shall be admitted on establishing the requirements in section 28-1323 or 28-1326.

L. If the department determines at the hearing to suspend the affected person's privilege to operate a motor vehicle, the suspension provided in this section is effective fifteen days after giving written notice of the suspension, except that the department may issue or extend a temporary license that expires on the effective date of the suspension. If the person is a resident without a license or permit or has an expired license or permit to operate a motor vehicle in this state, the department shall deny the issuance of a license or permit to the person for not less than ninety consecutive days. The department may reinstate the person's
driving privilege, license, permit, right to apply for a license or permit or nonresident operating privilege following the period of suspension only if the violator completes alcohol or other drug screening.

M. A person may apply for a summary review of an order issued pursuant to this section instead of a hearing at any time before the effective date of the order. The person shall submit the application in writing to any department driver license examining office together with any written explanation as to why the department should not suspend the driving privilege. The agent of the department receiving the notice shall issue to the person an additional driving permit that expires twenty days from the date the request is received. The department shall review all reports submitted by the officer and any written explanation submitted by the person and shall determine if the order of suspension should be sustained or cancelled. The department shall not hold a hearing, and the review is not subject to title 41, chapter 6. The department shall notify the person of its decision before the temporary driving permit expires.

N. If the suspension or determination that there should be a denial of issuance is not sustained after a hearing or review, the ruling is not admissible in and does not have any effect on any civil or criminal court proceeding.

O. If it has been determined under the procedures of this section that a nonresident’s privilege to operate a motor vehicle in this state has been suspended, the department shall give information either in writing or by electronic means of the action taken to the motor vehicle administrator of the state of the person’s residence and of any state in which the person has a license.

Last legislative year: 2013

Recent legislative history: Laws 1998, Ch. 302, § 25; Laws 1999, Ch. 303, § 6; Laws 2000, Ch. 40, § 7; Laws 2001, Ch. 95, § 6; Laws 2006, Ch. 312, § 3; Laws 2006, Ch. 395, § 7; Laws 2008, Ch. 256, § 21; Laws 2009, Ch. 175, § 10; Laws 2011, 1st Reg. Sess., Ch. 341, § 12; Laws 2013, 1st Reg. Sess., Ch. 128, § 2.

28-1386. Operating a motor vehicle, aircraft, watercraft or water skis under the influence; emergency response costs; definitions

A. A person who is under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances, who causes an accident that results in an appropriate emergency response and who is convicted of a violation of any of the following sections is liable for the expenses of that emergency response:

1. Section 28-1381, 28-1382 or 28-1383.
2. Section 28-2279, section 28-8280 or section 28-8282, subsection C.
3. Section 5-395 or 5-397.

B. The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subsection A, paragraph 1 of this section. The charge is a debt of that person. The public agency, for-profit entity or not-for-profit entity that incurred the expenses may collect the debt proportionally. The person’s liability for the expenses of an emergency response shall not exceed one thousand dollars for a single accident. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

C. Any testimony, admission or other statement made by a defendant in a proceeding brought pursuant to this section or any evidence derived from the testimony, admission or statement is not admissible in a criminal proceeding arising out of the same accident.

D. As used in this section:

1. “Expenses of an emergency response” means reasonable costs directly incurred by a public agency, for-profit entity or not-for-profit entity that makes an appropriate emergency response to an accident, including the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an accident and the salaries of the persons who respond to the accident but excluding charges assessed by an ambulance service that is regulated pursuant to title 36, chapter 21.1, article 2.

2. “Public agency” means this state and any city, county, municipal corporation, district or other public authority that is located in whole or in part in this state and that provides police, fire fighting, medical or other emergency services.

Last legislative year: 2002


28-1387. Prior convictions; alcohol or other drug screening, education and treatment; license suspension; supervised probation; civil liability; procedures

A. The court shall allow the allegation of a prior conviction or any other pending charge of a violation of section 28-1381, 28-1382 or 28-1383 or an act in another jurisdiction that if committed in this state would be a violation of section 28-1381, 28-1382 or 28-1383 filed twenty or more days before the date the case is actually tried and may allow the allegation of a prior conviction or any other pending charge of a violation of section 28-1381, 28-1382 or 28-1383 or an act in another jurisdiction that if committed in this state would be a violation of section 28-1381, 28-1382 or 28-1383 filed at any time before the date the case is actually tried if this state makes available to the defendant when the allegation is filed a copy of any information obtained concerning the prior conviction or other pending charge. Any conviction may be used to enhance another conviction irrespective of the dates on which the offenses occurred within the eighty-four month provision. For the purposes of this article, an order of a juvenile court adjudicating a person delinquent is equivalent to a conviction.

B. In addition to any other penalties prescribed by law, the judge shall order a person who is convicted of a violation of section 28-1381, 28-1382 or 28-1383 to complete alcohol or other drug screening that is provided by a facility approved by the department of health services or a probation department. If a judge
determines that the person requires further alcohol or other drug education or treatment, the person may be required pursuant to court order to obtain alcohol or other drug education or treatment under the court’s supervision from an approved facility. The judge may review an education or treatment determination at the request of the state, the defendant or the probation officer or on the judge’s initiative. The person shall pay the costs of the screening, education or treatment unless, after considering the person’s ability to pay all or part of the costs, the court waives all or part of the costs. If a person is referred to a screening, education or treatment facility, the facility shall report to the court whether the person has successfully completed the screening, education or treatment program. The court may accept evidence of a person’s completion of alcohol or other drug screening pursuant to section 28-1445 as sufficient to meet the requirements of this section or section 28-1381, 28-1382 or 28-1383 or may order the person to complete additional alcohol or other drug screening, education or treatment programs. If a person has previously been ordered to complete an alcohol or other drug screening, education or treatment program pursuant to this section, the judge shall order the person to complete an alcohol or other drug screening, education or treatment program unless the court determines that alternative sanctions are more appropriate.

C. After a person who is sentenced pursuant to section 28-1381, subsection I has served twenty-four consecutive hours in jail or after a person who is sentenced pursuant to section 28-1381, subsection K or section 28-1382, subsection D or E has served forty-eight consecutive hours in jail and after the court receives confirmation that the person is employed or is a student, the court shall provide in the sentence that the defendant, if the defendant is employed or is a student and can continue the defendant’s employment or schooling, may continue the employment or schooling for not more than twelve hours a day nor more than six days a week, unless the court finds good cause to not allow the release and places those findings on the record. The person shall spend the remaining days, days or parts of days in jail until the sentence is served and shall be allowed out of jail only long enough to complete the actual hours of employment or schooling.

D. Unless the license of a person convicted under section 28-1381 or 28-1382 has been or is suspended pursuant to section 28-1321 or 28-1385, the department on receipt of the abstract of conviction of a violation of section 28-1381 or 28-1382 shall suspend the license of the affected person for not less than ninety consecutive days.

E. When the department receives notification that the person meets the criteria provided in section 28-1385, subsection G, the department shall suspend the driving privileges of the person for not less than thirty consecutive days and shall restrict the driving privileges of the person for not less than sixty consecutive additional days to travel between any of the following:

1. The person’s place of employment and residence and during specified periods of time while at employment.
2. The person’s place of residence and the person’s secondary or postsecondary school, according to the person’s employment or educational schedule.
3. The person’s place of residence and a screening, education or treatment facility for scheduled appointments.
4. The person’s place of residence and the office of the person’s probation officer for scheduled appointments.
5. If a person is placed on probation for violating section 28-1381 or 28-1382, the probation shall be supervised unless the court finds that supervised probation is not necessary or the court does not have supervisory probation services.
6. Any political subdivision processing or using the services of a person ordered to perform community restitution pursuant to section 28-1381 or 28-1382 does not incur any civil liability to the person ordered to perform community restitution as a result of these activities unless the political subdivision or its agent or employee acts with gross negligence.

I. Except for another violation of this article, the state shall not dismiss a charge of violating any provision of this article unless there is an insufficient legal or factual basis to pursue that charge.

Last legislative year: 2011


28-1388. Blood and breath tests; violation; classification; admissible evidence

A. If blood is drawn under section 28-1321, only a physician, a registered nurse or another qualified person may withdraw blood for the purpose of determining the alcohol concentration or drug content in the blood.

B. The qualifications of the individual withdrawing the blood and the method used to withdraw the blood are not foundational prerequisites for the admissibility of a blood alcohol content determination made pursuant to this subsection.

C. If a law enforcement officer administers a duplicate breath test and the person tested is given a reasonable opportunity to arrange for an additional test pursuant to subsection C of this section, a sample of the person’s breath does not have to be collected or preserved.

D. The person tested shall be given a reasonable opportunity to arrange for any physician, registered nurse or other qualified person of the person’s own choosing to administer a test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person does not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

E. If a person under arrest refuses to submit to a test or tests under section 28-1321, whether or not a
sample was collected pursuant to subsection E of this section or a search warrant, evidence of refusal is admissible in any civil or criminal action or other proceeding. The issue of refusal is an issue of fact to be determined by the trier of fact in all cases.

E. Notwithstanding any other law, if a law enforcement officer has probable cause to believe that a person has violated section 28-1381 and a sample of blood, urine or other bodily substance is taken from that person for any reason, a portion of that sample sufficient for analysis shall be provided to a law enforcement officer if requested for law enforcement purposes. A person who fails to comply with this subsection is guilty of a class 1 misdemeanor.

F. A person who collects blood, urine or any other bodily substance under this section or any hospital, laboratory or clinic employing or using the services of the person does not incur any civil liability as a result of complying with this section unless the personnel, while performing the activity, acts with gross negligence.

G. A statement by the defendant that the defendant was driving a vehicle that was involved in an accident resulting in injury to or death of any person is admissible in any criminal proceeding without further proof of corpus delicti if it is otherwise admissible.

Last legislative year: 1999
Recent legislative history: Laws 1998, Ch. 302, § 27; Laws 1999, Ch. 11, § 12.

28-1389. Waiver of fine, surcharge or assessment
Notwithstanding any other law, the court shall not waive a fine or assessment imposed pursuant to this article or a surcharge imposed pursuant to section 12-116.01 or 12-116.02 for a conviction of an offense listed in this article.

Last legislative year: 2003

28-1390. Emergency personnel; law enforcement
A. Notwithstanding any other law, if a law enforcement officer reasonably believes that a person may have violated section 28-1381, 28-1382 or 28-1383, the law enforcement officer may request emergency department personnel of a health care institution as defined in section 36-401 to provide to the law enforcement officer a copy of any written or electronic report of the person’s blood alcohol concentration.

B. Before requesting the information required by subsection A of this section, a law enforcement officer shall obtain permission from the emergency department director or the director’s designee to speak with the personnel. The permission shall not be refused, but may be delayed if, in the opinion of the emergency department director or the director’s designee, taking the personnel away from patient care duties could cause patient harm.

C. If a law enforcement officer makes a request of emergency department personnel pursuant to subsec-

D. Emergency department personnel do not incur any civil liability as a result of complying with this section unless the personnel, while performing the activity, act with gross negligence.

Last legislative year: 2007
Recent legislative history: Laws 2007, Ch. 19, § 1.

CHAPTER 5
PENALTIES AND PROCEDURES FOR VEHICLE VIOLATIONS

ARTICLE 2. PENALTIES AND VIOLATIONS
Section 28-1524. Offense by person owning or controlling vehicle; classification.

ARTICLE 2. PENALTIES AND VIOLATIONS
28-1524. Offense by person owning or controlling vehicle; classification
It is a class 2 misdemeanor for the owner, or any other person, employing or otherwise directing the driver of a vehicle to require or to knowingly permit the operation of the vehicle on a highway in any manner contrary to law.

Last legislative year: 1995

CHAPTER 7
CERTIFICATE OF TITLE AND REGISTRATION

ARTICLE 5. REGISTRATION REQUIREMENTS GENERALLY
Section 28-2153. Registration requirement; exceptions; assessment; violation; classification.

ARTICLE 15. DISTINCTIVE VEHICLES
28-2512. All-terrain motor vehicles; off-highway vehicles; off-road recreational motor vehicles; license plates.

ARTICLE 5. REGISTRATION REQUIREMENTS GENERALLY
28-2153. Registration requirement; exceptions; assessment; violation; classification
A. A person shall not operate, move or leave standing on a highway a motor vehicle, trailer or semitrailer unless the motor vehicle, trailer or semitrailer has been registered with the department for the current registration year or is properly registered for the current
registration year by the state or country of which the owner or lessee is a resident.

B. A resident shall not operate, move or leave standing on a highway a motor vehicle, trailer or semitrailer that is:

1. Owned by a nonresident and that is primarily under the control of a resident of this state for more than seven months unless the motor vehicle, trailer or semitrailer has been registered with the department for the current registration year.

2. Leased by the resident for more than twenty-nine days unless the motor vehicle, trailer or semitrailer has been registered with the department for the current registration year.

C. This section applies to a trailer or semitrailer without motive power unless the vehicle is disabled or is being towed as an abandoned vehicle at the direction of a law enforcement agency.

D. This section does not apply to:

1. A farm tractor.

2. A trailer used solely in the operation of a farm for transporting the unprocessed fiber or forage products of a farm or any implement of husbandry designed primarily for or used in agricultural operations and only incidentally operated or moved on a highway.

3. A road roller or road machinery, including a power sweeper, that is temporarily operating or moved on the highway.

4. An owner permitted to operate a vehicle under special provisions relating to lienholders, manufacturers, dealers and nonresidents.

5. Motorized or nonmotorized equipment designed primarily for and used in mining operations and only incidentally operated or moved on a highway.

6. A motor vehicle that is being towed by a tow truck that has been registered and for which a permit has been obtained pursuant to section 28-1108.

7. A golf cart used in the operation of a golf course or only incidentally operated or moved on a highway.

8. Wheeled equipment. For the purposes of this paragraph, “wheeled equipment” means:

   (a) A compressor.

   (b) A forklift or a hay squeeze machine that is designed to load hay in an off-road situation.

   (c) A portable cement mixer.

   (d) A single axle tow dolly as defined in section 28-1095.

   (e) A tar pot.

   (f) A water trailer used for watering livestock or for agricultural or domestic purposes.

   (g) A welder.

   (h) Any other similar item designed and used primarily for construction or building trade purposes.

9. An all-terrain vehicle or an off-road recreational motor vehicle operating on a dirt road that is located in an unincorporated area of this state. For the purposes of this paragraph, “dirt road” means an unpaved or ungraveled road that is not maintained by this state or a city, town or county of this state.

10. A person operating an off-highway vehicle who is participating in an off-highway vehicle special event as defined in section 28-1171.

11. An all-terrain vehicle or an off-highway vehicle as defined in section 28-1171 that is only incidentally operated or moved on a highway.

E. A person who owns or operates a trailer that is exempt from registration pursuant to subsection D, paragraph 2 of this section shall notify the county assessor of the exemption, and the assessor shall assess the trailer.

F. A person who violates subsection E of this section is guilty of a class 2 misdemeanor.

Last legislative year: 2010


ARTICLE 15. DISTINCTIVE VEHICLES

28-2512. All-terrain motor vehicles; off-highway vehicles; off-road recreational motor vehicles; license plates

A. Every owner of an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle shall apply to the department for a license plate.

B. The department shall furnish to an owner of an all-terrain vehicle, off-highway vehicle as defined in section 28-1171 or off-road recreational motor vehicle one license plate for each vehicle.

C. The fee for a plate issued pursuant to this section is eight dollars.

D. The license plate assigned to a motor vehicle pursuant to this section shall be:

1. Attached to the rear of the vehicle.

2. Securely fastened to the vehicle in a clearly visible position.

E. An owner of an off-highway vehicle as defined in section 28-1171 participating in an off-highway vehicle special event as defined in section 28-1171 is exempt from the requirements of this section.

F. On or before July 1, 2009, the director shall establish procedures to systematically replace license plates issued for all-terrain vehicles, off-highway vehicles and off-road recreational motor vehicles before January 1, 2009 with the license plate prescribed in this section.

G. In consultation with the Arizona game and fish department and the Arizona state parks board, the director shall design the license plate prescribed by this section.

Last legislative year: 2008


CHAPTER 16

TAXES

ARTICLE 5. TAX ADMINISTRATION

Section 28-5926. Transfer; state lake improvement fund; administrative expenses.
ARTICLE 5. TAX ADMINISTRATION

28-5926. Transfer; state lake improvement fund; administrative expenses
A. Except as provided in subsection B of this section, on a monthly basis, the director shall deposit, pursuant to sections 35-146 and 35-147, one and six-tenths of one per cent of motor vehicle fuel tax monies collected pursuant to section 28-5606 in the state lake improvement fund established by section 5-382.
B. The director shall retain one per cent of the monies specified in subsection A of this section to defray administrative expenses.

Last legislative year: 2013


TITLE 33
PROPERTY

CHAPTER 12
LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION

ARTICLE 1. GENERAL PROVISIONS

Section 33-1551. Duty of owner, lessee or occupant of premises to recreational or educational users; liability; definitions
A. A public or private owner, easement holder, lessee, tenant, manager or occupant of premises is not liable to a recreational or educational user except on a showing that the owner, easement holder, lessee, tenant, manager or occupant was guilty of wilful, malicious or grossly negligent conduct that was a direct cause of the injury to the recreational or educational user.
B. This section does not limit the liability that otherwise exists for maintaining an attractive nuisance, except with respect to dams, channels, canals and lateral ditches used for flood control, agricultural, industrial, metallurgical or municipal purposes.
C. For the purposes of this section:
1. “Educational user” means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to enter premises to participate in an educational program, including but not limited to, the viewing of historical, natural, archaeological or scientific sights. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section.
2. “Grossly negligent” means a knowing or reckless indifference to the health and safety of others.
3. “Park” includes outdoor school grounds that are open to recreational users, excluding swimming pools and other aquatic features.
4. “Premises” means agricultural, range, open space, park, flood control, mining, forest, water delivery, water drainage or railroad lands, and any other similar lands, wherever located, that are available to a recreational or educational user, including, but not limited to, paved or unpaved multiuse trails and special purpose roads or trails not open to automotive use by the public and any building, improvement, fixture, water conveyance system, body of water, channel, canal or lateral, road, trail or structure on such lands.
5. “Recreational user” means a person to whom permission has been granted or implied without the payment of an admission fee or any other consideration to travel across or to enter premises to hunt, fish, trap, camp, hike, ride, engage in off-highway vehicle, off-road recreational motor vehicle or all-terrain vehicle activity, operate aircraft, exercise, swim or engage in other outdoor recreational pursuits. The purchase of a state hunting, trapping or fishing license, an off-highway vehicle user indicia or a state trust land recreational permit is not the payment of an admission fee or any other consideration as provided in this section. A nominal fee that is charged by a public entity or a nonprofit corporation to offset the cost of providing the educational or recreational premises and associated services does not constitute an admission fee or any other consideration as prescribed by this section. Recreational user does not include a student registered at a school who is on the way to or from school, during designated times that a student is allowed to be on school grounds as determined by district personnel or participating in a school sanctioned activity.
6. “School” has the same meaning prescribed in section 15-101.

Last legislative year: 2012


TITLE 37
PUBLIC LANDS

Ch. Art. Section
2. ADMINISTRATION OF STATE AND OTHER PUBLIC LANDS
12. Trespass on State Lands 37-501
ARTICLE 12. TRESPASS ON STATE LANDS

37-501. Trespass on state lands; classification.
A person is guilty of a class 2 misdemeanor who:
1. Knowingly commits a trespass upon state lands, either by cutting down or destroying timber or wood standing or growing thereon, by carrying away timber or wood therefrom, by mowing, cutting, or removing hay or grass thereon or therefrom, or by grazing livestock thereon, unless he has a lease or sublease approved by the department for the area being grazed.
2. Knowingly extracts or removes oil, gas, coal, mineral, earth, rock, fertilizer or fossils of any kind or description therefrom.
3. Knowingly without right injures or removes any building, fence or improvements on state lands, or unlawfully occupies, plows or cultivates any of the lands.
4. With criminal negligence exposes growing trees, shrubs or undergrowth standing on state lands to danger or destruction by fire.

Last legislative year: 1993

TITLE 41
STATE GOVERNMENT

ARTICLE 1.1. ARIZONA STATE PARKS BOARD

Section 41-511.04. Duties; board; partnership fund; state historic preservation officer; definition.

A. The board shall:
1. Select areas of scenic beauty, natural features and historical properties now owned by the state, except properties in the care and custody of other agencies by virtue of agreement with the state or as established by law, for management, operation and further development as state parks and historical monuments.
2. Manage, develop and operate state parks, monuments or trails established or acquired pursuant to law, or previously granted to the state for park or recreation purposes, except those falling under the jurisdiction of other state agencies as established by law.
3. Investigate lands owned by the state to determine in cooperation with the agency that manages the land which tracts should be set aside and dedicated for use as state parks, monuments or trails.
4. Investigate federally owned lands to determine their desirability for use as state parks, monuments or trails and negotiate with the federal agency having jurisdiction over such lands for the transfer of title to the Arizona state parks board.
5. Investigate privately owned lands to determine their desirability as state parks, monuments or trails and negotiate with private owners for the transfer of title to the Arizona state parks board.
6. Enter into agreements with the United States, other states or local governmental units, private societies or persons for the development and protection of state parks, monuments and trails.
7. Plan, coordinate and administer a state historic preservation program, including the program established pursuant to the national historic preservation act of 1966, as amended.
8. Advise, assist and cooperate with federal and state agencies, political subdivisions of this state and other persons in identifying and preserving properties of historic or prehistoric significance.
9. Keep and administer an Arizona register of historic properties in the care and custody of other agencies by virtue of agreement with the state or as established by law, except those falling under the jurisdiction of other state agencies as established by law.

ARTICLE 1.2. ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

Section 41-511.25. Arizona outdoor recreation coordinating commission; members; powers and duties.
12. Monitor the performance of state agencies in the management of historic properties as provided in chapter 4.2 of this title.
13. Advise the governor on historic preservation matters.
14. Plan and administer a statewide parks and recreation program, including the programs established pursuant to the land and water conservation fund act of 1965 (P.L. 88-578; 78 Stat. 897).
15. Prepare, maintain and update a comprehensive plan for the development of the outdoor recreation resources of this state.
16. Initiate and carry out studies to determine the recreational needs of this state and the counties, cities and towns.
17. Coordinate recreational plans and developments of federal, state, county, city, town and private agencies.
18. Receive applications for projects to be funded through the land and water conservation fund and the state lake improvement fund on behalf of the Arizona outdoor recreation coordinating commission.
19. Provide staff support to the Arizona outdoor recreation coordinating commission.
20. Maintain a statewide off-highway vehicle recreational plan. The plan shall be updated at least once every five years and shall be used by all participating agencies to guide distribution and expenditure of monies under section 28-1176. The plan shall be open to public input and shall include the priority recommendations for allocating available monies in the off-highway vehicle recreation fund established by section 28-1176.
21. Collaborate with the state forester in presentations to legislative committees on issues associated with forest management and wildfire prevention and suppression as provided by section 37-622, subsection B.

B. Notwithstanding section 41-511.21, the board may annually collect and expend monies to plan and administer the land and water conservation fund program, in conjunction with other administrative tasks and recreation plans, as a surcharge to subgrantees in an approximate amount, not to exceed ten per cent, of the cost of each project. The surcharge monies shall be set aside to fund staff support for the land and water conservation fund program.

C. A partnership fund is established consisting of monies received pursuant to subsection B of this section, monies received from intergovernmental agreements pursuant to title 11, chapter 7, article 3 and monies received pursuant to section 35-148. The board shall administer the fund monies as a continuing appropriation for the purposes provided in these sections.

D. The state historic preservation officer shall:
1. In cooperation with federal and state agencies, political subdivisions of this state and other persons, direct and conduct a comprehensive statewide survey of historic properties and historic private burial sites and historic private cemeteries and maintain inventories of historic properties and historic private burial sites and historic private cemeteries.
2. Identify and nominate eligible properties to the national register of historic places and the Arizona register of historic places and otherwise administer applications for listing historic properties on the national and state registers.
3. Administer grants-in-aid for historic preservation projects within this state.
4. Advise, assist and monitor, as appropriate, federal and state agencies and political subdivisions of this state in carrying out their historic preservation responsibilities and cooperate with federal and state agencies, political subdivisions of this state and other persons to ensure that historic properties and historic private burial sites and historic private cemeteries are taken into consideration at all levels of planning and development.
5. Develop and make available information concerning professional methods and techniques for the preservation of historic properties and historic private burial sites and historic private cemeteries.
6. Make recommendations on the certification, classification and eligibility of historic properties and historic private burial sites and historic private cemeteries for property tax and investment tax incentives.
E. The state historic preservation officer may:
1. Collect and receive information for historic private burial sites and historic private cemeteries from public and private sources and maintain a record of the existence and location of such burial sites and cemeteries located on private or public lands in this state.
2. Assist and advise the owners of the properties on which the historic private burial sites and historic private cemeteries are located regarding the availability of tax exemptions applicable for such property.
3. Make the records available to assist in locating the families of persons buried in the historic private burial sites and historic private cemeteries.
F. For the purposes of this section, “historic private burial sites and historic private cemeteries” means places where burials or interments of human remains first occurred more than fifty years ago, that are not available for burials or interments by the public and that are not regulated under title 32, chapter 20, article 6.

Last legislative year: 2012

Recent legislative history: Laws 1999, Ch. 211, § 35; Laws 2003, Ch. 245, § 4; Laws 2008, Ch. 83, § 1; Laws 2008, Ch. 294, § 12; Laws 2011, 1st Reg. Sess., Ch. 333, § 3; Laws 2012, 2nd Reg. Sess., Ch. 303, § 1.

ARTICLE 1.2. ARIZONA OUTDOOR RECREATION COORDINATING COMMISSION

41-511.25. Arizona outdoor recreation coordinating commission; members; powers and duties

A. The Arizona outdoor recreation coordinating commission is established. The commission shall be composed of seven members consisting of the director of the Arizona game and fish department, the director of the Arizona state parks board and five members appointed by the governor. The ex officio members may not serve as officers of the commission. Of the members appointed by the governor three shall be professional full-time parks and recreation department directors of
a county, city, or town and no two shall reside in the same county. Two members appointed by the governor shall be from the general public and each shall have broad experience in outdoor recreation. Of the five appointed members, no more than two shall reside in the same county. Each appointed member shall be appointed for a term of three years. Appointed members shall be reimbursed for expenses incurred while attending meetings called by the commission as prescribed by section 38-624.

B. The commission shall:
1. Review statewide outdoor recreation and lake improvement plans and provide comments to the Arizona state parks board.
2. Review budget proposals for the use of land and water conservation fund surcharges and the state lake improvement fund for planning and administration and provide recommendations to the Arizona state parks board.
3. Establish criteria and policies for the equitable distribution of funding, review applications for eligible projects and determine the amount of funding, if any, for each project to be funded from the land and water conservation fund, the state lake improvement fund and the off-highway vehicle recreation fund.

Last legislative year: 2011

ARTICLE 12. BOARD OF FINGERPRINTING

41-619.51. Definitions
In this article, unless the context otherwise requires:
1. “Agency” means the supreme court, the department of economic security, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of transportation, the state real estate department or the board of examiners of nursing care institution administrators and assisted living facility managers.
2. “Board” means the board of fingerprinting.
3. “Central registry exception” means notification to the department of economic security or the department of health services, as appropriate, pursuant to section 41-619.57 that the person is not disqualified because of a central registry check conducted pursuant to section 8-804.
4. “Expedited review” means an examination, in accordance with board rule, of the documents an applicant submits by the board or its hearing officer without the applicant being present.
5. “Good cause exception” means the issuance of a fingerprint clearance card to an employee pursuant to section 41-619.55.
6. “Person” means a person who is required to be fingerprinted pursuant to this article or who is subject to a central registry check and any of the following:
   (a) Section 8-105.
   (b) Section 8-322.
   (c) Section 8-509.
   (d) Section 8-802.
   (e) Section 8-804.
   (f) Section 8-804.01.
   (g) Section 15-183.
   (h) Section 15-534.
   (i) Section 15-782.02.
   (j) Section 15-1330.
   (k) Section 15-1881.
   (l) Section 17-215.
   (m) Section 26-103.
   (n) Section 32-2108.01.
   (o) Section 32-2123.
   (p) Section 32-2371.
   (q) Section 32-2372.
   (r) Section 36-207.
   (s) Section 36-411.
   (t) Section 36-425.03.
   (u) Section 36-446.04.
   (v) Section 36-594.01.
   (w) Section 36-594.02.
   (x) Section 36-882.
   (y) Section 36-883.02.
   (z) Section 36-897.01.
   (aa) Section 36-897.03.
   (bb) Section 36-3008.
   (cc) Section 41-619.53.
   (dd) Section 41-1964.
   (ee) Section 41-1967.01.
   (ff) Section 41-1968.
   (gg) Section 41-1969.
   (hh) Section 41-2814.
   (ii) Section 46-141, subsection A.
   (jj) Section 46-321.

Last legislative year: 2013

CHAPTER 6
ADMINISTRATIVE PROCEDURE

ARTICLE 1. GENERAL PROVISIONS

Section 41-1005. Exemptions.

ARTICLE 1. GENERAL PROVISIONS

41-1005. Exemptions
A. This chapter does not apply to any:
1. Rule that relates to the use of public works, including streets and highways, under the jurisdiction of an agency if the effect of the order is indicated to the public by means of signs or signals.
2. Order or rule of the Arizona game and fish commission that does the following:
   (a) Opens, closes or alters seasons or establishes bag or possession limits for wildlife.
(b) Establishes a fee pursuant to section 5-321, 5-322 or 5-327.
(c) Establishes a license classification, fee or application fee pursuant to title 17, chapter 3, article 2.
3. Rule relating to section 28-641 or to any rule regulating motor vehicle operation that relates to speed, parking, standing, stopping or passing enacted pursuant to title 28, chapter 3.
4. Rule concerning only the internal management of an agency that does not directly and substantially affect the procedural or substantive rights or duties of any segment of the public.
5. Rule that only establishes specific prices to be charged for particular goods or services sold by an agency.
6. Rule concerning only the physical servicing, maintenance or care of agency owned or operated facilities or property.
7. Rule or substantive policy statement concerning inmates or committed youths of a correctional or detention facility in secure custody or patients admitted to a hospital, if made by the state department of corrections, the department of juvenile corrections, the board of executive clemency or the department of health services or a facility or hospital under the jurisdiction of the state department of corrections, the department of juvenile corrections or the department of health services.
8. Form whose contents or substantive requirements are prescribed by rule or statute, and instructions for the execution or use of the form.
9. Capped fee-for-service schedule adopted by the Arizona health care cost containment system administration pursuant to title 36, chapter 29.
10. Fees prescribed by section 6-125.
11. Order of the director of water resources adopting or modifying a management plan pursuant to title 45, chapter 2, article 9.
12. Fees established under section 3-1086.
13. Fee-for-service schedule adopted by the department of economic security pursuant to section 8-512.
14. Fees established under sections 41-2144 and 41-2189.
15. Rule or other matter relating to agency contracts.
16. Fees established under section 32-2067 or 32-2132.
17. Rules made pursuant to section 5-111, subsection A.
18. Rules made by the Arizona state parks board concerning the operation of the Tonto natural bridge state park, the facilities located in the Tonto natural bridge state park and the entrance fees to the Tonto natural bridge state park.
19. Fees or charges established under section 41-511.05.
20. Emergency medical services protocols except as provided in section 36-2205, subsection B.
21. Fee schedules established pursuant to section 36-3409.
22. Procedures of the state transportation board as prescribed in section 28-7048.
23. Rules made by the state department of corrections.
24. Fees prescribed pursuant to section 32-1527.
25. Rules made by the department of economic security pursuant to section 46-805.
27. Procedure that is established pursuant to title 23, chapter 6, article 5 or 6.
28. Rules, administrative policies, procedures and guidelines adopted for any purpose by the Arizona commerce authority pursuant to chapter 10 of this title if the authority provides, as appropriate under the circumstances, for notice of an opportunity for comment on the proposed rules, administrative policies, procedures and guidelines.
29. Rules made by a marketing commission or marketing committee pursuant to section 3-414.
30. Administration of public assistance programs monies authorized for liabilities that are incurred for disasters declared pursuant to sections 26-303 and 35-192.
31. User charges, tolls, fares, rents, advertising and sponsorship charges, services charges or similar charges established pursuant to section 28-7705.
B. Notwithstanding subsection A, paragraph 22 of this section, at such time as the federal highway administration authorizes the privatization of rest areas, the state transportation board shall make rules governing the lease or license by the department of transportation to a private entity for the purposes of privatization of a rest area.
C. Coincident with the making of a final rule pursuant to an exemption from the applicability of this chapter under this section, another statute or session law, the agency shall file a copy of the rule with the secretary of state for publication pursuant to section 41-1012 and provide a copy to the council.
D. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona board of regents and the institutions under its jurisdiction, except that the Arizona board of regents shall make policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed.
E. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the Arizona state schools for the deaf and the blind, except that the board of directors of all the state schools for the deaf and the blind shall adopt policies for the board and the schools under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies proposed for adoption.
F. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board of education, except that the state board of education shall adopt policies or rules for the board and the institutions under its jurisdiction that provide, as appropriate under the circumstances, for notice of and opportunity for comment on the policies or rules proposed for adoption. In order to implement or change any rule, the state board of education shall provide at least two opportunities for public comment.
41-1758.01  

STATE GOVERNMENT

Last legislative year: 2013


CHAPTER 12
PUBLIC SAFETY

ARTICLE 3.1. FINGERPRINTING DIVISION

Section 41-1758.01. Fingerprinting division; powers and duties.

A. The fingerprinting division is established in the department of public safety and shall:
1. Conduct fingerprint background checks for persons and applicants who are seeking licenses from state agencies, employment with licensees, contract providers and state agencies or employment or educational opportunities with agencies that require fingerprint background checks pursuant to sections 8-105, 8-322, 8-509, 8-802, 15-183, 15-503, 15-512, 15-534, 15-782.02, 15-1330, 15-1881, 17-215, 26-103, 32-2108.01, 32-2123, 32-2371, 32-2372, 36-207, 36-411, 36-425.03, 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03, 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and 41-2814, section 46-141, subsection A and section 46-321.
2. Issue fingerprint clearance cards. On issuance, a fingerprint clearance card becomes the personal property of the cardholder and the cardholder shall retain possession of the fingerprint clearance card.
3. On submission of an application for a fingerprint clearance card, collect the fees established by the board of fingerprinting pursuant to section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the moneys collected in the board of fingerprinting fund.
4. Inform in writing each person who submits fingerprints for a fingerprint background check of the person’s right to petition the board of fingerprinting for a good cause exception pursuant to sections 41-1758.03 and 41-1758.07.
5. Administer and enforce this article.
B. The fingerprinting division may contract for electronic or internet-based fingerprinting services through an entity or entities for the acquisition and transmission of applicant fingerprint and data submissions to the department, including identity verified fingerprints pursuant to section 15-106. The entity or entities contracted by the department of public safety may charge the applicant a fee for services provided pursuant to this article. The entity or entities contracted by the department of public safety shall comply with:
1. All information privacy and security measures and submission standards established by the department of public safety.
2. The information technology security policy approved by the department of public safety.

Last legislative year: 2013


CHAPTER 25
STATE GOVERNMENT COMPETITION WITH PRIVATE ENTERPRISE

ARTICLE 1. GENERAL PROVISIONS

Section 41-2752. State competition with private enterprise prohibited; exceptions

A. A state agency shall not engage in the manufacturing, processing, sale, offering for sale, rental, leasing, delivery, dispensing, distributing or advertising of goods or services to the public that are also offered by private enterprise unless specifically authorized by law other than administrative law and executive orders.
B. A state agency shall not offer or provide goods or services to the public for or through another state agency or a local agency, including by intergovernmental or interagency agreement, in violation of this section or section 41-2753.
C. The restrictions on activities that compete with private enterprise contained in this section do not apply to:
1. The development, operation and management of state parks, historical monuments and hiking or equestrian trails.
2. Correctional industries established and operated by the state department of corrections if the prices charged for products sold by the correctional industries are not less than the actual cost of producing and marketing the product plus a reasonable allowance for overhead and administrative costs.
3. The Arizona office of tourism.
4. The Arizona highways magazine, operated by the department of transportation.
5. Printing and distributing information to the public if the agency is otherwise authorized to do so, and
printing or copying public records or other material relating to the public agency's public business and recovering through fees and charges the costs of such printing, copying and distributing.

6. The department of public safety.

7. The construction, maintenance and operation of state transportation facilities.

8. The development, distribution, maintenance, support, licensing, leasing or sale of computer software by the department of transportation.

9. Agreements executed by the Arizona health care cost containment system administration with other states to design, develop, install and operate information technology systems and related services or other administrative services pursuant to section 36-2925.

10. Agreements executed by the department of economic security with other states to design, develop, install and operate support collection technology systems and related services. The department shall deposit, pursuant to sections 35-146 and 35-147, monies received pursuant to this paragraph in the public assistance collections fund established by section 46-295.

11. Educational, vocational, treatment, training or work programs of the department of juvenile corrections and contracts between the department of juvenile corrections and this state, a political subdivision of this state or a private entity in order to provide employment or vocational educational experience.

12. The aflatoxin control technologies of the cotton research and protection council.

13. The lease or sublease of lands or buildings by the department of economic security pursuant to section 41-1958.


15. The Arizona game and fish commission, but only for the sale of goods or services and not firearms.

D. The restrictions on activities that compete with private enterprise contained in subsection A of this section do not apply to community colleges and universities under the jurisdiction of a governing board.

Last legislative year: 2012

Arizona Game and Fish Commission Rules

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TITLE 12
NATURAL RESOURCES

CHAPTER 4
GAME AND FISH COMMISSION

(Authority: A.R.S. § 17-201 et seq.)

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ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS  
R12-4-101. Definitions  

A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:  

“Bonus point” means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.  

“Commission Order” means a document adopted by the Commission that does one or more of the following:  

- Open, close, or alter seasons,  
- Open areas for taking wildlife,  
- Set bag or possession limits for wildlife,  
- Set the number of permits available for limited hunts, or  
- Specify wildlife that may or may not be taken.  

“Day-long” means the 24-hour period from midnight to midnight.  

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will discharge, is designed to discharge or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.  

“Hunt area” means a game management unit, portion of a unit, or group of units, or any portion of Arizona described in a Commission Order and not included in a game management unit, opened to hunting by a particular hunt number.  

“Hunt number” means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.  

“Hunt permits” means the number of hunt permit-tags made available to the public as a result of a Commission Order.  

“Hunt permit-tag” means a tag for a hunt for which a Commission Order has assigned a hunt number.  

“Identification number” means the number assigned to each applicant or license holder by the Department, as established under R12-4-111.  

“License dealer” means a business authorized to sell hunting, fishing, and other licenses as established under R12-4-105.  

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.  

“Management unit” means an area established by the Commission for management purposes.  

“Nonpermit-tag” means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.  

“Restricted nonpermit-tag” means a tag issued for a supplemental hunt as established under R12-4-115.  

“Stamp” means a form of authorization in addition to a license that allows the license holder to take wildlife specified by the stamp.  

“Tag” means the Department authorization that an individual is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.  

“Waterdog” means the larval or metamorphosing stage of salamanders.  

“Wildlife area” means an area established under 12 A.A.C. 4.  

Authorizing Statute  
General: A.R.S. § 17-231(A)(1)  
Specific: A.R.S. § 17-231(A)(1)  

Historical Note  
Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 22, 1976 (Supp. 76-5). Amended effective June 29,

R12-4-102. License, Permit, Stamp, and Tag Fees

A. A person who purchases a license, tag, stamp, or permit listed in this Section shall pay at the time of purchase all applicable fees prescribed under this Section or the fees the Director authorizes under R12-4-115.

B. A person who applies to purchase a hunt permit-tag shall submit with the application all applicable fees using acceptable forms of payment as required under R12-4-104(F) and (G).

C. As authorized under A.R.S. § 17-345, the license fees in this section include a $3 surcharge, except Youth and High Achievement Scout licenses.

<table>
<thead>
<tr>
<th>Hunting and Fishing License Fees</th>
<th>Resident</th>
<th>Nonresident</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fishing License</td>
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<td>Community Fishing License</td>
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<td>General Hunting License</td>
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<td>Combination Hunting and Fishing License</td>
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<td>Youth Combination Hunting and Fishing License, fee applies until the applicant's 18th birthday.</td>
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<td>High Achievement Scout License, as authorized under A.R.S. § 17-336(B). Fee applies until the applicant's 21st birthday.</td>
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<th>Hunt Permit-tag Fees</th>
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<tr>
<td>Antelope</td>
<td>$90</td>
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<tr>
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<tr>
<td>Bighorn Sheep</td>
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<tr>
<td>Buffalo</td>
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<tr>
<td>Adult Bulls or Any Buffalo</td>
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<td>$5,400</td>
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<tr>
<td>Adult Cows</td>
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<tr>
<td>Yearling</td>
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<td>$1,750</td>
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<td>Cow or Yearling</td>
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<td>$3,250</td>
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<tr>
<td>Deer and Archery Deer</td>
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<td>$850</td>
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<td>Javelina</td>
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<td>$100</td>
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<td>Youth</td>
<td>$15</td>
<td>$15</td>
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<tr>
<td>Pheasant non-archery, non-falconry</td>
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<td>Application fee only</td>
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<td>Hunt Permit-tag Fees</td>
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<tr>
<td>Turkey and Archery Turkey</td>
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<thead>
<tr>
<th>Nonpermit-tag and Restricted Nonpermit-tag Fees</th>
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<tr>
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<td>Adult Bulls or Any Buffalo</td>
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<td>Mountain Lion</td>
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<td>Sandhill Crane</td>
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<tr>
<th>Stamps and Special Use Fees</th>
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<tr>
<td>Arizona Colorado River Special Use Permit Stamp. For use by California and Nevada licensees</td>
<td>Not available</td>
<td>$3</td>
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<tr>
<td>Bobcat Seal</td>
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<td>State Migratory Bird Stamp</td>
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<tr>
<th>Other License Fees</th>
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<tr>
<td>Fur Dealer's License</td>
<td>$115</td>
<td>$115</td>
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<tr>
<td>Guide License</td>
<td>$300</td>
<td>$300</td>
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<tr>
<td>License Dealer's License</td>
<td>$100</td>
<td>$100</td>
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<tr>
<td>License Dealer's Outlet License</td>
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<td>$25</td>
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<tr>
<td>Taxidermist License</td>
<td>$150</td>
<td>$150</td>
</tr>
<tr>
<td>Trapping License</td>
<td>$30</td>
<td>$275</td>
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<td>Youth</td>
<td>$10</td>
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<tr>
<th>Administrative Fees</th>
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<tr>
<td>Duplicate License Fee</td>
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<tr>
<td>Application Fee</td>
<td>$13</td>
<td>$15</td>
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</table>
D. A person desiring a replacement of a Migratory Bird or Arizona Colorado River Special Use Permit Stamp shall repurchase the stamp.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-333, 17-335.01, 17-342, 17-345, and 41-1005

Historical Note

R12-4-103. Duplicate Tags and Licenses

A. Under A.R.S. § 17-323(C), the Department and its license dealers shall issue a duplicate license or tag to an applicant who pays the fee prescribed by R12-4-102 for a duplicate license or tag, and who signs an affidavit that includes and attests to the following:

1. The applicant’s name and identification number, if previously issued to the applicant;
2. The applicant purchased an original license or tag;
3. The resident status and class of the original license or tag. If the applicant is a resident, the applicant shall also attest to the length of residency;
4. The approximate date the applicant purchased the original license or tag;
5. The license dealer from whom the applicant purchased the original license or tag; and
6. The applicant that purchased the original tag for which a duplicate is being purchased did not use the tag, and that the tag is lost, destroyed, mutilated, or otherwise unusable; or
7. If applicable, the applicant placed the original tag on a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee under R12-4-112(B) and (C).

B. If an applicant is applying for a duplicate tag under subsection (A)(7), the applicant shall also submit a condemned meat duplicate tag authorization form issued by the Department.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-331(A) and 17-332

Historical Note

R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing and Purchase of Bonus Points

A. For the purposes of this Section, “group” means all applicants who have placed their names on a single application form contained in a single envelope, or submitted electronically over the Internet as part of the same application. No more than four persons may apply as a group.

B. A person is eligible to apply:

1. For a hunt permit-tag if the person:
   a. Is at least 10 years old at the start of the hunt for which the person applies;
   b. Has completed a department-approved hunter education course by the start date of the hunt.
for which the person applies, if the person is under the age of 14; and
c. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the person submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.

2. For a bonus point if the person:
   a. Is at least 10 years old by the deadline to apply; and
   b. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the person submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.

C. An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application Form, available from any Department office, the Department's Internet web site, or a license dealer. An applicant shall apply at the times, locations, and in the manner established by the hunt permit-tag application schedule that is published by the Department and available at any Department office, the Department's Internet web site, or a license dealer. An applicant shall make all hunt choices for the same genus within one application.

D. An applicant shall sign the Hunt Permit-tag Application Form, or provide permission for another person to sign the application form on behalf of the applicant. If applying electronically over the Internet, an applicant shall attest to, or provide permission for another person to attest to, the information electronically provided.

E. An applicant shall provide the following information on the Hunt Permit-tag Application Form:
   1. The applicant's personal information:
      a. Name;
      b. Date of birth,
      c. Social security number, as required under A.R.S. §§ 25-320(N) and 25-502(K);
      d. Department identification number, when applicable;
      e. Residency status and number of years of residency immediately preceding application, when applicable;
      f. Mailing address, when applicable;
      g. Physical address;
      h. Telephone number, when available; and
      i. E-mail address, when available; and
   2. If the applicant possesses a valid license authorizing the take of wildlife in this state, the number of the applicant's license;
   3. If the applicant does not possess a valid license at the time of the application, the applicant shall purchase a license as established under subsection (N). The applicant shall provide all of the following information on the license application portion of the Hunt Permit-tag Application:
      a. Physical description, to include the applicant's eye color, hair color, height, and weight;
      b. Residency status and number of years of residency immediately preceding application, when applicable; and
      c. Type of license for which the person is applying.

4. An applicant who is:
   a. Under the age of ten and is submitting an application for a hunt other than big game is not required to have a license under this Chapter. The applicant shall indicate "youth" in the space provided for the license number on the Hunt Permit-tag Application Form.
   b. Age nine or older and is submitting an application for a big game hunt is required to purchase an appropriate license as required under this Section. The applicant shall either enter the appropriate license number in the space provided for the license number on the Hunt Permit-tag Application Form or purchase a license at the time of application, as applicable.

F. An applicant shall include as part of the hunt permit-tag application, the following fees as established under R12-4-102:
   1. The fee for the applicable hunt permit-tag, unless the application is submitted electronically over the Internet or telephone;
   2. The permit application fee; and
   3. The license fee if the applicant does not possess a license that will be valid at the time of application deadline.

G. An applicant shall enclose payment for a hunt permit-tag with a single hunt permit-tag application form, made payable in U.S. currency to the Arizona Game and Fish Department, by certified check, cashier's check, money order, or personal check. If applying electronically over the Internet or telephone, an applicant shall include payment by valid credit card as a part of the hunt permit-tag application.

H. An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the drawing, the Department shall deem the application unsuccessful, unless the application is for a bonus point.

I. An applicant shall make all hunt choices for the same genus within one application.

J. An applicant shall not include applications for different genera of wildlife in the same envelope.

K. All members of a group shall apply for the same hunt numbers and in the same order of preference. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.

L. An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
   1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule published by the Department.
   2. For genera that have multiple draws within a single calendar year, a person who successfully...
draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the person has not taken the bag limit for that genus during a preceding hunt in the same calendar year.

3. If the bag limit is more than one per calendar year, a person may apply as specified in the hunt permit-tag application schedule published by the Department for remaining hunt permit-tags in unfilled hunt areas.

M. A person shall not apply for a hunt permit-tag for Rocky Mountain bighorn sheep or desert bighorn sheep if that person has met the lifetime bag limit for that sub-species. A person shall not apply for a hunt permit-tag for buffalo if the individual has met the lifetime bag limit for that species.

N. To participate in:
1. The drawing system, an applicant shall possess an appropriate hunting license that shall be valid, either:
   a. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department, or
   b. On the last day of an extended deadline date, as authorized under subsection (C). If an applicant does not possess an appropriate hunting license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application.

2. The bonus point system, an applicant shall comply with the requirements established under R12-4-107.

O. The Department shall reject as invalid a Hunt Permit-Tag Application Form not prepared or submitted in accordance with this Section or not prepared in a legible manner. If the Department rejects an application from any member of a group, the Department shall reject all members of the group application.

P. Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.

Q. The Department or its authorized agent shall mail hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-Tag Application Form. Permit application fees shall not be refunded. License fees submitted with a valid application for a hunt permit-tag or bonus point shall not be refunded.

R. If the Director determines that Department error caused a person to submit an invalid application for a hunt permit-tag, prevented a person from lawfully submitting an application, caused the rejection of an application for a hunt permit-tag, or caused the denial of a hunt permit-tag, the Director may authorize an additional hunt permit-tag if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit-tag would have otherwise been successful based on its random number. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. If the Director determines that Department error caused the failure to apply an applicant's bonus points to an application, the Director may authorize an additional hunt permit-tag to correct the error, if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. A person who is denied a hunt permit-tag or a bonus point under this procedure may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-105. License Dealer's License
A. For the purposes of this Section, unless the context otherwise requires:
1. "Dealer number" means a number assigned by the Department to each dealer outlet.
2. "Dealer outlet" means a specified location authorized to sell licenses under a license dealer's license.
3. "License" means any hunting or fishing license, stamp, tag, or permit that may be sold by a dealer or dealer outlet under this rule Section.
4. "License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.
B. The Department shall issue a license dealer’s license if the following criteria are met:
1. The applicant has not had the privilege to sell licenses for the Department revoked or canceled under A.R.S. §§ 17-334, 17-338, or 17-339 within the past two calendar years;
2. The applicant’s credit record or assets assure the Department that the value of the licenses shall be adequately protected;
3. The applicant agrees to assume financial responsibility for licenses provided to dealers and dealer outlets by the Department at the maximum value established in R12-4-102, less the dealer commission allowed by A.R.S. § 17-338(B);

C. Upon denial of a license dealer’s license by the Department, the applicant may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

D. An applicant for a license dealer’s license shall obtain an application form from the Department and submit it to any Department office. The applicant shall provide all of the following on the form:
1. Principal business or corporation name, address, and telephone number;
2. If not a corporation, the full name, address, and telephone number of each owner;
3. Name, business address, and business telephone number of an individual designated by the applicant to ensure compliance with this Section;
4. Whether the applicant has previously sold licenses under A.R.S. § 17-334;
5. Whether the applicant is seeking renewal of an existing license dealer’s license;
6. Credit references and a statement of assets and liabilities; and
7. The name, address, and telephone number of each dealer outlet, and the name of a person responsible for the sale of licenses at each dealer outlet.

E. A license dealer may request to add dealer outlets to the license dealer’s license during a license year by submitting the application form containing the information required by subsection (D)

F. The Department shall provide to the license dealer all licenses that the license dealer will make available to the public for sale, except license dealers that are authorized to use their own license stock.

G. A license dealer shall maintain at each outlet an inventory of licenses for sale to the public. A license dealer may request that the Department provide additional licenses for sale in writing or verbally. A request shall include the name of the license dealer, the assigned dealer number, a list of the items needed, and the name of the individual making the request. Within 10 calendar days from receipt of a request from a license dealer, the Department shall provide to an outlet the licenses requested unless licenses previously provided to the outlet have not been acknowledged under subsection (H) or the outlet is not in compliance with applicable statutes and rules.

H. Upon receipt of licenses from the Department, the license dealer shall verify that the licenses received are those licenses identified on the shipment inventory provided by the Department with the shipment. The individual performing the verification shall clearly designate any discrepancies on the shipment inventory, sign and date the shipping inventory, and return it to the Department within five working days from receipt of the shipment. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer’s inventory accordingly.

I. A license dealer shall submit a monthly report, as required by A.R.S. § 17-338, on forms obtained from the Department, regardless of whether the license dealer makes a sale during the month. The license dealer shall include in the monthly report all of the following information for each outlet:
1. Name of the dealer and the assigned dealer number;
2. Reporting period;
3. Number of sales and dollar amount of sales for reporting period, by type of license sold;
4. Dollar amount of commission;
5. Debit and credit adjustments for previous reporting periods, if any;
6. Number of affidavits received for which a duplicate license was issued under R12-4-103. A license dealer who fails to submit an affidavit for an issued duplicate shall remit to the Department the face value of the original license replaced;
7. List of lost or missing licenses; and
8. Signature of the preparer.

J. The Department shall provide written notice of suspension and demand return of all inventory within five calendar days from any license dealer who:
1. Fails to remit monies due the Department under A.R.S. § 17-338; or
2. Issues to the Department more than one check with insufficient funds during a calendar year; or
3. Otherwise fails to comply with this Section.

K. The value of licenses not returned to the Department in accordance with A.R.S. § 17-339; not returned upon termination of business by a license dealer; or reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason, is due and payable to the Department within 15 working days from the date the Department provides written notice to the licensed dealer.

L. In addition to those violations that may result in revocation or suspension of a license dealer’s license, provided under A.R.S. §§ 17-334, 17-338 and 17-339, the Commission may revoke a license dealer’s license if the licensed dealer or an employee of the licensed dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
Amended effective June 7, 1976 (Supp. 77-3). Former Section R12-4-08 renumbered as Section R12-4-105 without change
R12-4-106. Licensing Time-frames

A. As required by A.R.S. § 41-1072 et seq., the Department shall either grant or deny the following licenses within the listed time-frames. During the administrative completeness review time-frame, the Department may return to the applicant, without denial, any incomplete application that is lacking information required by the Section governing the specific license. The Department shall issue a written notice that accompanies each returned application listing the information that the applicant failed to provide. The administrative completeness review time-frame and the overall time-frame for the applicable license in this Section are suspended from the date on the notice until the date that the Department receives the missing information from the applicant. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, except the Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information. The substantive review time-frame and the overall time-frame listed for the applicable license in this Section are suspended from the date on the request until the date that the Department receives the additional information from the applicant. All periods listed are calendar days, and all are maximum time periods. Licenses may be reviewed and issued or denied in less time.

<table>
<thead>
<tr>
<th>Name of License</th>
<th>Governing Rule</th>
<th>Administrative Completeness Review Time-Frame</th>
<th>Substantive Review Time Frame</th>
<th>Overall Time Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aquatic Wildlife Stocking Permit</td>
<td>R12-4-410</td>
<td>10 days</td>
<td>170 days</td>
<td>180 days</td>
</tr>
<tr>
<td>Challenged Hunter Access/Mobility Permit</td>
<td>R12-4-217</td>
<td>1 day</td>
<td>29 days</td>
<td>30 days</td>
</tr>
<tr>
<td>Crossbow Permit</td>
<td>R12-4-216</td>
<td>1 day</td>
<td>29 days</td>
<td>30 days</td>
</tr>
<tr>
<td>Disabled Veteran’s License</td>
<td>R12-4-202</td>
<td>1 day</td>
<td>29 days</td>
<td>30 days</td>
</tr>
<tr>
<td>Fishing Permits</td>
<td>R12-4-310</td>
<td>10 days</td>
<td>20 days</td>
<td>30 days</td>
</tr>
</tbody>
</table>

B. Issuance of Special License Tags is governed by R12-4-120. Proposals are accepted between March 1 to May 31 of each year. Administrative review is completed by the Department within 10 days. The
Game and Fish Commission makes its decision on issuance or denial in an open meeting within 30 days after the closing date for proposals. The substantive review time-frame is 110 days and the overall time-frame is 120 days.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 41-1072 and 41-1073

**Historical Note**


**R12-4-107. Bonus Point System**

**A.** For the purpose of this Section, the following definitions apply:

"Bonus point hunt number" means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section; and

"Loyalty bonus point" means a bonus point awarded to a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

**B.** The bonus point system grants a person one random number entry in each drawing for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that person has accumulated under this Section. Each bonus point random number entry is in addition to the entry normally granted under R12-4-104. When processing "group" applications, as defined under R12-4-104, the Department shall use the average number of bonus points accumulated by all persons in the group, rounded to the nearest whole number. If the average is equal to or greater than .5, the total will be rounded to the next higher number.

**C.** The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application Form if all of the following apply:

1. The application is unsuccessful in the drawing or the application is for a bonus point only;
2. The application is not for a hunt permit-tag left over after the drawing and available on a first-come, first-served basis as established under R12-4-114; and
3. The applicant either provides the appropriate hunting license number on the application or submits an application and fees for the applicable license with the Hunt Permit-tag Application Form, as applicable.

**D.** An applicant who purchases a bonus point only shall:

1. Submit a valid Hunt Permit-tag Application Form, as prescribed under R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. The Department shall reject any application that:
   a. Indicates the bonus point only hunt number as any choice other than the first choice, or
   b. Includes any other hunt number on the application;
2. Include the applicable fees:
   a. Application fee, and
   b. Applicable license fee, required when the applicant does not possess a valid license at the time of application; and
3. Submit only one Hunt Permit-tag Application Form per genus per drawing.

**E.** With the exception of the hunter education bonus point, each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.

**F.** Except for a permanent bonus point awarded for hunter education, or loyalty bonus points that are accrued and forfeited as prescribed in subsection (K), all of a person's accumulated bonus points for a genus are forfeited if:

1. The person is issued a hunt permit-tag for that genus in a computer drawing; or
2. The person fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years.

**G.** An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that genus, and a valid but unsuccessful applicant for a first-come, first-served hunt permit-tag remaining after the computer drawing does not gain a bonus point.

**H.** The Department shall award one permanent bonus point for each genus upon a person's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.

1. The Department shall credit a person who graduated after January 1, 1980, but before January 1, 1991, or a person certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the person provides the following information on a form available from the Department: Department identification number; name; address; residency status, and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for a person other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.
2. An instructor or a person who has graduated from the Department's Arizona Hunter Education Course shall submit the required form 30 days before a drawing's application deadline, as specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.

**I.** The Department shall make an applicant's total number of accumulated bonus points available on the Department's application web site or IVR telephone system. If the applicant disagrees with the
The Department shall reinstate any bonus points under an applicant’s Department identification number for the genus on the application. The Department shall not transfer bonus points between persons or genera.

The following provisions apply to the loyalty bonus point program:

1. The Department shall award a loyalty bonus point if an applicant submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period.

2. An applicant retains a loyalty bonus point once accrued as long as the applicant submits a valid application annually for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.

3. If an applicant who has accrued a loyalty bonus point fails to apply in any calendar year for a hunt permit-tag for the genus for which the loyalty bonus point was accrued, the applicant’s loyalty bonus point for that genus is forfeited.

4. For the purpose of the loyalty bonus point program, year one of the calculation of consecutive application years is 2001, and the Department shall award a loyalty bonus point to an applicant who qualifies for the loyalty bonus point on or after the effective date of this Section.

5. A loyalty bonus point is accrued in addition to all other bonus points.

The Department shall reinstate any bonus points forfeited for a successful hunt permit-tag application for military personnel, military reserve personnel, national guard personnel, or public agency employees who are unable to use the hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency, or required duty in response to an action by the President, Congress, or a governor of the United States or its territories. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection. To request reinstatement of forfeited bonus points under these circumstances, an applicant shall submit all of the following information to the Arizona Game and Fish Department, Draw Section, 5000 W. Carefree Highway, Phoenix, AZ 85086:

1. A letter from the applicant requesting reinstatement of bonus points;
2. The hunt number for which the hunt permit-tag is valid;
3. Evidence of mobilization or duty status, such as a letter from the public agency or official orders;
4. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
5. The valid, unused hunt permit-tag, which must be received before the beginning date of the hunt for which the hunt permit-tag is valid, or evidence of mobilization or activation that precluded the applicant from submitting the tag before the beginning date of the hunt.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(2), and 17-231(A)(8)

Historical Note

R12-4-108. Management Unit Boundaries
A. For the purpose of this Section, parentheses mean “also known as,” and the following definitions shall apply:

1. “FH” means “forest highway,” a paved road.
3. “Hwy” means “Highway.”
4. “mp” means “milepost”.

B. The state is divided into units for the purpose of managing wildlife. Each unit is identified by a number or a number and letter. For the purpose of this Section, Indian reservation land contained within any management unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department.

C. Management unit descriptions are as follows:

Unit 1 — Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; southerly on the Vernon-McNary road (FR 224) to the White Mountain Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and continuing north and east on the Three Forks-Williams Valley-Alpine Rd. (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.

Unit 2A — Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); north on U.S. Hwy 191 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westward along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ...
Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.

Unit 2B — Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 (AZ Hwy 61); south on U.S. Hwy 191 (U.S. Hwy 180) to Springerville.

Unit 2C — Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); west on to AZ Hwy 61 Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 (U.S. Hwy 180); north on U.S. Hwy 191 (U.S. Hwy 180) to St. Johns.

Unit 3A — Beginning at the junction of U.S. Hwy 180 and AZ Hwy 77; south on AZ Hwy 77 to AZ Hwy 377; southwesterly on AZ Hwy 377 to AZ Hwy 277; easterly on AZ Hwy 277 to Snowflake; easterly on the Snowflake-Concho Rd. to U.S. Hwy 180A; north on U.S. Hwy 180A to U.S. Hwy 180; northwesterly on U.S. Hwy 180 to AZ Hwy 77.

Unit 3B — Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwesterly along U.S. Hwy 60 to the White Mountain Apache Indian Reservation boundary; southerly along the reservation boundary to the Vernon-McNary Rd. (FR 224); northerly along the Vernon-McNary Rd. to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy 180A; northerly on AZ Hwy 180A to Concho-Snowflake Rd.; westerly on the Concho-Snowflake Rd. to Snowflake.

Unit 3C — Beginning at Snowflake; westerly on AZ Hwy 277 to AZ Hwy 260; westerly on AZ Hwy 260 to the Sitgreaves National Forest boundary with the Tonto National Forest; easterly along the Apache-Sitgreaves National Forest boundary to U.S. Hwy 60 (AZ Hwy 77); northeasterly on U.S. Hwy 60 (AZ Hwy 77) to Show low; northerly along AZ Hwy 77 to Snowlake.

Unit 4A — Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; northerly on Hipkoe Dr. to I-40; west on I-40 to the Meteor Crater Rd. (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack’s Canyon Rd. (FR 69) to AZ Hwy 87; southerly along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 4B — Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeasterly on AZ Hwy 277 to AZ Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake Rd.; westerly and southerly along the Woods Canyon Lake Rd. to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 5A — Beginning at the junction of the Sitgreaves National Forest boundary with the Coconino National Forest boundary at the Mogollon Rim; northerly along this boundary (Leonard Canyon) to East Clear Creek; northeasterly along East Clear Creek to AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; northerly on Hipkoe Dr. to I-40; west on I-40 to the Meteor Crater Rd. (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack’s Canyon Rd. (FR 69) to AZ Hwy 87; southerly along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 5B — Beginning at Lake Mary-Clint’s Well Rd. (FH3) and Walnut Canyon (mp 337.5 on FH3); southeasterly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit 233); west on I-40 to Walnut Canyon (mp 210.2); southeasterly along Walnut Canyon to Walnut Canyon National Monument; southeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; southeasterly along Walnut Canyon to FH3 (mp 337.5).

Unit 6A — Beginning at the junction of U.S. Hwy 89A and FR 237; southwesterly on U.S. Hwy 89A to the Verde River; southwesterly along the Verde River to Childs; easterly on the Childs-Strawberry Rd. to the entrance to the Fossil Creek on the Verde River; southwesterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint’s Well Rd. (FH3); northeasterly on FH3 to FR 132; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwest-
erly on FR 132 to FR 235; westerly on FR 235 to Priest Draw; southeasterly along the bottom of Priest Draw to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountainea Rd.; west on Mountainea Rd. to FR 237; westerly on FR 237 to U.S. Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B — Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5.

Unit 7 — Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp 184.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass Rd.); northeasterly on FR 420 to U.S. Hwy 89; across U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southerly along the power lines to I-40 (mp 212 on I-40); east on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southerly along the Four Corners Gas Line to U.S. Hwy 180; westerly along U.S. Hwy 180 to FR 296; northwesterly along FR 296 to FR 132; northeasterly on FR 132 to FR 296A; northerly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to Walnut Canyon (mp 337.5 on FH3); northeasterly along Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1 and 2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd.); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; across U.S. Hwy 89 to FR 420 (Schultz Pass Rd.); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; southeast approximately 1/3 mile to the forest road in section 33; southeasterly along the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountainea Rd.; easterly on Mountainea Rd. to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priests Draw; northeasterly along the bottom of Priests Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northerly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to Walnut Canyon (mp 337.5 on FH3).

Unit 10 — Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Rd. (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly along the reservation boundary to Grand Canyon National Park; east along the park boundary to the Havasupai Indian Reservation; easterly and southerly along the reservation boundary to where Cataract Creek enters the reservation; southeasterly along Cataract Creek in Cataract Canyon to Island Tank; easterly on the Cataract Creek to the Havasupai Reservation Boundary.

Unit 11M — Beginning at the junction of Lake Mary-Clint’s Well Rd. (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along Walnut Canyon to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; northeasterly along Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1 and 2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd.); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; across U.S. Hwy 89 to FR 420 (Schultz Pass Rd.); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; southeast approximately 1/3 mile to the forest road in section 33; southeasterly along the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountainea Rd.; easterly on Mountainea Rd. to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to Priest Draw; northeasterly along the bottom of Priests Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northerly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to Walnut Canyon (mp 337.5 on FH3).

Unit 12A — Beginning at U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566;
southerly and easterly along the forest boundary to Grand Canyon National Park; southerly and west-
erly along the park boundary to Kanab Creek; northerly along Kanab Creek to Snake Gulch; northerly, easterly and southerly around the Kawai-
ab National Forest boundary to U.S. Hwy 89A near mp 566.

Unit 12B — Beginning at U.S. Hwy 89A and the Kawai-
ab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; northeasterly along the park boundary to the Recreation area; easterly along the recreation area boundary to the Colorado River; northeasterly along the Colorado River to the Arizona-Utah state line; westerly along the state line to Kanab Creek; northerly along the Colorado River to the Kawai-
ab National Forest boundary; northerly, easterly, and southerly along this boundary to U.S. Hwy 89A near mp 566; except those portions that are sover-
eign tribal lands of the Kawai Band of Paiute Indians.

Unit 13A — Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kawai Band of Paiute Indians.

Unit 13B — Beginning on the western edge of the Hurricane Rim at the Utah state line; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to where it crosses Cold Spring Wash near Cold Spring Wash Pond; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the Utah state line to the western edge of the Hurricane Rim.

Unit 15A — Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B — Beginning at Kingman on I-40 (Exit 48); northerly along the Missouri River to the Bill Williams River; easterly along the Missouri River to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north and west along the U.S. Hwy 93 and I-40 (Exit 71) to Kingman.

Unit 15C — Beginning at Hoover Dam; southerly along the Colorado River to AZ Hwy 68 and Davis Dam; easterly on AZ Hwy 68 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to Hoover Dam.

Unit 16A — Beginning at Kingman Exit 48 on I-40; south and west on I-40 to U.S. Hwy 95 (Exit 9); southerly on U.S. Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north and west along the U.S. Hwy 93 and I-40 to Kingman (Exit 48).

Unit 16B — Beginning at I-40 on the Colorado River; southerly along the Arizona-California state line to the Bill Williams River; east along the Bill Williams River to U.S. Hwy 95; north on U.S. Hwy 95 to I-40 (Exit 9); west on I-40 to the Colorado River.

Unit 16A — Beginning at Kingman Exit 48 on I-40; south and west on I-40 to U.S. Hwy 95 (Exit 9); southerly on U.S. Hwy 95 to the Bill Williams River; easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north and west along the U.S. Hwy 93 and I-40 to Kingman (Exit 48).

Unit 17A — Beginning at the junction of the Williamson Valley Rd. (County Road 5) and the Camp Wood Rd. (FR 21); westerly on the Camp Wood road to the west boundary of the Prescott National Forest; north along this boundary to the Baca Grant; east, north and west around the grant to the west boundary of the Prescott National Forest; north and east along this boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); southerly on Williamson Valley Rd. (County Rd. 5, FR 6) to the Camp Wood Rd.

Unit 17B — Beginning in Prescott; at the junction of Iron Springs Rd. and Williamson Valley Rd. northerly on the Prescott-Skull Valley-Hillside-Bag-
dad Rd. to Bagdad; northeast on the Bagdad-Camp Wood Rd. (FR 21) to the Williamson Valley Rd. (County Rd. 5, FR 6); south on the Williamson Valley Rd. (County Rd. 5, FR 6) to the Iron Springs Rd.

Unit 18A — Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; south-
west and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the
Hackberry Rd.; south on the Hackberry Rd. to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the Williamson Valley Rd. (County Rd. 5, FR 6); northerly on the Williamson Valley Rd. (County Rd. 5, FR 6) to Seligman and AZ Hwy 66; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B — Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the joint Baca Grant Prescott Forest Boundary. Continuing south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad Rd.; southerly on the Camp Wood-Bagdad Rd. to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A — Beginning at AZ Hwy 69 and U.S. Hwy 89 (in Prescott); northerly on U.S. Hwy 89 to the Verde River; easterly along the Verde River to I-17; southeasterly on the southbound lane of I-17 to AZ Hwy 69; northerly on AZ Hwy 69 to U.S. Hwy 89; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation.

Unit 19B — Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69, west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; northwest on the Iron Springs Rd. to the junction of Williamson Valley Rd. and Iron Springs Rd.; northerly on the Williamson Valley-Prescott-Seligman Rd. (FR 6, Williamson Valley Rd.) to AZ Hwy 66 at Seligman; east on Crookton Rd. (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to U.S. Hwy 89; south on U.S. Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A — Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69; west on Gurley St. to Grove Ave.; north on the Grove Ave. to Miller Valley Rd.; northwest on the Miller Valley Rd. to Iron Springs Rd.; west and south on the Iron Springs-Skull Valley-Kirkland Junction Rd. to U.S. Hwy 89; continue south and easterly on the Kirkland Junction-Wagoner-Crown King-Cordes Rd. to Cordes, from Cordes southeast to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of U.S. Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B — Beginning at the Hassayampa River and U.S. Hwy 93 (in Wickenburg); northeasterly along the Hassayampa River to the Kirkland Junction-Wagoner-Crown King-Cordes road (at Wagoner); southerly and northeasterly along the Kirkland Junction-Wagoner-Crown King-Cordes Rd. (at Wagoner) to I-17 (Exit 259); south on the southbound lane of I-17 to the New River Road (Exit 232); west on the New River Road to State Highway 74; west on AZ Hwy 74 to the junction of AZ Hwy 74 and U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Hassayampa River.

Unit 21 — Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road to the Tonto National Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 — Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to Childs; easterly on the Childs-Strawberry Rd. to Fossil Creek; north on the creek to Fossil Springs; southeasterly on FS trail 18 (Fossil Spring Trail) to the top of the rim; northeasterly on the rim to Nash Point on the Tonto-Coconino National Forest boundary along the Mogollon Rim; northerly along Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Mohave-Apache Community.

Unit 23 — Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the White Mountain Apache Indian Reservation boundary; southerly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

Unit 24A — Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River;
northeasterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; southerly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 188 to U.S. Hwy 60; southerly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B — Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy 188; northerly on AZ Hwys 188 and 288 to the Salt River; westerly along the Salt River to the Tonto National Forest boundary near Granite Reef Dam; southeasterly along Forest boundary to Forest Route 77 (Peralta Rd.); southerly on Forest Route 77 (Peralta Rd.) to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 25M — Beginning at the junction of 51st Ave. and I-10; west on I-10 to AZ Loop 303, northeasterly on AZ Loop 303 to I-17; north on I-17 to Carefree Hwy; east on Carefree Hwy to Cave Creek Rd.; northeasterly on Cave Creek Rd. to the Tonto National Forest boundary; and westerly along the Tonto National Forest boundary to Fort McDowell Yavapai Nation boundary; northwesterly along the Fort McDowell Yavapai Nation boundary to the Verde River; southerly along the Verde River to the Salt River; westerly along the Salt River to the Tonto National Forest boundary; southerly along the Tonto National Forest boundary to Bush Hwy/Power Rd.; easterly on Bush Hwy/Power Rd. to AZ Loop 202; northerly on AZ Loop 202 to the intersection of Pecos Rd. at I-10; northerly on Pecos Rd. to the Gila River Indian Community boundary; northwesterly along the Gila River Indian Community boundary to 51st Ave.; northerly on 51st Ave to I-10; except those portions that are sovereign tribal lands.

Unit 26M — Beginning at the junction of I-17 and New River Rd. (Exit 232); northerly on New River Rd. to I-17; northwesterly on New River Rd. to AZ Hwy 74; westerly on AZ Hwy 74 to U.S. Hwy 87; southeasterly on U.S. Hwy 87 to the Beardsley Canal; southeasterly on the Beardsley Canal to Indian School Rd; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); east on I-10 to Oglesby Rd (Exit112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; northeasterly along the Gila River to the Gila River Indian Community boundary; southeasterly along the Gila River Indian Community boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O’odham Nation boundary; northeasterly along the Tohono O’odham Nation boundary to the Tonto National Forest boundary; northerly along the Tonto National Forest boundary to the Salt River; easterly along the Salt River to the Verde River; northwesterly along the Verde River to the Tonto National Forest boundary; northeasterly along the Tonto National Forest boundary to Fig Springs Rd.; southerly on Fig Springs Rd. to New River Road; west on New River Road to I-17 (Exit 232); except Unit 25M and those portions that are sovereign tribal lands.

Unit 27 — Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to Lower Eagle Creek Rd. (Pump Station Rd.); west on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; south on Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; easterly along Black River to the East Fork of Black River; easterly along the East Fork of Black River to Three Forks-Williams Valley-Alpine Rd. (FR 249); easterly along Three Forks-Williams Valley-Alpine Rd. to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 — Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northeasterly on I-10 to Clifton; westerly on the Lower Eagle Creek Rd. (Pump Station Rd.) to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; northerly along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 — Beginning on I-10 at the New Mexico state line; westerly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; southerly on the Rucker Canyon Rd. to Tex Canyon Rd.; south on Tex Canyon Rd. to U.S. Hwy 80; northeasterly on AZ Hwy 181 to the West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon Rd.; southerly on Rucker Canyon Rd. to Tex Canyon Rd.; southerly on Tex Canyon Rd. to
U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

Unit 30B — Beginning at U.S. Hwy 191 and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10; northeasterly on I-10 to U.S. Hwy 191; southerly on U.S. Hwy 191 to the U.S.-Mexico border.

Unit 31 — Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I-10; southwest on I-10 to Exit 340.

Unit 32 — Beginning at Willcox Exit 340 on I-10; north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; southerly along AZ Hwy 77 to the San Pedro River; southerly along the San Pedro River to I-10; northeast on I-10 to Willcox Exit 340.

Unit 33 — Beginning at Tangerine Rd. and AZ Hwy 77; north and northeast on AZ Hwy 77 to the San Pedro River; southeast along the San Pedro River to I-10 at Benson; west on I-10 to Marsh Station Rd. (Exit 289); northwest on the Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.

Unit 34A — Beginning in Nogales at I-19 and Grand Avenue (U.S. Highway 89); northeast on Grand Avenue (U.S. Hwy. 89) to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita road alignment; west along the Sahuarita road alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 34B — Beginning at AZ Hwy 83 and I-10 Exit 281; easterly on I-10 to the San Pedro River; south along the San Pedro River to AZ Hwy 82; westerly on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to I-10 Exit 281.

Unit 35A — Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to Locheil Rd.; north on Locheil Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on the FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; northeasterly on the Elgin-Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B — Beginning at Grand Avenue (U.S. Hwy 89) at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to Locheil Rd.; north on the Locheil Rd. to Patagonia San Rafael Rd.; north on the Patagonia San Rafael Rd. to San Rafael Valley-FS 58 Rd.; north on the San Rafael Valley-FS 58 Rd. to Christian Ln.; north on the Christian Ln. to Ranch Rd.; east and north on the Ranch Rd. to FR 799-Canelo Pass Rd.; northeasterly on FR 799-Canelo Pass Rd. to AZ Hwy 83; northwesterly on the AZ Hwy 83 to Elgin Canelo Rd.; north on the Elgin Canelo Rd. to Upper Elgin Rd.; north on the Upper Elgin Rd. to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A — Beginning at the junction of Sandario Rd. and AZ Hwy 86; southerly on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario Rd. to AZ Hwy 86.

Unit 36B — Beginning at I-19 and Grand Avenue (U.S. Hwy 89) in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca-Sasabe Rd.; southeasterly on the Arivaca-Sasabe Rd. to the town of Arivaca; from the town of Arivaca northeasterly on the Arivaca Rd. to I-19; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 36C — Beginning at the junction of AZ Hwy 86 and AZ Hwy 286; southerly on AZ Hwy 286 to the U.S.-Mexico border; westerly along the border to the east boundary of the Tohono O’odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; easterly on AZ Hwy 86 to AZ Hwy 286.

Unit 37A — Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra...
Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to AZ Hwy 86; southwest on AZ Hwy 86 to the Tohono O’odham (Papago) Indian Reservation boundary; north, east, and west along the reservation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287; east on AZ Hwy 287 to AZ Hwy 79 at Florence; southeast on AZ Hwy 79 to its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 37B — Beginning at the junction of AZ Hwy 79 and AZ Hwy 77; northwest on AZ Hwy 79 to U.S. Hwy 60; east on U.S. Hwy 60 to AZ Hwy 177; southeast on AZ Hwy 177 to AZ Hwy 77; southeast and southwest on AZ Hwy 77 to AZ Hwy 79.

Unit 38M — Beginning at the junction of I-10 and Tangerine Rd. (Exit 240); southeast on I-10 to Avra Valley Rd. (Exit 242); west on Avra Valley Rd. to Sandario Rd.; south on Sandario Rd. to the San Xavier Indian Reservation boundary; south and east along the reservation boundary to I-19; south on I-19 to Sahuarita Rd. (Exit 75); east on Sahuarita Rd. to AZ Hwy 83; north on AZ Hwy 83 to I-10 (Exit 281); east on I-10 to Marsh Station Rd. (Exit 289); northwest on Marsh Station Rd. to the Agua Verde Rd.; north on the Agua Verde Rd. to its terminus, then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine Rd.; west on Tangerine Rd. to I-10.

Unit 39 — Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Reservation; southeast, along the reservation boundary to AZ Hwy 347 (John Wayne Parkway); south on AZ Hwy 347 (John Wayne Parkway) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to I-8; westerly on I-8 to Exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on the Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Old Hwy 80 to Arizona Hwy 85; northeasterly on AZ Hwy 85 to the Gila River; except those portions that are sovereign tribal lands of the Tohono O’odham Nation and the Ak-Chin Indian Community.

Unit 40A — Beginning at Ajo; southeasterly on AZ Hwy 85 to Why; southeasterly on AZ Hwy 86 to the Tohono O’odham (Papago) Indian Reservation; northerly and easterly along the reservation boundary to the Cocklebur-Stanfield Rd.; north on the Cocklebur-Stanfield Rd. to I-8; westerly on I-8 to AZ Hwy 85; southerly on AZ Hwy 85 to Ajo.

Unit 40B — Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O’odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 — Beginning at I-8 and U.S. Hwy 95 (in Yuma); easterly on I-8 to exit 87; northerly on the Agua Caliente Rd. to the Hyder Rd.; northeasterly on the Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; northerly on AZ Hwy 85 to Oglesby Rd.; north on Oglesby Rd. to I-10; westerly on I-10 to Exit 45; southerly on Vicksburg-Kofa National Wildlife Refuge Rd. to the Refuge boundary; easterly, southerly, westerly, and northerly along the boundary to the Castle Dome Rd.; southwesterly on the Castle Dome Rd. to U.S. Hwy 95; southerly on U.S. Hwy 95 to I-8.

Unit 42 — Beginning at the junction of the Beardsley Canal and U.S. Hwy 93 (U.S. 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southerly on AZ Hwy 71 to U.S. Hwy 60; westerly on U.S. Hwy 60 to Aguila; south on the Eagle Eye Rd. to the Salome-Hassayampa Rd.; southeasterly on the Salome-Hassayampa Rd. to I-10 (Exit 81); easterly on I-10 to Jackrabbit Trail (Exit 121); north along Jackrabbit Trail to the Indian School road; east along Indian School Rd. to the Beardsley Canal; northeasterly along the Beardsley Canal to U.S. Hwy 93.

Unit 43A — Beginning at U.S. Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake Rd. to U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley Rd. (King Rd.); east along the Stone Cabin-King Valley Rd. (King Rd.) to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the Crystal Hill Rd. (Blevens Rd.); northwesterly on the Crystal Hill Rd. (Blevens Rd.) to U.S. Hwy 95; northerly on U.S. Hwy 95 to the Bill Williams River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B — Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; southeasterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the
Castle Dome road; northeast on the Castle Dome Rd. to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); west along the Stone Cabin-King Valley Rd. (King Rd.) to U.S. Hwy 95; north on U.S. Hwy 95 to the Cibola Lake Rd.; west and south on the Cibola Lake Rd. to the south end of Cibola Lake; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A — Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; southeasterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge Rd. to I-10; easterly on I-10 to the Salome-Hassayampa Rd. (Exit 81); northwesterly on the Salome-Hassayampa Rd. to Eagle Eye Rd.; north-easterly on Eagle Eye Rd. to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeasterly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 44B — Beginning at Quartzsite; south on U.S. Hwy 95 to the Crystal Hill Rd. (Blevens Rd.); east on the Crystal Hill Rd. (Blevens Rd.) to the Kofa National Wildlife Refuge; north and east along the refuge boundary to the Vicksburg-Kofa National Wildlife Refuge Rd.; north on the Vicksburg-Kofa National Wildlife Refuge Rd. to AZ Hwy 72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzsite.

Unit 45A — Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary; east on the Stone Cabin-King Valley Rd. (King Rd.) to O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Valley Rd. (King Rd.).

Unit 45B — Beginning at O-O Junction; north from O-O Junction on the Kofa Mine Rd. to the Evening Star Mine; north on a line over Polaris Mountain to Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.); north on the Midwell-Alamo Spring-Kofa Cabin Rd. (Wilbanks Rd.) to the El Paso Natural Gas Pipeline Rd.; north on a line from the junction to the north boundary of the Kofa National Wildlife Refuge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E); north and west on the Stone Cabin-King Valley Rd. (Wellton-Kofa Rd./Ave 40E) to O-O Junction.

Unit 45C — Beginning at the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge; south, east, and north along the refuge boundary to the Stone Cabin-King Valley Rd. (King Rd.); north and west on the Stone Cabin-King Valley Rd. (King Rd.) to the junction of the Stone Cabin-King Valley Rd. (King Rd.) and Kofa National Wildlife Refuge boundary.

Unit 46A — That portion of the Cabeza Prieta National Wildlife Refuge east of the Yuma-Pima County line.

Unit 46B — That portion of the Cabeza Prieta National Wildlife Refuge west of the Yuma-Pima County line.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(B)(2), and 17-234

**Historical Note**


**R12-4-109. Approved Trapping Education Course Fee**

Under A.R.S. § 17-333.02(A), the provider of an approved educational course of instruction in responsible trapping and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed $25.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. § 17-333.02

**Historical Note**

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Editorial correction paragraph (14) (Supp. 78-5). Former Section R12-4-11 renumbered as Section R12-4-109 without change effective August 13, 1981 (Supp. 81-4). Amended by adding paragraphs (2) and (3) and renumbering former paragraphs (2) through (17) as paragraphs (4) through (19) effective May 12, 1982 (Supp. 82-3). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Section repealed by final rulemaking at 6 A.A.R. 211, effective May 1, 2000 (Supp. 99-4). Adopted by exempt rulemaking at 19 A.A.R. 3225, effective January 1, 2014.
R12-4-110. Posting and Access to State Land

A. For the purpose of this Section:
   1. “Corrals,” “feed lots,” or “holding pens” mean completely fenced areas used to contain livestock for purposes other than grazing, including feeding, roundup, branding, doctoring, and other related purposes.
   2. “Existing road” means any maintained or unmaintained road, way, highway, trail or path that has been used for motorized vehicular travel and clearly shows or has a history of established vehicle use.
   3. “State lands” means all land owned or held in trust by the state that is managed by the State Land Department and lands that are owned or managed by the Game and Fish Commission.

B. In addition to those prohibitions against posting in A.R.S. § 17-304, an individual shall not lock a gate, construct a fence, place an obstacle or otherwise commit an act that denies legally available access to or use of any existing road upon state lands by persons lawfully taking or retrieving wildlife. An individual in violation of this Section shall take immediate corrective action to remove any lock, fence, or other obstacle that unlawfully blocks access to state lands. If immediate corrective action is not taken, a representative of the Department may remove any unlawful posting and remove any lock, fence, or other obstacle that unlawfully blocks access to state lands. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful posting or obstacle that blocks access to state land.

C. The provisions of this Section do not allow any individual to trespass upon private land to gain access to any state land.

D. An individual may post state lands within 1/4 mile of any occupied residence, cabin, lodge, or other building and lands within corrals, feed lots, or holding pens containing concentrations of livestock other than for grazing purposes as closed to hunting, fishing, or trapping without further action by the Commission.

E. An individual may post state lands other than those referred to in subsection (D) as closed to hunting, fishing, or trapping only if the individual has obtained a permit from the Commission, and the Commission determines that the closing is necessary:
   1. Because the taking of wildlife constitutes an unusual hazard to permitted users;
   2. To prevent unreasonable destruction of plant life or habitat; or
   3. For proper resource conservation, use, or protection, including but not limited to high fire danger, excessive interference with mineral development, developed agricultural land, or timber or livestock operations.

F. An individual shall submit an application for posting state land to prohibit hunting, fishing, or trapping under subsection (E), or to close an existing road under subsection (J), as required by R12-4-610. If an application to close state land to hunting, fishing, or trapping is made by an individual other than the state land lessee, the Department shall provide notice to the lessee and the State Land Commissioner before the Commission considers the application. The state land lessee or the State Land Commissioner shall file any objections in writing within 30 days after receipt of notice, after which the matter shall be submitted to the Commission for determination.

G. An individual may use a vehicle on or off a road to pick up lawfully taken big game animals.

H. The closing of state land to hunting, fishing, or trapping shall not restrict any other permitted use of the land.

I. State trust land may be posted with signs that read “State Land No Trespassing” but such posting shall not prohibit access to such land by any individual lawfully taking or retrieving wildlife.

J. The Commission may grant permission to lock or obliterate a gate or close a road or trail that provides legally available access to state lands for licensed hunters and fishermen if access to such lands is provided by a reasonable alternate route. Under R12-4-610, the Director may grant a permit to a state land lessee to temporarily lock a gate or close an existing road that provides access to state lands if the taking of wildlife will cause unreasonable interference during a critical livestock or commercial operation. This permit shall not exceed 30 days. Applications for permits for more than 30 days shall be submitted to the Commission for approval. If a permit is issued to temporarily close a road or gate, a copy of the permit shall be posted at the point of the closure during the period of the closure.

K. When hunting, fishing, or trapping on state land, a license holder shall not:
   1. Break or remove any lock or cut any fence to gain access to state land;
   2. Open and not immediately close a gate;
   3. Intentionally or wantonly destroy, deface, injure, remove, or disturb any building, sign, equipment, marker, or other property;
   4. Harvest or remove any vegetative or mineral resources or object of archaeological, historic, or scientific interest;
   5. Appropriate, mutilate, deface, or destroy any natural feature, object of natural beauty, antiquity, or other public or private property;
   6. Dig, remove, or destroy any tree or shrub;
   7. Gather or collect renewable or non-renewable resources for the purpose of sale or barter unless specifically permitted or authorized by law; or
   8. Frighten or chase domestic livestock or wildlife, or endanger the lives or safety of others when using a motorized vehicle or other means.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(B)(2), and 17-304

Historical Note
Adopted effective June 1, 1977 (Supp. 77-3). Editorial correction subsection (F) (Supp. 78-5). Former Section R12-4-13 renumbered as Section R12-4-110 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1,
R12-4-111. Identification Number
An applicant for a Department identification number may either:
1. Assign his or her own number by using his or her social security number; or
2. Obtain a number from the Department by providing the Department with full name and any aliases, date of birth, and mailing address.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(2), 25-320(P), and 25-518

Historical Note

R12-4-112. Diseased, Injured, or Chemically Immobilized Wildlife
A. The Director may authorize Department employees to condemn the carcass of lawfully taken and lawfully possessed diseased, injured, or chemically immobilized wildlife taken under any permit tag that is, in the opinion of the employee, unfit for human consumption, if the individual who took the wildlife requests it and this condition was not created by the actions of the individual who took the wildlife. A Department employee may condemn wildlife that is chemically immobilized if the wildlife was taken during the established withdrawal period of that immobilizing drug.

B. The individual who took the wildlife shall surrender the entire condemned wildlife carcass and any parts thereof to the Department employee.

C. After condemnation and surrender of the wildlife, the Department employee shall provide written authorization to the individual who took the wildlife to purchase and use a duplicate tag. The license holder may purchase the tag from any dealer where the tag is available. The license dealer shall forward the written authorization to the Department with the report of the tag sale.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(8), and 25-320(P)

Historical Note

R12-4-113. Small Game Depredation Permit
A. Under A.R.S. § 17-239(D), the Commission determines that it is impractical to resolve property damage problems caused by small game by establishing special seasons or bag limits for the purpose of taking small game by hunters. The Commission finds it necessary to waive license fees, bag limits, and seasons for small game causing property damage.

B. The Department shall issue a complimentary small game depredation permit to take small game to a landowner, lessee, livestock operator, or municipality suffering property damage, if the Department determines that all other remedies in A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of the small game is necessary to alleviate the damage. A small game depredation permit is not valid for migratory birds unless the permit holder obtains a federal special purpose permit under 50 CFR 21.27, revised October 1, 1988, not including any later amendments or editions, which is incorporated by reference herein. A copy of the incorporated matter is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

C. Notwithstanding the requirements of R12-4-304 and R12-4-318, individuals or municipalities issued a small game depredation permit under this Section may take depredating small game by whatever safe and humane means are practical for the particular situation.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102 and 17-239

Historical Note

R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags
A. In accordance with A.R.S. § 17-332 and the provisions of this Section, the Department shall annually provide numbered tags for sale to the public. The Department shall ensure that each tag includes a transportation and shipping permit as prescribed in A.R.S. §§ 17-332 and 17-371, and that each tag is made of tear-resistant material with an adhesive back covered by a detachable paper backing and clearly identifies the animal for which the tag is valid.

B. If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
1. To obtain a nonpermit-tag, an applicant shall provide to a license dealer or Department office the applicant’s name, home mailing address, and Department identification number.

2. An applicant shall not apply for or obtain nonpermit-tags in excess of the bag limit prescribed by the Commission when it established the season for which the nonpermit-tags are valid.

C. If the number of hunt permits for a species in a particular hunt area must be limited, a Commission Order establishes a hunt number for that hunt area, and a hunt permit-tag is required to take the species in that hunt area.

1. To apply for a hunt permit-tag, an applicant shall submit an application under R12-4-104.

2. The Department shall use the following procedure to determine whether a hunt permit-tag will be issued to an applicant:
   a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number for antelope, bear, deer, elk, javelina, and turkey to issue to individuals and groups that have bonus points. The Department shall reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and buffalo to issue to individuals and groups that have bonus points.
   b. The Department shall issue the reserved hunt permit-tags for hunt numbers designated by eligible applicants as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
      i. First, to eligible applicants with the highest number of bonus points for that genus;
      ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next highest number of bonus points for that genus; and
      iii. If there are still tags remaining, to the next eligible applicants with the next highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
   c. The Department shall ensure that the first selection from all unreserved hunt permit-tags is by random drawing.
   d. If the bag limit established by Commission Order is more than one per calendar year, or if there are hunt permit-tags remaining unissued after the random drawings, the Department shall ensure that these hunt permit-tags are available on a set date on a first-come, first-served basis as specified in the hunt permit-tag application schedule published annually.

D. The Department shall not make available more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or buffalo in any draw to nonresidents. The Department shall not make available more than 50% nor more than two bighorn sheep or buffalo hunt permit-tags of the total in any hunt number to nonresidents.

E. The Department shall not make available more than 10%, rounded down, of the total hunt permit-tags in any hunt number to nonresidents for antelope, antlered deer, bull elk, javelina, or turkey. If a hunt number for antelope, antlered deer, bull elk, javelina or turkey has 10 hunt permit-tags or fewer, no more than one hunt permit-tag will be made available to a nonresident, except that if a hunt number has only one hunt permit-tag, that tag shall only be available to a resident.

F. Any cap established under this Section applies only to hunt permit-tags issued by random drawing under subsections (C)(2)(b) and (c).

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-115. Supplemental Hunts and Hunter Pool

A. For the purposes of this Section, the following definitions apply:
   “Management objectives” means goals, recommendations, or guidelines contained in Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;
   “Hunter pool” means all persons who have submitted an application for a supplemental hunt; and
   “Supplemental hunt” means a season established by the Commission for the following purposes:
   - Take of depredating wildlife under A.R.S. § 17-239;
   - Take of wildlife under an Emergency Season if the Commission adopts, amends, or repeals a Commission Order for reasons constituting an immediate threat to the health, safety, or management of wildlife or its habitat, or to public health or safety; or
   - Take of wildlife under a population management hunt if the Commission has prescribed restricted nonpermit-tags by Commission Order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.

B. For the purposes of authorizing a population management hunt, the Commission through Commission Order shall open a season or seasons and prescribe a maximum number of restricted
nonpermit-tags that the Director may issue under this Section.

C. The Director shall implement a population management hunt under the open season or seasons prescribed in subsection (B) if the Director finds that:
   1. Regular seasons have not met or will not meet management objectives;
   2. Take of wildlife is necessary to meet management objectives; and
   3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.

D. To implement a population management hunt under subsection (B), the Director shall do the following:
   1. Select season dates, within the range of dates prescribed by the Commission through Commission Order;
   2. Select specific hunt areas, within the range of hunt areas prescribed by the Commission through Commission Order;
   3. Select the legal animal that may be taken from the list of legal animals prescribed by the Commission through Commission Order;
   4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags prescribed by the Commission through Commission Order; and
   5. Reduce restricted nonpermit-tag fees up to 75% if the normal fee structure will not generate adequate participation from either the hunter pool or hunt permit-tag holders under subsection (J).

E. The Director shall not issue more restricted nonpermit-tags than the maximum number prescribed by the Commission through Commission Order.

F. A restricted non-permit tag is valid only for the supplemental hunt for which it is issued. To participate in a supplemental hunt, a person shall:
   1. Obtain a restricted non-permit tag as prescribed under this Section, and
   2. Possess a valid hunting license. If the applicant does not possess a valid license or the license will expire before the supplemental hunt, the applicant shall purchase an appropriate license at the time of application.

G. If the season dates and open areas of a supplemental hunt prescribed by the Commission through Commission Order exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw, the Department shall make the restricted nonpermit-tags available only to holders of the hunt permit-tags, and not the hunter pool.

H. To obtain a restricted nonpermit-tag under subsection (G), an applicant shall provide to a Department office the applicant’s name, address, Department identification number, and hunt permit-tag number on a form prescribed by the Department.
   1. The applicant shall provide verification that the applicant legally obtained the hunt permit-tag for the hunt described under subsection (G) by presenting the hunt permit-tag to a Department office for verification.
   2. The applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit prescribed by the Commission.

I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts and shall randomly select applicants from the hunter pool for participation in a supplemental hunt, if the season dates and open areas of the supplemental hunt do not exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw.

J. When issuing restricted nonpermit-tags to the hunter pool, the Department or its authorized agent shall randomly select applicants from the hunter pool. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times during a 24-hour period. If an applicant cannot be contacted or cannot participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application. The Department or its authorized agent shall draw no more applications after the number of restricted nonpermit-tags prescribed under subsection (D)(4) has been issued.

K. The Department shall purge and renew the hunter pool annually.

L. An applicant for a supplemental hunt shall submit the following information on a form available from the Department or its authorized agent:
   1. Applicant’s name, home mailing address, whether a resident or nonresident, and date of birth;
   2. Daytime and evening telephone numbers;
   3. The species that the applicant would like to hunt if drawn; and
   4. The applicant’s hunting license number.

M. Along with the application form, an applicant for a supplemental hunt shall submit the permit application fee established under R12-4-102.

N. The Department shall not accept group applications, as described under R12-4-104, for supplemental hunts.

O. A hunter pool applicant who is drawn and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
   1. The fee for the tag as established under R12-4-102, or subsection (D)(5) if the fee has been reduced, and
   2. The applicant’s hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt.

P. The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. The Department shall issue a restricted nonpermit-tag not purchased within the specified period to another person whose application is drawn from the hunter pool as prescribed by this Section. The Department or its authorized agent shall remove from the hunter pool the application of
any successful applicant who does not purchase a tag after being contacted and agreeing to purchase the tag.

Q. A person who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the person participated. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until that hunter pool is renewed.

R. The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to supplemental hunts. A supplemental hunt application submitted in accordance with this Section does not invalidate any application for a hunt permit-tag. The issuance of a restricted nonpermit-tag does not authorize a person to exceed the bag limit established by the Commission.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), 17-239, 17-331(A), and 17-332(A)

Historical Note

R12-4-116. Reward Payments
A. Subject to the restrictions in A.R.S. § 17-315, an individual may claim a reward from the Department if the individual provides information that leads to an arrest through the Operation Game Thief Program. The individual who reports the unlawful activity will then become eligible to receive a reward as prescribed in subsections (C) and (D), provided that:
1. Funds are available in the wildlife theft prevention fund;
2. The individual who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as prescribed in subsection (B);
3. If more than one individual provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the individuals that provided the information if the total amount of the reward payment does not exceed the maximum amount of a monetary reward prescribed in subsections (C) or (D);
4. The information provided relates to a violation of any provisions of A.R.S. Title 17, A.A.C. Title 12, Chapter 4, or federal wildlife laws enforced by and under the jurisdiction of the Department, but not on Indian Reservations; and
5. The individual who reports the violation is not the individual who committed the violation, the individual did not provide information during a criminal investigation or judicial proceeding, or the individual is not a peace officer, a Department employee, or an immediate family member of a Department employee.

B. The Department shall inform an individual who provides information regarding a wildlife violation of the procedure for claiming a reward if the information results in an arrest. The Department shall also provide the individual with the control number assigned to the reported violation.

C. The following are the criteria for reward payments for information that results in an arrest for the reported violation:
1. For cases that involve bighorn sheep, buffalo, elk, or bald eagles, $350;
2. For cases that involve antelope, bear, deer, javelina, mountain lion, turkey, or endangered or threatened wildlife as defined in R12-4-401, $250;
3. For cases that involve wildlife that are not covered in subsections (C)(1) or (2), a minimum of $50, not to exceed $150, unless excepted under subsection (C)(4); and
4. For cases that involve any wildlife, an additional $1,000 may be made available based on:
   a. The value of the information;
   b. The unusual value of the wildlife;
   c. The number of individual animals taken;
   d. Whether or not the individual who committed the unlawful act was arrested for commercialization of wildlife; and
   e. Whether or not the individual who committed the unlawful act is a repeat offender.

D. Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil value of the wildlife unlawfully taken, as prescribed in A.R.S. § 17-314, if a violation is discovered and the Department believes that a reward may result in sufficient information to make an arrest.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(7) and 17-315(B)(1)

Historical Note

R12-4-117. Indian Reservations
A state license, tag, or permit is not required to hunt or fish on any Indian reservation in this state. Wildlife lawfully taken on an Indian reservation may be transported or processed anywhere in the state if it can be identified as to species and legality as provided in
A.R.S. § 17-309(A)(20). All wildlife transported is subject to inspection under the provisions of A.R.S. § 17-211(E)(4).

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-211(E)(4) and 17-309(A)(19)

Historical Note
Former Section R12-4-02 renumbered as Section R12-4-117 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-117 repealed, new Section R12-4-117 adopted effective April 10, 1984 (Supp. 84-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

R12-4-118. Repealed

Historical Note

R12-4-119. Arizona Game and Fish Department Reserve
A. The Commission shall establish an Arizona Game and Fish Department Reserve under A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.
B. Commissioned reserve officers shall:
1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification by the Arizona Peace Officer Standards and Training Board as prescribed in 13 A.A.C. 4, and
2. Assist with wildlife enforcement patrols, boating enforcement patrols, off-highway vehicle enforcement patrols, special investigations, and other enforcement and related non-enforcement duties as designated by the Director.
C. Noncommissioned reserve volunteers shall:
1. Meet qualifications that the Director determines are related to the services to be performed by the volunteer and the success or safety of the program mission, and
2. Perform any non-enforcement duties designated by the Director for the purposes of conservation and education to maximize paid staff time.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(1) and 17-214

Historical Note

R12-4-120. Issuance, Sale, and Transfer of Special Big Game License Tags
A. Proposals for special big game license tags under A.R.S. § 17-346 shall be submitted to the Director of the Arizona Game and Fish Department from March 1 to May 31 preceding the year when the tags may be legally used. The proposal shall contain and identify:
1. The name of the organization making the proposal and the name, address, and telephone number of each member of the organization who is coordinating the proposal;
2. The number of special big game license tags and the species requested;
3. The purpose to be served by the issuance of these tags;
4. The method or methods by which the tags will be sold and transferred;
5. The estimated amount of money to be raised and the rationale for that estimate;
6. Any special needs or particulars relevant to the proposal, including time-frame, limitations, or schedules;
7. Unless a current and correct copy is already on file with the Department, one copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code;
8. The proposal or a letter accompanying the proposal shall include a statement that the individual or organization that is submitting the proposal agrees to the conditions in A.R.S. § 17-346 and this Section. The proposal or the letter accompanying the proposal shall be signed and dated by the president and secretary-treasurer of the organization or their equivalent.
B. The Director shall return to the applicant any application that does not comply with the requirements of A.R.S. § 17-346 and this Section. The Director shall submit any timely and valid application to the Commission for consideration. In selecting an applicant, the Commission shall consider the written proposal, the proposed uses for tag proceeds, the qualifications of the applicant as a fund raiser, the proposed fund raising plan, the applicant's previous involvement with wildlife management, and the applicant's conservation objectives. The Commission may accept any proposal in whole or in part and may reject any proposal if it is in the best interest of wildlife to do so. Commission approval and issuance of any special big game license tag is contingent upon compliance with this Section.
C. A successful applicant shall agree in writing to all of the following:
1. To underwrite all promotional and administrative costs to sell and transfer each special big game license tag;
2. To transfer all proceeds to the Department within 90 days of the date that the applicant sells or awards the tag. A special tag shall not be issued until the Department receives all proceeds;
3. To sell and transfer each special big game license tag as described in the proposal; and
4. To provide the Department with the name, address, and physical description of each individual to whom a special big game license tag is transferred.
D. The Department and the successful applicant shall coordinate on:
   1. The specific projects or purposes identified in the proposal;
   2. The arrangements for the deposit of the proceeds, the accounting procedures, and final audit; and
   3. The dates when the wildlife project or purpose will be accomplished.

E. The Department shall dedicate all proceeds generated by the sale or transfer of a special big game license tag to the management of the species for which the tag was issued. The Department shall not refund proceeds.

F. A special big game license tag is valid only for the individual named on the tag, for the season dates on the tag, and for the species for which the tag was issued. A hunting license is not required for the tag to be valid. Possession of a special big game license tag does not invalidate any other big game tag or application for any other big game tag. Wildlife taken under the authority of a special big game license tag does not count towards the normal bag limit for that species.

**Authorizing Statute**

**General:** A.R.S. § 17-231(A)(1)

**Specific:** A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), 17-231(A)(8), 17-331(A), 17-332(A), and 17-346

**Historical Note**


**R12-4-121. Big Game Permit or Tag Transfer**

**A.** For the purposes of this Section, “unused tag” means a big game hunt permit-tag, non-permit tag, or special license tag that has not been attached to any animal.

**B.** A parent, grandparent, or guardian issued a big game hunt permit-tag, non-permit tag, or special license tag may transfer the unused tag to the parent’s, grandparent’s, or guardian’s minor child or grandchild.

1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.

2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
   a. Proof of ownership of the unused tag to be transferred,
   b. The unused tag, and
   c. The minor’s valid hunting license.

3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the individual’s estate may transfer an unused tag to an eligible minor. The individual acting as the personal representative shall present:
   a. The deceased individual’s death certificate, and
   b. Proof of the individual’s authority to act as the personal representative of the deceased individual’s estate.

4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).

5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompanied into the field by any grandparent, parent, or legal guardian of the minor child.

**C.** An individual issued a tag or the individual’s legal representative may donate the unused tag to a non-profit organization for use by a minor child who has a life threatening medical condition or permanent physical disability.

1. A qualifying organization:
   a. Is exempt from federal taxation under Section 501(c) of the Internal Revenue Code; and
   b. Provides hunting opportunities and experiences to children with life-threatening medical conditions or permanent physical disabilities.

2. The individual or legal representative that donates the unused tag shall provide the non-profit organization with a written statement indicating the unused tag is voluntarily donated to the organization.

3. The non-profit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child by contacting any Department office.

   a. To obtain a transfer, the non-profit organization shall:
      i. Provide proof of donation of the unused tag to be transferred;
      ii. Provide the unused tag;
      iii. Provide proof of the minor child’s valid hunting license; and

   b. To be eligible to receive a donated unused tag from a qualifying organization, the minor child shall meet the criteria established under subsection (D).

D. To receive an unused tag authorized under subsections (B) or (C), an eligible minor child shall meet the following criteria:

1. Possess a valid hunting license, and
2. Is 10 to 17 years of age on the date of the transfer.

A minor child under the age of 14 shall have satisfactorily completed a Department-approved hunter education course before the beginning date of the hunt.

**Authorizing Statute**

**General:** A.R.S. § 17-231(A)(1)

**Specific:** A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), 17-231(A)(8), 17-331(A), 17-332(A), and 17-346(D)

**Historical Note**


R12-4-122. Handling, Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations

A. Under A.R.S. § 17-240 and this Section, the Department may donate the following wildlife, except that the Department shall not donate any portion of an animal killed in a collision with a motor vehicle or an animal that died subsequent to immobilization by any chemical agent: 1. Big game, except bear or mountain lion; 2. Upland game birds; 3. Migratory game birds; 4. Game fish.

B. The Director shall not authorize an employee to handle game meat for the purpose of this Section until the employee has satisfactorily completed a course designed to give the employee the expertise necessary to protect game meat recipients from diseased or unwholesome meat products. A Department employee shall complete a course that is either conducted or approved by the State Veterinarian. The employee shall provide a copy of a certificate that demonstrates satisfactory completion of the course to the Director.

C. Only an employee authorized by the Director shall determine if game meat is safe and appropriate for donation. An authorized Department employee shall inspect and field dress each donated carcass before transporting it. The Department shall not retain the game meat in storage for more than 48 continuous hours before transporting it, and shall reinspect the game meat for wholesomeness before final delivery to the recipient.

D. Final processing and storage is the responsibility of the recipient.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-211(E)(4), 17-233, 17-239(D), and 17-240(A)

Historical Note

R12-4-123. Expenditure of Funds

A. The Director may expend funds available through appropriations, licenses, gifts, or other sources, in compliance with applicable laws and rules, and:
1. For purposes designated by lawful Commission agreements and Department guidelines;
2. In agreement with budgets approved by the Commission;
3. In agreement with budgets appropriated by the legislature;
4. With regard to a gift, for purposes designated by the donor, the Director shall expend undesignated donations for a public purpose in furtherance of the Department's responsibilities and duties.

B. The Director shall ensure that the Department implements internal management controls to comply with subsection (A) and to deter unlawful use or expenditure of funds.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(7) and 17-231(A)(8)

Historical Note
Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1).

R12-4-124. Reserved

R12-4-125. Emergency Expired

Historical Note
New Section made by emergency rulemaking at 10 A.A.R. 4777, effective November 4, 2004 for 180 days (Supp. 04-4). Emergency expired (05-2).

ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS

R12-4-201. Pioneer License

A. A pioneer license grants all of the hunting and fishing privileges of a combination hunting and fishing license.

B. A person who meets the criteria prescribed under A.R.S. § 17-336(A)(1) may apply for a pioneer license as follows:
1. An applicant for a pioneer license shall submit one of the following documents with the application.
   a. A passport;
   b. An original or certified copy of the applicant's birth certificate;
   c. An original or copy of a valid Arizona driver's license; or
   d. An original or copy of a valid Arizona Motor Vehicle Division identification card.

2. An applicant for a pioneer license shall apply on an application form available from any Department office. The form shall include an affidavit to be signed by the applicant that affirms the applicant is 70 years of age or older and has been a resident of this state for 25 or more consecutive years immediately preceding application for the license. The applicant shall provide all of the following information on the application form:
   a. The applicant's name, age, date of birth, Department identification number, and physical description, to include the applicant's eye color, hair color, height, and weight;
   b. Current residence address or physical location of residence;
   c. The year Arizona residency was established;
A. A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license.

B. A person meeting the criteria prescribed under A.R.S. § 17-336(A)(2) may apply for a disabled veteran's license. Eligibility for the disabled veteran's license is based on 100% disability, not on the percentage of compensation received by the veteran.

1. An applicant desiring a disabled veteran’s license shall apply on an application form furnished by the Department and available at any Department office. The applicant shall provide all of the following information on the application form:
   a. The applicant's:
      i. Name;
      ii. Date of birth;
      iii. Department identification number;
      iv. Physical description, to include the applicant's eye color, hair color, height, and weight;
   b. All physical addresses for the calendar year immediately preceding application;
   c. Mailing address; and
   d. The applicant's signature, acknowledged before a Notary Public or witnessed by a Department employee.

2. An applicant shall submit with the application form an original certification from the Department of Veterans’ Services. The certification shall include all of the following information:
   a. The applicant's full name,
   b. Certification that the applicant is receiving compensation for permanent service-connected disabilities rated as 100% disabling,
   c. Certification that the 100% rating is permanent and:
      i. Will not require reevaluation or
      ii. Will be reevaluated in three years, and
   d. The signature and title of an agent of the Department of Veterans’ Services who issued or approved the certification.

C. If the certification required under subsection (B)(2)(c) indicates that the applicant's disability rating of 100% is permanent and:
   1. Will not be reevaluated, the disabled veteran’s license will not expire.
   2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.

D. The Department shall deny a disabled veteran’s license to an applicant who:
   1. Is not eligible for the license,
   2. Fails to comply with the requirements of this Section, or
   3. Provides false information during the application process.

E. The Department shall provide written notice to the applicant if the disabled veteran's license is denied. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

F. A disabled veteran's license holder may request a no-fee duplicate of the paper license if:
   1. The license has been lost or destroyed;
   2. The license holder submits a written request to the Department for a duplicate license; and
   3. The Department has a record that shows a pioneer license was previously issued to that person.

G. A person issued a pioneer license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333, 17-336(A)(1), and 41-1005

Historical Note
Former Section R12-4-31 renumbered as Section R12-4-201 without change effective August 13, 1981. New Section R12-4-201 amended effective August 31, 1981 (Supp. 81-4). Amended subsection (B) effective December 9, 1985 (Supp. 85-6). Amended subsections (D) and (E), and changed application for a Pioneer License effective September 24, 1986 (Supp. 86-5). Former Section repealed, new Section adopted effective December 22, 1989 (Supp. 89-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by exempt rulemaking at 19 A.A.R. 3225, effective January 1, 2014.

R12-4-202. Disabled Veteran's License

A. A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license.

B. A person meeting the criteria prescribed under A.R.S. § 17-336(A)(2) may apply for a disabled veteran's license. Eligibility for the disabled veteran's license is based on 100% disability, not on the percentage of compensation received by the veteran.

1. An applicant desiring a disabled veteran's license shall apply on an application form furnished by the Department and available at any Department office. The applicant shall provide all of the following information on the application form:
   a. The applicant's:
      i. Name;
      ii. Date of birth;
      iii. Department identification number;
      iv. Physical description, to include the applicant's eye color, hair color, height, and weight;
   b. All physical addresses for the calendar year immediately preceding application;
   c. Mailing address; and
   d. The applicant's signature, acknowledged before a Notary Public or witnessed by a Department employee.

2. An applicant shall submit with the application form an original certification from the Department of Veterans’ Services. The certification shall include all of the following information:
   a. The applicant's full name,
   b. Certification that the applicant is receiving compensation for permanent service-connected disabilities rated as 100% disabling,
   c. Certification that the 100% rating is permanent and:
      i. Will not require reevaluation or
      ii. Will be reevaluated in three years, and
   d. The signature and title of an agent of the Department of Veterans’ Services who issued or approved the certification.

C. If the certification required under subsection (B)(2)(c) indicates that the applicant's disability rating of 100% is permanent and:
   1. Will not be reevaluated, the disabled veteran’s license will not expire.
   2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.

D. The Department shall deny a disabled veteran’s license to an applicant who:
   1. Is not eligible for the license,
   2. Fails to comply with the requirements of this Section, or
   3. Provides false information during the application process.

E. The Department shall provide written notice to the applicant if the disabled veteran's license is denied. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

F. A disabled veteran's license holder may request a no-fee duplicate of the paper license if:
   1. The license has been lost or destroyed;
   2. The license holder submits a written request to the Department for a duplicate license; and
   3. The Department has a record that shows a pioneer license was previously issued to that person.

G. A person issued a pioneer license prior to the effective date of this Section shall be entitled to the privileges established under subsection (A).

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333, 17-336(A)(2), and 41-1005

Historical Note
Former Section R12-4-66 renumbered, then repealed and adopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-43 renumbered as Section R12-4-202 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 31, 1984 (Supp. 84-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-202 adopted effective December 22, 1989 (Supp. 89-4). Amended by final rulemaking at 6 A.A.R. 211, effective De-
R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp

A. All state fish and wildlife agencies are required to obtain data to assess the harvest of migratory game birds in compliance with the federally mandated National Harvest Information Program administered by the United States Fish and Wildlife Service in accordance with 50 C.F.R. Part 20.

B. In compliance with the National Harvest Information Program, the Department requires a person to possess a migratory bird stamp or authorization number, which may be affixed to or written on the appropriate license, and a current, valid federal waterfowl stamp. The migratory bird stamp and authorization number are required to take band-tailed pigeons, moorhen, coots, doves, ducks, geese, snipe, or swans.

1. The state migratory bird stamp expires on June 30 of each year. To obtain a state migratory bird stamp, a person shall submit:
   a. The fee required under R12-4-102, and
   b. A completed state migratory bird registration form to a license dealer or a Department office.

2. The person shall provide on the state migratory bird registration form the person's:
   a. Name,
   b. Mailing address,
   c. Date of birth, and
   d. Information on past and anticipated hunting activity.

3. The youth combination hunting and fishing license includes the state migratory bird stamp privileges. A youth hunter who possesses a valid combination hunting and fishing license shall obtain:
   a. A Federal waterfowl stamp when the youth hunter is 16 years of age or older and is taking ducks, geese, swans, coots, gallinules; or
   b. A permit-tag when the youth hunter is taking sandhill crane.

C. A license dealer shall submit state migratory bird registration forms for all state migratory bird stamps sold with the monthly report required under A.R.S. § 17-338.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
Amended effective March 7, 1979 (Supp. 79-2). Amended effective April 22, 1980 (Supp. 80-2). Amended subsections (A), (C), (D), and (G) effective December 29, 1980 (Supp. 80-4). Former Section R12-4-41 renumbered as Section R12-4-203 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (C), (E), (G) and added Form 7016 (Supp. 81-6). Repealed effective April 28, 1989 (Supp. 89-2).

R12-4-204. Repealed

Historical Note

R12-4-205. High Achievement Scout License

A. A high achievement scout license is offered to a resident who is:
   1. Eligible for a combination hunting and fishing license, and
   2. Under 21 years of age, and
   3. A member of the Boy Scouts of the United States of America and has attained the rank of Eagle Scout, or
   4. A member of the Girl Scouts of the United States of America and has attained the Gold Award.

B. The high achievement scout license grants all of the hunting and fishing privileges of the youth combination hunting and fishing license and is only available at Department offices.

1. The license is valid for one-year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.

2. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the high achievement scout license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

C. An applicant for a high achievement scout license shall apply on an application form available from any Department office and on the Department's website at www.azgfd.gov. The applicant shall provide all of the following information on the application form:

   1. The applicant's name, date of birth, Department identification number, and physical description, to include the applicant's eye color, hair color, height, and weight;
A. A general hunting license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the general hunting license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

B. The general hunting license is valid for one-year from:
1. The date of purchase when a person purchases the hunting license from a license dealer, as defined under R12-4-101;
2. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
3. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
4. The selected start date when a person purchases the hunting license from a Department office or online. A person may select the start date for the hunting license provided the date selected is no more than 60 calendar days from and after the date of purchase.

C. A resident may apply for a general hunting license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A general hunting license applicant shall provide the following information on the application:
1. The applicant’s:
   a. Name;
   b. Date of birth,
   c. Physical description, to include the applicant’s eye color, hair color, height, and weight;
   d. Department identification number, when applicable;
   e. Residency status and number of years of residency immediately preceding application, when applicable;
   f. Mailing address, when applicable;
   g. Physical address;
   h. Telephone number, when available; and
   i. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
3. Applicant’s signature and date.

D. In addition to the requirements listed under subsection (C), at the time of application an applicant who is applying for a general hunting license:
1. In person shall pay the applicable fee required under R12-4-102.
2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.

E. A person who is under 10 years of age may hunt wildlife other than big game without a hunting license when accompanied by a properly licensed person who is 18 years of age or older.
A resident or nonresident may apply for a general fishing license. The general fishing license is valid for one year.

R12-4-207. General Fishing License; Exemption

A. A general fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The general fishing license is valid:

1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters is available at any license dealer, Department office, and online at www.azgfd.gov.

2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a general fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.

B. The general fishing license is valid for one year from:

1. The date of purchase when a person purchases the fishing license from a license dealer, as defined under R12-4-101; or

2. The selected start date when a person purchases the fishing license from a Department office or online. A person may select the start date for the fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.

C. A resident or nonresident may apply for a general fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A general fishing license applicant shall provide the following information on the application:

1. The applicant’s:
   a. Name;
   b. Date of birth;
   c. Physical description, to include the applicant’s eye color, hair color, height, and weight;
   d. Department identification number, when applicable;
   e. Residency status and number of years of residency immediately preceding application, when applicable;
   f. Mailing address, when applicable;
   g. Physical address;
   h. Telephone number, when available; and
   i. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
3. Applicant’s signature and date.

D. In addition to the requirements listed under subsection (C), an applicant who is applying for a general fishing license:

1. In person shall pay the applicable fee required under R12-4-102.

2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.

E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish without a fishing license.

R12-4-208. Guide License

A. An individual shall not act as a guide, as defined in A.R.S. § 17-101, without a valid guide license. The Department shall issue the following guide licenses to eligible applicants:

1. A hunting guide license, which authorizes the license holder to act as a guide for taking wildlife other than aquatic wildlife.

2. A fishing guide license, which authorizes the license holder to act as a guide for taking aquatic wildlife only.

3. A hunting and fishing guide license, which authorizes the license holder to act as a guide for taking all wildlife.

B. The Department shall not issue a guide license to an individual who:

1. Has been convicted, within five years preceding the date of application, of a felony violation of any federal wildlife law;

2. Has been convicted, within five years preceding the date of application, of a violation of A.R.S. § 17-309(D);

3. Has been convicted, within five years preceding the date of application, of a violation of a federal or state wildlife law that a license to take wildlife may be revoked or sus-
C. Unless the Commission is currently considering suspension or revocation of an applicant's license under A.R.S. § 17-340, the Department may issue a license to an applicant if:
1. The applicant otherwise meets the criteria prescribed by this Section; and
2. The applicant has been convicted of a violation of any wildlife law in accordance with subsection (B), but the applicant voluntarily reported the violation immediately after committing it.

D. The Department shall issue a guide license to an applicant who satisfies the requirements of A.R.S. § 17-362 and meets the following criteria:
1. An applicant for a hunting guide license shall:
   a. Have a current Arizona hunting license; and
   b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:
      i. A.R.S. Title 17, Game and Fish, and the Commission's rules on the taking and handling of terrestrial wildlife;
      ii. Requirements for guiding on federal lands;
      iii. Identification of wildlife, special state and federal laws regarding certain species, and general knowledge of species habitat and wildlife that may occur in the same habitat; and
      iv. General knowledge of the types of habitat within the state, and knowledge of special or concurrent jurisdictions within the state.
2. An applicant for a fishing guide license shall:
   a. Have a current Arizona fishing license; and
   b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:
      i. A.R.S. Title 17, Game and Fish, and the Commission's rules on taking and handling of aquatic wildlife;
      ii. A.R.S. Title 5, Chapter 3, Boating and Water Sports, and the Commission's rules on boat-terrestrial wildlife;
      iii. Identification of aquatic wildlife species, special state and federal laws regarding certain species, and general knowledge of species habitat and wildlife that may occur in the same habitat.
      iv. General knowledge of the types of habitat within the state and knowledge of special or concurrent jurisdictions upon bodies of water within the state.
3. An applicant for a hunting and fishing guide license shall:
   a. Have a current Arizona hunting and fishing license; and
   b. Answer correctly at least 80% of the questions in the written examination required in subsection (D)(1) and the written examination required in subsection (D)(2).
4. An applicant shall apply for a guide license according to subsections (F) and (G).

E. The Department shall administer the examinations required in subsection (D) on the first Monday of the month at any Department Office. The Department shall either provide the examination score after the exam is completed or mail the examination score to the applicant within seven working days of the examination date.

F. An applicant for a guide license shall apply on an application form available from any Department office. The applicant shall provide all of the following information on the application form:
1. The applicant's name, home address, telephone number, residency status, date of birth, Department identification number, and physical description;
2. Designation of guide license sought:
   a. Hunting guide,
   b. Fishing guide, or
   c. Hunting and fishing guide,
3. The applicant's current Arizona hunting and fishing license numbers, as applicable;
4. Responses to questions regarding applicant's eligibility for licensure under subsection (B) and (C); and
5. The applicant's signature.

G. An applicant for a guide license shall submit the following with the application form:
1. The applicant's original written examination score, dated within the past 12 months, for each examination required by subsection (D); and
2. One of the following as proof of the applicant's identity. The Department shall return any original or certified copy to the applicant after the Department has verified receipt on the application form:
   a. A passport;
   b. An original or certified copy of the applicant's birth certificate;
   c. An original or copy of a valid Arizona driver's license; or
   d. An original or copy of a valid Arizona Motor Vehicle Division identification card.

H. The Department shall deny a guide license if an applicant is not eligible for the license, fails to comply with the requirements of this Section, or provides false information during the application process for a guide license. Any guide license so obtained is void and of no effect from the date of issuance. The Department shall provide written notice to an applicant whose application for a guide license is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

I. An individual who acts as a guide, who may or may not be hunting with the aid of dogs, shall not pursue any wildlife or hold at bay any wildlife for a hunter unless the hunter is present during the pursuit to take the wildlife. The hunter shall be continuously present during the entire pursuit of that specific animal. If dogs are used, the hunter shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit. Any wildlife taken in violation of this subsection is unlawfully taken. An individual shall hold wildlife at bay only during
daylight hours, unless a Commission Order authorizes take of the species at night.

J. An individual who acts as a guide shall not aid, counsel, agree to aid, or attempt to aid another individual in planning or engaging in conduct that results in a violation. An individual who acts as a guide shall report any violation committed by a client.

K. When acting as a guide, a licensed guide shall carry an original or legible copy of the valid guide license and shall exhibit it upon request to any peace officer.

L. A guide license expires on December 31 of the year that it was issued. An applicant may renew the license for the following license year.

1. The Department shall accept an application for renewal of a guide license after December 1 of the year it was issued, but shall not start the application administrative review process, required by A.R.S. § 41-1072 et seq., before January 10 of the following license year unless the applicant’s annual report, required by A.R.S. § 17-362, is received by the Department.

2. The current guide license shall remain valid, pending Department action on the application for renewal, only if the application for renewal is made before the guide license expiration date and the annual report required by A.R.S. § 17-362 is received by January 10 of the following license year.

M. The Department shall renew a guide license only if the applicant continues to satisfy the requirements of A.R.S. § 17-362 and meets all of the following criteria:

1. The applicant is not prohibited from being issued a license under subsection (B); 
2. The applicant has a current valid Arizona hunting or fishing license in accordance with subsection (D);
3. The applicant applies for the guide license as required in subsections (F) and (G);
4. The applicant submits the annual report for the preceding license year as required by A.R.S. § 17-362;
5. The applicant takes or re-takes and passes each applicable written examination required in subsection (D). An applicant is only required to do so if:
   a. The applicant seeks to add a guiding authority to a current guide license;
   b. The applicant for a hunting guide license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, Game and Fish, or the Commission’s rules governing the taking and handling of terrestrial wildlife;
   c. The applicant for a fishing guide license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, Game and Fish, or the Commission’s rules governing the taking and handling of aquatic wildlife;
   d. The applicant fails to submit a renewal application postmarked before the expiration date of the guide license; or
   e. The applicant fails to submit the annual report for the preceding license year, required by A.R.S. § 17-362, postmarked before January 10 of the following license year.

N. The Commission may revoke a guide license issued to any individual for conviction of a violation of statute or rule, as provided in A.R.S. § 17-362(A), or revoke or suspend any license held by the guide as provided in A.R.S. § 17-340, or revoke or suspend a guide license for conviction of a felony violation of any law listed in subsection (B), or for revocation of the privilege to take wildlife by any government jurisdiction.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-209. Community Fishing License; Exemption
A. A community fishing license is valid for taking all aquatic wildlife from Commission designated community waters, only, and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The list of Commission designated community waters is available at any license dealer, Department office, or online at www.azgfd.gov.

B. The community fishing license is valid for one-year from:
1. The date of purchase when a person purchases the community fishing license from a license dealer, as defined under R12-4-101; or
2. The selected start date when a person purchases the community fishing license from a Department office or online. A person may select the start date for the community fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.

C. A resident or nonresident may apply for a community fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A community fishing license applicant shall provide the following information on the application:

1. The applicant’s:
   a. Name;
   b. Date of birth,
   c. Physical description, to include the applicant’s eye color, hair color, height, and weight;
d. Department identification number, when applicable;
e. Residency status and number of years of residency immediately preceding application, when applicable;
f. Mailing address, when applicable;
g. Physical address;
h. Telephone number, when available; and
i. E-mail address, when available; and
2. Affirmation that the information provided on the application is true and accurate; and
3. Applicant’s signature and date.

D. In addition to the requirements listed under subsection (C), an applicant who is applying for a community fishing license:
1. In person shall pay the applicable fee required under R12-4-102.
2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.

E. In addition to the exemption prescribed under A.R.S. § 17-335, a person who is under 10 years of age may fish in Commission designated community waters without a fishing license.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333, and 41-1005

Historical Note

R12-4-210. Combination Hunting and Fishing License; Exemption
A. A combination hunting and fishing license is valid for the taking of small game, fur-bearing animals, predatory animals, nongame animals, and upland game birds.
B. A combination hunting and fishing license is valid for the taking of all aquatic wildlife and allows the license holder to engage in simultaneous fishing as defined under R12-4-301. The combination hunting and fishing license is valid:
1. State-wide including Mittry Lake and Topock Marsh and the Arizona shoreline of Lake Mead, Lake Mohave and Lake Havasu, and Commission designated community waters. The list of Commission designated community waters is available at any license dealer, Department office, and online at www.azgfd.gov.
2. On that portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California and connected adjacent water, provided Arizona has an agreement with California and Nevada that recognizes a combination hunting and fishing license as valid for taking aquatic wildlife on any portion of the Colorado River that forms the common boundary between Arizona and Nevada and Arizona and California.
C. The Department offers three combination hunting and fishing licenses:
1. A short-term combination hunting and fishing license, valid for one 24-hour period from midnight to midnight.
   a. The short-term combination hunting and fishing license is not valid for the taking of big game animals.
   b. The short-term combination hunting and fishing license is valid for the take of migratory game birds and waterfowl, provided the person possesses the applicable State Migratory Bird stamp and Federal Waterfowl stamp.
   c. The Department does not limit the number of short-term combination hunting and fishing licenses a resident or nonresident may purchase.
2. A combination hunting and fishing license for a person age 18 and over.
   a. The combination hunting and fishing license is valid for one-year from:
      i. The date of purchase when a person purchases the hunting license from a license dealer, as defined under R12-4-101;
      ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      iii. On the last day of an extended deadline date, as authorized under subsection R12-4-104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or
      iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.
   b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
3. A youth combination hunting and fishing license for a person through age 17.
   a. The combination hunting and fishing license is valid for one-year from:
      i. The date of purchase when a person purchases the combination hunting and fishing license from a license dealer, as defined under R12-4-101;
      ii. On the last day of the application deadline for that draw, as established by the hunt permit-tag application schedule published by the Department;
      iii. On the last day of an extended deadline date, as authorized under subsection R12-4-
104(C). If an applicant does not possess an appropriate license that meets the requirements of this subsection, the applicant shall purchase the license at the time of application; or

iv. The selected start date when a person purchases the combination hunting and fishing license from a Department office or online. A person may select the start date for the combination hunting and fishing license provided the date selected is no more than 60 calendar days from and after the date of purchase.

b. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the combination hunting and fishing license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

D. A resident or nonresident may apply for a combination hunting and fishing license by submitting an application to the Department, a License Dealer as defined under R12-4-101, or online at www.azgfd.gov. The application is furnished by the Department and is available at any Department office, license dealer, and online at www.azgfd.gov. A combination hunting and fishing license applicant shall provide the following information on the application:

1. The applicant’s:
   a. Name;
   b. Date of birth,
   c. Physical description, to include the applicant’s eye color, hair color, height, and weight;
   d. Department identification number, when applicable;
   e. Residency status and number of years of residency immediately preceding application, when applicable;
   f. Mailing address, when applicable;
   g. Physical address;
   h. Telephone number, when available; and
   i. E-mail address, when available; and

2. Affirmation that the information provided on the application is true and accurate; and

3. Applicant’s signature and date.

E. In addition to the requirements listed under subsection (C), an applicant who is applying for a combination hunting and fishing license:

1. In person shall pay the applicable fee required under R12-4-102;
2. Online shall electronically pay the fee required under R12-4-102 and print the new license. A person applying online shall affirm, or provide permission for another person to affirm, the information electronically provided is true and accurate.

F. Exemptions authorized under R12-4-206(E), R12-4-207(E), and R12-4-209(E) also apply to this Section, as applicable.
The benefactor license fee is $1,500. The difference

C. A benefactor license does not expire and remains

B. A resident may apply for a benefactor license by

D. The fees for resident lifetime licenses are deter-

A. A valid hunt permit-tag, nonpermit-tag, or stamp is required to

B. A benefactor license does not expire and remains valid if the licensee subsequently resides outside of this state.

1. A license who resides outside of Arizona shall submit the nonresident fee to purchase any re-

2. Limits established under R12-4-114 for nonresi-

D. A resident may apply for a benefactor license by submitting an application to the Department. The

A. A resident may apply for a benefactor license by

1. The applicant’s:

a. Name;

b. Date of birth;

c. Physical description, to include the applicant’s eye color, hair color, height, and weight;

d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);

e. Department identification number, when applicable;

f. Residency status and number of years of resi-

dency immediately preceding application, when applicable;

g. Mailing address, when applicable;

h. Physical address;

i. Telephone number, when available; and

j. E-mail address, when available; and

2. Affirmation that the information provided on the application is true and accurate; and

3. Applicant’s signature and date.

E. A benefactor license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.

F. A person issued a lifetime license prior to the effective
date of this Section shall be entitled to the privileges established under subsection (A)(1), (A)(2), or (A)(3), as applicable for the equivalent lifetime license.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333, 17-335.01, and 41-1005

Historical Note


R12-4-212. Benefactor License

A. A benefactor license includes the privileges established under R12-4-210(A) and (B). A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the benefactor license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.

B. A benefactor license does not expire and remains valid if the licensee subsequently resides outside of this state.

1. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any re-

quired permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.

2. Limits established under R12-4-114 for nonresi-

dent permit-tags do not apply to a benefactor license holder.

C. The benefactor license fee is $1,500. The difference between $1,500 and the license fee for a resident lifetime combination hunting and fishing license established under R12-4-211(D):

1. Is a donation to the State for continued manage-

ment, protection, and conservation of the State’s wildlife.

2. Shall be credited to the wildlife endowment fund established under A.R.S. § 17-271.

3. May be tax deductible to the extent allowed by federal and state income tax statutes for contri-

butions to qualifying tax-exempt organizations.

D. A resident may apply for a benefactor license by submitting an application to the Department. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov. A benefactor license applicant shall provide the following information on the application:

1. The applicant’s:

a. Name;

b. Date of birth,

c. Physical description, to include the applicant’s eye color, hair color, height, and weight;

d. Social Security Number, when required under A.R.S. §§ 25-320(P) and 25-502(K);

e. Department identification number, when applicable;

f. Residency status and number of years of resi-

dency immediately preceding application, when applicable;

g. Mailing address, when applicable;

h. Physical address;

i. Telephone number, when available; and

j. E-mail address, when available; and

2. Affirmation that the information provided on the application is true and accurate; and

3. Applicant’s signature and date.

E. A benefactor license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.

F. A person issued a benefactor license prior to the effective
date of this Section shall be entitled to the privileges established under subsection (A).

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333, 17-335.01, and 41-1005

Historical Note


R12-4-213. Hunt Permit-tags and Nonpermit-
tags

A. A valid hunt permit-tag or nonpermit-tag is re-
quired to validate a license to take a big game animal or other wildlife requiring a valid tag. Before a person may take a big game animal or other wildlife requiring a tag, the person shall apply for and obtain the appropriate tag required for the take of that big game animal or other wildlife.
An apprentice license is:

B. The apprentice license is valid for the take of big game animals.

C. An apprentice license holder shall be accompanied by a mentor at all times while in the field. A mentor is eligible to apply for no more than two apprentice licenses in any calendar year. A mentor also possesses the applicable Migratory Game Bird stamp and federal waterfowl stamp.

The youth group two-day fishing license is valid for:

1. Two consecutive days,
2. The take of all aquatic wildlife, and
3. All privileges established under R12-4-207(A).

A nonprofit organization or governmental entity may apply for a youth group two-day fishing license at any Department office. An applicant for a youth group two-day fishing license shall be a resident. The applicant shall pay the fee required under R12-4-102 and provide the following information at the time of application:

1. The nonprofit organization’s or governmental entity’s:
   a. Name;
   b. Mailing address; and
   c. Telephone number, when available;
2. The applicant’s:
   a. Name;
   b. Date of birth,
   c. Physical description, to include the applicant’s eye color, hair color, height, and weight;
   d. Department identification number, when applicable;
   e. Mailing address, when applicable;
   f. Physical address;
   g. Telephone number, when available; and
   h. E-mail address, when available;
3. The dates on which the nonprofit organization intends to conduct the youth group fishing activity.
4. The approximate number of youth participating in the group fishing activity.
5. The mentor’s:
   a. Name;
   b. Arizona hunting license number and effective date of the license; and
6. The applicant’s:
   a. Name;
   b. Age;
   c. Date of birth;
   d. Telephone number, when available;
public corporation, or other public entity of this state or any department agency bureau, or office of the federal government that is physically located within this state.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333, and 41-1005

Historical Note

R12-4-216. Crossbow Permit
A. For the purposes of this Section, “crossbow permit” means a document issued by the Department that authorizes the permit holder to use a crossbow during an archery-only season, as prescribed under R12-4-318.
B. A crossbow permit is valid only when the designated animal for the archery-only season may otherwise be taken by crossbow under R12-4-304. Possession of a crossbow permit does not waive any other requirement for method of take or licensing.
C. An applicant for a crossbow permit shall apply on an application form available from any Department office. The applicant shall provide all of the following information on the application form:
1. The applicant’s name, Department identification number, mailing address, and telephone number; and
2. A statement from an M.D., doctor of medicine, with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, with a valid license to practice issued by any state, that affirms the applicant has a permanent disability of at least 90% impairment of function of one arm and provides the physician’s typed or printed name, business address, and signature.
D. All information and documentation provided by an applicant for a crossbow permit is subject to verification by the Department.
E. The Department shall provide written notice to an applicant whose application for a crossbow permit is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.
F. A crossbow permit is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
G. When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and shall exhibit it upon request to any peace officer.
H. A crossbow permit holder shall not transfer the permit to another individual or allow another individual to use the permit.
I. After a hearing and upon sufficient cause showing, the Commission shall revoke the crossbow permit of a crossbow permit holder who transfers the permit to another individual or allows another individual to use the permit. An individual whose crossbow permit is revoked by the Commission may petition the Commission for rehearing in accordance with R12-4-607.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-301(D)(2) and 41-1005

Historical Note

R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)
A. The Department shall issue to a qualified individual a Challenged Hunter Access/Mobility Permit (CHAMP) that allows the individual to perform the following activities:
1. Discharge a firearm or other legal hunting device from a motor vehicle if, under existing conditions, the discharge is otherwise lawful, the motor vehicle is motionless, it is not on any road as defined by A.R.S. § 17-101, and the engine is turned off.
2. Discharge a firearm or other legal hunting device from a watercraft (except a sinkbox), including a watercraft propelled by a motor, sail and wind, or both; if the motor has been shut off, the sail furled, or both; and progress has ceased. The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or propelled by paddle, oars, or pole. A watercraft under power may be used to retrieve dead or wounded wildlife but discharge of a firearm from a watercraft is prohibited if the watercraft is underway.
3. Use off-road locations in a motor vehicle if use is not in conflict with other laws and the motor vehicle is used as a place to wait for game. A motor vehicle shall not be used to chase or pursue game.
4. Designation of an assistant to track and retrieve a wounded animal, and to retrieve the animal, in accordance with the requirements of this Section.
B. A qualified individual who possesses a CHAMP shall comply with all legal requirements governing method of take and licensing.
C. An applicant for a CHAMP shall apply on an application form available from any Department office. The applicant shall provide all of the following information on the application form:
1. The applicant’s name, Department identification number, mailing address, and telephone number.
2. A statement from an M.D., doctor of medicine, with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, with a valid license to practice issued by any state, that provides the physician’s printed or typed name,
business address, and signature, and affirms the applicant is permanently disabled as follows:

a. Has a disability or combination of disabilities that creates a minimum permanent impairment of function of or equivalent to no less than 90% loss of function in one leg;

b. Has a visual field of no more than 20% in the applicant’s best functioning eye;

c. Has vision of 20/200 or less after best correction in the applicant’s best functioning eye.

D. The Department shall provide a CHAMP holder with a dispatch permit that allows the CHAMP vehicle to be used in compliance with all of the following requirements:

1. The site where the animal is wounded and the location from which tracking begins are marked so they can be identified later.

2. The assistant possesses the dispatch permit while tracking and dispatching the wounded animal.

3. The CHAMP vehicle is in the field while the assistant is tracking and dispatching the wounded animal.

4. The assistant does not transfer the dispatch permit to anyone except the CHAMP holder.

5. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season.

6. The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP holder, and the tag of the CHAMP holder is affixed to the carcass.

7. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP holder who strikes the name and authorization of the assistant from the dispatch permit.

H. A dispatch permit is void if all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass.

I. A CHAMP is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.

J. When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the CHAMP, upon request, to any peace officer.

K. A CHAMP holder shall not transfer the permit to another individual or allow another individual to use the permit.

L. After a hearing and upon sufficient cause showing, the Commission shall revoke the CHAMP of a permit holder who transfers the permit to another individual or allows another individual to use the permit, or upon conviction for violating A.R.S. § 17-312 or any other law that governs the take of wildlife, for violation of this Section. If an individual’s CHAMP permit is revoked by the Commission, the individual may petition the Commission for rehearing in accordance with R12-4-607.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-301(B), and 41-1005

Historical Note


R12-4-218. Repealed

Historical Note


R12-4-219. Renumbered

Historical Note

Adopted as an emergency effective July 5, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-3). Correction, Historical Note, Supp. 88-3, should read, “Adopted as an emergency effective July 5, 1988...”; readopted and amended as an emergency effective October 13, 1988 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 88-4). Emergency expired. Readopted without change as an emergency effective January 24, 1989 pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-1). Emergency expired. Former Section R12-4-219 amended and adopted as a permanent rule and renumbered as Section R12-4-424 effective April 28, 1989 (Supp. 89-2).

R12-4-220. Repealed

Historical Note

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Adopted effective January
ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-301. Definitions
In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Article unless otherwise specified:

“Administer” means to pursue, capture, or otherwise restrain wildlife in order to directly apply a drug to wildlife by injection, inhalation, ingestion or any other means.

“Aircraft” means any contrivance used for flight in the air or any lighter-than-air contrivance.

“Artificial lures and flies” means man-made devices intended as visual attractants for fish and does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, artificial salmon eggs, artificial corn, or artificial marshmallows.

“Barbless hook” means any fishhook manufactured without barbs or on which the barbs have been completely closed or removed.

“Body-gripping trap” means a device designed to capture an animal by gripping the animal’s body.

“Cervid” means any member of the deer family (Cervidae); which includes caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer.

“Confinement trap” means a device designed to capture wildlife alive and hold it without harm.

“Crayfish net” means a net that does not exceed 36 inches on a side or in diameter and is retrieved by means of a hand-held line.

“Dip net” means any net, excluding the handle, that is no greater than 3 feet in the greatest dimension, that is hand-held, non-motorized, and the motion of the net is caused by the physical effort of the individual.

“Drug” means any chemical substance, other than food or mineral supplements, which affects the structure or biological function of wildlife.

“Evidence of legality” means the wildlife is accompanied by the applicable license, tag, stamp, or permit required by law and is identifiable as the “legal wildlife” prescribed by Commission Order, which may include evidence of species, gender, antler or horn growth, maturity and size.

“Foothold trap” means a device designed to capture an animal by the leg or foot.

“Instant kill trap” means a device designed to render an animal unconscious and insensitive to pain quickly with inevitable subsidence into death without recovery of consciousness.

“Land set” means any trap used on land rather than in water.

“Minnow trap” means a trap with dimensions that do not exceed 12 inches in depth, 12 inches in width and 24 inches in length.

“Muzzleloading handgun” means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, having a single barrel, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Muzzleloading rifle” means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.

“Nonprofit organization” means an organization that is recognized as nonprofit under Section 501(c) of the U.S. Internal Revenue Code.

“Paste-type bait” means a partially liquefied substance used as a lure for animals.

“Person” means any individual, corporation, partnership, limited liability company, non-governmental organization or club, licensed animal shelter, government entity other than the Department, and any officer, employee, volunteer, member, or agent of a person.

“Pre-charged pneumatic weapon” means an air gun or pneumatic weapon that is charged from an external high compression source such as an air compressor, air tank, or external hand pump.

“Sinkbox” means a low floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Simultaneous fishing” means taking fish by using two lines and not more than two hooks or two artificial lures or flies per line.

“Sinkbox” means a low floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.

“Trap flag” means an attractant made from materials other than animal parts that is suspended at least three feet above the ground.

“Water set” means any trap used and anchored in water rather than on land.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(A)(1)

Historical Note
New Section made by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013. Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013.

R12-4-302. Use of Tags
A. In addition to meeting requirements prescribed under A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.

B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.

C. An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.

D. An individual shall:
1. Take and tag only the wildlife identified on the tag; and
2. Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.

E. Except as permitted under R12-4-217, an individual shall not:
   1. Allow their tag to be attached to wildlife killed by another individual,
   2. Allow their tag to be possessed by another individual who is in a hunt area,
   3. Attach their tag to wildlife killed by another individual,
   4. Attach a tag issued to another individual to wildlife, or
   5. Possess a tag issued to another individual while in a hunt area.

F. Except as permitted under R12-4-217, immediately after an individual kills wildlife, the individual shall attach the tag to the wildlife carcass in the following manner:
   1. Remove all of the detachable paper covering from the adhesive back of the tag;
   2. Seal the exposed adhesive portions of the tag around the wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible, and
      a. For antelope, deer, or elk: seal the tag around the antler or horn, or through the gambrel of a hind leg;
      b. For bear, bighorn sheep, buffalo, javelina, or mountain lion: seal the tag through the gambrel of a hind leg; and
      c. For pheasant, sandhill crane, or turkey: seal the tag around the neck or a leg.

G. An individual who lawfully takes wildlife with a valid tag and authorizes another individual to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that animal.

H. If a tag is sealed or mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

Authorizing Statute
   General: A.R.S. § 17-231(A)(1)

Historical Note
Former Section R12-4-51 renumbered as Section R12-4-302 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (D), (E), and repealed subsection (G) effective May 12, 1982 (Supp. 82-3). Amended effective March 23, 1983 (Supp. 83-2). Amended subsection (F) effective October 31, 1984 (Supp. 84-5). Amended subsections (A), (D), (F) and (G) and added a new Section (H) effective June 4, 1987 (Supp. 87-2). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Section R12-4-302 repealed, new Section R12-4-302 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed, new Section adopted effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013.

R12-4-303. Unlawful Devices, Methods, and Ammunition
   A. In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following devices, methods, and ammunition are unlawful for taking any wildlife in this state:
      1. An individual shall not use any of the following to take wildlife:
         a. Fully automatic firearms, including firearms capable of selective automatic fire; or
         b. Tracer, armor-piercing, or full-jacketed ammunition designed for military use.
      2. An individual shall not use or possess any of the following while taking wildlife:
         a. Poisoned projectiles or projectiles that contain explosives;
         b. Pitfalls of greater than 5-gallon size, explosives, poisons, or stupefying substances, except as permitted under A.R.S. § 17-239 or as allowed by a scientific collecting permit issued under A.R.S. § 17-238;
         c. Any lure, attractant, or cover scent containing any cervid urine; or
         d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights; except for devices such as laser range finders, scopes with self-illuminating reticles, and fiber optic sights with self-illuminating sights or pins that do not project a visible light onto an animal.
      3. An individual shall not:
         a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
         b. Injure, confine, or place a tracking device in or on wildlife for the purpose of aiding another individual to take wildlife.
         c. Place any substance, device, or object in, on, or by any water source to prevent wildlife from using that water source.
         d. Place any substance in a manner intended to attract bears.
         e. Use a manual or powered jacking or prying device to take reptiles or amphibians.
         f. Use dogs to pursue, tree, corner or hold at bay any wildlife for a hunter unless that hunter is present for the entire hunt.
         g. Take migratory game birds, except Eurasian Collared-doves, using a shotgun larger than 10 gauge, a shotgun of any description capable of holding more than three shells unless it is plugged with a one-piece filler that cannot be removed without disassembling the shotgun so that its total capacity does not exceed three shells, electronically amplified bird calls, or baits, as prohibited under 50 C.F.R. 20.21, revised October 1, 2009. The material incorporated by reference in this Section does not include any later amendments or editions.

Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.
R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

A. An individual may only use the following methods to take big game when authorized by Commission Order and subject to the restrictions under R12-4-305 and R12-4-318.

1. To take antelope:
   a. Centerfire rifles;
   b. Muzzleloading rifles;
   c. All other rifles using black powder or synthetic black powder;
   d. Centerfire handguns;
   e. Handguns using black powder or synthetic black powder;
   f. Shotguns shooting slugs, only;
   g. Pre-charged pneumatic weapons .35 caliber or larger;
   h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
   i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(1)(h) to be drawn and held with an assisting device.

2. To take bear:
   a. Centerfire rifles;
   b. Muzzleloading rifles;
   c. All other rifles using black powder or synthetic black powder;
   d. Centerfire handguns;
   e. Handguns using black powder or synthetic black powder;
   f. Shotguns shooting slugs, only;
   g. Pre-charged pneumatic weapons .35 caliber or larger;
   h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
   i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(2)(h) to be drawn and held with an assisting device; and
   j. Pursuit with dogs only between August 1 and December 31, provided the individual shall immediately kill or release the bear after it is treed, cornered, or held at bay. For the purpose of this subsection, “release” means the individual removes the dogs from the area so the bear can escape on its own after it is treed, cornered, or held at bay.

3. To take bighorn sheep:
   a. Centerfire rifles;
   b. Muzzleloading rifles;
   c. All other rifles using black powder or synthetic black powder;
   d. Centerfire handguns;
e. Handguns using black powder or synthetic black powder;
f. Shotguns shooting slugs, only;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(3)(h) to be drawn and held with an assisting device.

4. To take buffalo:
a. State-wide, except for the game management units identified under subsection (A)(4)(b):
   i. Centerfire rifles;
   ii. Muzzleloading rifles;
   iii. All other rifles using black powder or synthetic black powder;
   iv. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
   v. Bows with a standard pull of 40 or more lbs, using arrows with broadheads of no less than 7/8 inch in width with metal cutting edges; and
   vi. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(4)(a)(v) to be drawn and held with an assisting device.
b. In game management units 5A and 5B:
   i. Centerfire rifles;
   ii. Muzzleloading rifles, and
   iii. All other rifles using black powder or synthetic black powder.

5. To take deer:
a. Centerfire rifles;
b. Muzzleloading rifles;
c. All other rifles using black powder or synthetic black powder;
d. Centerfire handguns;
e. Handguns using black powder or synthetic black powder;
f. Shotguns shooting slugs, only;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(5)(h) to be drawn and held with an assisting device.

6. To take elk:
a. Centerfire rifles;
b. Muzzleloading rifles;
c. All other rifles using black powder or synthetic black powder;
d. Centerfire handguns;
e. Handguns using black powder or synthetic black powder;
f. Shotguns shooting slugs, only;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(6)(g) to be drawn and held with an assisting device.

7. To take javelina:
a. Centerfire rifles;
b. Muzzleloading rifles;
c. All other rifles using black powder or synthetic black powder;
d. Centerfire handguns;
e. Handguns using black powder or synthetic black powder;
f. Shotguns shooting slugs, only;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(7)(h) to be drawn and held with an assisting device.
j. .22 rimfire magnum rifles; and
k. 5 mm rimfire magnum rifles.

8. To take mountain lion:
a. Centerfire rifles;
b. Muzzleloading rifles;
c. All other rifles using black powder or synthetic black powder;
d. Centerfire handguns;
e. Handguns using black powder or synthetic black powder;
f. Shotguns shooting slugs or shot;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
i. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(8)(h) to be drawn and held with an assisting device.
j. Artificial light, during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and
k. Pursuit with dogs, provided the individual shall immediately kill or release the mountain lion after it is treed, cornered, or held at bay. For the purpose of this subsection, “release” means the individual removes the dogs from the area so the mountain lion can escape on its own after it is treed, cornered, or held at bay.

9. To take turkey:
   a. Shotguns shooting shot;
   b. Bows with a standard pull of 30 or more lbs, using arrows with broadheads no less than 7/8 inch in width with metal cutting edges; and
   c. Crossbows with a minimum draw weight of 125 lbs, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal cutting edges or bows as described in subsection (A)(9)(b) to be drawn and held with an assisting device.

B. An individual may only use the following methods to take small game, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.

1. To take cottontail rabbits and tree squirrels:
   a. Firearms,
   b. Bow and arrow,
   c. Crossbow,
   d. Pneumatic weapons,
   e. Slingshots,
   f. Hand-held projectiles,
   g. Falconry, and
   h. Dogs.

2. To take all upland game birds and Eurasian Collared-doves:
   a. Bow and arrow;
   b. Falconry;
   c. Pneumatic weapons;
   d. Shotguns shooting shot, only;
   e. Handguns shooting shot, only;
   f. Crossbow;
   g. Slingshot;
   h. Hand-held projectiles; and
   i. Dogs.

3. To take migratory game birds, except Eurasian Collared-doves:
   a. Bow and arrow;
   b. Crossbow;
   c. Falconry;
   d. Dogs;
   e. Shotguns shooting shot:
      i. Ten gauge or smaller, except that lead shot shall not be used or possessed while taking ducks, geese, swans, mergansers, common moorhens, or coots; and
      ii. Incapable of holding more than a total of three shells, as prescribed under 50 C.F.R. 20.21, published October 1, 2009. The material incorporated by reference in this subsection does not include any later amendments or editions. The material is available at any Department office, online from the Government Printing Office web site www.gpoaccess.gov, or may be ordered from the Superintendence of Documents, U.S. Government Printing Office, 732 N. Capitol St. N.W., Stop: IDCC, Washington, D.C. 20401.

C. An individual may take waterfowl from any watercraft, except a sinkbox, subject to the following restrictions:

1. The motor is shut off, the sail is furled, as applicable, and any progress from a motor or sail has ceased;

2. The watercraft may be:
   a. Adrift as a result of current or wind action;
   b. Beached;
   c. Moored;
   d. Resting at anchor; or
   e. Propelled by paddle, oars, or pole; and

3. The individual may only use the watercraft under power to retrieve dead or crippled waterfowl; shooting is prohibited while the watercraft is underway.

D. An individual may take predatory and furbearing animals by using the following methods, when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:

1. Firearms;
2. Pre-charged pneumatic weapons .22 caliber or larger;
3. Bow and arrow;
4. Crossbow;
5. Traps not prohibited under R12-4-307;
6. Artificial light while taking raccoon provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail;
7. Artificial light while taking coyote during seasons with day-long hours, provided the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail; and

8. Dogs.

E. An individual may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303 or R12-4-318, subject to the following restrictions. An individual:

1. Shall not take nongame mammals and birds using foothold traps;
2. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;

3. Shall not use firearms at night; and

4. May use artificial light while taking nongame mammals and birds, if the light is not attached to or operated from a motor vehicle, motorized watercraft, watercraft under sail, or floating object towed by a motorized watercraft or a watercraft under sail.

F. An individual may take reptiles by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. An individual:

1. Shall check pitfall traps of any size daily, release non-target species, remove pitfalls when no longer in use, and fill any holes;
2. Shall not use firearms at night; and
B. In addition to the requirement in subsection (A), an individual shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile that the individual possesses, transports, or imports until arrival at the individual’s permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

A. An individual shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wild mammal, bird, or reptile that the individual possesses, transports, or imports until arrival at the individual’s permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.

B. In addition to the requirement in subsection (A), an individual possessing or transporting the following wildlife shall ensure each:

1. Big game animal, sandhill crane, and pheasant has the required valid tag attached as prescribed under R12-4-302;
2. Migratory game bird, except sandhill cranes, has one fully feathered wing attached;
3. Sandhill crane has either the fully feathered head or one fully feathered wing attached; and
4. Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached, when the current Commission Order has established separate bag or possession limits for any species of quail.

C. An individual who has lawfully taken wildlife that requires a valid tag when prescribed by the Commission may authorize its transportation or shipment by completing and signing the Transportation and Shipping Permit portion of the valid tag for that animal. A separate Transportation and Shipping Permit issued by the Department is necessary to transport or ship to another state or country any big game taken with a resident license. Under A.R.S. § 17-372(B), an individual may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation and Shipping Permit issued by the Department. The individual shall provide the following information on the permit form:

1. Number and description of the wildlife to be transported or shipped;
2. Name, address, license number, and license class of the individual who took the wildlife;
3. Tag number;
4. Name and address of the individual receiving a portion of the carcass of the wildlife as authorized under subsection (D), if applicable;
5. Address of destination where the wildlife is to be transported or shipped; and
6. Name and address of transporter or shipper.

D. An individual who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife by separating and attaching the tag as prescribed under R12-4-302.

E. An individual who receives a portion of the wildlife shall provide the identity of the individual who took and gave the portion of the wildlife.

F. An individual shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as prescribed under R12-4-308.

G. Except as provided under R12-4-307, before an individual may sell, offer for sale, or export the raw pelt or unskinned carcass of a bobcat taken in this state the individual shall:

1. Present the bobcat for inspection at any Department office, and
2. Purchase a bobcat seal by paying the fee established under R12-4-102 at any Department office or other location as determined and published by the Department. Department personnel or an authorized agent shall attach and lock the bobcat seal only to a pelt or unskinned carcass presented with a validated transportation tag.

H. An individual who takes bear or mountain lion under A.R.S. § 17-302 during a closed season may retain the carcass of the wildlife if the individual has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag as required under R12-4-114 and R12-4-302, unless the individual has already taken the applicable bag limit for that big game animal. An animal retained under this subsection shall count towards the applicable bag limit for bear or mountain lion as authorized by Commission Order. The individual shall comply with inspection and reporting requirements established under R12-4-308.

I. An individual may possess, transport, or import only the following portions of a cervid lawfully taken in another state or country:
1. Boneless portions of meat, or meat that has been cut and packaged;
2. Clean hides and capes with no skull or soft tissue attached, except as required for proof of legality;
3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
4. Finished taxidermy mounts or products; and
5. Upper canine teeth with no meat or tissue attached.

J. A private game farm license holder may transport a cervid lawfully killed or slaughtered at the license holder’s game farm to a licensed meat processor.

K. An individual may possess or transport only the following portions of a cervid lawfully killed or slaughtered at a private game farm authorized under R12-4-413:
   1. Boneless portions of meat, or meat that has been cut and packaged;
   2. Clean hides and capes with no skull or soft tissue attached;
   3. Clean skulls with antlers, clean skull plates, or antlers with no meat or soft tissue attached;
   4. Finished taxidermy mounts or products; and
   5. Upper canine teeth with no meat or tissue attached.

L. An individual who obtains buffalo meat as authorized under R12-4-306 may sell the meat.

M. Except for cervids, which are subject to requirements established under subsections (I), (J), and (K), an individual may import into this state the carcasses or parts of wildlife, including aquatic wildlife, lawfully taken in another state or country if transported and exported in accordance with the laws of the state or country of origin.

N. An individual in possession of or transporting the carcass of any freshwater fish taken within this state shall ensure that the head, tail, or skin is attached so that the species can be identified, numbers counted, and any required length determined.

O. An individual shall not transport live crayfish from the site where taken, except as permitted under R12-4-316.

P. An individual in possession of a carp (Cyprinus carpio), buffalo (Ictiobus spp.), or crayfish (families Astacidae, Cambaridae, and Parastacidae) carcass taken under Commission Order may sell the carcass.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-306. Buffalo Hunt Requirements
A. When authorized by Commission Order, the Department shall conduct a hunt to harvest buffalo from the state’s buffalo herds.

B. A hunter with a buffalo permit-tag or nonpermit-tag shall:
   1. Provide a signed written acknowledgment that the hunter received, read, understands, and agrees to comply with the requirements of this Section.
   2. Be accompanied by an authorized Department employee, when required, and
   3. Take only the buffalo designated by the Department employee, when required.

C. For the House Rock Herd (Units 12A, 12B, and 13A): when required by the Department, a hunter with a nonpermit-tag shall:
   1. Hunt in the order scheduled.
   2. Be accompanied by a Department employee who:
      a. Shall designate the buffalo to be harvested, and
      b. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.

D. For the Raymond Herd (Units 5A and 5B):
   1. A hunter with a permit-tag shall:
      a. Hunt in the order scheduled, and
      b. Be accompanied by an authorized Department employee who:
         i. Shall designate the buffalo to be harvested, and
         ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.
   2. When required by the Department, a hunter with a nonpermit-tag shall:
      a. Hunt in the order scheduled,
      b. Be accompanied by a Department employee who:
         i. Shall designate the buffalo to be harvested.
         ii. May assist in taking the buffalo if the hunter fails to dispatch a wounded buffalo within a reasonable period.

E. A hunter issued a buffalo permit-tag or non-permit tag shall check out no more than three days after the end of the hunt, regardless of whether the hunter was successful, unsuccessful, or did not participate in a buffalo hunt.

1. House Rock Herd (Units 12A, 12B, and 13A): a hunter may check out either in person or by telephone at the House Rock Wildlife Area headquarters, the Jacob Lake Check station when open during deer season, or the Department’s Flagstaff regional office.

2. Raymond Herd (Units 5A and 5B):
   a. A successful hunter shall check out in person at the Raymond Wildlife Area headquarters or the Department’s Flagstaff regional office. The hunter shall present the buffalo to the Department for the purpose of gathering biological data.
b. An unsuccessful hunter shall check out by telephone at the Raymond Wildlife Area headquarters or the Department’s Flagstaff regional office.

3. At the time of check-out, the hunter shall provide all of the following information:
   a. Hunter’s name,
   b. Hunter’s contact number,
   c. Tag number,
   d. Sex of buffalo taken,
   e. Age of the buffalo taken: adult or yearling,
   f. Number of days hunted, and
   g. Number of buffalo seen while hunting.

4. When accompanied by an authorized Department employee, the employee shall conduct the check-out at the end of the hunt.

F. Failure to comply with the requirements of this Section shall result in the invalidation of the hunter’s permit-tag or nonpermit-tag, consistent with the written acknowledgment signed and agreed to by the hunter.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(3), and 17-233

Historical Note

Former Section R12-4-55 renumbered as Section R12-4-306 without change effective August 13, 1981 (Supp. 81-4).
Amended subsections (A), (B), and (D) effective May 12, 1982 (Supp. 82-3). Amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Amended effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013.

R12-4-307. Trapping Regulations: Licensing; Methods; Tagging of Bobcat Pelts

A. An Arizona trapping license permits an individual to trap predatory and fur-bearing animals. The Department shall issue a registration number to a trapper and enter the number on the trapping license at the time the trapper purchases the license. The trapper registration number is not transferable.

B. A trapping license is required for any individual 14 years of age and older. An individual under the age of 14 is not required to purchase a trapping license, but shall apply for and obtain a registration number.

C. An individual born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course before applying for a trapping license.

D. An individual applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.

E. An individual applying for a trapping registration number or trapping license shall apply using a form furnished by the Department. The form is available at any Department office and online at www.azgfd.gov. The individual shall provide all of the following information on the form:
   1. Applicant’s:
      a. Full name, address, and telephone number;
      b. Date of birth and physical description;
   2. Identification number assigned by the Department;
   3. Category of license:
      a. Resident,
      b. Nonresident, or
      c. Juvenile, and
   4. The applicant’s signature.

F. A trapper may only trap predatory and fur-bearing animals during trapping seasons established by Commission Order.

G. A trapper shall:
   1. Inspect traps daily;
   2. Kill or release all predatory and fur-bearing animals;
   3. Possess a choke restraint device that enables the trapper to release a javelina from a trap when trapping in a javelina hunt unit, as designated by Commission Order;
   4. Possess a device that is designed or manufactured to restrain a trapped animal while it is being removed from a trap when its release is required by this Section; and
   5. Release, without additional injury, all animals that cannot lawfully be taken by trap.

6. Subsections (G)(3) and (G)(4) do not apply when the trapper is using a confinement trap.

H. A trapper shall not:
   1. Bait a confinement trap with:
      a. A live animal;
      b. Any edible parts of small game, big game, or game fish; or
      c. Any part of any game bird or nongame bird.
   2. Set any trap within:
      a. One-half mile of any of the following areas developed for public use:
         i. Boat launching area,
         ii. Camping area,
         iii. Picnic area, or
         iv. Roadside rest area.
      b. One-half mile of any occupied residence or building without permission of the owner or resident.
      c. One-hundred yards of an interstate highway or any other highway maintained by the Arizona Department of Transportation.
      d. Fifty feet of any trail maintained for public use by a government agency.
      e. Seventy-five feet of any other road as defined under A.R.S. § 17-101.
   f. Subsections (H)(2)(b), (H)(2)(c), (H)(2)(d), and (H)(2)(e) do not apply when the trapper is using a confinement trap.
   3. Set a foothold trap within 30 feet of sight-exposed bait.
   4. Use any:
      a. Body-gripping or other instant kill trap with an open jaw spread that exceeds 5 inches for any land set or 10 inches for any water set;
      b. Foothold trap with an open jaw spread that exceeds 7 1/2 inches for any water set;
      c. Snare, unless authorized under subsection (I);
d. Trap with an open jaw spread that exceeds 6 1/2 inches for any land set; or

e. Trap with teeth.

I. A trapper who uses a foothold trap to take wildlife with a land set shall use commercially manufactured traps that meet the following specifications:

1. A padded or rubber-jawed trap or an unpadded trap with jaws permanently offset to a minimum of 3/16 inch and a device that allows for pan tension adjustment;

2. A foothold trap that captures wildlife by means of an enclosed bar or spring designed to prevent the capture of non-targeted wildlife or domestic animals; or

3. A powered cable device with an inside frame hinge width no wider than 6 inches, a cable loop stop size of at least 2 inches in diameter to prevent capture of small non-targeted species, and a device that allows for a pan tension adjustment.

J. A trapper who uses a foothold trap to take wildlife with a land set shall ensure that the trap has an anchor chain equipped with at least two swivels as follows:

1. An anchor chain 12 inches or less in length shall have a swivel attached at each end.

2. An anchor chain greater than 12 inches in length shall have one swivel attached at the trap and one swivel attached within 12 inches of the trap. The anchor chain shall be equipped with a shock-absorbing spring that requires less than 40 pounds of force to extend or open the spring.

K. A trapper shall ensure that each trap has either the name and address or the registration number of the trapper marked on a metal tag attached to the trap. The number assigned by the Department is the only acceptable registration number.

L. A trapper shall immediately attach a valid bobcat transportation tag to the pelt or unskinned carcase of a bobcat taken in this state. The trapper shall validate the transportation tag by providing all of the following information on the bobcat transportation tag:

1. Current trapping license number
2. Game management unit where the bobcat was taken
3. Sex of the bobcat,
4. Method by which the bobcat was taken

M. The Department shall provide transportation tags with each trapping license. Additional transportation tags are available at any Department office at no charge.

N. A trapper shall ensure that all bobcats taken in this state have a bobcat seal attached and locked either through the mouth and an eye opening or through both eye openings no later than 10 days after the close of trapping season.

1. When available, bobcat seals are issued on a first-come, first-served basis at Department offices and other locations at those times and places as determined and published by the Department.

2. The trapper shall pay the bobcat seal fee established under R12-4-102.

3. Department personnel or an authorized agent shall attach and lock a bobcat seal only to a pelt or unskinned carcase presented with a validated transportation tag and a complete lower jaw identified with labels provided with the transportation tag. Department personnel or authorized agents shall collect the transportation tags and jaws before attaching the bobcat seal.

O. Department personnel shall attach a bobcat seal to a bobcat pelt seized under A.R.S. § 17-211(E)(4) before disposal by the Department to the public.

P. A licensed trapper shall file the annual report prescribed under A.R.S. § 17-361(D).

1. The trapper shall submit the report to Arizona Game and Fish Department, Game Branch, 5000 W. Carefree Highway, Phoenix, AZ 85086 by April 1 of each year.

2. A report is required even when trapping activities were not conducted. The report form is available at any Department office and online at www.azgfd.gov.

3. The Department shall deny a trapping license to any trapper who fails to submit an annual report until the trapper complies with reporting requirements.

Q. Persons suffering property loss or damage due to wildlife and who take responsive measures as permitted under A.R.S. §§ 17-239 and 17-302 are exempt from this Section. This exemption does not authorize any form of trapping prohibited under A.R.S. § 17-301.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)


Historical Note

The Department has the authority to establish mandatory wildlife check stations.

1. The Department shall publish in the Commission Order establishing the season the:
   a. Location,
   b. Check-in requirements, and
   c. Check-out requirements for that specific season.

2. The Department shall ensure a wildlife check station with a published:
   a. Check-in requirement is open:
      i. 8:00 a.m. the day before the season until 8:00 p.m. the first day of the season, and
      ii. 8:00 a.m. to 8:00 p.m. during each day of the season.
   b. Check-out requirement is open:
      i. 8:00 a.m. to 8:00 p.m. during each day of the season, and
      ii. Until 12:00 noon on the day after the close of the season.

3. A hunter shall:
   a. Check in at a wildlife check station in person before hunting when the Department includes a check-in requirement in the Commission Order for that season;
   b. Check out at a wildlife check station in person after hunting when the Department includes a check-out requirement in the Commission Order for that season and shall:
      i. Present for inspection any wildlife taken;
      ii. Display any license, tag, or permit required for taking or transporting wildlife.

B. The Department may conduct inspections of lawfully taken wildlife at the Department’s Phoenix and regional offices or designated locations during the posted business hours

1. A bighorn sheep hunter shall check out either in person or by designee within three days after the close of the season. The hunter or designee shall submit the intact horns and skull for inspection and photographing. A Department representative shall affix a mark or seal to one horn of each bighorn sheep lawfully taken under Commission Order either in person or by telephone within 48 hours of taking the wildlife. The report shall include the:
   i. Name of the hunter,
   ii. Hunter’s hunting license number,
   iii. Sex of the wildlife taken,
   iv. Management unit where the wildlife was taken,
   v. Telephone number where the hunter can be reached for additional information, and
   vi. Any additional information required by the Department.

2. A successful bear or mountain lion hunter shall:
   a. Report information about the kill to the Department either in person or by telephone within 48 hours of taking the wildlife. The report shall include the:
      i. Name of the hunter,
      ii. Hunter’s hunting license number,
      iii. Sex of the wildlife taken,
      iv. Management unit where the wildlife was taken,
      v. Telephone number where the hunter can be reached for additional information, and
      vi. Any additional information required by the Department.
   b. Present either in person or by designee the skull, hide, and attached proof of sex for inspection within 10 days of taking the wildlife. If a hunter freezes the skull or hide before presenting it for inspection, the hunter shall prop the jaw open to allow access to the teeth and ensure that the attached proof of sex is identifiable and accessible.

3. For seasons other than bear, bighorn sheep, or mountain lion, where a harvest objective is established, a successful hunter shall report information about the kill either in person or by telephone within 48 hours of taking the wildlife. The report shall include the information required under subsection (B)(2)(a).

C. The Director may establish vehicle roadblocks at specific locations when necessary to ensure compliance with applicable wildlife laws. Any occupant of a vehicle at a roadblock shall, upon request, present for inspection all wildlife in possession, and produce and display any license, tag, stamp, or permit required for taking or transporting wildlife.

D. This Section does not limit the game ranger or wildlife manager’s authority to conduct stops, searches, and inspections authorized under A.R.S. §§ 17-211(E), 17-250(A)(4), and 17-331, or to establish voluntary wildlife survey stations to gather biological information.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Historical Note

Amended effective June 29, 1978 (Supp. 78-3). Former Section R12-4-57 renumbered as Section R12-4-308 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective May 12, 1982 (Supp. 82-3). Amended subsections (B), (D), and (F), and added subsection (G) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-308 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-308 repealed, new Section R12-4-308 adopted effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective July 12, 1996 (Supp. 96-3). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 12 A.A.R. 683, effective April 8, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013.
before the anticipated start date of the activity and provide all of the following:

1. A plan that includes:
   a. The purpose and need for the proposed activity;
   b. A clear statement of the objectives; for fertility control the statement shall include the target wildlife population goals or densities and the anticipated time-frame for meeting these objectives;
   c. A description of the agent, drug, or method including federal approvals or permits obtained, as applicable, and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
   d. Required approvals, including, but not limited to, any federal or state agency approvals for specific use;
   e. Citations of published scientific literature documenting field studies on the efficacy and safety for both target and non-target species, including predators, scavengers, and humans;
   f. A description of the activity area;
   g. A description of the target species population and current status;
   h. A description of the field methodology for delivery that includes the following, as applicable:
      i. Timing,
      ii. Sex and number of animals to be treated,
      iii. Percentage of the population to be treated,
      iv. Calculated population effect, and
      v. Short and long term monitoring and evaluation procedures.

2. Documentation regarding the experience and credentials of the applicant or the applicant's agents as it applies to the requested activity;
3. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution; and
4. Written permission from landowners or lessees in all locations where the drug will be administered.

C. The Department shall notify the applicant of the Department's decision to grant or deny the request within 90 days. The Department has the authority to place conditions on the written authorization regarding:

1. Locations and time-frames,
2. Drugs and methodology,
3. Limitations,
4. Reporting requirements, and
5. Any other conditions deemed necessary by the Department.

D. A person with authorization shall:
1. Carry written authorization while engaged in the activity and exhibit it upon request to any peace officer;
2. Allow Department personnel to be present to monitor activities for compliance, public safety, and proper treatment of animals;
3. Adhere to all drug label restrictions and precautions;
4. Provide an annual and final report:
   a. The annual report must include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals.
   b. The final report must include the end results, including the number of wildlife treated and treatment effects on target and non-target wildlife, including mortalities, morbidities, and reproductive rate changes.
5. Comply with all conditions and requirements set forth in the written authorization.

E. This Section does not prohibit the treatment of wildlife by a licensed veterinarian or holder of a special license in accordance with R12-4-407(A)(2) and (8), R12-4-428(B)(13), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423, an individual exempt from special licensing under R12-4-407(A)(4) and (5), or reasonable lethal removal activities for wildlife control as authorized under A.R.S. § 17-239(A).

F. This Section does not limit:
1. Department employees or Department agents in the performance of their official duties related to wildlife management,
2. The practices of aquaculture facilities administered by the US Fish and Wildlife Service, and commercial aquaculture facilities operating under a valid license from the Arizona Department of Agriculture, or
3. The use of supplements or drugs as a part of conventional livestock operations where those supplements may incidentally be consumed by wildlife.

G. The Department shall take possession of and dispose of any remaining wildlife drugs administered in violation of this Section and any devices and paraphernalia used to administer those drugs, as authorized under A.R.S. §§ 17-211(E), 17-231(A), and 17-240(B).

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-310. Fishing Permits
A. The Department may issue a fishing permit to state, county, or municipal agencies or departments and to nonprofit organizations licensed by or contracted with the Department of Economic Security or Department of Health Services, whose primary purpose is to provide physical or mental rehabilitation or training for individuals with physical, developmental, or mental disabilities.

B. The permit:
1. Is valid for the two days specified on the permit;
2. Authorizes up to 20 individuals with physical, developmental, or mental disabilities to fish without a fishing license upon any public waters except that fishing in the waters of the Colorado River is restricted to fishing from the Arizona shoreline only, unless the persons fishing under the authority of the permit also possess a valid Colorado River stamp from the adjacent state; and
3. Does not exempt individuals fishing under the authority of the permit from compliance with other statutes, Commission Orders, and rules not contained in this Section.

C. An applicant for a fishing permit shall submit a properly completed application to the Department. The application is furnished by the Department and is available at any Department office and online at www.azgfd.gov.

1. The applicant shall provide all of the following information:
   a. The name, address, and telephone number of the agency, department, or nonprofit organization requesting the permit;
   b. The name, position title, and telephone number of the individual responsible for supervising the individuals fishing under the authority of the permit;
   c. The total number of individuals who will be fishing under the authority of the permit;
   d. The dates of the two days for which the permit will be valid; and
   e. The location for which the permit will be valid.

2. In addition to the information required under subsection (C)(1), nonprofit organizations shall also submit documentation that they are licensed by or have a contract with the Department of Economic Security or the Department of Health Services for the purpose of providing rehabilitation or treatment services to individuals or groups with physical, developmental, or mental disabilities.

D. The Department shall issue or deny the fishing permit to an applicant within 30 calendar days of receiving an application.

E. The fishing permit holder shall provide instruction on fish identification, fishing ethics, safety, and techniques to the individuals who will be fishing under authority of the permit. The Department shall provide the lesson plan for this instruction to the permit holder.

F. Each individual fishing without a license under the authority of the fishing permit may take only one-half the regular bag limit established by Commission Order for any species, unless the regular bag limit is one, in which case the permit authorizes the regular limit.

G. The permit holder shall submit a report to the Department not later than 30 days after the end of the authorized fishing dates. The report form is furnished by the Department and is available at any Department office. The permit holder shall report all of the following information on the form:
   1. The fishing permit number and the information contained in the permit;
   2. The total number of individuals who fished and total hours fished;
   3. The total number of fish caught, kept, and released, by species.

H. The Department may deny future fishing permits to a permit holder who failed to submit the report until the permit holder complies with reporting requirements.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-311. Exemptions from Requirement to Possess an Arizona Fishing License or Hunting License While Taking Wildlife

In addition to the exemptions prescribed under A.R.S. § 17-335, R12-4-206(E), R12-4-207(E), and R12-4-209(E) and provided the person’s fishing and hunting license privileges are not currently revoked by the Commission:

1. A fishing license is not required when a person is:
   a. Fishing from artificial ponds, tanks, and lakes contained entirely on private lands that are not:
      i. Open to the public, and
      ii. Managed by the Department.
   b. Taking terrestrial mollusks or crustaceans from private property.
   c. Fishing in Arizona on any designated Saturday occurring during National Fishing and Boating Week, except in waters of the Colorado River forming the common boundaries between Arizona and California, Nevada, or Utah where fishing without a license is limited to the shoreline, unless the state with concurrent jurisdic-
tion removes licensing requirements on the same day.

d. Participating in an introductory fishing education program sanctioned by the Department, during scheduled program hours, only. A sanctioned program shall have a Department employee, sport fishing contractor, or authorized volunteer instructor present during scheduled program hours. For the purposes of this subsection, “authorized volunteer instructor” means a person who has successfully passed the Department’s required background check and sport fishing education workshop.

2. A hunting license is not required when a person is participating in an introductory hunting event organized, sanctioned, or sponsored by the Department. The person may hunt small game, furbearing, predator, and designated mammals during scheduled event hours, only. To hunt migratory game birds, the individual shall have any stamps required by federal regulation. The introductory hunting event shall have a Department employee, certified hunter education instructor, or authorized volunteer present during scheduled hunting hours. For the purposes of this subsection, “authorized volunteer” means a person who has successfully passed the Department’s required background check and Department event best practices training. This subsection does not apply to any event that requires participants to obtain a permit-tag or nonpermit-tag.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-301, 17-331, and 17-335

R12-4-312. Repealed

Historical Note
Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-61 renumbered as Section R12-4-312 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (E) and (F) effective December 17, 1981 (Supp. 81-6). Amended subsections (A), (C), (D), (E), and added subsection (G) effective December 9, 1982 (Supp. 82-6). Amended subsection (A), paragraph (1) effective November 27, 1984 (Supp. 84-6). Amended effective December 13, 1985 (Supp. 85-6). Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-312 repealed, new Section R12-4-312 adopted effective January 1, 1989, filed December 30, 1988 (Supp. 89-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Repealed by exempt rulemaking at 19 A.A.R. 3225, effective January 1, 2014.

R12-4-313. Lawful Methods of Taking Aquatic Wildlife

A. An individual may take aquatic wildlife as defined under A.R.S. § 17-101, subject to the restrictions prescribed under R12-4-303, R12-4-317, and this Section. Aquatic wildlife may be taken during the day or night and may be taken using artificial light as prescribed under A.R.S. § 17-301.

B. The Commission may, through Commission Order, prescribe legal sizes for possession of aquatic wildlife.

C. An individual may take aquatic wildlife by angling or simultaneous fishing as defined under R12-4-301 with any bait, artificial lure, or fly subject to the following restrictions, an individual:

1. Shall not possess aquatic wildlife other than aquatic wildlife prescribed by Commission Order;
2. Shall not use the flesh of game fish as bait, except sunfish of the genus Lepomis;
3. May use live baitfish, as defined under R12-4-101, only in areas designated by Commission Order; and
4. Shall not use waterdogs as live bait in that portion of Santa Cruz County lying east and south of State Highway 82 or that portion of Cochise County lying west of the San Pedro River and south of State Highway 82.

D. In addition to angling, an individual may also take the following aquatic wildlife using the following methods, subject to the restrictions established under R12-4-303, R12-4-317, and this Section:

1. Carp (Cyprinus carpio), buffaloish, mullet, tilapia, goldfish, and shad may be taken by:
   a. Bow and arrow,
   b. Crossbow,
   c. Snare,
   d. Gig,
   e. Spear or spear gun, or
   f. Snagging,

2. Except for snagging, an individual shall not use any of the methods of take listed under subsection
R12-4-314. Repealed

Historical Note

R12-4-315. Possession of Live Fish; Unattended Live Boxes and Stringers

A. An individual may possess fish taken alive as provided under R12-4-313 on the waters where taken, except when the take or possession is expressly prohibited under R12-4-313 or R12-4-317, but the individual shall not transport the fish alive from the waters where taken except as authorized under R12-4-316.

B. An individual shall attach water resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the individual’s:
   1. Name,
   2. Address, and
   3. Fishing license number.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-316. Possession, Transportation, or Importation of Live Baitfish, Crayfish, or Waterdogs

A. An individual may possess live baitfish, crayfish, or waterdogs for use as live bait only as established under R12-4-317 and this Section.

B. An individual may possess or transport the following live baitfish for personal use as live bait as established under R12-4-317:
   1. Fathead minnow (*Pimephales promelas*),
   2. Mosquitofish (*Gambusia affinis*),
3. Threadfin shad (*Dorosoma petenense*),
4. Golden shiners (*Notemigonus crysoleucas*), and
5. Goldfish (*Carassius auratus*).

C. An individual who possesses a valid Arizona fishing license may:
1. Import, transport, or possess live waterdogs for personal use as bait, except in the portion of Santa Cruz County lying east and south of State Highway 82 or the portion of Cochise County lying west of the San Pedro River and south of State Highway 82.
2. Import live baitfish listed under subsection (B) from California or Nevada without accompanying documentation certifying the fish are free of disease.
3. Import live baitfish listed under subsection (B) from any other state with accompanying documentation certifying that the fish are free of Furunculosis.

D. An individual may:
1. Trap or capture live crayfish as provided under R12-4-313.
2. Use live crayfish as bait only in the body of water where trapped or captured, not in an adjacent body of water, except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.

E. An individual shall not:
1. Import, transport, move between waters, or possess live crayfish for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, and except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
2. Transport crayfish alive from the site where taken except for the portion of La Paz County west of Highway 95 and south of Interstate 10, Yuma County, and on the Colorado River from the Palo Verde Diversion Dam downstream to the Southern international boundary with Mexico.
3. Import, transport, move between waters, or possess live red shiner (*Cyprinella lutrensis*) for personal use.

### Authorizing Statute

**General:** A.R.S. § 17-231(A)(1)

**Specific:** A.R.S. §§ 17-102, 17-231(A)(3), 17-301, and 17-306

### Historical Note

Amended effective June 4, 1976 (Supp. 76-3). Amended effective June 4, 1979 (Supp. 79-3). Amended subsections (A), (B), (C), and (D) effective December 29, 1980 (Supp. 80-6). Former Section R12-4-65 renumbered as Section R12-4-316 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (B), (C), and (F) effective February 9, 1984 (Supp. 84-1). Amended effective December 31, 1984 (Supp. 84-6). Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-316 repealed, new Section R12-4-316 adopted effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2147, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013.

### R12-4-317. Seasons for Lawfully Taking Fish, Mollusks, Crustaceans, Amphibians, and Aquatic Reptiles

A. Methods of lawfully taking aquatic wildlife during seasons designated by Commission Order as “general” seasons are designated under R12-4-313.

B. Other seasons designated by Commission Order have specific requirements and lawful methods of taking more restrictive than those for general seasons, as prescribed under this Section. While taking aquatic wildlife under R12-4-313 an individual participating in:
1. An “artificial lures and flies only” season shall use only artificial lures and flies as defined under R12-4-301. The Commission may further restrict “artificial lures and flies only” season to the use of barbless or single barbless hooks as defined under R12-4-301.
2. A “live baitfish” season shall not possess or use any species of fish as live bait at, in, or upon any waters unless that species is specified as a live baitfish for those waters by Commission Order. Live baitfish shall not be transported from the waters where taken except as authorized under R12-4-316.
3. An “immediate kill or release” season shall kill immediately release the designated species. An “immediate kill” season shall immediately kill and retain the designated species as part of the bag limit.
4. A “catch and immediate release” season shall immediately release the designated species.
5. An “immediate kill” season shall immediately kill and retain the designated species as part of the bag limit.
6. A “snagging” season shall use this method only at times and locations designated by Commission Order.
7. A “spear or spear gun” season shall use this method only at times and locations designated by Commission Order.

C. A “special” season may be designated by Commission Order to allow fish to be taken by hand or by any hand-held, non-motorized implement that does not discharge a projectile. The “special” season may apply to any waters where a fish die-off is imminent due either to poor or low water conditions, Department fish renovation activities, or as designated by Commission Order.

### Authorizing Statute

**General:** A.R.S. § 17-231(A)(1)

**Specific:** A.R.S. §§ 17-102, 17-231(A)(3), 17-234, and 17-301

### Historical Note

Renumbered, then repealed and readopted as Section R12-4-317 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-66 renumbered as Section R12-4-317 without change.
When designated by Commission Order, the following seasons have specific requirements and lawful methods of take more restrictive than those for general and special seasons, as prescribed under this Section. While taking the species authorized by the season, a person participating in:

1. A “CHAMP” season shall be a challenged hunter access/mobility permit holder as established under R12-4-217.

2. A “youth-only hunt” shall be under the age of 18. A youth hunter whose 18th birthday occurs during a “youth-only hunt” for which the youth hunter has a valid permit or tag may continue to participate for the duration of that “youth-only hunt.”

3. A “pursuit-only” season may use dogs to pursue bears, mountain lions, or raccoons as designated by Commission Order, but shall not kill or capture the quarry. A person participating in a “pursuit-only” season shall possess and, at the request of Department personnel, produce an appropriate and valid hunting license and any required tag for taking the animal pursued, even though there shall be no kill.

4. A “restricted season” may use any lawful method authorized for a specific species under R12-4-304, except dogs may not be used to pursue the wildlife for which the season was established.

5. An “archery-only” season shall not use any other weapons, including crossbows or bows with a device that holds the bow in a drawn position except as authorized under R12-4-216. A person participating in an “archery-only” season may use one or more the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
   a. Bows and arrows, and
   b. Falconry.

6. A “handgun, archery, and muzzleloader (HAM)” season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
   a. Bows and arrows,
   b. Crossbows or bows to be drawn and held with an assisting device, and
   c. Handguns, and
   d. Muzzle-loading rifles as defined under R12-4-301.

7. A “muzzleloader” season may use one or more of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
   a. Bows and arrows;
   b. Crossbows or bows to be drawn and held with an assisting device; and
   c. Muzzleloading rifles or handguns, as defined under R12-4-301.

8. A “limited weapon” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
   a. Any trap except foothold traps,
   b. Bows and arrows,
   c. Capture by hand,
   d. Crossbows or bows to be drawn and held with an assisting device,
   e. Dogs,
   f. Falconry,
   g. Hand-propelled projectiles,
   h. Nets,
   i. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
   j. Slingshots.

9. A “limited weapon hand or hand-held implement” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
   a. Capture by hand,
   b. Dogs,
   c. Falconry,
   d. Hand-propelled projectiles,
   e. Nets,
   f. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
   g. Slingshots.

10. A “limited weapon-pneumatic” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
    a. Any trap except foothold traps,
    b. Bows and arrows,
    c. Capture by hand,
    d. Crossbows or bows to be drawn and held with an assisting device,
   e. Dogs,
   f. Falconry,
   g. Hand-propelled projectiles,
   h. Nets,
   i. Pneumatic weapons discharging a single projectile .25 caliber or smaller, or
   j. Slingshots.

11. A “limited weapon-rimfire” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:
    a. Any trap except foothold traps,
    b. Bows and arrows,
    c. Capture by hand,
    d. Crossbows or bows to be drawn and held with an assisting device,
   e. Dogs,
   f. Falconry,
   g. Hand-propelled projectiles,
12. A “limited weapon-shotgun” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:  
   a. Any trap except foothold traps,  
   b. Bows and arrows,  
   c. Capture by hand,  
   d. Crossbows or bows to be drawn and held with an assisting device,  
   e. Dogs,  
   f. Falconry,  
   g. Hand-propelled projectiles,  
   h. Nets,  
   i. Pneumatic weapons,  
   j. Shotgun shooting shot or slug, or  
   k. Slingshots.

13. A “limited weapon-shotgun shooting shot” season may use one or more of the following methods or devices for taking wildlife, if authorized under R12-4-304 as lawful for the species hunted:  
   a. Any trap except foothold traps,  
   b. Bows and arrows,  
   c. Capture by hand,  
   d. Crossbows or bows to be drawn and held with an assisting device,  
   e. Dogs,  
   f. Falconry,  
   g. Hand-propelled projectiles,  
   h. Nets,  
   i. Pneumatic weapons,  
   j. Shotgun shooting shot, or  
   k. Slingshots.

14. A “falconry-only” season shall be a falconer licensed under R12-4-422 unless exempt under A.R.S. § 17-236(C) or R12-4-407. A falconer participating in a “falconry-only” season shall use no other method of take except falconry.

15. A “raptor capture” season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.

**Historical Note**


**R12-4-319. Use of Aircraft to Take Wildlife**

A. For the purposes of this Section, “locate” means any act or activity that does not take or harass wildlife and is directed at locating or finding wildlife in a hunt area.

B. An individual shall not take or assist in taking wildlife from or with the aid of aircraft.

C. Except in hunt units with Commission-ordered special seasons under R12-4-115 and R12-4-120 and hunt units with seasons only for mountain lion and no other concurrent big game season, an individual shall not locate or assist in locating wildlife from or with the aid of an aircraft in a hunt unit with an open big game season. This restriction begins 48 hours before the opening of a big game season in a hunt unit and extends until the close of the big game season for that hunt unit.

D. An individual who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or an individual who assists or will assist such a licensee shall not use an aircraft to locate wildlife beginning 48 hours before and during a Commission-ordered special season.

E. This Section does not apply to any individual acting within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)


**Historical Note**


**R12-4-320. Harassment of Wildlife**

A. In addition to the provisions established under A.R.S. § 17-301, it is unlawful to harass, molest, chase, rally, concentrate, herd, intercept, torment, or drive wildlife with or from any aircraft as defined
under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.

B. This Section does not apply to individuals acting:
1. In accordance with the provisions established under A.R.S. § 17-239; or
2. Within the scope of official duties as an employee or authorized agent of the state or the United States to manage or protect or aid in the management or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
New Section made by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013.

R12-4-321. Restrictions for Taking Wildlife in City, County, or Town Parks and Preserves

A. All city, county, and town parks and preserves are closed to hunting, unless open by Commission Order.

B. Unless otherwise provided under Commission Order or rule, a city, county, or town may:
1. Limit or prohibit any individual from hunting or trapping within 1/4 mile of any:
   a. Developed picnic area,
   b. Developed campground,
   c. Boat ramp,
   d. Shooting range,
   e. Occupied structure, or
   f. Golf course.
2. Require an individual entering a city, county, or town park or preserve, for the purpose of hunting, to declare the individual’s intent to hunt when entering the park or preserve, if the park or preserve has an entry station in operation.
3. Allow an individual to take wildlife in a city, county, or town park or preserve only during the posted park or preserve hours.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-322. Pickup and Possession of Wildlife Carcasses or Parts

A. For the purposes of this Section, the following definitions apply:
1. “Fresh” means the majority of the wildlife carcass or part is not exposed dry bone and is comprised mainly of hair, hide, or flesh.
2. “Not fresh” means the majority of the wildlife carcass or part is exposed dry bone due to natural processes such as scavenging, decomposition, or weathering.

B. If not contrary to federal law or regulation, an individual may pick up and possess naturally shed antlers or horns or other wildlife parts that are not fresh without a permit or inspection by a Department officer.

C. If not contrary to federal law or regulation, an individual may only pick up and possess a fresh wildlife carcass or its parts under this Section if the individual notifies the Department prior to pick up and possession and:
1. The Department’s first report or knowledge of the carcass or its parts is voluntarily provided by the individual wanting to possess the carcass or its parts;
2. A Department law enforcement officer is able to observe the carcass or its parts at the site where the animal was found in the same condition and location as when the animal was originally found by the individual wanting to possess the carcass or its parts; and
3. A Department law enforcement officer, using the officer’s education, training, and experience, determines the animal died from natural causes. The Department may require the individual to take the officer to the site where the animal carcass or parts were found when an adequate description or location cannot be provided to the officer.

D. If a Department law enforcement officer determines that the individual wanting to possess the carcass or its parts is authorized to do so under subsection (C), the officer may authorize possession of the carcass or its parts.

E. Wildlife parts picked up and possessed from areas under control of jurisdictions that prohibit such activity, such as other states, reservations, or national parks, are illegal to possess in this state.

F. This Section does not authorize the pickup and possession of a threatened or endangered species carcass or its parts.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(B)(8), 17-307, and 17-371

Historical Note
New Section made by final rulemaking at 19 A.A.R. 826, effective July 1, 2013.
ARTICLE 4. LIVE WILDLIFE

R12-4-401. Live Wildlife Definitions
In addition to definitions given in A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

1. “Agent” means an individual that assists a special license holder in performing activities that are authorized by the special license to achieve the objectives for which the license was issued.
2. “Aquarium trade” means the commercial industry that lawfully trades in aquatic live wildlife and its customers.
3. “Captive live wildlife” means live wildlife that is held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.
4. “Cervid” means a mammal classified as a Cervidae or member of the deer family found anywhere in the world, as defined in the taxonomic classification from Volumes I and II of Walker’s Mammals of the World, Sixth Edition, 1999, and not including any later edition. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 North Charles Street, Baltimore MD, 21218-4363.
5. “Circus” means a scheduled event where a variety of entertainment is the principal business, primary purpose, and attraction. “Circus” does not include animal displays or exhibits held as an attraction for a secondary commercial endeavor.
6. “Collect” means to take wildlife alive under the provisions of a scientific collecting permit.
7. “Commercial” means the buying or selling of wildlife or their parts, or the exchange of anything of monetary value for the use of wildlife.
8. “Domestic” means an animal species that does not exist in the wild, and includes animal species that have only become feral after they were released by humans that held them in captivity, or are individuals or populations that escaped from human captivity.
9. “Educational display” means a display of captive live wildlife in public understanding of wildlife biology, conservation, and management without requiring or soliciting payment from an audience or an event sponsor. For the purposes of this Article, “to display for educational purposes” refers to display as part of an educational display.
10. “Endangered or threatened” means wildlife that is listed in 50 CFR 17.11, revised as of August 4, 2004 not including any later amendments or editions, which is incorporated by reference. A copy of the list is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
11. “Evidence of lawful possession” means any license or permit that allows possession of a specific live wildlife species or individual, or other documentation that establishes lawful possession. Other forms of documentation may include but are not limited to: a statement of nonrequirement for a license or permit for specific live wildlife species, or individual granted by the country or state of origin.
12. “Exhibit” means to display captive live wildlife in public, or to allow photography of captive live wildlife, for any commercial purpose.
13. “Exotic” means wildlife or offspring of wildlife that is not native to North America.
14. “Fish farm” means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.
15. “Game farm” means a commercial operation that is designed and operated for the purpose of propagating, rearing, or selling terrestrial wildlife or the parts of terrestrial wildlife for any purpose stated in R12-4-413.
16. “Hybrid wildlife” means an offspring from two different wildlife species or genera. Offspring from a wildlife species and a domestic animal species are not considered to be wildlife.
17. “Live baitfish” means any species of live freshwater fish designated by Commission order as lawful for use in taking aquatic wildlife under R12-4-313.
19. “Native” means wildlife or offspring of wildlife that occurred naturally within the present boundaries of Arizona before European settlement.
20. “Nonnative” means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.
21. “Photography” means any process that captures light to produce an exact image of wildlife or parts of wildlife on another medium.
22. “Propagate” means the production of offspring that qualify as wildlife from captive live wildlife parents.
23. “Rehabilitated wildlife” means live wildlife that is injured, orphaned, sick, or otherwise debilitated and is provided care to restore it to a healthy condition suitable for release to the wild or for lawful captive use.
24. “Restricted live wildlife” means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption. Restricted live wildlife are listed in R12-4-406.
25. “Shooting preserve” means any operation where live wildlife is released for the purpose of hunting.
26. “Special license” means any permit or license issued under this Article, including any additional stipulations placed on the license that authorizes specific activities normally prohibited by A.R.S. § 17-306 and R12-4-402.
27. “Stock” and “stocking” mean to release live aquatic wildlife into public or private waters other than the waters where taken.
28. “Wildlife of special concern” means any species listed in “Wildlife of Special Concern,” published by the Arizona Game and Fish Department. A
copy is available for inspection at any Department office.

29. “Zoonotic” means a disease that can be transmitted to humans from other animals.

Authorizing Statute
General: A.R.S. § 17-231(A)(1),
Specific: A.R.S. §§ 17-102, 17-238, and 17-306

Historical Note

R12-4-402. Live Wildlife: Unlawful Acts
A. An individual shall not perform any of the following activities with live wildlife unless authorized by this Chapter or A.R.S. Title 3, Chapter 16:
1. Import any live wildlife into the state;
2. Export any live wildlife from the state;
3. Transport, possess, offer for sale, sell, sell as live bait, trade, give away, purchase, rent, lease, display, exhibit, propagate, stock, or release live wildlife within the state; or
4. Kill any captive live wildlife;
B. If an individual lawfully possesses wildlife, but holds it in a manner that poses an actual or potential threat to other wildlife, or the safety, health, or welfare of the public, the Department shall seize, quarantine, or hold the wildlife.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-231(B)(8), 17-240, 17-250(A), 17-250(B), and 17-306

Historical Note
Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

R12-4-403. Escaped or Released Live Wildlife
The Department may take any live wildlife that has been released, escapes, or is likely to escape if the wildlife poses an actual or potential threat to native wildlife or to the safety, health, or welfare of the public. An individual shall not release live wildlife under A.R.S. § 17-306, unless authorized by this Chapter. The Department may also take live wildlife as prescribed by this Section if the wildlife is held under a special license.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(B)(8), 17-238(A), 17-240(A), 17-250(A), 17-250(B), 17-306, and 17-314

Historical Note
Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License
A. An individual may take wildlife from the wild alive under a valid Arizona hunting or fishing license only if there is a Commission Order that prescribes a live bag and possession limit for that wildlife and the individual possesses the appropriate license. An individual may possess, transport, place on educational display, photograph, propagate, or kill for personal use any wildlife taken under an Arizona hunting or fishing license, except that live baitfish may be possessed and transported only in accordance with R12-4-316. An individual shall dispose of any wildlife taken under an Arizona hunting or fishing license as prescribed by subsection (B).

B. An individual who possesses wildlife or offspring of wildlife under this Section shall only dispose of the wildlife or its offspring by giving it as a gift, exporting it to another state or jurisdiction, or as directed in writing by the Department. An individual shall not dispose of wildlife taken as prescribed by this Section or offspring of the wildlife by selling, bartering, trading, or exporting it for commercial purposes. Exported live wildlife and its offspring shall not be sold, bartered, purchased, rented, leased, offered for sale, or used for any commercial purpose. An individual shall not export live desert tortoises (Gopherus agassizii) from the state without written authorization from the Department. The Department shall only authorize an individual to export live desert tortoises to another jurisdiction where they can be legally possessed. An individual may release live wildlife possessed under this Section into the wild, but only if the wildlife is not removed from the area where it was taken.

C. An individual shall not exceed the possession limit of live wildlife established by Commission Order for that species. Offspring of wildlife possessed under this Section count towards the possession limit. If any offspring of amphibians or reptiles exceed the possession limit, they may be held in captivity for 12 months from the date of birth or hatching. Before or on the day the offspring of reptiles and amphibians reach 12 months of age, the individual that possesses them shall dispose of them by giving them as gifts or as directed by the Department.

D. An individual may propagate desert tortoises possessed under R12-4-407(A)(1), and may hold offspring in captivity for 24 months from the date of hatching. An individual shall dispose of desert tortoises at the end of the 24 months by giving them as gifts or as directed in writing by the Department.

E. An individual who possesses live wildlife or offspring of wildlife under this Section shall report the wildlife to the Department as prescribed under R12-4-425 if the wildlife becomes restricted under R12-4-406.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
Adopted effective April 28, 1989 (Supp. 89-2). Amended effective January 1, 1995, filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended by final
R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit

A. An individual may import mammals, birds, and reptiles not listed in R12-4-406 without a license or permit from the Department if the animals are lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or are possessed under a lawful exemption.

B. An individual may import live aquatic wildlife not listed in R12-4-406 without a license or permit from the Department under the following conditions:

1. The wildlife is lawfully possessed under a valid license, permit, or other form of authorization from another state, the United States, another country, or is possessed under a lawful exemption;
2. The wildlife is used only for the aquarium trade or a fish farm, as defined in R12-4-401, or for restaurants or markets that are licensed to sell food to the public;
3. If the wildlife is for the aquarium trade or a fish farm, the wildlife is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported through this state;
4. If the wildlife is for restaurants or markets, the wildlife is killed before it is transported from the restaurant or market, or if transported alive from the market is conveyed directly to its final destination for preparation as food; and
5. If the individual is engaged in the aquarium trade and wishes to purchase aquatic live wildlife or the individual wishes to purchase aquatic live wildlife for restaurants or fish markets.

C. Aquatic live wildlife that is used in the aquarium trade shall not be used for any reason other than as a pet or in an ornamental display. An individual in the aquarium trade shall not use wildlife that is listed as restricted live wildlife under R12-4-406. An individual shall keep live aquatic wildlife that is used in the aquarium trade in an aquarium or an enclosed pond that does not allow the wildlife to leave the aquarium or pond, and does not allow other live aquatic wildlife to enter.

D. An individual shall obtain an appropriate special license listed in R12-4-409(A) before importing aquatic live wildlife for any purpose not stated in subsection (B). An individual may import aquatic live wildlife into this state if an exemption exists in this Chapter.

E. An individual may purchase, possess, exhibit, transport, propagate, trade, rent, lease, give away, sell, offer for sale, export, or kill wildlife or aquatic wildlife or its offspring without an Arizona license or permit if the wildlife is lawfully imported and possessed as prescribed under subsections (A) or (B).

F. An individual shall use and dispose of wildlife that is taken under an Arizona hunting or fishing license as prescribed by R12-4-404, or R12-4-417 and this Article, if applicable.

Authorizing Statute
General: A.R.S. § 17-237(A)(1)
Specific: A.R.S. §§ 17-102, 17-238(B), and 17-306

Historical Note

R12-4-406. Restricted Live Wildlife

A. For the purposes of this Section, "transgenic species" means any organism that has had genes from another organism put into its genome through direct human manipulation of that genome. Transgenic species do not include natural hybrids nor individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the animal is an offspring of a wildlife species.

B. In addition to any applicable federal license or permit an individual shall possess the appropriate special license listed under R12-4-409(A) or act under a lawful exemption from the requirements of this Article in order to possess wildlife listed under this Section for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-402, or R12-4-1102. Exemptions from these requirements are listed under A.R.S. § 17-255.04, R12-4-316, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.

C. Requirements for the use of wildlife that occurs in the wild in this state and that has been taken alive under the authority of a valid state hunting and fishing license are prescribed in R12-4-404 and R12-4-405.

D. Domestic animals, as defined in R12-4-401, are not subject to restrictions under A.R.S. Title 17, this Chapter, or Commission Orders.

E. Hybrid wildlife, as defined in R12-4-401, that result from the interbreeding of at least one parent species of wildlife that is listed under this Section are regulated by this Section.

F. Unless specified otherwise in this Article, all transgenic species are restricted live wildlife.

G. Unless specified otherwise, mammals listed below are restricted live wildlife as defined in R12-4-401. The taxonomic classification from Volumes I and II of Walker's Mammals of the World, Sixth Edition, 1999, and not including any later edition, is the authority in the following designations. A copy is available for inspection at any Department office and from the Johns Hopkins University Press, 2715 N. Charles St., Baltimore, MD 21218-4363.

1. All species of the genus Didelphis. Common name: American opossums;
2. All species of the order Insectivora. Common names include: Insectivores, shrews, hedgehogs, tenrecs, solenodonts, and moles;
3. 3. All species of the order Chiroptera. Common name: bats;
4. All species of the family Pongidae of the order Primates. Common names include: orangutans, chimpanzees, gorillas;
5. All species of the order Xenarthra. Common names include: edentates; or sloths, anteaters, and armadillos;
6. All species of the order Lagomorpha, except the genus Oryctolagus. Common names include: pikas, rabbits, and hares. Genus Oryctolagus, containing domestic rabbits, is not wildlife;
7. All species of the following families of the order Rodentia. Common name: rodents.
   a. The family Sciuridae. Common names: squirrels, chipmunks, marmots, woodchucks, and prairie dogs;
   b. The family Geomyidae. Common name: pocket gophers;
   c. The family Castoridae. Common name: beavers;
   d. The family Erethizontidae. Common name: New World porcupines; and
   e. The family Capromyidae. Common names include: hutias, coypos, or nutrias;
8. All species of the order Carnivora. Common names include: carnivores, skunks, raccoons, bears, foxes, and weasels; and
9. All species of the following families of the order Artiodactyla. Common name: even-toed ungulates.
   a. The family Tayassuidae. Common name: peccaries;
   b. The family Cervidae. Common names include: cervids; or deer, elk, moose, wapiti, and red deer;
   c. The family Antilocapridae. Common name: pronghorn; and
   d. The family Bovidae. Common names include: cattle, buffalo, bison, oxen, duikers, antelopes, gazelles, goats, and sheep, except that the following are not restricted:
      i. The genus Bubalus. Common name: water buffalo; and
      ii. The genus Bison. Common name: bison, American bison or buffalo.
H. Birds listed below are restricted live wildlife as defined in R12-4-401.
1. The following species within the family Passeriformes. Common names: partridges, grouse, turkeys, quail, and pheasants.
   a. Callipepla gambeli. Common name: Gambel's quail;
   b. Callipepla squamata. Common name: scaled quail;
   c. Colinus virginianus. Common name: northern bobwhite. Restricted only in game management units 34A, 36A, 36B, and 36C as prescribed in R12-4-108;
   d. Cyrtonyx montezumae. Common name: Montezuma, harlequin or Mearns's quail; and
   e. Dendragapus obscurus. Common name: blue grouse; and
I. Reptiles listed below are restricted live wildlife as defined in R12-4-401.
1. All species of the order Crocodylia. Common names include: gavials, caimans, crocodiles, and alligators;
2. The following species of the order Testudines. Common names include: turtles and tortoises;
   a. All species of the family Chelydridae. Common name: snapping turtles; and
   b. All species of the genus Gopherus. Common name: gopher tortoises, including the desert tortoise; and
3. All species of the following families or genera of the order Squamata.
   a. The family Helodermaedidae. Common names include: Gila monster and Mexican beaded lizard;
   b. The family Elapidae. Common names include: cobras, mambas, coral snakes, kraits, and Australian elapids;
   c. The family Hydrophiidae. Common name: sea snakes;
   d. The family Viperidae. Common names include: true vipers and pipe vipers, including rattlesnakes;
   e. The family Atractaspidae. Common name: burrowing asps; and
   f. The following species and genera of the family Colubridae:
      i. Dispholidus typus. Common name: boomslang;
      ii. Thelotornis kirtlandii. Common name: bird snake or twig snake;
      iii. Rhabdophis. Common name: keelback; and
J. Amphibians listed below are restricted live wildlife as defined in R12-4-401. The following species within the order Anura, common names frogs and toads.
1. All species of the genus Xenopus. Common name: clawed frogs;
2. The species Bufo horribilis, Bufo marinus, Bufo paracnemis. Common names include: giant or marine toads; and
3. All species of the genus Rana. Common names include: leopard frogs and bullfrogs. Bullfrogs possessed under A.R.S. § 17-102 are exempt.
K. Fish listed below are restricted live wildlife as defined in R12-4-401.
1. Arctic grayling, the species Thymallus arcticus;
2. Bass, all species of the family Serranidae;
3. Bighead carp, the species Aristichthys nobilis;
4. Black carp, the species Mylopharyngodon piceus;
5. Bony tongue, the species Arapaima gigas;
6. Bowfin, the species Aplodinotus grunniens;
1. Asian carp, all species of the family Cyprinidae;
2. Asp, all species of the family Aspidae; and
3. Asian mitten crab, the species Eriocheir sinensis.

M. Crustaceans listed below are restricted live wildlife as defined in R12-4-401:
1. Atlantic spiny crab, the species Cancer irroratus;
2. Woodchuck, the species Marmota monax; and
3. Rosey wolfsnail, the species Euglandina rosea; and
4. Zebra mussel, the species Dreissena polymorpha.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(2), 17-231(B)(8), 17-255, 17-255.02, and 17-306

Historical Note

R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife
A. An individual is not required to possess a special license to lawfully possess restricted live wildlife under the following exemptions:
1. An individual may possess, transport, or give away a desert tortoise (Gopherus agassizii) without a special license if that individual possessed it before April 28, 1989. An individual who possesses a desert tortoise before this date may propagate it, and hold offspring in captivity for 24 months from the date of hatching. The individual shall dispose of the offspring of desert tortoises before or at the end of the 24 months by giving them as a gift or as directed in writing by the Department. An individual who receives a desert tortoise that is given away under this Section is also exempt from the special license requirements.
2. A licensed veterinarian may possess wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed by the Department, if:
a. The veterinarian keeps records of restricted live wildlife as required by the Veterinary Medical Examining Board and makes the records available for inspection by an authorized Department employee; and
b. The Commission or Department assumes no financial responsibility for any care that a veterinarian provides, except care authorized by the Department.
3. An individual may import, possess, and export restricted live wildlife if that individual:
a. Transports the wildlife through the state within 72 continuous and consecutive hours; and
b. Ensures that only one individual transports the wildlife. The individual may transport the wildlife personally or allow another individual to transport the wildlife;
ec. Ensures that the wildlife is neither transferred nor sold to another individual; and
8. An individual may import, purchase, possess, exhibit, and export restricted live wildlife for a government-authorized state or county fair or circus; or may import, possess, transport, and export the wildlife for the purpose of photography. An individual may perform any of these activities if the individual:
   a. Possesses evidence of lawful possession as defined in R12-4-401 for the wildlife;
   b. Ensures that the evidence of lawful possession accompanies the wildlife stated on that evidence;
   c. Ensures that the wildlife does not come into physical contact with the public;
   d. Keeps the wildlife under complete control by safe and humane means; and
   e. Ensures that the wildlife is not in this state for more than 60 consecutive days.

5. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430, an individual may import, transport, possess, exhibit, and export restricted live wildlife if that individual:
   a. Ensures that the wildlife is accompanied by evidence of lawful possession as defined in R12-4-401;
   b. Maintains the wildlife under complete control by safe and humane means;
   c. Ensures that the wildlife does not come into physical contact with the public;
   d. Does not charge a fee to the public to view the wildlife; and
   e. Exports the wildlife from the state within 10 days of importation.

6. An individual may possess restricted live wildlife that is taken alive under R12-4-404, R12-4-405, and R12-4-427, but the individual must possess the wildlife as prescribed by those Sections.

7. An Arizona sport falconry license is not required for a visiting nonresident falconer hunting on a valid Arizona hunting license if the falconer is licensed in the falconer’s state of residency.

8. An individual may import, purchase, possess, transport, trade, give away, propagate, kill, and export restricted live wildlife if the individual is doing so for a medical or scientific research facility that is registered with the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare, revised January 2000, not including any later amendments or editions, which is incorporated by reference in this Section. A copy is available for inspection at any Department office, or it may be ordered from the United States Department of Agriculture, Marketing, and Regulatory Programs, Animal and Plant Health Inspection Service, Animal Care, Western Region, 9580 Micron Ave., Suite J, Sacramento, CA 95827-2623, (916) 857-6205.

9. An individual may import and transport live game fish and crayfish directly to restaurants or markets that are licensed to sell food to the public.

10. Restaurants and markets that are licensed to sell food to the public may possess, exhibit, offer for sale, and sell live game fish or crayfish. Live game fish and crayfish shall be killed before they are transported from the restaurant or market.

11. An individual may possess and propagate live freshwater crayfish (families Astacidae, Cambaridae, and Parastacidae) and their offspring without a special license, if the crayfish were possessed before January 1, 2001. An individual may not transport, sell, offer for sale, give away, or release live freshwater crayfish except as allowed under this Section or R12-4-316.

B. An exemption granted by this Section is not valid for any wildlife protected by federal statute or regulation unless supported by federal permission or documentation rendering the exemption lawful.

Authorizing Statute
   General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-408. Holding Wildlife for the Department

A. A game ranger may authorize an individual to possess or transport live wildlife on behalf of the Department if the wildlife is needed as evidence in a pending civil or criminal proceeding.

B. With the exception of live cervids, a designated Department employee has the authority to allow an individual to possess and transport captive live wildlife for up to 72 hours.

C. The Director has the authority to allow an individual to hold a live cervid for the Department.

Authorizing Statute
   General: A.R.S. § 17-231(A)(1)
   Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(B)(8), 17-238(A), 17-240(A), and 17-306

Historical Note

R12-4-409. General Provisions and Penalties for Special Licenses

A. Special licenses are listed as follows:
   1. Aquatic wildlife stocking permit, prescribed by R12-4-410;
2. Game bird field training permit, prescribed by R12-4-416;
3. Game bird field trial license, prescribed by R12-4-415;
4. Game bird hobby license, prescribed by R12-4-419;
5. Game bird shooting preserve license, prescribed by R12-4-414;
6. Live bait dealer's license, prescribed by R12-4-411;
7. Private game farm license, prescribed by R12-4-413;
8. Scientific collecting permit, prescribed by R12-4-418;
9. Sport falconry license, prescribed by R12-4-422;
10. White amur stocking and holding license, prescribed by R12-4-424;
11. Wildlife holding license, prescribed by R12-4-417;
12. Wildlife rehabilitation license, prescribed by R12-4-423;
13. Wildlife service license, prescribed by R12-4-421; and

B. An applicant for any special license listed in subsection (A) shall submit an application to the Department for that license according to the Section that prescribes requirements for that special license. Applications for special licenses are available at any Department office. The Department shall either grant or deny a special license within the overall time-frame prescribed for that special license under R12-4-106, and in a manner consistent with A.R.S. Title 41, Section 6, Article 7.1. By signing the application, the applicant attests that they are authorized or have permission to conduct special license activities at any locations specified in the application.

C. In addition to any criteria prescribed by a special license's governing Section, the Department shall deny a special license to an applicant if:
   1. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
   2. The applicant has been convicted of illegally holding or possessing live wildlife within three years of applying for a special license;
   3. The applicant knowingly provides false information on an application; or
   4. The applicant submits an incomplete application.

D. If an individual obtains a special license despite meeting any criteria for denial, the license shall be void and of no effect from the date of issuance. If an applicant is denied a special license listed in subsection (A), the Department shall provide a written notice to the applicant that states the reason for denial with references to the statutes or rules on which the denial is based. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

E. Special license holders are not exempt from any municipal, county, state or federal statutes, rules, or ordinances. A special license does not authorize an individual to engage in any activity using wildlife if the wildlife is protected by federal regulation. A special license holder may only engage in authorized activities using federally-protected wildlife if the license holder possesses a valid license, permit, or other form of documentation issued by the United States that authorizes the license holder to use that wildlife in a manner consistent with the special license.

F. The Department has the authority to place additional stipulations on a special license at the time of application or renewal if necessary to conserve wildlife populations, prevent introduction and proliferation of wildlife diseases, prevent wildlife from escaping, or for public health or safety.

G. A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed by R12-4-428, or if applicable, as otherwise required by the Section that prescribes captivity requirements under the special license. The Department may authorize one of its employees to make a reasonable inspection of a facility to ensure that it complies with all requirements prescribed by this Article. The Department shall ensure that an inspection does not inadvertently transmit disease among facilities.

H. A special license holder shall keep records according to the Section that prescribes requirements for the special license. The license holder shall make the records available for inspection to any authorized Department employee upon reasonable request.

I. If a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of wildlife, including wildlife held under a special license, as determined by a person with relevant expertise, the Department shall immediately order a cessation of operation under the special license and, if necessary, order humane disposition or quarantine of any contaminated or threatened wildlife. The license holder shall perform disease testing, submit biological samples to the Department or its designee, quarantine the wildlife, or destroy the wildlife as directed by the Department. The license holder shall ensure that any disease giving rise to an emergency condition under this subsection is diagnosed by an individual or individuals professionally certified to make the diagnosis. Once operation has ceased and an emergency no longer exists, subsection (J) applies.

J. If a condition exists, including disease or any violation of this Article, that poses a threat to the welfare of wildlife, including the wildlife held, or the public, but the threat does not constitute an emergency, the Department shall provide the license holder a written notice of the condition, by certified mail or personal service, specifying a reasonable time for the license holder to cure the noticed condition. Failure of the license holder to cure the noticed condition within the time specified by the Department is a violation under subsection (K). If a licensee receives three notices under this subsection for the same condition within a two-year period, the Department shall treat the third notice as a failure to cure.
K. The Department has the authority to do any or all of the following as it deems necessary: file criminal charges; suspend a special license; seize, or seize in place any wildlife held under a special license, and unless the license holder appeals the conviction, humanely dispose of the wildlife, if a special license holder:
   1. Violates any provision of this Section;
   2. Violates any provision of the special license that the individual possesses, including any stipulations applied by the Department;
   3. Violates A.R.S. § 13-2908, relating to criminal nuisance;
   4. Violates A.R.S. § 13-2910, relating to cruelty to animals;
   5. Is convicted of any other criminal offense involving cruelty to animals;
   6. Refuses to allow reasonable inspection of facilities, wildlife, or required records; or
   7. Fails to keep records or submit reports if required by this Section or the Section that governs any special license, listed in subsection (A), that the individual possesses.

L. An individual may appeal to the Commission any Department action listed in subsection (K), except filing of criminal charges, as prescribed by A.R.S. Title 41, Chapter 6, Article 10.

M. All special licenses listed in subsection (A) expire on December 31 for the year issued unless otherwise specified in the governing Section. If the special license holder does not submit an application to the Department for a new license by the date that the license expires, any live wildlife possessed under the license is considered unlawfully possessed, and the Department has the authority to seize it. If the special license holder submits an application for a new license on or before the date that the license expires, the license holder's current license remains valid until the Department grants or denies the new special license. If the Department denies the new license, and the license holder appeals the denial to the Commission as prescribed by subsection (D), the license holder may continue to hold the wildlife until the date that the Commission makes its final decision on the denial.

N. If the special license holder chooses to renew the license, the license holder shall submit an application for a new license as required by the governing Section.

O. If required by the governing Section, a special license holder shall submit an annual report to the Department before January 31 of each year on activities performed under the license for the previous calendar year. If the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the annual report is due within 30 days after the license holder’s termination of affiliation with that entity. The special license holder shall submit the following information and any additional information required by the governing Section:
   1. The license holder’s name, address, telephone number, and special license number;
   2. The number and species of all restricted live wildlife obtained and the date when it was obtained;
   3. The source of all restricted live wildlife obtained and the date when it was obtained;
   4. The number of offspring propagated by all restricted live wildlife; and
   5. If applicable, the number, species, and date of disposition and manner of disposition of all wildlife, including the names and addresses of individuals to whom the wildlife was sold, bartered, or given, if authorized.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-410. Aquatic Wildlife Stocking Permit
A. An aquatic wildlife stocking permit allows an individual to perform any of the following: import, purchase, possess, transport and stock any species designated on the permit at the location specified on the permit.

B. An applicant shall apply for an aquatic stocking permit on forms provided by the Department. Applications are available at any Department office. An applicant shall provide the following on the application:
   1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
   2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant’s business;
   3. The wildlife species, the number of animals per species, and the approximate size of the wildlife that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
   4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the holding site, including river drainage, township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
   5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
   6. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;
7. The date wildlife will be stocked, or dates if stocking will take more than one day;
8. If the applicant is applying for an aquatic wildlife stocking permit to stock wildlife in an area where the wildlife has not already been introduced, or where the wildlife is not currently established, or to stock wildlife that conflicts with the Department’s efforts to conserve wildlife, a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states:
a. The purpose for introducing the aquatic live wildlife species;
b. The anticipated benefits from introducing the aquatic live wildlife species;
c. The potential adverse economic impacts of introducing the aquatic live wildlife species;
d. The potential dangers the introduced species could create for native and game fish, including whether or not the introduced species is compatible with native or game fish;
e. The potential ecological problems that the introduced species could create;
f. The diseases and parasites inherent in or associated with the introduced species;
g. The anticipated hybridization concerns with introducing the species; and
h. Any suggestions to evaluate the status and impact of the species after it is introduced; and
9. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant’s knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.

C. An aquatic wildlife stocking permit holder shall stock wildlife only on the date or dates stated on the permit. An aquatic wildlife stocking permit holder is only authorized to stock wildlife for 20 consecutive days.

D. The Department shall issue an aquatic wildlife stocking permit in compliance with R12-4-106. The Department shall deny a wildlife stocking permit if the applicant proposes to use aquatic wildlife that is not compatible with or poses a threat to any wildlife within the drainage or area where the stocking is to occur. If the Department determines that issuance of the permit will result in a negative impact to state wildlife, the Department shall deny the permit. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D).

E. An aquatic wildlife stocking permit holder shall obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond that has been certified free of the diseases and causative agents specified by any additional stipulation placed on the permit by the Department at the time of application or permit renewal, as authorized by R12-4-409(F). Certification is based on a physical inspection of the fish farm or fish pond of origin performed not more than 12 months before the wildlife or biological material is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months. The inspection shall be performed by a qualified fish health inspector or fish pathologist. The inspection shall be performed at the fish farm or fish pond where the wildlife or biological material is held before it is shipped. A copy of the certification shall accompany each shipment.

F. Native aquatic wildlife species shall be obtained and disposed of as directed by the Department.

G. An aquatic wildlife stocking permit holder is subject to the provisions of R12-4-409 and R12-4-428.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(B)(8), 17-238(A), 17-240(A), 17-250(A), 17-250(B), 17-306, and 41-1005

Historical Note
7. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a live bait dealer's license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

D. A live bait dealer's license holder shall obtain live baitfish from a facility that is certified free of the diseases and causative agents specified in any stipulations placed on the permit by the Department as authorized by R12-4-409(F).

E. To receive certification that a facility is free of diseases or causative agents specified in any stipulations that may be placed on the license, the operator of the facility shall ensure that:

1. The inspection is performed by a qualified fish health inspector or fish pathologist;
2. The inspection is performed at the facility where the wildlife is held before it is shipped; and
3. The inspection is performed not more than 12 months before the wildlife is shipped. The Department has the authority to require that an inspection be performed sooner than 12 months before shipping.

F. A live bait dealer's license is subject to the provisions of R12-4-409 and R12-4-428.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(8), 17-238(A), 17-240(A), 17-250(A), 17-250(B), 17-306, 17-333, and 41-1005

**Historical Note**


### R12-4-412. Special License Fees

**A.** A person who applies for a special license authorized under this Article shall pay all applicable fees at the time of application.

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<td>Field Trial License</td>
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<td>Hobby License</td>
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<td>Shooting Preserve License</td>
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<td>Zoo License</td>
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**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333 and 41-1005

**Historical Note**


### R12-4-413. Private Game Farm License

**A.** A private game farm license requires the commercial use of wildlife held under the license. The commercial use of wildlife under this license allows only the following: to offer for sale, sell, trade, rent or lease, give away, purchase, display for sale, import, possess, propagate, rear, transport, and export wildlife or the carcass of wildlife or its parts, as specified on the license. As defined in R12-4-401, propagation involves only wildlife and does not permit possession of domestic animals or other non-wildlife species for propagation. Private game farm wildlife may be killed or slaughtered, but an individual shall not kill or allow the wildlife to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest. Private game farm wildlife shall not be killed by an individual who pays a fee to the owner of the game.
B. An applicant shall use an application form available from any Department office. The applicant shall provide the following information on the form:

1. Name, address, telephone number, birthdate, physical description, and, if applicable, Department ID number;
2. Name, address, and telephone number of the applicant's business;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. Except for live cervids, which shall not be imported, transported, or possessed, except as authorized by R12-4-430, the Department shall only issue a license for the following species:
   a. Pen-reared game birds:
      i. Blue grouse, Dendragapus obscurus;
      ii. Chukar, Alectoris chukar;
      iii. California or valley quail, Callipepla californica;
   iv. Gambel's quail, Callipepla gambelii;
   v.Scaled quail, Callipepla squamata;
   vi. Montezuma or Mearns' quail, Cyrtonyx montezumae;
   vii. Northern bobwhite, Colinus virginianus. License is required only for game farms located in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
   viii. Ringneck and whitewing pheasant, Phasianus colchicus;
   b. Mammals that are restricted live wildlife listed in R12-4-406 only if:
      i. The same species does not exist in the wild in this state;
      ii. The applicant submits with the application proof that the applicant has a license issued by the United States Department of Agriculture under 9 CFR Subchapter A, Animal Welfare;
      iii. The applicant submits with the application a typewritten, computer or word processor printed, or legibly handwritten proposal that clearly states the species to be possessed, the purpose of possession, if applicable, and how the applicant will prevent escape, a threat to native wildlife, and a threat to public safety; and
      iv. The applicant clearly states how the applicant will dispose of the wildlife, either by export from the state, to another game farm licensed under this Section, to a zoo licensed under R12-4-420, to a medical or scientific research facility exempted under R12-4-407, or as otherwise authorized by this Section;
4. If the applicant is renewing the private game farm license, the species and number of animals per species that are currently in captivity;
5. The name, address, and telephone number of the location of the game farm where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location of the game farm, including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428 and any other captivity standards prescribed by this Section;
7. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
8. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a private game farm license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).

D. A private game farm license holder shall ensure that each shipment of live wildlife imported into the state is accompanied by a certificate of health issued by a licensed veterinarian.

E. A private game farm license holder shall provide a receipt to each individual that transports dead wildlife from the site of the game farm. The receipt shall include the date that the wildlife was purchased, traded, or given as a gift; the name of the game farm; and the number of dead wildlife, by species, that are being transported.

F. A private game farm license holder shall ensure that shipments of wildlife made by the game farm are accompanied by documentation showing the name of the game farm license holder, the license number of the valid game farm license for the current year, the date shipped, the species and the number of individuals per species of wildlife in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the person who will receive the shipment.

G. Before January 31 of each year, a private game farm license holder shall file a written report on activities performed under the license for the previous calendar year. A private game farm license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include the following information:

1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;
B. An applicant shall make application for a shooting preserve license. The applicant shall provide the following on the application:

1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant’s business;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
   a. Chukar, Alectoris chukar;
   b. Mallard duck, Anas platyrhynchos;
   c. Northern bobwhite, Colinus virginianus, except that no license will be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
d. Ringneck and whitewing pheasant, Phasianus colchicus;
4. If the applicant is renewing the game bird shooting preserve license, the species and number of animals per species that are currently in captivity;
5. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the physical description of the location, including township, range, and section;
6. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
7. A detailed description or diagram of the shooting preserve where the applicant will release the wildlife. The shooting preserve shall not be more than 1000 acres and shall be located on private land;
8. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and
9. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant’s knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.
10. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant’s knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.

Historical Note
G. A game bird shooting preserve license holder shall ensure that shipments of dead wildlife made by the game bird shooting preserve are accompanied by documentation showing the name of the license holder, the license number of the valid game bird shooting preserve license for the current year, the date the wildlife is shipped, the number of animals per species in the shipment, the name of the individual or common carrier transporting the shipment, and the name of the individual who will receive the shipment.

H. A hunting license is not required to hunt released wildlife on a licensed game bird shooting preserve. The season for taking game birds on a shooting preserve may be yearlong. Wildlife released on a shooting preserve and found outside the preserve shall not be taken under provisions of a game bird shooting preserve license.

I. Game birds released on a shooting preserve may be taken by any method not prohibited by R12-4-303 if the individual has a valid game bird shooting preserve license. A game bird shooting preserve license holder shall file a written report on activities performed under the license for the previous calendar year. A game bird shooting preserve license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-408(O). The annual report shall include the following information:

1. The number of animals per wildlife species, and the source of all wildlife that the license holder obtained or propagated;
2. The date when the wildlife was obtained or propagated;
3. The date when the wildlife was disposed of, and the manner of disposition; and
4. If the wildlife was disposed of by sale, barter, or given as a gift, the names of individuals who received the wildlife.

K. A game bird shooting preserve license holder shall maintain records of all wildlife possessed under the license for three years. The records shall include all information required in an annual report as stated in subsection (J)(1) through (J)(4) and R12-4-409(O).

L. Game bird shooting preserve licenses are subject to the provisions of R12-4-409 and R12-4-428.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

R12-4-415. Game Bird Field Trial License

A. A game bird field trial license allows an individual to release and take released live pen-reared game birds specified on the license for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event. It also allows the import or purchase within the state, possession, and transport of the game birds specified on the license for one field trial event. Game birds may be possessed alive by the license holder after the field trial event until December 31 of the year the license was issued. Game birds possessed alive subsequent to the field trial event may be transported and may be given away, exported, or killed.

B. An individual shall apply for a game bird field trial license on a form provided by the Department. An applicant shall submit the following on the application:

1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use the wildlife for an activity sponsored by an organization, the name of the organization, and the name, address, and telephone number of the organization chair or local chapter;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a license for the following game bird species:
   a. Chukar, Alectoris chukar;
   b. Mallard duck, Anas platyrhynchos;
   c. Northern bobwhite, Colinus virginianus, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
   d. Ringneck and whitewing pheasant, Phasianus colchicus;
4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
5. A description of how the license holder will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
6. The beginning date of the event. A game bird field trial event shall not last longer than 10 consecutive days;
7. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant is applying to release wildlife at multiple locations, the applicant shall provide the name, address, and telephone number of each location or the physical description of the location, including township, range, and section;
8. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife;
9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant's knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
C. The Department shall issue a game bird field trial license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field trial license if:

1. Escape of any species listed on the application or operation of a game bird shooting preserve will create a threat to native wildlife or public health or safety;
2. There is already an established wild population of upland game birds at the site where the field trial event is planned to take place, and the wild population is the same species as the wildlife listed on the license;
3. The release of game birds interferes with wildlife or habitat restoration programs; or
4. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.

D. Each shipment of game birds imported shall be accompanied by a certificate of health from a licensed veterinarian for the shipment.

E. A game bird field trial license holder shall only hold a field trial event at the location specified on the license, and shall only release or take the species of game birds specified on the permit.

F. Any released game birds not taken or recovered during the dates specified on the license become possession during the event specified on the license. Released wildlife may be taken by any method not prohibited in R12-4-303.

G. The license holder shall ensure that wildlife being transported from a field trial event have a tag or label affixed to each container of live birds, carcass, or package that lists the following:
1. The name of the license holder;
2. The date of shipment or transport;
3. The number of animals per species of wildlife, and
4. The name of the individual or common carrier transporting them and the name and address of the individual who will receive the shipment.

H. A game bird field trial license holder shall submit a report to the Department within 30 days following the event that specifies the species and number of birds per species released and retaken. The license holder shall maintain a list of names and addresses of participants for inspection by the Department.

I. A field trial license holder is subject to the provisions of R12-4-409 and R12-4-428.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
Adopted effective April 28, 1989 (Supp. 89-2), Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

R12-4-416. Game Bird Field Training Permit

A. A game bird field training permit allows an individual to release and take of released live pen-reared game birds specified on the permit for the purpose of training a dog or raptor to hunt. Game birds may be purchased within the state, or imported if the shipment is accompanied by a certificate of health issued by a licensed veterinarian. Game birds possessed under this Section may be transported, given away, exported or killed.

B. An applicant shall apply on a form provided by the Department. The form requires that the following be provided by the applicant:

1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
2. The wildlife species and the number of animals per species that will be used under the permit. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species. The Department shall only issue a permit for the following game bird species:
   a. Chukar, Alectoris chukar;
   b. Mallard duck, Anas platyrhynchos;
   c. Northern bobwhite, Colinus virginianus, except that no license shall be issued for this species in game management units 34A, 36A, 36B, and 36C, as prescribed in R12-4-108; and
   d. Ringneck and whitewing pheasant, Phasianus colchicus.
3. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;
4. A description of how the applicant will comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
5. The name, address, and telephone number of the location where the wildlife will be released, if applicable. Otherwise, the physical description of the location, including township, range, and section. If the applicant applies to release wildlife at more than one location, the applicant shall submit a separate application for each location;
6. A range of dates within which training may take place;
7. The name, address, and telephone number of all wildlife suppliers from whom the applicant will obtain wildlife;
8. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant’s knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a game bird field training permit in compliance with R12-4-106. If the Department denies the application for a permit, the Department shall proceed as prescribed by R12-4-409(D). The Department shall not issue a game bird field training permit if:
1. There is already an established wild population of upland game birds at the site where the field training event is planned to take place, and the wild population is the same species as the wildlife listed on the license;
2. The release of game birds interferes with wildlife or habitat restoration programs, or
3. The release of game birds takes place during nesting periods of upland game birds or waterfowl that nest in the area.

D. An applicant may request in writing that one or more named individuals be authorized to act as an agent on the applicant’s behalf. An individual that has had wildlife privileges revoked in this state, any other state, or by the United States is not eligible to be agent. An agent is subject to the stipulations on the applicant’s permit. The permit holder is responsible for acts of the agents if they fall within the requirements of this Section.

E. A game bird field training permit holder may make a written request to amend the permit to add or delete an agent at any time during the license period. The permit holder shall obtain written authorization from the Department before designating any additional agents.

F. A game bird field training permit holder shall notify the Department in writing within 10 calendar days of terminating an agent.

G. A game bird field training permit holder shall have the permit in possession and a permit holder’s authorized agent shall have a copy of the permit in possession while conducting the activities authorized by the permit. The permit holder and agents shall make the permit and any copies of a permit available for Department inspection when conducting permitted activities.

H. A permit holder shall release authorized wildlife only at the location specified on the permit. Any released game birds not taken or recovered after the field training activity become property of the state and shall not be taken under a game bird field training permit.

I. A field training permit is not required to take game birds released under the provisions of this Section.

J. A field training permit holder is subject to the provisions of R12-4-409 and R12-4-428.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-417. Wildlife Holding License
A. A wildlife holding license authorizes an individual to: possess, transport, import, display for educational purposes, photograph for commercial purposes, purchase, propagate, export, give away, or euthanize either restricted live wildlife or live wildlife lawfully held under a hunting or fishing license for purposes listed in subsection (B). An individual shall perform only those authorized activities that are specifically stated on the license with the specific live wildlife listed on the license. The Department shall not issue a wildlife holding license to an individual for the use of live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-430.

B. The Department shall issue a wildlife holding license only if the Department determines that issuing the license is in the best interest of the wildlife, it will not adversely impact other wildlife in this state, and it does not pose a threat to public health or safety, and only for the following purposes:
1. The advancement of science, wildlife management, or promotion of public health or welfare;
2. Education;
3. To photograph for a commercial purpose live wildlife that is already possessed under the authority of R12-4-404, or already possessed under this Section, but only if:
   a. The wildlife will be photographed without posing a threat to other wildlife or the public,
   b. The photography will not adversely impact other affected wildlife in this state, and
   c. The applicant meets the criteria prescribed in subsection (C); or
4. To lawfully possess restricted live wildlife if:
   a. It is necessary for an individual to give humane treatment to restricted live wildlife that has been abandoned or permanently disabled, and is therefore unable to meet its own needs in the wild; or
   b. It is requested to lawfully possess restricted live wildlife that was possessed under another special license, and the primary purpose for that special license no longer exists.

C. An applicant for a wildlife holding license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:
1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant’s business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;
3. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species, the applicant shall list each species and the number of animals per species;
4. An applicant for a wildlife holding license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the activity that the applicant intends to perform under the license, and clearly states the
A wildlife holding license holder shall ensure that:

1. A list of each animal by species held during the year, including the date, location, organization or audience, approximate attendance, and wildlife made under the license.
2. Whether the wildlife is alive or dead;
3. The current location of the wildlife; and
4. The dates that the applicant will begin and end holding wildlife;
5. The description of how the applicant intends to dispose of the wildlife once the proposed activity in subsection (C)(4) ends; and
6. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a wildlife holding license in compliance with R12-4-106. If the Department does not accept the application for a special license, the Department shall return the application with the appropriate disposition of the wildlife.

E. The Department has the authority to require that a wildlife holding license holder permanently mark any restricted live wildlife that is used for lawful activities under the authority of the license if the Department determines it is in the best interest of the public and the wildlife. If the Department exercises this authority, the marking requirement will be specified on the license.

F. A wildlife holding license holder shall ensure that restricted live wildlife, offspring of restricted live wildlife, or their parts obtained or held under the authority of the license are not sold, offered for sale, traded, bartered, loaned for the purposes of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.

G. A wildlife holding license is no longer valid once the primary purpose for which it was issued, as prescribed in subsection (B), no longer exists. The wildlife holding license holder shall submit a report to the Department as prescribed in subsection (J).

H. A wildlife holding license holder shall ensure that a copy of the license accompanies any shipment of wildlife made under the authority of the license.

I. The Department may conduct reasonable inspections of the facilities as described in R12-4-409(G) where wildlife are held under a wildlife holding license.

J. Before January 31 of each year, a wildlife holding license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife holding license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall include the following information:

1. A list of each animal by species held during the year, including the source and date the wildlife was acquired;
2. If applicable, the permanent mark or identifier of the wildlife, such as name, number, or another identifier as prescribed in subsection (E) for each animal held during the year. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
3. Whether the wildlife is alive or dead;
4. The current location of the wildlife; and
5. A list of all educational displays where the wildlife held under this license was utilized during the year, including the date, location, organization or audience, approximate attendance, and wildlife used.

K. A wildlife holding license expires on December 31 of the year that it was issued, or if the license holder is a representative of an institution, organization, or agency stated in (C)(2), upon termination of affiliation with that entity, whichever comes first. If the wildlife holding license holder permanently marks the wildlife during the license period, the license shall be renewed for an additional year.

L. A wildlife license holder shall comply with R12-4-409, R12-4-428, and R12-4-430.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)

**Historical Note**

mercial purposes, and display for educational purposes the live wildlife specified on the permit, subject to the conditions specified in subsection (B). A permit holder shall not exhibit wildlife held under the permit. The Department shall issue a scientific collecting permit only if:

1. The permit is for the purpose of wildlife management; gathering information valuable to the maintenance of wild populations; education; the advancement of science; or promotion of the public health or welfare;
2. The permit is for a purpose that is in the best interest of the wildlife or the species, will not adversely impact other affected wildlife in this state, and may be authorized without posing a threat to wildlife or public safety;
3. The permit is for a purpose that does not unnecessarily duplicate previously documented projects; and
4. The applicant has submitted an acceptable typewritten, computer or word processor printed, or legibly handwritten project proposal as part of the application form required in subsection (C).

B. Scientific collecting permits are subject to the following conditions:

1. A scientific collecting permit holder shall only take wildlife under the permit using the least onerous, practical method possible, and shall:
   a. Take wildlife at the locations and time periods specified on the permit by any method prescribed by R12-4-304 or R12-4-313;
   b. Not take wildlife by using a stupefying or deleterious substance, electroshock, pitfall trap, leghold trap, snare, or net unless specifically authorized on the permit; and
   c. Not take wildlife at night by using a firearm unless authorized by the permit.
2. If it is in the best interest of the wildlife or public safety, the Department has the authority to:
   a. Rescind or modify any method of take authorized by the permit;
   b. Restrict the number of animals per species or other taxa that may be taken under the permit;
   c. Restrict the age or condition of wildlife that may be taken under the permit;
   d. Deny or substitute the number of specimens and taxa requested on an application.
3. A scientific collecting permit holder shall dispose of wildlife as follows:
   a. If the wildlife was not removed from the area where it was taken, by releasing it;
   b. If the wildlife was removed from the area where it was taken, by releasing the wildlife in a location previously approved by the Department; or
   c. As otherwise stipulated or directed in writing by the Department.
4. Wildlife, its parts, or its offspring obtained or held under the authority of the license shall not be sold, offered for sale, traded, bartered, loaned for the purpose of commercial activities, given as a gift, or disposed of in any way except as stipulated or directed in writing by the Department.

C. An applicant for a scientific collecting permit shall apply on a form provided by the Department and available from any Department office, and shall return a completed form to the Department’s Phoenix Headquarters. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and if applicable, Department ID number;
2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business;
3. If the applicant will use wildlife for activities authorized by a scientific, educational, or government institution, organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution and the applicant's title or a description of the nature of affiliation with the institution or organization;
4. A typewritten, computer or word processor printed, or legibly handwritten proposal, not to exceed three pages, that states:
   a. The activity that the applicant intends to perform under the license, and clearly states the contribution the proposed activity will make to one or more of the purposes specified in subsection (A)(1) above:
   b. If the applicant is applying for a permit to make a contribution to education, the applicant shall also state in the proposal the minimum number of presentations that the applicant anticipates to make during the period that the permit is valid; the name, title, address, and telephone number of individuals whom the applicant has contacted in order to hold educational presentations; and if applicable, the number of specimens of the species requested that the applicant already possesses.
   c. The applicant's qualifications for completing the project;
   d. The methods of take that the applicant will use to complete the project, justification for using that method, and whether the applicant proposes to:
      i. Salvage specimens found dead;
      ii. Collect specimens alive and keep them;
      iii. Collect specimens by killing them; or
      iv. Collect specimens alive at the site where taken without transporting them from that site after photographing, banding, or marking them with rings, collars, brands or other markings;
   e. The wildlife species and the number of animals per species that will be used under the license. If the application is for use of multiple species or wildlife of a higher taxon, the applicant shall list each species and the number of animals per species;
   f. The location where collection will take place;
   g. How the applicant will dispose of wildlife or offspring of wildlife, if applicable, as prescribed by subsection (B)(3);
h. The names and addresses of any agents who will assist the applicant in carrying out the activities described in the proposal. An applicant may request that one or more individuals be authorized to act as an agent on the applicant's behalf, provided that:
   i. An employment or supervisory relationship exists between the applicant and the agent, and
   ii. The agent's privilege to take or possess live wildlife is not suspended or revoked by any state.
   i. A schedule of activities and the completion date of the project; and
j. Whether the applicant intends to publish the project or its findings;
5. If the applicant is renewing the wildlife holding license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in R12-4-401;
6. A statement of the applicant's experience in handling and providing care for the wildlife to be held or of the applicant's experience that may be relevant to handling or providing care for wildlife;
7. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical location including township, range, and section. If the applicant applies to hold wildlife in more than one location, the applicant shall submit a separate application for each location;
8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;
9. The applicant's signature and the date of signing. By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.
D. The Department shall issue a scientific collecting permit in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D).
E. Before January 31 of each year or as otherwise required by R12-4-409(O), a scientific collecting permit holder shall file a written report on activities performed under the license for the previous calendar year. A scientific collecting permit holder shall submit an annual report on a form containing the information prescribed by R12-4-409(O). The Department may stipulate submission of additional interim reports upon license application or renewal.
F. An agent of a scientific collecting permit holder is subject to stipulations placed on the applicant's permit at the time of application. The permit holder is responsible for acts of the agents that fall within the authority of this Section. The Department, acting on behalf of the Commission, may suspend or revoke a permit for violation of this Section by an agent.
G. A scientific collecting permit holder and the permit holder's agents shall have the permit or a legible copy in their possession and available for Department inspection while conducting activities authorized under the scientific collecting permit.
H. A scientific collecting permit holder may at any time during the license period make a written request to amend the permit to add or delete agents meeting the criteria in subsection (B)(4)(h).
I. A scientific collecting permit holder shall notify the Department in writing within 10 calendar days of terminating any agent.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
4. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;

5. If the applicant is applying to possess more than 50 game birds, the application shall include a detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section;

6. The name, address, and telephone number of all wildlife suppliers from whom the special license applicant will obtain wildlife; and

7. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant’s knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.

C. The Department shall issue a game bird hobby license in compliance with R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a game bird hobby license only if:

1. A possible escape of the proposed species would not create a threat to native wildlife;

2. The purpose for the license is in the best interest of the wildlife or the species; and

3. The license may be issued without posing a threat to public health or safety.

D. Game bird hobby licenses are subject to the provisions of R12-4-409 and R12-4-428.

### Authorizing Statute

General: A.R.S. § 17-231(A)(1)

### Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

### R12-4-420. Zoo License

A. With the exception of all live cervids, which shall not be imported, transported, or possessed except as allowed under R12-4-413, a zoo license allows an individual to perform all of the following: exhibit, display for educational purposes, import, purchase, export, possess, propagate, euthanize, transport, give away, offer for sale, sell, or trade restricted live wildlife and other Arizona wildlife legally possessed, subject to the following restrictions:

1. A zoo license holder shall hold all wildlife possessed in the facilities specified on the license except when the wildlife is transported to or from a temporary exhibit. A temporary exhibit shall not exceed 60 consecutive days at any one location.

2. A zoo license holder shall only dispose of restricted live wildlife in this state by selling, giving, or trading it to another zoo licensed under this Section, to an appropriate special license holder such as a game farm licensed under R12-4-413, to a medical or scientific research facility exempted under R12-4-407, by exporting it to a zoo that is certified by the American Zoo and Aquarium Association, or as directed by the Department.

3. A zoo license holder shall not accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.

4. A zoo license holder shall dispose of all wildlife obtained under a scientific collecting permit or wildlife that has been loaned to the zoo by the Department only as directed in writing by the Department.

5. A zoo license holder shall hold wildlife in such a manner as to prevent it from escaping from the facilities specified on the license, and to prevent the entry of unauthorized individuals or other wildlife.

B. The Department shall issue a zoo license only for the following purposes:

1. The advancement of science, wildlife management, or promotion of public health or welfare;

2. Education; or

3. Conservation, or maintaining a population of wildlife threatened with extinction in the wild.

C. An applicant for a zoo license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:

1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;

2. If the applicant will use the wildlife for a commercial purpose, the name, address, and telephone number of the applicant's business. If the applicant will use wildlife for activities authorized by an educational or scientific institution that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the name, address, and telephone number of the institution;

3. The wildlife species and the number of animals per species that will be held under the license. The list shall include scientific and common names for all wildlife held;

4. An applicant for a zoo license shall include a typewritten, computer or word processor printed, or legibly handwritten proposal that describes the following:

   a. How the facility or operation meets the definition of a zoo, as stated in A.R.S. § 17-101; and

   b. The purpose of the license. Acceptable purposes of a zoo license are listed in subsection (B);

5. If the applicant is renewing the zoo license, the species and number of animals per species that are currently in captivity, and evidence of lawful possession as defined in A.R.S. § 17-101;


7. The name, address, and telephone number of the zoo where the wildlife will be held. If the applicant applies to hold wildlife in more than one location,
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the applicant shall submit a separate application for each location;
8. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428, and any other captivity standards that may be prescribed by this Section. The Department shall not approve a license application until the wildlife holding facility satisfies a Department inspection; and
9. The applicant’s signature and the date of signing.
   By signing the application, the applicant attests that the information they have provided is true and correct to their knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a zoo license in compliance with R12-4-106. If the Department denies the application for a zoo license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall issue a license for the purposes stated in subsection (B) if:
   1. It is in the best interest of the wildlife, and
   2. Issuance of the license will not adversely impact other wildlife in the state.

E. A zoo license holder shall clearly display an entrance sign that states the days of the week and hours when the facility is open for viewing by the general public.

F. A zoo license holder shall maintain a record of each animal obtained under subsection (A)(4) for three years following the date of disposition. The record shall include the species, source of the wildlife, date received, any Department approval authorizing acquisition, and the date and method of disposition.

G. Before January 31 of each year, a zoo license holder shall file a written report on activities performed under the license for the previous calendar year. A zoo license holder shall submit an annual report to the Department in compliance with R12-4-409(O). The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.

H. A zoo license holder may not add restricted live wildlife as specified in R12-4-406 to the license without making a written request to and receiving approval from the Department.

I. A zoo license holder is subject to R12-4-409, R12-4-428, and R12-4-430.

Authorizing Statute
General: A.R.S. § 17-231(A)(I)

Historical Note

R12-4-421. Wildlife Service License
A. Any individual or company that provides, advertises, or offers assistance with nuisance wildlife to the general public with or without a fee shall obtain a wildlife service license. A wildlife service license allows an individual to capture, remove, transport, and relocate to the wild designated live wildlife if the wildlife causes a nuisance, property damage, poses a threat to public health or safety, or if the health or well-being of the wildlife is threatened by its immediate environment. A wildlife service license holder may euthanize designated wildlife, but only as prescribed by the Department. For the purposes of this Section, the following are designated live wildlife:
1. Furbearing wildlife;
2. Javelina (Tayassu tajacu);
3. Nongame wildlife;
4. Predatory wildlife; and
5. Small game wildlife.

B. An employee of a governmental public safety agency or incorporated business authorized to provide public safety measures is not required to possess a wildlife service license if the employee is acting within the scope of the employee’s official duties.

C. An applicant for a wildlife service license shall apply on a form provided by the Department and available from any Department office. The applicant shall provide the following information:
   1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
   2. If the applicant will perform license activities for a commercial purpose, the name, address, telephone number, and hours and days of the week when the applicant will be available for service of the applicant’s business;
   3. The designated wildlife species or groups of species listed in subsection (A) that will be used under the license;
   4. The methods that the wildlife license holder will use to perform authorized activities;
   5. A typewritten, computer or word processor printed, or legibly handwritten description of the following:
      a. The applicant’s experience in the capture, handling, and removal of wildlife;
      b. Specific species that the applicant has had experience capturing, handling, or removing;
      c. The general location and dates when the activities listed in subsection (C)(5)(b) were performed;
      d. The methods used to carry out the activities; and
      e. The methods used to dispose of the wildlife;
   6. The general geographic area where services will be performed;
   7. Documentation that clearly proves that the applicant has a minimum of six months of full-time employment or volunteer experience handling wildlife of the species or groups of species listed in subsection (C)(3); and
   8. The applicant’s signature and the date of signing.
   By signing the application, the applicant attests...
that the information they have provided is true and correct to their knowledge and that the applicant's live wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a wildlife service license as prescribed in R12-4-106. If the Department denies the application for a wildlife service license, the Department shall proceed as prescribed by R12-4-409(D).

E. A wildlife service license holder shall possess a copy of the license at all times when performing activities authorized by the license.

F. A wildlife service license holder shall capture, remove, transport, and relocate designated wildlife as follows:
1. In a manner that is least likely to cause injury to the wildlife;
2. In a manner that will prevent the wildlife from coming into contact with the general public;
3. If the license holder intends to capture, remove, transport, relocate, or euthanize javelina, the license holder shall obtain special authorization from the Department by contacting the Department regional office that has jurisdiction over the area where the activities will be conducted; and
4. If the license holder traps wildlife, the license holder shall comply with A.R.S. § 17-361(B) and (C).

G. A wildlife service license holder may euthanize wildlife taken under authority of the license only if authorized to do so under the license. If authorized, the license holder shall euthanize the wildlife by the safest, quickest, and most humane method available. Unless otherwise stipulated in the license, a license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license by burial or incineration within 30 days of death.

H. Except as allowed by R12-4-427, a wildlife service license holder shall not possess designated wildlife beyond the period of time necessary to transport and relocate the wildlife to the wild, or to provide euthanization. Wildlife shall not be displayed or exhibited at any time when it is possessed under this license.

I. A wildlife service license holder shall release captured designated wildlife as follows:
1. Without immediate threat to the animal or injurious contact with humans;
2. During an ecologically appropriate time of year;
3. Into a habitat suitable for sustaining it;
4. In the same geographic area as the animal was originally captured, except that birds may be released at any location statewide within the normal range of that species in an ecological suitable habitat;
5. In an area designated by the Department regional office that has jurisdiction over the area where it was captured; or
6. Injured or orphaned wildlife may be given to an Arizona wildlife rehabilitation license holder.

J. A wildlife service license holder shall inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days previously submitted to the Department.

K. A wildlife service license holder may, at any time during the license period, make a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided that any addition requested meets the requirements of subsection (A).

L. A wildlife service license holder that seeks renewal of a wildlife service license without change to the species or species groups that the license holder is authorized to handle under the license may reference supporting materials submitted previously, rather than submitting copies of the materials with the application for renewal.

M. Before January 31 of each year, a wildlife service license holder shall file a written report on activities performed under the license for the previous calendar year. A wildlife service license holder shall submit an annual report on a form available from the Department as prescribed by R12-4-409(O). The annual report shall also include a list of all services performed under the license during the preceding calendar year, including for each service:
1. The date and location of service;
2. The number and species of wildlife removed, and
3. The method of disposition for each animal removed, including the location and date of release.

N. A wildlife service license holder is subject to R12-4-409 and R12-4-428.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)

**Historical Note**

Adopted effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

**R12-4-422. Sport Falconry License**

A. In addition to the definitions provided under A.R.S. § 17-101, R12-4-101, and R12-4-401, and for the purposes of this Section, the following definitions apply:

- "Abatement services" means the use of raptors possessed under a falconry permit for the control of nuisance species.
- "Captive-bred raptor" means a raptor hatched in captivity.
- "Hack" means the temporary release of a raptor into the wild to condition the raptor for use in falconry.
- "Health certificate" means a certification issued by an accredited veterinarian.
- "Imping" means using a molted feather to replace or repair a damaged or broken feather.
- "Retrices" means a raptor's tail feathers.
- "Sponsor" means a licensed General or Master falconer with a valid Arizona Sport Falconry license.
who has committed to mentoring an Apprentice falconer.
“Suitable perch” means a perch that is of the appropriate size and texture for the species of raptor using the perch.
“USFWS” means the U.S. Fish and Wildlife Service.
“Wild raptor” means a raptor taken from the wild, regardless of how long the raptor is held in captivity or whether the raptor is transferred to another licensed falconer or other permit type.

1. The sport falconry license validates the appropriate license for hunting or taking quarry with a trained raptor. When taking quarry using a raptor, a person must possess a valid:
   a. Sport falconry license, and
   b. Appropriate hunting license.
2. The sport falconry license is valid until the third December from the date of issuance.
3. A licensed falconer may capture, possess, train, or transport wild, captive-bred, or hybrid raptors, subject to the limitations established under subsections (H)(1), (H)(2), and (H)(3), as applicable.

C. The Department shall comply with the licensing time-frame established under R12-4-106 to issue a Sport Falconry license and collect the fee established under R12-4-412.

D. A resident who possesses or intends to possess a raptor for the purpose of sport falconry shall hold an Arizona Sport Falconry license, unless the person is exempt under A.R.S. § 17-236(C) or possesses only raptors not listed under 50 C.F.R. Part 10.13, revised October 1, 2010, and no later amendments or editions. The incorporated material is available from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000, and is on file with the Department.

E. In addition to the requirements established under this Section, a licensed falconer shall also comply with special license requirements established under R12-4-409.

F. A Sport Falconry license does not authorize a licensed falconer to capture or release a raptor or practice falconry on public lands where prohibited or on private property without permission from the landowner or land management agency.

G. The Department shall deny a license to an individual who fails to meet the requirements established under R12-4-409, R12-4-428, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The individual may appeal the denial to the Commissioner as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

H. The Department may issue a Sport Falconry license for the following levels to an eligible individual:
   1. Apprentice level license:
      a. An Apprentice falconer shall:
         i. Be at least 12 years of age; and
         ii. Have a sponsor while practicing falconry as an apprentice. When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(v).
   b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
   c. An Apprentice falconer is prohibited from possessing any:
      i. Federally listed threatened or endangered species,
      ii. Raptor taken from the wild as a nestling,
      iii. Raptor that has imprinted on humans,
      iv. Bald eagle (Haliaeetus leucocephalus),
      v. White-tailed eagle (Haliaeetus albicilla),
      vi. Steller’s sea-eagle (Haliaeetus pelagicus), or
      vii. Golden eagle (Aquila chrysaetos).

   2. General level license:
      a. A General falconer shall:
         i. Be at least 16 years of age; and
         ii. Have practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school or educational program to shorten the two-year Apprentice period.
      b. A General falconer may possess up to three raptors at a time for use in falconry.
      c. A General falconer is prohibited from possessing a:
         i. Bald eagle,
         ii. White-tailed eagle,
         iii. Steller’s sea-eagle, or
         iv. Golden eagle.

   3. Master level license:
      a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
      b. A Master falconer may possess:
         i. Any species of wild, captive-bred, or hybrid raptor.
         ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; and
         iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller’s Sea eagle.
      c. A Master falconer is prohibited from possessing:
         i. More than three eagles
         ii. A bald eagle, or
         iii. More than five wild caught raptors.
      d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
         i. Be at least 16 years of age; and
         ii. Have a sponsor while practicing falconry as an apprentice. When a sponsorship is terminated, the apprentice is prohibited from practicing falconry until a new sponsor is acquired. After acquiring a new sponsor, an apprentice shall submit a written statement from the new sponsor to the Department within 30 days. The written statement shall meet the requirements established under subsection (K)(3)(a)(v).
   b. An Apprentice falconer may possess only one raptor at a time for use in falconry.
   c. An Apprentice falconer is prohibited from possessing any:
      i. Federally listed threatened or endangered species,
      ii. Raptor taken from the wild as a nestling,
      iii. Raptor that has imprinted on humans,
      iv. Bald eagle (Haliaeetus leucocephalus),
      v. White-tailed eagle (Haliaeetus albicilla),
      vi. Steller’s sea-eagle (Haliaeetus pelagicus), or
      vii. Golden eagle (Aquila chrysaetos).

   2. General level license:
      a. A General falconer shall:
         i. Be at least 16 years of age; and
         ii. Have practiced falconry as an apprentice falconer for at least two years, including maintaining, training, flying, and hunting with a raptor for at least four months in each year. An applicant cannot substitute any falconry school or educational program to shorten the two-year Apprentice period.
      b. A General falconer may possess up to three raptors at a time for use in falconry.
      c. A General falconer is prohibited from possessing a:
         i. Bald eagle,
         ii. White-tailed eagle,
         iii. Steller’s sea-eagle, or
         iv. Golden eagle.

   3. Master level license:
      a. A Master falconer shall have practiced falconry as a General falconer for at least five years using raptors possessed by that falconer.
      b. A Master falconer may possess:
         i. Any species of wild, captive-bred, or hybrid raptor.
         ii. Any number of captive-bred raptors provided they are trained and used in the pursuit of wild game; and
         iii. Up to three of the following species, provided the requirements established under subsection (H)(3)(d) are met: Golden eagle, White-tailed eagle, or Steller’s Sea eagle.
      c. A Master falconer is prohibited from possessing:
         i. More than three eagles
         ii. A bald eagle, or
         iii. More than five wild caught raptors.
      d. A Master falconer who wishes to possess an eagle shall apply for and receive approval from the Department before possessing an eagle for use in falconry. The licensed falconer shall submit the following documentation to the Department before a request may be considered:
A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(A)(7), unless remaining in Arizona for more than 180 consecutive days. A falconer licensed in another state or country and who remains in this State for more than the 180-day period shall apply for an Arizona Sport Falconry license under R12-4-407(A)(7), unless remaining in Arizona for more than 180 consecutive days. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country sport falconry license, and, if the import of that species is not prohibited. This subsection does not prohibit the falconer from flying or training a raptor lawfully possessed by any other licensed falconer.

3. A falconer licensed in another country is prohibited from leaving an imported raptor in this state, unless authorized under federal permit. The falconer shall report the death or escape of a raptor possessed by that falconer to the Department as established under subsection (O)(1) or prior to leaving the State, whichever occurs first.

4. A falconer licensed in another country shall:
   a. Comply with all applicable state and federal falconry regulations; 
   b. Comply with falconry licensing requirements prescribed by the country of licensure not in conflict with federal or state law; 
   c. Notify the Department no less than 30 consecutive days prior to importing a raptor into this State; 
   d. Provide a health certificate, issued no earlier than 30 consecutive days prior to the date of importation, for each raptor imported into this State; and 
   e. Attach two functioning radio transmitters to any raptor imported into this country by the falconer while flown free in this state by any falconer.

K. An applicant for a Sport Falconry license shall submit a completed application to any Department office. The application is furnished by the Department and available at any Department office or online at www.azgfd.gov.

1. An applicant shall provide all of the following information on the application:
   a. Falconry level desired; 
   b. Name; 
   c. Date of birth; 
   d. Telephone number, when available; 
   e. Mailing address; 
   f. Department I.D. number or Social Security number; 
   g. E-mail address, when available; 
   h. Applicant’s physical description: 
      i. Gender; 
      ii. Weight; 
      iii. Eye color; 
      iv. Hair color; 
   i. Arizona Hunting license number; 
   j. Number of years of experience as a falconer; 
   k. Current Falconry license level; 
   l. Physical address of a facility when the raptor is kept at another location, when applicable; 
   m. Information documenting all raptors possessed by the applicant at the time of application, to include: 
      i. Species; 
      ii. Subspecies, when applicable; 
      iii. Age; 
      iv. Sex; 
      v. Band or microchip number, as applicable; 
      vi. Date and source of acquisition; and 
   n. Applicant’s signature; 
   o. Parent or legal guardian’s signature, when the applicant is under the age of 18; 
   p. Date of application; and 
   q. Any other information required by the Department.
2. An applicant shall certify that the applicant has read and is familiar with the regulations under 50 CFR Part 13 and the other applicable parts in 50 CFR Chapter I, Subchapter B and that the information submitted is complete and accurate to the best of their knowledge and belief.

3. In addition to the information required under subsection (K)(1), an individual applying for:
   a. An Apprentice level license shall also provide the sponsor's:
      i. Name,
      ii. Date of birth,
      iii. Mailing address,
      iv. Department I.D. number, and
   v. A written statement from the sponsor stating that the falconer agrees to sponsor the applicant.
   b. A General level license shall also provide:
      i. Information documenting the applicant's experience in maintaining falconry raptors, to include the species and period of time each raptor was possessed while licensed as an Apprentice falconer; and
   ii. A written statement from the sponsor certifying that the applicant has practiced falconry at the Apprentice falconer level for at least two years, and maintained, trained, flown, and hunted with a raptor for at least four months in each year.
   c. A Master level license shall certify that the falconer has practiced falconry as a General falconer for at least five years.

L. An applicant for any level Sport Falconry license shall pay all applicable fees established under R12-4-412.

M. The Department shall inspect the applicant's raptor facilities, materials, and equipment to verify compliance with requirements established under R12-4-409(G), R12-4-428, and this Section before issuing a Sport Falconry license. The applicant or licensed falconer shall ensure all raptors currently possessed by the falconer and kept in the facility are present at the time of inspection.

1. Department may re-inspect a facility:
   a. After a change of location, when the Department cannot verify the facility is the same facility as the one approved by a previous inspection, or
   b. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the facilities can accommodate a new species or additional raptor.

2. A licensed falconer shall notify the Department no more than five business days after changing the location of a facility.

3. When a facility is located on property not owned by the licensed falconer, the falconer shall provide a written statement signed and dated by the property owner at the time of inspection. The written statement shall specify that the licensed falconer has permission to keep a raptor on the property and the property owner permits the Department to inspect the falconry facility at any reasonable time of day and in the presence of the licensed falconer.

4. A licensed falconer shall ensure the facility:
   a. Provides a healthy and safe environment,
   b. Is designed to keep predators out,
   c. Is designed to avoid injury to the raptor,
   d. Is easy to access,
   e. Is easy to clean, and
   f. Provides access to fresh water and sunlight.

5. In addition to the requirements established under R12-4-409(G) and R12-4-428:
   a. A licensed falconer shall ensure facilities where raptors are held have:
      i. A suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
      ii. At least one opening for sunlight; and
      iii. Walls that are solid, constructed of vertical bars spaced narrower than the width of the body of the smallest raptor housed therein, or any other suitable materials approved by the Department.
   b. A licensed falconer shall possess all of the following equipment:
      i. At least one flexible, weather-resistant leash;
      ii. One swivel appropriate to the raptor being flown;
      iii. At least one water container, available to each raptor kept in the facility, that is at least two inches deep and wider than the length of the largest raptor using the container;
      iv. A reliable scale or balance suitable for weighing raptors, graduated in increments of not more than 15 grams;
      vi. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent facility where the raptor is kept, and
   v. At least one pair of jesses constructed of suitable material or Alymeri jesses consisting of an anklet, grommet, and removable strap that attaches the anklet and grommet to a swivel. The falconer may use a one-piece jess only when the raptor is not being flown.

6. A licensed falconer may keep a falconry raptor inside the falconer's residence provided a suitable perch is supplied. The falconer shall ensure all flighted raptors kept inside a residence are tethered or otherwise restrained at all times, unless the falconer is moving the raptor into or out of the residence. This subsection does not apply to unflighted eyas, which do not need to be tethered or otherwise restrained.

7. A licensed falconer may keep multiple raptors together in one enclosure untethered only when the raptors are compatible with each other.

8. A licensed falconer may keep a raptor temporarily outdoors in the open provided the raptor is continually under observation by the falconer or an individual designated by the falconer.

9. A licensed falconer may keep a raptor in a temporary facility that the Department has inspected.
and approved for no more than 120 consecutive days.

10. A licensed falconer may keep a raptor in a temporary facility that the Department has not inspected or approved for no more than 30 consecutive days. The falconer shall notify the Department of the temporary facility prior to the end of the 30-day period. The Department may inspect a temporary facility as established under R12-4-409(G).

N. Prior to the issuance of a Sport Falconry license, an applicant shall:
1. Present proof of a previously held state-issued sport falconry license, or
2. Correctly answer at least 80% of the questions on the Department administered written examination.
   a. An individual whose Sport Falconry license is expired more than five years shall take the examination. The Department shall issue to an eligible applicant a license for the sport falconry license type previously held by the applicant after the applicant correctly answers at least 80% of the questions on the written examination and presents proof of the previous Sport Falconry license.
   b. An individual who holds a falconry license issued in another country shall correctly answer at least 80% of the questions on the written examination. The Department shall determine the level of license issued based upon the applicant's documentation.

O. A licensed falconer shall submit electronically a 3-186A form to report:
1. Any of the following raptor possession changes to the Department no more than 10 business days after the occurrence:
   a. Acquisition,
   b. Banding,
   c. Escape into the wild without recovery after 30 consecutive days have passed,
   d. Death,
   e. Microchipping,
   f. Rebanding,
   g. Release,
   h. Take, or
   i. Transfer.
   j. A falconer shall immediately report to the Department and USFWS upon discovering the theft of a raptor.

P. A licensed falconer shall print and maintain copies of all required electronic database submissions for each falconry raptor possessed by the falconer. The falconer shall retain copies of all submissions for a period of five years from the date on which the raptor left the falconer's possession.

Q. A licensed falconer or an individual with a valid falconry license, or its equivalent, issued by any state meeting federal falconry standards may capture a raptor for the purpose of falconry only when authorized by Commission Order.
1. A falconer attempting to capture a raptor shall possess:
   a. A valid Arizona Sport Falconry license or valid falconry license, or its equivalent, issued by another state, and
   b. Any required Arizona hunt permit-tag issued to the licensed falconer for take of the authorized raptor, and
   c. A valid Arizona hunting or combination license.
   A Three-Day Class H Hunting license is not valid for capturing a raptor under this subsection.
2. An Apprentice falconer may take from the wild:
   a. Any raptor not prohibited under subsection (H)(1)(c) that is less than one year of age, except nestlings or
   b. An adult raptor.
3. A General or Master falconer may take from the wild:
   a. A raptor of any age, including nestlings, provided at least one nesting remains in the nest; or
   b. An adult raptor.
4. A licensed falconer shall take no more than two raptors from the wild for use in falconry each calendar year. For the purpose of take limits, a raptor is counted towards the licensed falconer's take limit by the falconer who originally captured the raptor.
5. A falconer attempting to capture a raptor shall:
   a. Not use stupefying substances;
   b. Use a trap or bird net that is not likely to cause injury to the raptor;
   c. Ensure that each trap or net the falconer is using is continually attended; and
   d. Ensure that each trap used for the purpose of capturing a raptor is marked with the falconer's name, address, and license number.
6. A licensed falconer shall report the injury of any raptor injured due to capture techniques to the Department. The falconer shall transport the injured raptor to a veterinarian or licensed rehabilitator and pay for the cost of the injured raptor's care and rehabilitation. After the initial medical treatment is completed, the licensed falconer shall either:
   a. Keep the raptor and the raptor shall count towards the falconer's take and possession limit, or
   b. Transfer the raptor to a permitted wildlife rehabilitator and the raptor shall not count against the falconer's take or possession limit.
7. When a licensed falconer takes a raptor from the wild and transfers the raptor to another falconer who is present at a capture site, the falconer receiving the raptor is responsible for reporting the take of the raptor.
8. A General or Master falconer may capture a raptor that will be transferred to another licensed falconer who is not present at the capture site. The falconer who captured the raptor shall report the take of the raptor and the capture shall count towards the General or Master falconer's take limit. The General or Master falconer may then transfer the raptor to another falconer.
9. A General or Master falconer may capture a raptor for another licensed falconer who cannot attend the capture due to a long-term or permanent physical impairment. The licensed falconer with the physical impairment is responsible for reporting the take of the raptor and the raptor shall count against their take and possession limits.

10. A licensed falconer may capture any raptor displaying a seamless metal band, or any other item identifying it as a falconry raptor, regardless of whether the falconer is prohibited from possessing the raptor. The falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the falconer’s take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor.
   a. When the falconer of record cannot or does not wish to possess the raptor, the falconer who captured the raptor may keep the raptor, provided the falconer is eligible to possess the species and may do so without violating any provisions established under this Section.
   b. When the falconer of record cannot be located, the Department shall determine the disposition of the recaptured raptor.

11. A licensed falconer may capture and shall report the capture of any raptor wearing a transmitter to the Department no more than five business days after the capture. The falconer shall attempt to contact the researcher or licensed falconer who applied the transmitter and facilitate the replacement or retrieval of the transmitter and raptor. The falconer may possess the raptor for no more than 30 consecutive days while waiting for the researcher or falconer to retrieve the transmitter and raptor. The raptor shall not count towards the falconer’s take or possession limits, provided the falconer reports the temporary possession of the raptor to the Department no more than five consecutive days after capturing the raptor. The Department shall determine the disposition of a raptor when the researcher or falconer does not replace the transmitter or retrieve the raptor within the initial 30-day period.

12. A licensed falconer may capture any raptor displaying a federal Bird Banding Laboratory (BBL) aluminum research band or tag, except a peregrine falcon (Falco peregrinus). A licensed falconer who captures a raptor wearing a research band or tag shall report the following information to BBL, by calling 1(800) 327-2263, and the Department:
   a. Species,
   b. Band or tag number,
   c. Location of the capture, and
   d. Date of capture.

13. A licensed falconer may recapture a falconer’s lost or any escaped falconry raptor at any time. The Department does not consider the recapture of a wild falconry raptor as taking a raptor from the wild.

14. When attempting to trap a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties, a licensed falconer shall:
   a. Not begin trapping while a northern aplomado falcon (Falco femoralis septentrionalis) is observed in the vicinity of the trapping location.
   b. Suspend trapping when a northern aplomado falcon arrives in the vicinity of the trapping location.

15. In addition to the requirements in subsection (Q)(14), an apprentice falconer shall be accompanied by a General or Master falconer when attempting to capture a raptor in Cochise, Graham, Pima, Pinal, or Santa Cruz counties.

16. A licensed Master falconer may take up to two golden eagles from the wild only as authorized under 50 CFR part 22. The Master falconer may:
   a. Capture an immature or sub-adult golden eagle, or
   b. Take a nestling from its nest or a nesting adult golden eagle in a livestock depredation area if a biologist representing the agency responsible for declaring the depredation area determines the adult eagle is preying on livestock or wildlife and that any nestling of the adult will be taken by a falconer authorized to possess it.
   c. The falconer shall inform the Department of the capture plans in person, in writing, or by telephone at least three business days before trapping is initiated. The falconer may send written notification to the Arizona Game and Fish Department’s Law Enforcement Programs Coordinator at 5000 West Carefree Highway, Phoenix, Arizona 85086.

17. A licensed falconer shall ensure any falconry activities the falconer is conducting do not cause unlawful take under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 through 1534, or the Bald and Golden Eagle Protection Act, 16 U.S.C. §§ 668 through 668d. The Department or USFWS may provide information regarding where take is likely to occur. The falconer shall report the take of any federally listed threatened or endangered species or bald or golden eagle to the USFWS Arizona Ecological Services Field Office.

R. A licensed falconer shall comply with all of the following banding requirements:

1. A licensed falconer shall ensure the following raptors are banded after capture:
   a. Northern Goshawk,
   b. Harris’s hawk (Parabuteo unicinctus), and
   c. Peregrine falcon.

2. The falconer shall request a band no more than five consecutive days after the capture of a raptor by contacting the Department. A Department representative or a General or Master licensed falconer may attach the USFWS leg band to the raptor.

3. A licensed falconer shall not use a counterfeit, altered, or defaced band.

4. A falconer holding a federal propagation permit shall ensure a raptor bred in captivity wears a
A licensed falconer may remove the rear tab on a band and smooth any imperfections on the surface, provided doing so does not affect the band’s integrity or numbering.

6. A licensed falconer shall report the loss of a band to the Department no more than five business days after discovering the loss. The falconer shall reband the raptor with a new USFWS leg band furnished by the Department.

S. A licensed falconer may request Department authorization to implant an ISO-compliant [134.2 kHz] microchip in lieu of a band into a captive-bred raptor or raptor listed under subsection (R)(1) when the band is causing the raptor injury or health issues.

1. The falconer shall submit a written request and a statement from a licensed veterinarian indicating the band is causing the raptor injury or health issues.

2. The falconer shall retain a copy of the Department’s written authorization and any associated documentation for a period of five years from the date the raptor permanently leaves the falconer’s possession.

3. The falconer is responsible for the cost of implanting the microchip and any associated veterinary fees.

T. A licensed falconer may allow a falconry raptor to feed on any species of wildlife incidentally killed by the raptor for which there is no open season or for which the season is closed, but shall not take such wildlife into possession.

U. A General or Master falconer may hack a falconry raptor. Any raptor the falconer is hacking shall count towards the falconer’s possession limit during hacking.

1. A falconer is prohibited from hacking a raptor near the nesting area of a federally threatened or endangered species or in any other location where the raptor is likely to disturb or harm a federally listed threatened or endangered species. The Department may provide information regarding where this is likely to occur.

2. A licensed falconer shall ensure any hybrid raptor flown free or hacked by the falconer is equipped with at least two functioning radio transmitters.

V. A licensed falconer may release:

1. A wild-caught raptor permanently into the wild under the following circumstances:
   a. The raptor is native to Arizona.
   b. The falconer removes the raptor’s falconry band prior to release, and
   c. The falconer releases the raptor in a suitable habitat and under suitable seasonal conditions.

2. A captive-bred raptor permanently into the wild only when the raptor is native to Arizona and the Department approves the release of the raptor. The falconer shall request permission to release the captive-bred raptor by contacting the Department. When permitted by the Department and before releasing the captive-bred raptor, the General or Master falconer shall hack the captive-bred raptor in a suitable habitat and the appropriate season.

3. A licensed falconer is prohibited from intentionally releasing any hybrid or non-native raptor permanently into the wild.

W. A Master falconer may conduct and receive payment for any abatement services conducted with a falconry raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. A General falconer may conduct abatement services only when authorized under the federal permit held by the Master falconer.

X. A person other than a licensed falconer may temporarily care for a falconry raptor for no more than 45 consecutive days, unless approved by the Department. The raptor under temporary care shall remain in the falconer’s facility. The raptor shall continue to count towards the falconer’s possession limit. An unlicensed caretaker shall not fly the raptor. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.

Y. A licensed falconer may serve as a caretaker for another licensed falconer’s raptor for no more than 120 consecutive days, unless approved by the Department. The falconer shall provide the temporary caretaker with a signed and dated statement authorizing the temporary possession of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. The raptor under temporary care shall not count toward the caretaker’s possession limit. The temporary caretaker may fly or train the raptor when permitted by the falconer in writing. The falconer may request an extension from the Department to the temporary possession period if extenuating circumstances occur. The Department shall evaluate extension requests on a case-by-case basis.

Z. A licensed falconer may assist a wildlife rehabilitator in conditioning a raptor in preparation for the raptor’s release to the wild. The falconer may temporarily remove the raptor from the rehabilitation facilities while conditioning the raptor. The raptor shall remain under the rehabilitator’s license and shall not count towards the falconer’s possession limit. The rehabilitator shall provide the licensed falconer with a written statement authorizing the falconer to assist the rehabilitator. The written statement shall also identify the raptor by species, type of injury, and band number, when available. The licensed falconer shall return the raptor to the rehabilitator within the 180-day period established under R-12-4-423(N), unless the raptor is:

1. Released into the wild in coordination with the rehabilitator and as authorized under this subsection.

2. Allowed to remain with the rehabilitator for a longer period of time as authorized under R12-4-423(N), or
3. Transferred permanently to the falconer, provided
the falconer may legally possess the raptor and
the Department approves the transfer. The raptor
shall count towards the falconer’s possession
limit.

AA. A licensed falconer may use a raptor possessed for
falconry in captive propagation, when permitted
by USFWS. A licensed falconer is not required to
transfer a raptor from a Sport Falconry license to
another license when the raptor is used for captive
propagation less than eight months in a year.

BB. A General or Master licensed falconer may use a
lawfully possessed raptor in a conservation educa-
tion program presented in a public venue. An
Apprentice falconer, under the direct supervision
of a General or Master falconer, may use a law-
fully possessed raptor in a conservation education
program presented in a public venue. The primary
use for a raptor in a conservation education pro-
gram is falconry. The falconer shall ensure the
focus of the conservation education program is to
provide information about the biology, ecological
roles, and conservation needs of raptors and other
migratory birds. The falconer may charge a fee for
presenting a conservation education program;
however, the fee shall not exceed the amount
required to recoup the falconer’s costs for provid-
ing the program. As a condition of the Sport
Falconry License, the licensed falconer agrees to
indemnify the Department, its officers, and em-
ployees. The falconer is liable for any damages
associated with the conservation education activ-
ities.

CC. A licensed falconer may allow the photography,
filming, or similar uses of a falconry raptor pos-
sessed by the licensed falconer, provided:

1. The falconer is not compensated for these activi-
ties; and

2. The final product from these activities:
   a. Promotes the practice of falconry;
   b. Provides information about the biology, ecological
    roles, and conservation needs of raptors and other
    migratory birds;
   c. Endorses a nonprofit falconry organization or
    association, products, or other endeavors re-
    lated to falconry; or
   d. Is used in scientific research or science publica-
tions.

DD. A licensed falconer may use or dispose of lawfully
possessed falconry raptor feathers. A falconer
shall not buy, sell, or barter falconry raptor feath-
ers. A falconer may possess feathers for imping
from each species of raptor that the falconer
currently and previously possessed.

1. The licensed falconer may transfer or receive
feathers for imping from:
   a. Another licensed falconer,
   b. A licensed wildlife rehabilitator, or
   c. Any licensed propagator located in the U.S.

2. A licensed falconer may donate falconry raptor
feathers, except bald and golden eagle feathers,
to:
   a. Any person or institution permitted to possess
    falconry raptor feathers,
   b. Any person or institution exempt from the per-
    mit requirement under 50 CFR 21.12, or
   c. A non-eagle feather repository. The Department
    may provide information regarding the submit-
tal of falconry raptor feathers to a non-eagle
    feather repository.

3. A licensed falconer shall gather primary and sec-
ondary flight feathers or retrices that are melted
or otherwise lost from a golden eagle and either
retain the feathers for imping purposes or submit
the feathers to the U.S. Fish and Wildlife Service,
National Eagle Repository, Rocky Mountain Arse-
nal, Building 128, Commerce City, Colorado
80022.

4. A falconer whose license is either revoked or
expired shall dispose of all falconry raptor feathers
in the falconer’s possession.

EE. Arizona licensed falconers importing raptors into
Arizona shall have a certificate of health issued no
more than 30 consecutive days:

1. Prior to the international importation, or
2. Prior to or after the inter-state importation.

FF. A licensed falconer may conduct any of the follow-
ing activities with any captive-bred raptor pro-
vided the raptor is wearing a seamless band:

1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,
6. Offer for sale, or
7. Transfer.

GG. A licensed falconer is prohibited from conducting
any of the following activities with any wild-
caught raptor protected under the Migratory Bird
Treaty Act:

1. Barter,
2. Offer for barter,
3. Purchase,
4. Sell, or
5. Offer for sale.

HH. A licensed falconer may transfer:

1. Any wild-caught falconry raptor captured in Ar-
izona with or without a permit tag to another
Arizona Sport Falconry License holder at any
time.
   a. The raptor shall count towards the take limit
      for that calendar year for the falconer taking
      the raptor from the wild.
   b. The raptor shall not count against the take limit
      of the falconer receiving the raptor.

2. Any wild-caught falconry raptor to another license
or permit type under this Article or federal law,
provided the raptor has been used in the sport of
falconry for at least two years preceding the
transfer.

3. A wild-caught falconry sharp-shinned hawk (Acci-
piter striatus), Cooper’s hawk (Accipiter cooperii), merlin (Falco columbarius), or American
kestrel (Falco sparverius) to another license or
permit type under this Article or federal law,
provided the raptor has been used in the sport of
falconry for at least one-year preceding the trans-
fer.
4. Any hybrid or captive-bred raptor to another licensed falconer or permit type under this Article or federal law at any time.
5. Any falconry raptor that is no longer capable of being flown, as determined by a veterinarian or licensed rehabilitator, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian or rehabilitator stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

II. A licensed falconer shall conduct the following activities, as applicable, no more than 10 business days after either the death of a falconry raptor or the final examination of a deceased raptor by a veterinarian:
   1. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
   2. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, the falconer shall either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
   3. For all other species:
      a. Submit the carcass to a non-eagle repository;
      b. Submit the carcass to the Department for submission to a non-eagle repository;
      c. Donate the body or feathers to any person or institution exempt under 50 CFR 21.12 or authorized by USFWS to acquire and possess such parts or feathers;
      d. Retain the carcass or feathers for imping purposes as established under subsection (DD);
      e. Burn, bury, or otherwise destroy the carcass; or
      f. Mount the raptor carcass. The falconer shall ensure any microchip implanted in the raptor is not removed and any band attached to the raptor remains on the mount. The falconer may use the mount for a conservation education program. The falconer shall ensure copies of the license and all relevant 3-186A forms are retained with the mount. The mount shall not count towards the falconer’s possession limit.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-423. Wildlife Rehabilitation License
A. For the purposes of this Section, the following definitions apply:
   1. “Agent,” in addition to the definition in R12-4-401, means the same as “sublicensee” or “subpermittee” as these terms are used in federal regulations that incorporate by reference. A copy of the incorporated material is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
   2. “Assistant” means an individual who is not designated as an agent, as defined in R12-4-401 and this Section, who assists a wildlife rehabilitation license holder, and is under the direct supervision of the license holder at the premises described on the license.
   3. “Migratory birds” means all species listed in 50 CFR 10.13, revised October 1, 1999, not including any later amendments or editions, which is incorporated by reference. A copy of the incorporated material is available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
   4. “Taxa” means groups of animals within specific classes of wildlife occurring in the state with common characteristics that establish relatively similar requirements for habitat, food, and other ecological or behavioral factors pertinent to establishing standards of housing, care, or rehabilitation.

B. A wildlife rehabilitation license allows an individual to capture alive; transport; temporarily possess; rehabilitate; transfer to a practicing veterinarian for treatment or euthanasia or to another rehabilitator licensed for the wildlife; release; or euthanize an injured, diseased, disabled, orphaned, or otherwise debilitated live wildlife specified on the license. The license also allows an individual to export, transfer to a licensed zoo, or dispose of wildlife as directed in writing by the Department. A wildlife rehabilitation license holder shall not display for educational purposes, exhibit, or permanently possess wildlife held under the license. The Department may add stipulations to a license, as stated in R12-4-409, if the Department finds it is necessary to do so after reviewing an application for a license,
submitted as prescribed by subsection (D), and evaluating the activities that an applicant proposes to perform.

C. Before applying for a wildlife rehabilitation license, an individual shall take an examination administered and supervised by the Department that covers wildlife rehabilitation; handling, transport, humane treatment, and nutritional, behavioral, developmental, ecological, and habitat requirements of wildlife; captivity standards established under R12-4-408; human and wildlife safety considerations; and state laws regarding wildlife rehabilitation, specifically R12-4-409 and this Section. An individual shall make an appointment with the Department to take the examination during normal business hours. An individual may request that the test be written or tape-recorded. The Department shall mail the results to the individual within 30 calendar days of the examination. The Department shall consider only those parts of the examination that are applicable to the taxa of wildlife for which the license is sought in establishing the qualifications of the applicant.

D. An applicant shall apply for a wildlife rehabilitation license using a form available from the Department. The applicant shall provide the following information:
1. Name, address, telephone number, birthdate, physical description, and (if applicable) Department ID number;
2. Documentation of one or more of the following:
   a. A valid, current license issued by a state veterinarian medical examination authority that authorizes the applicant to practice as a veterinarian;
   b. A minimum of six months of experience performing wildlife rehabilitative work for an average of at least eight hours per week for the taxa or species of animal in subsection (D)(5) that is listed on the application; or
   c. A current and valid license, permit, or other form of authorization issued by another state or federal government that allows the applicant to perform wildlife rehabilitation;
3. Documentation that the applicant has answered correctly at least 80% of the questions on the examination in subsection (C), and that the applicant took the examination within five years of applying for the license;
4. One or more of the following supporting documents:
   a. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;
   b. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;
   c. A typed, computer or word processor printed, or legibly handwritten statement signed by the applicant that affirms that the applicant is a licensed, practicing veterinarian;
5. The wildlife taxa or species that will be used under the license. The Department shall only issue a wildlife rehabilitation license for the following taxa or species of wildlife:
   a. Amphibians: all amphibians;
   b. Reptiles: all reptiles;
   c. Birds:
      i. Non-passerines, birds in any order other than those named in (ii) through (vi);
      ii. Raptors, birds in the orders Falconiformes or Strigiformes;
      iii. Quails, birds in the order Galliformes;
      iv. Doves, birds in the order Columbiformes;
      v. Hummingbirds, birds in the order Trochiliformes; and
      vi. Passerines, birds in the order Passeriformes;
   d. Mammals:
      i. Nongame mammals;
      ii. Bats: all bats;
      iii. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, and pronghorn antelope; and
      iv. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
   e. The Department shall not issue a wildlife rehabilitation license for the following wildlife species unless the applicant specifically states the species on the license application:
      i. Arizona ridge-nosed rattlesnakes;
      ii. Banded rock rattlesnakes;
      iii. Desert massasaugas;
      iv. Flat-tailed horned lizards;
      v. Gila monsters;
      vi. Eagles; and
      vii. Notwithstanding the taxa listed in subsections (D)(5)(a) through (d), species listed in Federal Endangered and Threatened Wildlife and Plants, 50 CFR 17.11, revised as of August 4, 2004, and species listed in Wildlife of Special Concern;
6. If the applicant is applying for a wildlife rehabilitation license to perform authorized activities with migratory birds, evidence showing that the applicant meets the following criteria:
   a. The applicant is at least 18 years old; or
   b. The applicant has a parent or legal guardian cosign the application and the signature is notarized;
7. A typed, computer or word processor printed, or legibly handwritten narrative that describes the following:
   a. The method of disposing of the wildlife that the applicant prefers: export, transfer to a licensed zoo, or another method as directed in writing by the Department; and
   b. If the applicant applies to perform authorized activities with taxa or species of wildlife that are listed in subsection (D)(4)(e), a statement of
the applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species;

8. The name, address, and telephone number of the location where the wildlife will be held, if applicable. Otherwise, the applicant shall provide the physical description of the location, including township, range, and section;

9. A detailed description or diagram of the facilities where the applicant will hold the wildlife, and a description of how the facilities comply with R12-4-428 and any other captivity standards prescribed by this Section;

10. If the applicant is authorizing an agent, the information stated in subsections (D)(1), (3), (5), (6), (7), (8), (9), and (11), as applicable to the agent. The agent shall sign and date the affidavit stated in subsection (D)(11), but shall omit (d). By signing the affidavit, the agent attests that the information provided is true and correct to the agent's knowledge and that the agent has not had live wildlife privileges revoked in this state or any other state or the United States.

11. The applicant's signature and the date of signing. By signing the application, the applicant attests to the following:
   a. The information the applicant has provided is true and correct to the applicant's knowledge;
   b. The applicant is applying for the license for the sole purpose of restoring wildlife to the wild through rehabilitative activities;
   c. The applicant understands that all wildlife held under the license remains the property of the state and shall be returned to the Department upon request;
   d. The applicant is solely responsible for all expenses incurred and all actions taken under the license, including all actions and omission of all agents and assistants when they are performing activities authorized under the license;
   e. The applicant shall conduct rehabilitation at the location listed on the license; and
   f. The applicant's live wildlife privileges are not revoked in this state, any other state, or the United States.

E. The Department shall issue a wildlife rehabilitation license in compliance with R12-4-106. The Department may deny a license or limit a license based upon the training and experience of the applicant. If the Department denies the application for a wildlife rehabilitation license, the Department shall proceed as prescribed by R12-4-409(D).

F. A wildlife rehabilitation license expires on December 31 of the third year following the date of issuance of the license. A wildlife rehabilitation license holder shall renew the license before it expires as stated in R12-4-409(M). If the license holder applies to renew the license as prescribed by subsection (D), the license holder may reference supportive material previously submitted to the Department if the license holder is not changing the species, location, or design of the facility where the wildlife will be held. The license holder shall retake the examination in subsection (B) if written reports submitted under subsection (S) indicate that the applicant did not perform any rehabilitative activities under the license.

G. A wildlife rehabilitation license holder shall capture, remove, transport, and release wildlife under this Section in a manner that is least likely to cause injury to the affected wildlife.

H. A wildlife rehabilitation license holder shall keep a current log that records the information specified under subsection (S).

I. A wildlife license holder shall participate in one of the following during the license period:
   1. Eight or more hours of continuing education sessions on wildlife rehabilitation, offered by the Department at no fee. The Department shall provide each license holder with a minimum of 30 calendar days' notice of the sessions; or
   2. Eight or more hours of continuing education sessions on wildlife rehabilitation offered by an accredited university or college; the National Wildlife Rehabilitation Council, R.R. 1, Box 125 E Brighton, IL 62012; or the International Wildlife Rehabilitation Council, P.O. Box 3007, Walnut Creek, CA 94598.

J. A wildlife rehabilitation license holder shall obtain written authorization from the Department before allowing an individual to act as an agent. The agent shall have the authorization in possession and available for Department inspection while performing activities authorized by the license. The Department may suspend or revoke the license holder's license for violation of this Section by an agent.

K. A wildlife rehabilitation license holder may make a written request at any time during the license period to amend the license to add or delete an agent, to add or delete premises where wildlife is held, or to obtain authority to rehabilitate additional taxa of wildlife. To amend the license, the applicant shall submit the following:
   1. To add or delete an agent, the information stated in subsections (D)(1), (3), (5) through (9), and (11), as applicable to the agent;
   2. To add or delete premises, the information stated in subsection (D)(1), (5), (8), (9), and (11); and
   3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (D)(1) through (9) and (11).

L. A wildlife rehabilitation license holder may accept donations from the public to compensate for expenses related to activities authorized under the license, or to provide materials or facilities necessary to perform those activities.

M. A wildlife rehabilitation license holder authorized to rehabilitate wildlife taxa or species listed in subsection (D)(5)(d)(iii) and (iv) or (D)(5)(e) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.

N. Except when the Department has authorized possession for a longer period, a wildlife rehabilitation license holder shall not possess a bird longer than 180 days or other wildlife longer than 90 days; and
all wildlife not releasable after these time-frames may be retained, transferred, disposed of, or euthanized as authorized by the Department. All wildlife held under the license remains the property of the state and shall be returned to the Department upon request. A license holder shall submit a written request to the Department to hold wildlife for longer than specified in this subsection. The Department may require the license holder to provide a typed, computer or word processor printed, or legibly handwritten statement signed by a licensed veterinarian listing the medical reasons for the extension if there is a dispute between the Department and the license holder regarding the medical necessity for the requested extension. The Department shall grant or deny a request for extension within 10 days of receipt of the request or the veterinarian's statement. The license holder may continue to hold the specified wildlife while the Department considers the request. The Department shall deny a request for extension in writing and shall include in the written denial specific, time-dated directions on disposition of the animal.

O. A wildlife rehabilitation license holder may hold wildlife under the license after the wildlife reaches a state of restored health only for the amount of time reasonably necessary to make humane disposition of the wildlife, but not for longer than has been authorized under subsection (N). Rehabilitated wildlife shall be released at an ecologically appropriate time of year, into a habitat suitable to sustain it and:

1. In the same geographic area from which the animal was originally obtained, except that birds may be released at any location statewide within the normal range of that species in ecologically suitable habitat; or
2. In an area designated by the Department; and
3. Without immediate threat to the animal of injurious contact with humans.

P. To permanently hold rehabilitated wildlife that is unsuitable for release, a licensee wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license under as prescribed by R12-4-417.

Q. Unless otherwise stipulated in the license, a wildlife license holder shall dispose of all wildlife that is euthanized or that otherwise dies while held under license within 30 days of death by burial or incineration, except that the license holder shall transfer all carcasses of endangered or threatened species, wildlife of special concern as defined in R12-4-401, or eagles to the Department.

R. A wildlife rehabilitation license holder shall ensure that a copy of the license, including any stipulations placed on that license, accompanies any shipment or transport of wildlife under this Section, and is available for Department inspection at each of the premises authorized by the license.

S. Before January 31 of each year, a wildlife rehabilitation license holder shall file a written report on activities performed under the license for the previous calendar year. The license holder shall report on a form available from the Department. The written report shall contain the following information:

1. The name, address, date of birth, and telephone number of the licensee and all agents;
2. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder; and
3. An itemized list of each animal held under the license during the calendar year for which activity is being reported. For each animal held by the license holder or agent, the itemization shall include: the name of the species; condition that required rehabilitation; source, location, and date of acquisition; if reasonably determinable, age class at acquisition; status at disposition or end-of-year relative to the condition requiring rehabilitation; and method, place, and date of disposition. A copy of the rehabilitator’s federal permit report of activities related to federally-protected wildlife satisfies this reporting requirement for federally protected wildlife.

T. A wildlife rehabilitation license holder is subject to R12-4-409, R12-4-428, and R12-4-430.

### Authorizing Statute

General: A.R.S. § 17-231(A)(1)

### Historical Note


### R12-4-424. White Amur Stocking and Holding License

A. For the purposes of this Section:

1. “Closed aquatic system” means any body of water, water system, canal system, or series of lakes, canals, or ponds where triploid white amur are prevented from ingress or egress by any natural or man-made barrier, as determined by the Department.

2. “Triploid” means a species that has 3N chromosomes.

B. A white amur stocking and holding license allows an individual to import, transport, stock, and possess triploid white amur (Ctenopharyngodon idella).

C. An applicant for a white amur stocking and holding license shall use a form available from any Department office. The applicant shall provide the following information on the form:

1. Name, address, telephone number, birthdate, physical description, and Department ID number (if applicable) of the applicant;
2. Whether the applicant will use the white amur for personal use or a commercial purpose. If the applicant is applying for the license for a commercial purpose, the applicant shall also provide the...
name, address, and telephone number of the applicant’s business;

3. The purpose of stocking the wildlife:
   a. To control aquatic weeds that interfere with recreational, domestic, municipal, agricultural, or industrial use of water;
   b. To control aquatic weeds that impair water quality;
   c. For sale from licensed fish farms.

4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, as required by A.R.S. § 17-317, and a description of how the system meets the definition of a “closed aquatic system” in subsection (A);

5. The name, address, and telephone number of the location where the white amur will be stocked, if applicable. Otherwise, the applicant shall provide the physical location of the stocking site, including township, range, and section. If the applicant applies to stock white amur in more than one location, the applicant shall submit a separate application for each location. The following qualify as separate locations:
   a. Each closed aquatic system;
   b. Each separately managed portion of a closed aquatic system; and
   c. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;

6. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;

7. A detailed description of how the applicant will meet the requirements of A.R.S. § 17-317;

8. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;

9. The number and size of white amur to be stocked;

10. The date white amur will be stocked, or dates if stocking will take more than one day; and

11. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to the applicant’s knowledge and that the applicant’s live wildlife privileges are not revoked in this state, any other state, or by the United States.

D. The Department shall issue a white amur stocking and holding license as prescribed by R12-4-106. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department has the authority to place additional stipulations on a white amur stocking license for additional reasons than those stated in R12-4-409(F) if the Department determines it is necessary to do so during the substantive review time-frame. If the Department determines during the substantive review time-frame that stocking white amur will take place in a watershed that contains wildlife listed in “Wildlife of Special Concern” as defined in R12-4-401, the Department has the authority to request that the applicant submit a typewritten, computer or word processor printed, or legibly handwritten proposal that addresses the biological consequences of introducing white amur. The proposal shall include:

1. The purpose of introducing white amur;
2. Expected benefits of the introduction;
3. Possible negative impacts of the introduction;
4. An evaluation of the ecology and potential displacement of wildlife species listed in “Wildlife of Special Concern” identified by the Department;
5. An evaluation of disease potential; and
6. A method for evaluating the status of wildlife listed in “Wildlife of Special Concern” and the impact introducing white amur has had on that wildlife after white amur is introduced.

E. If the Department denies the application for a special license, the Department shall proceed as prescribed by R12-4-409(D). The Department shall deny a white amur stocking license if the Department determines that issuing the license may result in a negative impact on state wildlife.

F. A white amur stocking and holding license holder shall ensure that all shipments of white amur are accompanied by certification issued by the U.S. Fish and Wildlife Service that verifies the white amur are triploid. The license holder shall provide a copy of the certificate to the Department before any stocking or restocking.

G. A white amur stocking and holding license holder shall report all restocking of white amur to the Department on forms provided by the Department before restocking. The license holder shall provide the following information on the form:

1. Name, address, telephone number, birthdate, physical description, and Department ID number of the license holder as it appears on the current license;
2. If the applicant will use the white amur for a commercial purpose, the name, address, and telephone number of the applicant’s business;
3. The purpose for restocking the white amur:
   a. Control of aquatic weeds that interfere with recreational, domestic, municipal, agricultural or industrial use of water;
   b. Control of aquatic weeds that impair water quality; or
   c. For sale from licensed fish farms.

4. A detailed description or diagram of the aquatic system where the applicant will hold the white amur, and a description of how the facilities meet the definition of a “closed aquatic system”;

5. If the applicant will hold white amur at a business, the name, address, and telephone number of the business, and the title of the position held by the applicant;

6. The name, address, and telephone number of all white amur suppliers from whom the special license applicant will obtain white amur;

7. The number and size of white amur to be stocked;

8. The date white amur will be stocked, or dates if stocking will take more than one day; and

9. The applicant’s signature and the date of signing. By signing the application, the applicant attests that the information provided is true and correct to their knowledge and that the applicant’s have
not had their live wildlife privileges revoked in this state or any other state since the current license was issued.

H. The Department shall not grant authorization for restocking white amur for more than 20 days. Authorization is valid only during the dates stipulated on the license.

I. A white amur stocking license holder who applies to renew the license shall pay fees as prescribed under R12-4-412.

J. A white amur stocking and holding license holder is subject to R12-4-409.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments
A. An individual who lawfully possessed restricted live wildlife without a license or permit from the Department before the effective date of this Section or any subsequent amendments to this Section may continue to possess the wildlife and to use it for any purpose that was lawful before the effective date of this Section or any subsequent amendments, and no special license shall be required if:
1. The individual notifies the Department's Phoenix office in writing of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used; and
2. The individual provides this notice within 30 calendar days of the effective date of this Section or any subsequent amendments to this Section; or
3. The individual maintains documentation of the restricted live wildlife held, including the number of individuals of each species and the purpose for which it is used. Documentation shall be notarized and dated within 30 calendar days of the effective date of this Section or the effective date of any subsequent amendments in order to be valid.

B. An individual who possesses restricted live wildlife under this Section shall include the individual's name, address, and the location where the wildlife is held in the written notification or documentation required in subsection (A). The Department shall acknowledge receipt of notification in writing. Those individuals that maintain their own documentation under subsection (A)(3) shall make it available for inspection upon request of a designated Department employee.

C. An individual that possesses wildlife under this Section may dispose of it only by the following methods:
1. Exportation;
2. Within the state, to a holder of a special license, if that special license authorizes possession of the species involved;
3. Euthanasia; or
4. As otherwise directed in writing by the Department.

D. If an individual transfers restricted live wildlife possessed under this Section to a special license holder, the license holder shall use and possess the wildlife only as prescribed by that special license.

E. An individual who possesses wildlife under this Section shall dispose of any offspring of that wildlife by export, euthanasia, or as otherwise directed in writing by the Department.

F. An individual who possesses wildlife under this Section or its offspring shall not import the wildlife back into the state unless the individual obtains a special license.

G. An individual is not required to give notice of possession of a desert tortoise (Gopherus agassizii) under this Section. Possession of desert tortoises is prescribed under R12-4-404 and R12-4-407.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

R12-4-426. Possession of Primates
A. For the purposes of this Section, the following definitions apply:
1. “Primate” means a non-human animal in the order Primate not listed in R12-4-406(G)(4).
2. “Infant” means an animal weighing less than 50% of the weight of an adult as identified in “The Pictorial Guide to Living Primates,” Pogonias Press 1996, and not including any later edition. This material is incorporated by reference and is available from all Department regional offices and from Pogonias Press, 1411 Shannock Rd., Charlestown, RI 02813-3278.

B. An individual shall not buy, sell, barter, gift, or import an infant primate in this state.

C. An individual shall not import a non-infant primate into this state unless:
1. The individual ensures that the primate is tested and reported to be free of any zoonotic disease, as defined in R12-4-401, that poses a serious health risk as determined by the Department. Zoonotic diseases that pose a serious health risk include, but are not limited to:
   a. Tuberculosis;
   b. Simian Herpes B virus; and
   c. Simian Immunodeficiency Virus;
2. A qualified individual, as determined by the Department, performs the test and provides the test results; and
3. The tests required by subsection (C)(1) are conducted no more than 30 days before the primate is imported and the results are received by the Department before import.

D. A legal owner of a primate shall contain the primate within the confines of the legal owner's private property. A legal owner of a primate may only transport the primate by cage, crate, or carrier. A legal owner of a primate shall only transport the primate to the following locations:
1. To or from a licensed veterinarian; or
2. Into or out of the state for lawful purposes, or within the state to complete a lawful sale.

E. A primate that bites, scratches, or otherwise exposes a human to pathogenic organisms, as determined by the Department, shall be examined and laboratory tested for the presence of pathogens as follows:
1. The Department Director or the Director's designee shall prescribe examinations and laboratory testing for the presence of pathogens.
2. The owner of a primate that bites, scratches, or otherwise exposes a human to pathogenic organisms shall have the primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department. The licensed veterinarian shall provide the laboratory results to the Director or the Director's designee within 24 hours of receiving the results. The Department shall notify the individual and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.
3. The legal owner of the primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.
4. A primate that tests positive for a zoonotic disease that poses a serious health risk to humans, or is involved in more than one incident of biting, scratching, or otherwise exposing a human to pathogenic organisms, shall be maintained in captivity or disposed of as directed in writing by the Director or the Director's designee.

R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License

A. An individual may possess, provide rehabilitative care to, and release to the wild any live wildlife listed below that is injured, orphaned, or otherwise debilitated:
1. The order Passeriformes; passerine birds;
2. The order Columbiformes; doves;
3. The family Phasianidae; quail, pheasant, partridge, and chukars;
4. The order Rodentia; rodents; and
5. The order Lagomorpha; hares and rabbits.

B. An individual is not required to possess a hunting license to take wildlife alive listed in subsection (A).

C. An individual shall not possess the following under the provisions of this Section:
1. Eggs of wildlife;
2. Wildlife listed as Wildlife of Special Concern, as defined in R12-4-401; or
3. More than 25 animals at the same time.

D. The exemptions granted by this Section shall not apply to any individual who, by his or her own action, has unlawfully injured or orphaned the wildlife.

E. If the wildlife is rehabilitated and suitable for release, the individual who possesses the wildlife shall release it within the 60-day period stated in subsection (C) into a habitat that is suitable to sustain the wildlife, or as close as possible to the same geographic area from where it was taken. If the wildlife is not rehabilitated within the 60-day period or if the wildlife requires care normally provided by a veterinarian, the individual who possesses it shall:
1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
2. Humanely kill it; or
3. Obtain a wildlife holding permit as prescribed by R12-4-417.

F. This Section does not exempt an individual from the requirements of federal law.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
R12-4-428. Captivity Standards

A. An individual who holds a special license listed in R12-4-409(A) shall keep all wildlife held under the license in as humane a manner as the activities authorized by the license allow, to safeguard and protect the interests of the wildlife held. A special license holder subject to the provisions of this Section shall comply with the minimum standards for humane treatment prescribed by this Section. For the purposes of this Section, "animal" means any wildlife held under a special license, unless otherwise indicated.

B. A special license holder shall ensure that all facilities required by the special license meet the following minimum standards.

1. The facility shall be constructed of material and be of a strength appropriate for the nature of the animal held. The facility shall be properly braced and constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it. The facility shall be constructed in such a manner as to reasonably prevent the animal's escape or the entry of unauthorized individuals or animals. The facility shall be structurally sound and shall be maintained in good repair to protect the animals that are held from injury and to facilitate the humane practices prescribed by this Section.

2. If required to comply with related provisions of this Section, there shall be safe, reliable and adequate electric power to the facility. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus and is fully protected from any possibility of shock or electrocution from electric conducting materials.

3. Every animal shall be supplied with sufficient potable water to meet its needs. If potable water is not accessible to the animal at all times, it shall be provided as often as necessary for the health and comfort of the animal, and the license holder shall ensure that the level of available water is monitored once daily or more often as the needs of the animal dictate. All water receptacles shall be kept in clean and sanitary condition.

4. Food shall be wholesome, palatable, and free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain in good health each animal that is held. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the age, species, condition, size, and type of the animal, and all veterinary directions or recommendations in regard to diet. The quantity of food supplied to each animal shall be sufficient to meet its needs and keep it in good health. Each animal shall be fed as often as its needs dictate, taking into consideration hibernation, veterinary treatment or recommendation, normal fasts, or other professionally accepted humane practices. The license holder shall ensure that the level of available food for each animal is monitored once daily, except for those periods of time when professionally accepted humane practices dictate that the animal not consume any food during the entire day. Food and food receptacles, if used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination. Food receptacles shall be kept clean and sanitary at all times. Any self-feeding food receptacles shall function properly and the food they provide shall not be subject to deterioration, contamination, molding, baking, or any other process that would render the food unsafe or unpalatable for the animal to be fed. Appropriate means of refrigeration shall be provided for supplies of perishable animal foods.

5. The facility shall be kept sanitary and regularly cleaned as the nature of the animal requires and allows. Adequate provision shall be made for the removal and disposal of animal waste, food waste, unusable bedding materials, trash, debris and dead animals not intended for food. The facility shall be maintained to minimize the potential of vermin infestation, disease, and unseemly odors. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination of the animals and to minimize hazard of disease and to reduce unseemly odors. The sanitary condition of the facility shall be monitored by the licensee at least daily. When the facility is cleaned by hosing, flushing or the introduction of any chemical substances, adequate measures shall be taken to ensure the animal has no direct contact with any chemical substance and is not directly sprayed with water, steam or chemical substances or otherwise wetted involuntarily.

6. A sanitary and humane method shall be provided to rapidly eliminate excess water from the facility. If drains are utilized, they shall be properly constructed and kept in good repair to avoid foul odors, and installed so as to prevent backup or accumulation of debris or sewage.

7. No animal shall be exposed to any human activity or environment that may have an inhumane or harmful effect upon the animal that is inconsistent with the purpose of the special license.

8. Facilities shall not be constructed or maintained in proximity to any physical condition which may give rise to any health threat to the animal including, but not limited to, trash or garbage collection sites and/or pools of standing water. All individuals that care for the animals shall maintain themselves in a sufficiently clean condition when dealing in or around the animal so as to minimize any threat to the health of the animal.

9. All animals housed in the same facility or within the same enclosed area shall be compatible and shall not pose a substantial threat to the health, life or well-being of any other animal in the same facility or enclosure, whether or not the other animals are held under a special license. This shall not apply to live animals placed as food items in the enclosures.
10. Facilities for the enclosure of animals shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement to make normal postural and social adjustments. The facility area shall be large enough and constructed in a manner to allow the animal proper and adequate exercise as is characteristic to each animal's natural behavior and physical need. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity. Animals that naturally climb shall be provided with safe and adequate climbing apparatus. Animals that naturally live in an aquatic environment shall be supplied with sufficient access to safe water so as to meet their aquatic behavioral needs.

11. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices prescribed by this Section. The license holder shall be responsible for the actions of all animal care personnel and all other individuals that come in contact with the animals.

12. The facility and holding environment shall be structured to reasonably promote the psychological well-being of any primate held under a special license.

13. Except for wildlife hobby license holders that possess fewer than 50 birds and license holders that possess animals for less than one year, a special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each individual species of animal to be held under any special license issued. The license holder shall ensure that all animals in their care receive proper, adequate and humane veterinary care as the needs of each animal dictate. Each animal held for one year or more and each facility used shall be inspected by the attending veterinarian at least once every year. Every animal shall receive veterinary care whenever it appears that the animal is ill, wounded, diseased, infected by parasites or behaving in a substantially abnormal manner, including but not limited to exhibiting loss of appetite or disinclination to normal physical activity. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the license. No prescription medicine or medical treatment shall be administered by any license holder unless under the direction of a veterinarian.

14. Any animal that is suspected of or diagnosed as harboring any infectious or transmissible disease, whether or not the animal is held under a special license, shall be isolated immediately upon suspicion or diagnosis from any animal to whom such disease could be transmitted. The isolated animal shall continue to be kept in a humane manner and in a facility as required by this Section. When there is an animal with an infectious or transmissible disease in any animal facility, whether or not the animal is held under a special license, the facility shall be reasonably sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but not necessarily be limited to, the washing of facilities or animal-related materials with hot water and appropriate antibacterial chemical agents and appropriate soaps or detergents; the appropriate application of steam under pressure; and the replacement of gravel, sand, water, food, or dirt. All residue of chemical agents utilized in the sanitation process shall be reasonably eliminated from the facility before any animal is returned to the facility. Parasites and avian and mammalian pests shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.

C. A special license holder shall ensure that all indoor facilities meet the following standards in addition to those set forth in subsection (B).

1. Heating and cooling facilities shall be supplied that are sufficient to regulate the temperature to protect the animals from extremes of temperature as the nature of the wildlife requires and to provide a healthful and humane living environment and prevent discomfort to the animal. The ambient temperature shall not be allowed to fall below nor rise above temperatures compatible with the health, comfort, and humane care of any animal.

2. Indoor facilities shall be adequately ventilated by natural or mechanical means to provide for the healthful and humane keeping of any animal and prevent the discomfort of any animal. The facility shall be provided with fresh air, either by means of windows, doors, vents, fan, or air conditioning sufficient to meet the humane needs of any animal and shall be constructed to minimize drafts, odors and moisture condensation.

3. Indoor facilities shall have lighting by either natural or artificial means, or both, that is appropriate to the nature of the animals being kept. Lighting shall be of a quality, distribution, and duration as is appropriate for the needs and nature of the animals held. Lighting shall be utilized in regular cycles as the animal's needs may dictate. Lighting of uniform distribution and sufficient intensity to permit routine inspection and cleaning of the facility shall be available. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.

D. A special license holder shall ensure that all outdoor facilities meet the following standards in addition to those set forth in subsection (B).

1. If sunlight is likely to cause overheating or discomfort of any animals being kept, suitable shade by natural or artificial means shall be provided to allow all animals kept outdoors to humanely protect themselves from any harmful affects of direct sunlight.

2. Sufficient natural or artificial shelter appropriate to humanely protect animals from normally expected local climatic conditions through the year.
shall be provided for all animals to prevent any discomfort or harm to the animals. No animal shall be exposed to any climatic condition that is potentially harmful to the animal. Individual animals shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.

E. If an animal must be handled, the special license holder that possesses it shall ensure that the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal. An animal that is transported shall be transported in an expeditious, careful, and humane fashion. During periods of transport, an animal shall be made as humanely secure as reasonably possible. No animal shall be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal. All facilities and services used to transport the animal shall provide for the basic humane needs of the animal during periods when the animal is held in a transportation facility, including but not necessarily limited to providing the animal with adequate food, water, sanitary conditions, and ventilation, and any medication as prescribed by the attending veterinarian. If any animal is placed on public exhibit or educational display, such animal shall be handled in a manner minimizing the risk of harm to members of the public and to the animal: Minimization of risk shall include but not necessarily be limited to sufficient distance existing between the animal and the viewing public to assure the safety of both the public and the animals. Any restraint used on any animal shall be humane in nature and not likely in either its design or use to cause physical harm or discomfort to the restrained animal except when discomfort is necessary to control the animal due to its size or strength.

F. The Department may impose additional requirements on facilities that hold animals if it becomes necessary to meet the needs of the particular animal and to ensure public health and safety. Any additional special license facility requirements shall be set forth in writing by the Department at the time the special license is issued. Any additional requirements for housing facilities shall specify the reason necessitating the additional measures.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

R12-4-429. Expired

Historical Note
New Section made by emergency rulemaking under A.R.S. § 41-1026 at 8 A.A.R. 3127, effective July 1, 2002 for a period of 180 days (Supp. 02-3). Emergency rulemaking renewed under A.R.S. § 41-1026(D) for an additional 180-day period at 9 A.A.R. 132, effective December 27, 2002 (Supp. 02-4). Section expired effective June 24, 2003 (Supp. 03-2).

R12-4-430. Importation, Handling, and Possession of Cervids

A. For the purposes of this Section, the following definitions apply:
1. “Native cervid” means any member of the deer family in the genus Alces, common name moose; the genus Odocoileus, common name white-tailed and mule deer; or the genus Cervus, common name red deer, wapiti, and elk; or the genus Rangifer, common name reindeer and caribou.
2. “Wildlife disease” means a disease that poses a health risk to wildlife in Arizona.
3. “Zoo” means any facility licensed by the Arizona Game and Fish Department under R12-4-420.

B. Except as provided in R12-4-418, upon the effective date of this Section, no new special licenses will be issued for live cervids.

C. An individual, including any special license holder, shall not import a live cervid into Arizona except as allowed in subsection (K).

D. Except as allowed under subsection (L), an individual shall not transport a live cervid within Arizona except to:
1. Export the live cervid from Arizona for a lawful purpose;
2. Transport the live cervid to a facility for the purpose of slaughter, when the slaughter will take place within five days of the date of transport;
3. Transport the live cervid to or from a licensed veterinarian for medical care; or
4. Transport the live cervid to a new holding facility owned by, or under the control of, the cervid owner, when all of the following apply:
   a. The current holding facility has been sold or closed;
   b. Ownership, possession, custody, or control of the cervid will not be transferred to another individual; and
   c. The owner of the cervid has prior written approval from the Director of the Arizona Game and Fish Department.

E. An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section, except any cervid held under a private game farm, wildlife holding, or zoo license, shall, within 30 days of the effective date of this Section, provide the Department with a written report that contains the following:
1. Name, address, and telephone number of the person possessing the live cervid;
2. Number, genus, and species of any live cervid held; and
3. Location where the live cervid is held.

F. An individual who lawfully possesses a live cervid held in captivity on the effective date of this Section, except any cervid held under a private game farm, wildlife holding, or zoo license, may continue to possess the live cervid and shall only dispose of the live cervid by the following methods:
1. Exportation,
2. Euthanasia, or
3. As otherwise directed by the Department.

G. An individual who lawfully possesses a live cervid under a private game farm, wildlife holding, or zoo license shall not move, or allow another to move, the cervid from the premises of the game farm, wildlife holding facility, or zoo except to:
1. Export the live cervid from Arizona for a lawful purpose,
2. Transport the live cervid to a facility for the purpose of slaughter, or
3. Transport the live cervid to or from a licensed veterinarian for medical care.

H. In addition to the recordkeeping requirements of R12-4-413, R12-4-417, and R12-4-420, an individual who possesses a live native cervid under a private game farm, wildlife holding, or zoo license on the effective date of this Section, and subsequent to the effective date of this Section for progeny, shall:
1. Permanently mark each live native cervid with either an individually identifiable microchip or tattoo within 30 days of the effective date of this Section;
2. Permanently mark the progeny of each live native cervid with either an individually identifiable microchip or tattoo and
3. Within 30 days of the effective date of this Section, and annually by December 15, provide the Department with a report listing the following for each live native cervid in the licensee’s possession:
   a. Name of the license holder,
   b. License holder’s address and telephone number,
   c. Number and species of live native cervids held,
   d. The microchip or tattoo number of each live native cervid held, and
   e. The disposition of all native cervids that were moved or that died in the six months before the effective date of this Section or during the current reporting period.

I. The holder of a private game farm, wildlife holding, or zoo license shall ensure that the head of a native cervid that dies while held under the special licenses (except a native cervid that is slaughtered as allowed under this Section, R12-4-413, R12-4-417, and R12-4-420) is submitted within 72 hours of the time of death to the University of Arizona Veterinary Diagnostic Laboratory for chronic wasting disease analysis. The licensee shall ensure that the shipment of the deceased animal’s head is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment. The Arizona Game and Fish Department shall pay for the cost of the laboratory analysis. The holder of a private game farm, wildlife holding, or zoo license shall include the following information with the shipment of the deceased animal’s head:
1. Name of the license holder,
2. License holder’s address, and
3. License holder’s telephone number.

J. If a zoonotic or wildlife disease, as determined by a person with relevant wildlife disease expertise, exists in any facility or on property holding cervids, and the zoonotic or wildlife disease poses an immediate threat to wildlife or humans, including those animals held under special license, the Arizona Game and Fish Department’s Director shall order the immediate quarantine of all wildlife held at the facility or on the property. The Director may suspend the provisions of any applicable special license and order the humane disposition of any affected animal based on an assessment of the threat to public or wildlife health, safety, or welfare. An individual who possesses a cervid where an identified zoonotic or wildlife health risk exists shall, as ordered by the Director, quarantine the wildlife, test the wildlife for disease, submit a biological sample to the Department or its designee, and, if necessary, destroy and dispose of the wildlife as directed by the Department.

K. A holder of a zoo license may transport any live cervid, except a native cervid, for exhibit, educational display, or propagation only if the cervid is quarantined for 30 days upon arrival, and the cervid is procured from a facility that complies with the following requirements:
1. The exporting facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;
2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of import; and
3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.

L. A holder of a zoo license may transport within Arizona any live cervid, except a native cervid, for the purpose of procurement or propagation only if the cervid is quarantined for 30 days upon arrival at its destination, and only if the cervid is procured from a facility that complies with the following requirements:
1. The originating facility has no history of chronic wasting disease or other diseases that pose a serious health risk to wildlife or humans, and there is accompanying documentation from the facility certifying that there is no history of disease at the facility;
2. The cervid is accompanied by a health certificate issued by a licensed veterinarian in the jurisdiction of origin, and the health certificate is issued within 30 days of transport; and
3. The cervid is accompanied by evidence of lawful possession as defined in R12-4-401.

M. An individual who possesses a cervid shall comply with all procedures for tuberculosis control and eradication for cervids prescribed in the USDA publication “Bovine Tuberculosis Eradication - Uniform Methods and Rules,” USDA APHIS 91-45-011, effective January 22, 1999. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered
from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.

N. An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication “Brucellosis in Cervidae: Uniform Methods and Rules” U.S.D.A. A.P.H.I.S. 91-45-12, effective September 30, 1998, revised effective May 14, 1999. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.

O. An individual who possesses a cervid shall comply with the procedures for the prevention, control, and eradication of Brucellosis in cervids as prescribed in the United States Department of Agriculture publication “Brucellosis Eradication: Uniform Methods and Rules” U.S.D.A. A.P.H.I.S. 91-45-11, effective February 1, 1998. This material is incorporated by reference in this Section but does not include any later amendments or editions. A copy is on file with the Secretary of State and is available from any Department office, or it may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P. O. Box 96464, Washington D.C. 20090-6464.

P. The Department has the authority to seize, destroy, and dispose of, at the owner’s expense, any cervid possessed in violation of this Section.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
New Section made by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1).

ARTICLE 5. BOATING AND WATER SPORTS

R12-4-501. Boating and Water Sports Definitions
In addition to the definitions provided under A.R.S. § 5-301, the following definitions apply to this Article unless otherwise specified:

“Abandoned watercraft” means any watercraft that has remained:
On private property without the consent of the private property owner;
Unattended for more than 48 hours on a highway, public street, or other public property;
Unattended for more than 72 hours on state or federal lands; or
Unattended for more than 14 days on state or federal waterways.

“Aids to navigation” means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.

“AZ number” means the Department-assigned identification number with the prefix “AZ”

“Bill of sale” means a written agreement transferring ownership of a watercraft that includes all of the following information:
Name of buyer;
Name of seller;
Manufacturer of the watercraft, when known;
Hull identification number, unless exempt under R12-4-505;
Purchase price and sales tax paid, when applicable; and
Signature of seller.

“Boats keep out” in reference to a regulatory marker means the operator or user of a watercraft, or a person being towed by a watercraft on water skis, a surfboard, or similar device or equipment shall not enter.

“Certificate of number” means the Department-issued document that is proof that a motorized watercraft is registered in the name of the owner.

“Certificate of origin” means a document provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser establishing the initial chain of ownership for a watercraft, such as but not limited to:
Manufacturer’s certificate of origin (MCO);
Manufacturer’s statement of origin (MSO);
Importer’s certificate of origin (ICO);
Importer’s statement of origin (ISO); or
Builder’s certification (Form CG-1261).

“Controlled-use marker” means an anchored or fixed marker on the water, shore, or a bridge that controls the operation of watercraft, water skis, surfboards, or similar devices or equipment.

“Dealer” means any person who engages in whole or in part in the business of buying, selling, or exchanging new or used watercraft, or both, either outright or on conditional sale, consignment, or lease.

“Homemade watercraft” means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. A watercraft that is assembled from a kit or constructed from an unfinished manufactured hull and does not have a manufacturer assigned hull identification number it is a “homemade watercraft.”

“Hull identification number” means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.

“Junk watercraft” means any hulk, derelict, wreck, or parts of any watercraft in an unseaworthy or dilapidated condition that cannot be profitably dismantled or salvaged for parts or profitably restored.

“Letter of gift” means a document transferring ownership of a watercraft that includes all of the following information:
Name of previous owner;
Name of new owner;
Name of manufacturer of the watercraft, when known;
Hull identification number, unless exempt under R12-4-505;
A statement that the watercraft is a gift; and
Signature of previous owner.
“Livery” means a business authorized to rent watercraft without an operator as prescribed under A.R.S. § 5-371.
“Manufacturer” means any person engaged in the business of manufacturing or importing new watercraft for the purpose of sale or trade.
“Motorized watercraft” means any watercraft propelled by machinery and powered by electricity, fossil fuel, or steam.
“No ski” in reference to a regulatory marker means a person shall not be towed on water skis, an inflatable device, or similar equipment.
“Nonresident Boating Safety Infrastructure Decal” means the Department-issued decal that is proof of payment of the fee authorized under A.R.S. § 5-327.
“No wake” in reference to a regulatory marker has the same meaning as “wakeless speed” as defined under A.R.S. § 5-301.
“Operate” in reference to a watercraft means use, navigate, or employ.
“Owner” in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest that entitles the person to possession.
“Personal flotation device” means a U.S. Coast Guard approved Type I, II, III, or V wearable, or Type IV throwable device for use on any watercraft, as prescribed under A.R.S. §§ 5-331, 5-350(A), and R12-4-511.
“Regatta” means an organized water event of limited duration affecting the public use of waterways, for which a lawful jurisdiction has issued a permit.
“Registered owner” means the person or persons to whom a watercraft is currently registered by any lawful jurisdiction.
“Registration decal” means the Department-issued decal that is proof of watercraft registration.
“Regulatory marker” means a waterway marker placed on, in, or near the water to indicate the presence of:
A danger,
A restricted or controlled-use area, or
To convey general information and directions.
“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.
“Sound level” means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.
“Staggered registration” means the system of renewing watercraft registrations in accordance with the schedule provided under R12-4-504.
“State of principal operation” means the state in whose waters the watercraft is used or will be operated most during the calendar year.
“Unreleased watercraft” means a watercraft for which there is no written release of interest from the registered owner.
“Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water and propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, makeshift contrivances constructed of inner tubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids.
“Watercraft agent” means a person authorized by the Department to collect applicable fees for the registration and numbering of watercraft.
“Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-301 and 5-311(A)(1)

Historical Note

R12-4-502. Application for Watercraft Registration
A. Only motorized watercraft as defined under R12-4-501 are subject to watercraft registration.
B. A person shall apply for watercraft registration under A.R.S. § 5-321 using a form furnished by the Department and available at any Department office or online at www.azgfd.gov. The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):
1. Type of watercraft;
2. Propulsion type;
3. Engine drive type;
4. Overall length of watercraft;
5. Make and model of watercraft, if known;
6. Year built or model year, if known;
7. Hull identification number;
8. Hull material;
9. Fuel type;
10. Category of use;
11. Watercraft or AZ number previously issued for the watercraft, if any;
12. State of principal operation; and
13. For watercraft:
   a. Owned by an individual:
      i. Name,
      ii. Mailing address, and
As prescribed under A.R.S. § 5-321, the applicant D.
The builder, owner, or owners of a homemade watercraft, using the same ownership designation by use of one of the following methods:

a. Where ownership is joint tenancy with right of survivorship, the applicant shall use “and/or” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. Upon legal proof of the death or incompetency of either owner, the remaining owner may transfer registration of the watercraft.

b. Where ownership is a tenancy in common the applicant shall use “and” between the names of the owners. To transfer registration of the watercraft, each owner shall provide a signature. In the event of the death or incompetency of any owner, the disposition of the watercraft shall be handled through appropriate legal proceedings.

c. Where the ownership is joint tenancy or community property with an express intent that either of the owners has full authority to transfer registration, the applicant shall use “or” between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either owner’s signature is sufficient for transfer.

C. The builder, owner, or owners of a homemade watercraft shall present the watercraft for inspection at a Department office. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A)(14):

1. Type of watercraft;
2. Propulsion type;
3. Engine drive type;
4. Overall length of watercraft;
5. Year built;
6. Hull material;
7. Fuel type;
8. Category of use;
9. Each owner’s:
   a. Name,
   b. Mailing address, and
   c. Date of birth;
10. State of principal operation;
11. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer’s hull;
12. Hull identification number, if assigned; and
13. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.

D. As prescribed under A.R.S. § 5-321, the applicant shall submit a use tax receipt issued by the Arizona Department of Revenue with the application for registration unless any one of the following conditions apply:

1. The applicant is exempt from use tax as provided under A.A.C. Title 15, Chapter 5,
2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
3. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or
4. The applicant submits a bill of sale or receipt showing the sales or use tax was paid at the time of purchase, or

E. An applicant for a watercraft dealer registration authorized under A.R.S. § 5-322(F), shall be a business offering watercraft for sale or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer registration for demonstration purposes only. For the purposes of this Section, “demonstration” means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale of exchange of interest in new watercraft, which includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer, or an employee, family member, or an associate of a dealer or manufacturer. A watercraft dealer registration applicant shall submit an application to the Department. The application is furnished by the Department and is available at any Department office. The applicant shall provide the following information on the application:

1. All business names used for the sale or manufacture of watercraft in Arizona;
2. Mailing address and telephone number for each business for which a watercraft dealer registration is requested;
3. Tax privilege license number;
4. U.S. Coast Guard manufacturer identification code, when applicable;
5. Total number of certificates of number and decals requested; and
6. The business owner’s or manager’s:
   a. Name,
   b. Business address,
   c. Telephone number, and
   d. Signature.

F. In addition to submitting the application form and any other information required under this Section, the applicant for watercraft registration shall submit one of the following additional forms of documentation:

1. Original title if the watercraft is titled in another state,
2. Original registration if the watercraft is from a non-titling state,
3. Bill of sale as defined under R12-4-501 if the watercraft has never been registered or titled in any state,
4. Letter of gift as defined under R12-4-501 if the watercraft was received as a gift and was never registered or titled in another state,
5. Court order or other legal documentation establishing lawful transfer of ownership, or
6. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(5) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:
   a. Hull identification number,
   b. Certification that the watercraft meets one of the following conditions:
      i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
      ii. The watercraft is owned by the applicant and has never been registered or titled;
      iii. The watercraft was owned in a state that required registration, but was never registered or titled; or
      iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
   c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
7. An original certificate of origin when all of the following conditions apply:
   a. The watercraft was purchased as new,
   b. The applicant is applying for watercraft registration within a year of purchasing the watercraft, and
   c. The certificate of origin is not held by a lien holder.
8. Court order or other legal documentation establishing lawful transfer of ownership, or
9. Statement of facts form furnished by the Department and available from any Department office when none of the documentation identified under subsections (F)(1) through (F)(5) exists either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant for watercraft registration under a statement of facts shall present the watercraft for inspection at a Department office. The statement of facts form shall include the following information:
   a. Hull identification number,
   b. Certification that the watercraft meets one of the following conditions:
      i. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
      ii. The watercraft is owned by the applicant and has never been registered or titled;
      iii. The watercraft was owned in a state that required registration, but was never registered or titled; or
      iv. The watercraft was purchased, received as a gift, or received as a trade and has not been registered, titled, or otherwise documented in the past five years.
   c. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.
   d. Signature of the person completing the form for the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.
   e. Signature of the person completing the form for the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.
10. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and documentation required by this Section, whether from the applicant or from a watercraft agent authorized under R12-4-509.
11. The Department shall register a watercraft, if the watercraft’s original title or registration is lost, upon receipt of one of the following:
   a. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
   b. A printout of the Vessel Identification System from the U.S. Coast Guard and verification from the appropriate state agency that the information regarding the owner of record for that specific watercraft is correct and current;
   c. A statement of facts by the applicant as described under subsection (F)(6) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
   d. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).
K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements established under R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe the information provided by the applicant is inaccurate.
L. The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of the watercraft.
M. The Department shall invalidate a watercraft registration if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of facts, or written instrument submitted to the Department.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, and 5-327

Historical Note

R12-4-503. Renewal of Watercraft Registration
A. The owner of a registered watercraft shall ensure the watercraft’s registration is renewed no later
B. To renew a watercraft’s registration in person or by mail, an applicant shall pay the registration fee authorized under A.R.S. § 5-321 and present one of the following:
1. Current or prior certificate of number,
2. Valid driver’s license,
3. Valid Arizona Motor Vehicle Division identification card,
4. Valid passport, or
5. Department-issued renewal notice.

C. To renew a watercraft’s registration online, an applicant shall electronically pay the registration fee authorized under A.R.S. § 5-321, provide the assigned Arizona watercraft AZ number of the watercraft being renewed, and one of the following to the Department or its agent:
1. Department-assigned authorization number,
2. Applicant’s date of birth, or
3. Applicant’s password.

D. When a watercraft registration is renewed by mail or online, the Department shall mail the renewal to the address of record, unless the Department receives a notarized request from the registered owner instructing the Department to mail the renewal to another address.

**Authorizing Statute**

**General:** A.R.S. §§ 5-302 and 5-311(A)(1)

**Specific:** A.R.S. §§ 5-311(A)(5), 5-321, 5-326, and 5-327

**Historical Note**


**R12-4-504. Watercraft Registration; Fees; Penalty for Late Registration; Staggered Schedule**

**A.** The owner of a motorized watercraft shall pay the applicable watercraft registration fee as authorized under A.R.S. § 5-321:
1. Twelve feet and less: ............................... $20
2. Twelve feet one inch through sixteen feet: ... $22
3. Sixteen feet one inch through twenty feet: ... $30
4. Twenty feet one inch through twenty-six feet: .................................... $35
5. Twenty-six feet one inch through thirty-nine feet: .................................. $39
6. Thirty-nine feet one inch through sixty-four feet: ...................................... $44
7. Sixty-four feet one inch and over: .......... $66
8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).

**B.** The Department or its agent shall collect the entire registration fee for a late registration renewal and a penalty fee of $5, unless exempt under A.R.S. § 5-321(L), or unless the expiration date falls on a Saturday, Sunday, or state holiday, and the registration is renewed before the close of business on the next working day. The Department or its agent shall not assess a penalty fee when a renewal is mailed before the expiration date, as evidenced by the postmark.

**C.** All new watercraft registrations expire 12 months after they are issued.

**D.** Resident and nonresident watercraft registration renewals expire on the last day of the month indicated by the last two numeric digits of the AZ number, as shown in the following table:

<table>
<thead>
<tr>
<th>Last two numeric digits of AZ number</th>
<th>Expiration month</th>
</tr>
</thead>
<tbody>
<tr>
<td>00</td>
<td>December</td>
</tr>
<tr>
<td>01</td>
<td>January</td>
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<td>02</td>
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<td>10</td>
<td>October</td>
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<tr>
<td>11</td>
<td>November</td>
</tr>
</tbody>
</table>

**E.** Watercraft dealer, manufacturer, and governmental use registration renewals expire on October 31 of each year.

**F.** Livery and all other commercial use registration renewals expire on November 30 of each year.

**Authorizing Statute**

**General:** A.R.S. §§ 5-302 and 5-311(A)(1)

**Specific:** A.R.S. §§ 5-311(A)(5), 5-321(H), 5-321(K), 5-321.01

**Historical Note**


**R12-4-505. Hull Identification Numbers**

**A.** The Department shall not register a watercraft without a hull identification number.

**B.** The Department shall verify watercraft manufactured after November 1, 1972 have a primary hull identification number that complies with the requirements established under 33 C.F.R. 181, Subpart C. The Department shall assign a hull identification number when the watercraft hull identification number does not meet the requirements established under 33 C.F.R. 181, Subpart C.
C. The hull identification number shall be fully visible and unobstructed at all times. Watercraft manufactured prior to August 1, 1984 are exempt from this requirement provided the obstruction is original equipment and was attached by the manufacturer.

D. The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines:
   1. The hull identification number was not illegally removed or altered, unless the application is accompanied by an order of forfeiture, order of seizure, or other civil process; or
   2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction or failure of a previous owner of a watercraft to comply with this rule, or because the watercraft is a homemade watercraft as defined under R12-4-501.

E. The Department may assign a hull identification number within 30 days of receipt of a valid application, as described under R12-4-502.

F. The Department may accept a bill of sale presented with a missing or improper hull identification number for registration purposes only if:
   1. It matches the improper hull identification number on the watercraft; or
   2. A hull identification number is issued by the Department under subsection (D).

G. Within 30 days of issuance, the applicant or registered owner shall:
   1. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft in a manner that ensures any alteration, removal, or replacement will be obvious.
   2. Ensure the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.
   3. Permanently affix the hull identification number as follows:
      a. On watercraft with transoms, affix the hull identification number to the right or starboard side of the transom within two inches of the top of the transom or hull/deck joint, whichever is lower.
      b. On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lower.
      c. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
      d. As close as possible to the applicable location established under subsections (a), (b), or (c) when rails, fittings, or other accessories obscure the visibility of the hull identification number.

   e. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.

4. Certify to the Department that the hull identification number was permanently affixed to the watercraft as required under subsection (G). The certification statement is furnished by the Department when the hull identification number is issued. The certification statement shall include the location of the permanently affixed hull identification number.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5) and 5-321

Historical Note

R12-4-506. Invalidation of Watercraft Registration and Decals
A. Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
B. A certificate of number and any decals issued by the Department under R12-4-502 and R12-4-529 are invalid if any of the following occurs:
   1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
   2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
   3. Arizona is no longer the state of principal operation;
   4. The watercraft is documented by the U.S. Coast Guard;
   5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department;
   6. The Department revokes the certificate of number, AZ numbers, and decals as provided under A.R.S. § 5-391(1); or
   7. The Department erroneously issued a certificate of number or any decals.

C. A person shall surrender the invalid certificate of number and decals to the Department within 15 calendar days of receiving written notification from the Department.

D. The Department shall not validate or renew an invalid watercraft registration or decals until the reason for invalidity is corrected or no longer exists.
R12-4-507  NATURAL RESOURCES

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, 5-327, and 5-391(I)

Historical Statute

R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft

A. A person who has knowledge and custody of a watercraft abandoned on private property owned by that person may attempt to obtain ownership of the watercraft by way of the abandoned watercraft transfer process.

B. The last registered owner of an abandoned or unreleased watercraft is presumed to be responsible for the watercraft, unless the watercraft is reported stolen.

C. The operator of a self-storage facility located in this state and having a possessory lien shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 15, Article 1 when attempting to obtain ownership of a watercraft abandoned while in storage.

D. A person having a possessory lien under a written rental agreement shall comply with the requirements prescribed under A.R.S. Title 33, Chapter 7, Article 6 when attempting to obtain ownership of a watercraft for which repairs or service fees remain unpaid.

E. Only a person acting within the scope of official duties as an employee or authorized agent of a government agency may order the removal of a watercraft abandoned on public property or a public waterway.

F. A person seeking ownership of an abandoned or unreleased watercraft shall submit an application to the Department. The application is furnished by the Department and available at any Department office. The application shall include the following information, if available:

1. Hull identification number, unless exempt under R12-4-505;
2. Registration number;
3. Decal number;
4. State of registration;
5. Year of registration;
6. Name, address, and daytime telephone number of the person who found the watercraft;
7. For abandoned watercraft:
   a. Address or description of the location where the watercraft was found,
   b. Whether the watercraft was abandoned on private or public property, and
   c. When applicable, for watercraft abandoned on private property, whether the applicant is the legal owner of the property;
8. Condition of the watercraft: wrecked, stripped, or intact;
9. State in which the watercraft will be operated;
10. Length of time the watercraft was abandoned;
11. Reason why the applicant believes the watercraft is abandoned; and
12. Signature of the applicant, acknowledged before a Notary Public or witnessed by a Department employee.

G. This state and its agencies, employees, and agents are not liable for relying in good faith on the contents of the application.

H. The Department shall attempt to determine the name and address of the registered owner by:
   1. Conducting a search of its watercraft database when documentation indicates the watercraft was previously registered in this state, or
   2. Requesting the watercraft record from the other state when documentation indicates the watercraft was previously registered in another state.

I. If the Department is able to determine the name and address of the registered owner, the Department shall send written notice of the applicant’s attempt to register the watercraft to the owner by certified mail, return receipt requested.

   1. If service is successful or upon receipt of a response from the registered owner, the Department shall send the following written notification to the applicant, as appropriate:
      a. If the registered owner provides a written release of interest in the watercraft, the Department shall mail the release of interest and an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.
      b. If the registered owner provides written notice to the Department refusing to release interest in the watercraft, the Department shall notify the applicant of the owner’s refusal. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
      c. If the registered owner does not respond to the notice in writing within 30 days from the date of receipt, the Department shall notify the applicant of the owner’s failure to respond. The Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with the requirements established under R12-4-502.
      d. If the registered owner does not respond to the notice within 180 days from the date of receipt of the notice, this failure to act shall constitute a waiver of interest in the watercraft by any person having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes. The Department shall mail an abandoned or unreleased watercraft approval
letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.

2. If the written notice is returned unclaimed or refused, the Department shall notify the applicant within 15 days of the notice being returned that the attempt to contact the registered owner was unsuccessful.

J. If the Department is unable to identify or serve the registered owner, the Department shall publish a notice of intent once in a newspaper or other publication of general circulation in this state within 45 days of the Department's notification to the applicant as provided in subsection (I)(2).

1. The published notice shall include a statement of the Department's intent to transfer ownership of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten day period following publication.

2. Upon request, the Department shall make available to the public a description of the abandoned or unreleased watercraft subject to transfer of ownership.

3. If the watercraft remains unclaimed after the ten day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.

K. A government agency may submit an application for authorization to dispose of a junk watercraft abandoned on state or federal lands or waterways. The application is furnished by the Department and is available at any Department Office. Upon receipt of the application, the Department shall attempt to determine the name and address of the registered owner. If the Department is unable to identify and serve the registered owner, the Department shall publish a notice of intent to authorize the disposal of the junk watercraft as described in subsection (J).

1. The published notice shall include a statement of the Department's intent to authorize the disposal of the watercraft ten days after the date of publication, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten day period following publication.

2. If the watercraft remains unclaimed after the ten day period, the Department shall mail an abandoned or unreleased watercraft approval letter to the applicant. The applicant shall apply for watercraft registration in compliance with the requirements established under R12-4-502.

R12-4-508. New Watercraft Exchanges
A. A person may request a no-fee replacement registration for a new watercraft, provided all of the following conditions apply:

1. The person purchased the newly registered watercraft from a new watercraft dealer,

2. The person returned the watercraft to the new watercraft dealer within 30 days of purchase, and

3. The new watercraft dealer exchanged the returned watercraft for a watercraft of the same year, make, and model within the same 30 day period.

B. To obtain a no-fee replacement registration, the person shall submit the original watercraft registration and a letter from the new watercraft dealer to the Department. The letter shall include all of the following information:

1. A statement that the original watercraft was replaced,

2. The hull identification number for the original watercraft,

3. The hull identification number for the replacement watercraft,

4. The buyer's name, and

5. The new watercraft dealer's name.

Authorizing Statute

General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(5), 5-321, and 5-322

Historical Note


R12-4-509. Watercraft Agents
A. The Department has the authority to authorize a watercraft dealer to act as an agent on behalf of the Department for the purpose of issuing temporary certificates of number valid for 30 days for new watercraft, provided:

1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been cancelled by the Department within the preceding 24 months, and

2. The applicant is a business located and operating within this state and sells watercraft for an identified manufacturer.

B. An applicant seeking watercraft dealer authorization shall submit an application to the Department. The application is furnished by the Department and available at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, AZ 85086. The applicant shall provide the following information on the application:

1. Principal business or corporation name, address, and telephone number or if not a corporation, the full name, address, and telephone number of all owners or partners;

2. Name, address, and telephone number of the owner or manager responsible for compliance with this Section;
3. Whether the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(I);
4. All of the following information specific to the location from which new watercraft are to be sold and temporary certificates of number issued:
   a. Name of owner or manager;
   b. Business hours;
   c. Business telephone number;
   d. Business type;
   e. Storefront name; and
   f. Street address;
5. Manufacturers of the watercraft to be distributed; and
6. Signature of person named under subsection (B)(2).
C. The Department shall either approve or deny the application within the licensing time-frame established under R12-4-106.
D. The watercraft dealer shall:
   1. Use the assigned watercraft dealer number when issuing a temporary certificate of number,
   2. Use the online application system or forms supplied by the Department; and
   3. Collect the appropriate fee as prescribed under A.R.S. §§ 5-321 and 5-327.
E. Authorization to act as a watercraft agent is specific to the dealer's business location designated on the application and approved by the Department, unless the dealer is participating in a scheduled, advertised boat show for the purpose of selling watercraft.
F. A watercraft dealer shall not destroy prenumbered temporary certificate of number applications provided by the Department. The watercraft dealer shall mark the unused prenumbered application "void" and return the application to the Department with the monthly report required under subsection (J).
G. The Department shall provide supplies within 30 calendar days after receipt of the watercraft dealer's request form. The watercraft dealer shall verify supplies were received within seven days of receipt.
H. A watercraft dealer issuing a temporary certificate of number to the purchaser of a new watercraft shall comply with all the following:
   1. The watercraft dealer shall obtain an application if the watercraft is purchased from the dealer or the applicant's bill of sale containing the following information:
      a. Statement that the watercraft is new;
      b. Names and addresses of the buyer and seller;
      c. Date of purchase;
      d. Amount of sales tax paid;
      e. Purchase price;
      f. Make and model of watercraft, if known;
      g. Engine drive type;
      h. Length of the watercraft;
      i. Year of manufacture; and
      j. Hull identification number.
   2. The watercraft dealer shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
   3. Within 72 hours after issuing a temporary certificate of number, a watercraft dealer shall deliver or mail the legible original application, a legible original or copy of the bill of sale, the original certificate of origin, and the state's fees to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086.
4. The state's fees shall be submitted by check or money order with the required documentation or electronically prior to the submission of the required documentation.
I. The Department shall accept online applications or prenumbered temporary certificate of number application forms provided to the watercraft dealer by the Department, as established under R12-4-502.
J. By the 10th day of each month, a watercraft dealer shall submit a report of activity for the previous month to the Department on a form furnished by the Department and available at the Department office listed under subsection (H)(3). The watercraft dealer shall submit the report whether or not any activity occurred during the reporting period. The report shall include all of the following:
   1. Name and address of the watercraft dealer;
   2. Department assigned watercraft agent number;
   3. For each temporary certificate of number issued:
      a. Application number;
      b. Name of the purchaser;
      c. Hull identification number; and
      d. Date of issuance; and
   4. A list of any voided or missing application numbers, with explanation.
   5. A watercraft dealer who processes all transactions using the Department's online application system is exempt from subsection (J).
K. The Department may cancel the watercraft dealer's authorization and demand the return of or collect all supplies issued to the agent if the dealer does any one of the following:
   1. Fails to comply with the requirements established under this Section;
   2. Submits more than one check, draft, order, or electronic payment dishonored because of insufficient funds, payments stopped, or closed accounts to the Department within a calendar year;
   3. Predates, postdates, alters, or provides or knowingly allows false information to be provided on or with an application for a temporary certificate of number;
   4. Issues a temporary certificate of number for a used watercraft;
   5. Falsifies the application for authorization as a watercraft agent; or
   6. Falsifies the monthly report required by subsection (J).
L. Denial of a dealer's application to become a watercraft agent, or cancellation of watercraft agent status by the Department may be appealed to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
R12-4-510. Refund of Fees Paid in Error

A. The Department shall issue a refund for watercraft fees paid in error under the following circumstances:
   1. The Department shall issue a refund for the watercraft registration renewal fee and, when applicable, the Nonresident Boating Safety Infrastructure fee when the registered owner has erroneously paid those fees twice for the same watercraft.
   2. The Department shall issue a refund for the watercraft registration renewal fee and, when applicable, the Nonresident Boating Safety Infrastructure fee when the registered owner has erroneously paid those fees for a watercraft that has already been sold to another individual.

B. To request a refund of fees paid in error, the person applying for the refund shall surrender all of the following to the Department:
   1. Original certificate of number;
   2. Registration decals, and
   3. Nonresident Boating Safety Infrastructure Decal, when applicable.

C. A person requesting a refund of fees under subsections (A)(1) or (A)(2) shall submit the request to the Department within 30 calendar days of the date the payment was received by the Department.

D. The Department shall not refund any late registration penalty fee.

R12-4-511. Personal Flotation Devices

A. For the purpose of this Section, “wear” means:
   1. The personal flotation device is worn according to the manufacturer’s design or recommended use;
   2. All of the device’s closures are fastened, snapped, tied, zipped, or secured according to the manufacturer’s design or recommended use; and
   3. The device is adjusted for a snug fit.

B. The operator of a canoe, kayak, or other watercraft shall ensure the canoe, kayak, or other watercraft is equipped with at least one appropriately-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the canoe, kayak, or other watercraft. The operator of a canoe, kayak, or other watercraft shall also ensure the wearable personal flotation devices on board the canoe, kayak, or other watercraft are readily accessible and available for immediate use. The following wearable personal flotation devices are approved by the U.S. Coast Guard:
   1. Type I Personal Flotation Device: off-shore life jacket,
   2. Type II Personal Flotation Device: near-shore buoyancy vest,
   3. Type III Personal Flotation Device: flotation aid, and
   4. Type V Special Use Device.

C. In addition to the personal flotation devices described under subsection (B), the operator of a watercraft that is 16 feet or more in length shall ensure the watercraft is also equipped with a U.S. Coast Guard-approved Type IV Personal Flotation Device: buoyant cushion, ring buoy, or horseshoe buoy. Canoes and kayaks are not subject to this subsection.

D. The operator of a watercraft shall ensure an individual twelve years of age or under on board a watercraft shall wear a U.S. Coast Guard approved Type I, II or III personal flotation device whenever the watercraft is underway.

E. The operator of a personal watercraft shall ensure each individual aboard the personal watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the personal watercraft is underway.

F. Subsections (B), (C), and (D) do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manually propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

R12-4-512. Fire Extinguishers Required for Watercraft

A. The operator of watercraft shall ensure all required fire extinguishers are readily accessible and available for immediate use.

B. As prescribed under A.R.S. § 5-332, an operator of:
   1. Watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguihers.
The operator or owner of a watercraft involved in:

1. Any collision, accident or other casualty resulting in injury, death, or property damage exceeding $500 shall submit the report required under A.R.S. § 5-302 to the Department. The report shall be made on a form furnished by the Department and provided by the law enforcement officer investigating the collision, incident, or other casualty. The operator or owner of the watercraft shall complete the form in full and clearly identify on the form any information that is either not applicable or unknown. The operator or owner of the watercraft submitting the report shall provide the following information:

   1. The operator’s personal information;
   2. The owner’s personal information;
   3. The operator’s hours of experience in operating watercraft;
   4. The operator’s amount of boating safety instruction;
   5. Information on the watercraft involved;
   6. Information on the accident;
   7. Estimated cost of damage to the watercraft;
   8. Whether the watercraft sank, and if so, information regarding the recovery of the watercraft;
   9. Information regarding U.S. Coast Guard-approved personal flotation devices;
   10. Information regarding fire extinguishers;
   11. Personal information for operators and owners of each of the other watercraft involved in the accident;
   12. Personal information for persons killed or injured in the accident;
   13. Personal information for all passengers in the watercraft;
   14. The location of passengers, skiers, and swimmers at the time of the accident;
   15. Information regarding damage to property other than any of the watercraft involved;
   16. Contact information for any witnesses other than passengers;
   17. A diagram and narrative explaining the accident;
   18. Contact information for the person completing the form;
   19. The signature of the person completing the form;
   20. The date the person completing the form submits the form to the Department; and
   21. Any other information required by the Department to ensure compliance with 33 C.F.R. 173.57.

   B. The person completing the form shall deliver or mail the form to the Arizona Game and Fish Department, Law Enforcement Branch at 5000 W. Carefree Hwy, Phoenix, AZ 85086.

   C. The operator or owner of a watercraft involved in any collision, accident or other casualty resulting in injury or death shall submit the report to the Department no later than 48 hours after the incident.

   D. The operator or owner of a watercraft involved in any collision, accident or other casualty resulting only in property damage exceeding $500 shall submit the report to the Department no later than five days after the incident.

   **Authorizing Statute**
   General: A.R.S. §§ 5-302 and 5-311(A)(1)
   Specific: A.R.S. §§ 5-311(A)(2), 5-311(A)(5), and 5-332

   **Historical Note**

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**R12-4-513. Watercraft Accident and Casualty Reports**

A. The operator or owner of a watercraft involved in any collision, accident or other casualty resulting in injury, death, or property damage exceeding $500 shall submit the report required under A.R.S. § 5-302 to the Department. The report shall be made on a form furnished by the Department and provided by the law enforcement officer investigating the collision, incident, or other casualty. The operator or owner of the watercraft shall complete the form in full and clearly identify on the form any information that is either not applicable or unknown. The operator or owner of the watercraft submitting the report shall provide the following information:

1. The operator’s personal information;
shall be identified while in use by means of a receipt provided by the livery to the person operating the rented watercraft. The receipt shall contain the following information:

1. Business name and address of the livery as shown on the certificate of number,
2. Watercraft registration number as issued by the Department,
3. Beginning date and time of the rental period, and
4. Written acknowledgement on the receipt of compliance with the requirements prescribed under A.R.S. § 5-371, signed by both the livery operator or the livery’s agent and the renter.

B. The person operating the rented watercraft shall carry the receipt and produce it upon request to any peace officer.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5) and 5-371

Historical Note

R12-4-515. Display of AZ Numbers and Registration Decals

A. A person shall not use or operate, or grant permission to use or operate, a watercraft on the waters within the boundaries of this state unless such watercraft displays a valid number and current registration decal in the manner as established under subsection (B). This Section does not apply to undocumented watercraft displaying a valid temporary, removable signs that are securely attached to temporary, removable signs that are securely attached.

B. The owner of a watercraft shall ensure the AZ numbers and validating registration decals as established under this Section, except that the numbers and decals may be printed or attached to temporary, removable signs that are securely attached to the watercraft being demonstrated.

E. Expired registration decals issued by any jurisdiction shall be covered or removed from the watercraft, so that only the current registration decals are visible.

F. Invalid watercraft AZ numbers and registration decals shall not be displayed on any watercraft. The owner of the watercraft shall surrender the AZ numbers and registration decals to the Department in compliance with R12-4-506(C).

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321(A), 5-322, 5-326, and 5-327

Historical Note
Section R12-4-515 renumbered from R12-4-501 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013.

R12-4-516. Watercraft Sound Level Restriction

A. A person shall not operate a watercraft upon the waters of this state if the watercraft emits a noise level that exceeds any of the following.

1. A noise level of 86 dB(A), measured at a distance of 50 feet or more from the watercraft on the “A” weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer’s instructions.

2. For engines manufactured:
   a. Before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 containing no later editions or amendments; and
   b. On or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005, revised July 2004 and containing no later editions or amendments; or

3. A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice shoreline sound test SAEJ1970, revised September 2003 and containing no later editions or amendments.

B. The materials incorporated by reference in subsection (A) may be viewed at any Department office and are available for purchase from SAE International, 400 Commonwealth Dr, Warrendale, PA 15096-0001 or online at www.sae.org.

C. A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.

D. A peace officer authorized to enforce the provisions of this Section who has reason to believe a watercraft is being operated in violation of the noise levels established in this Section may direct the
operator of the watercraft to submit the watercraft to an onsite test to measure noise level.

E. An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (D) shall allow the watercraft to be tested. If, based on a measurement or test to determine the noise level of a watercraft administered under this Section, the noise level of the watercraft exceeds one or more of the decibel level standards in subsection (A), the operator of the watercraft shall take immediate measures to correct the violation as prescribed by under A.R.S. § 5-391(C).

F. This Section shall not apply to watercraft operated under permits issued in accordance with A.R.S. § 5-336(C).

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(2), 5-311(A)(3), 5-311(A)(5), and 5-336

Historical Note
Former Section R12-4-82 renumbered as Section R12-4-516 without change effective August 13, 1981 (Supp. 81-4). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013.

R12-4-517. Watercraft Motor and Engine Restrictions

A. A person operating a motorized watercraft on the following waters shall use an electric motor only:
1. Ackre Lake
2. Bear Canyon Lake
3. Bunch Reservoir
4. Carnero Lake
5. Chaparral Park Lake
6. Cluff Ponds
7. Coconino Reservoir
8. Coors Lake
9. Dankworth Pond
10. Dogtown Reservoir
11. Fortuna Lake
12. Goldwater Lake
13. Granite Basin Lake
14. Horsethief Basin Lake
15. Hulsey Lake
16. J.D. Dam Lake
17. Knoll Lake
18. Lee Valley Lake
19. McKellips Park Lake
20. Pratt Lake
21. Quigley Lake
22. Redondo Lake
23. Riggs Flat Lake
24. Roper Lake
25. Santa Fe Lake
26. Scott's Reservoir
27. Sierra Blanca Lake
28. Soldier Lake (in Coconino County)
29. Stehr Lake
30. Stoneman Lake
31. Tunnel Reservoir
32. Whitehorse Lake
33. Willow Valley Lake
34. Woodland Reservoir
35. Woods Canyon Lake

B. A person operating a motorized watercraft on the following waters shall use only a single electric motor or a single gasoline engine not exceeding 10 manufacturer-rated horsepower:
1. Arivaca Lake
2. Ashurst Lake
3. Becker Lake
4. Big Lake
5. Black Canyon Lake
6. Blue Ridge Reservoir
7. Cataract Lake
8. Chevelon Canyon Lake
9. Cholla Lake Hot Pond
10. Concho Lake
11. Crescent Lake
12. Fool Hollow Lake
13. Kaibab Lake
14. Kinnikinick Lake
15. Little Mormon Lake
16. Lower Lake Mary
17. Luna Lake
18. Lynx Lake
19. Marshall Lake
20. Mexican Hay Lake
21. Nelson Reservoir
22. Parker Canyon Lake
23. Peña Blanca Lake
24. Rainbow Lake
25. River Reservoir
26. Show Low Lake
27. Whipple Lake
28. White Mountain Lake (in Apache County)
29. Willow Springs Lake

C. A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake, except as authorized under subsection (D).

D. A person who possesses a valid use permit issued by the U.S. Forest Service may operate a non-motorized watercraft only on Rose Canyon Lake on any Tuesday, Wednesday, or Thursday during June and July from 9:30 a.m. to 4:30 p.m. Mountain Time Zone. This subsection does not exempt the person from complying with all applicable requirements imposed by federal or state laws, rules, regulations, or orders.

E. This Section does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(2) and 5-311(A)(3)

Historical Note
Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended as an emergency effective July 9, 1976 (Supp. 76-4). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-89 renumbered as Section R12-4-517 without change effective

R12-4-518. Regattas
A. When a regatta permit is issued by the Coast Guard, the person in control of the regatta shall at all times be responsible for compliance with the stipulations as prescribed within the regatta permit. Such stipulations may include but not be limited to:
1. A specified number of patrol or committee boats and identified as such.
2. Availability of emergency medical services.
3. Spectator control if there exists a danger that life or property is in jeopardy.
B. Non-compliance with any stipulation of an authorized permit which jeopardizes the public welfare shall be cause to terminate the regatta until the person in control or a person designated by the one in control satisfactorily restores compliance.
C. When a regatta applicant is informed in writing by the Coast Guard that a permit is not required, such regatta may take place, but shall not relieve the regatta sponsor of any responsibility for the public welfare or confer any exemption from state boating and watersports laws and rules.
D. The regatta sponsor and all participants shall comply with aquatic invasive species requirements established under A.R.S Title 17, Chapter 2, Article 3.1 and 12 A.A.C. 4, Article 11.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-311(A)(5), 5-311(A)(7), and 5-361

Historical Note
Adopted effective March 5, 1982 (Supp. 82-2). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).

R12-4-519. Reciprocity
As authorized under A.R.S. § 5-322(E), all watercraft currently numbered or exempt from numbering under the provisions of their state of principal operation are exempt from numbering for a period of 90 days after entering this state.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321(A)(2), 5-322(C), and 5-322(F)

Historical Note
Section R12-4-519 renumbered from R12-4-503 and amended effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013.

R12-4-520. Arizona Uniform State Waterway Marking System
The Arizona uniform state waterway marking system is the same as that prescribed under 33 C.F.R. 62, revised July 1, 2004, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at www.gpoaccess.gov, or it may be ordered from the U.S. Government Printing Office, Stop: IDCC, Washington, D.C. 20401. This Section does not include any later amendments or editions of the incorporated material.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-311(A)(5), 5-311(A)(7), and 5-361

Historical Note

R12-4-521. Placing or Tampering with Regulatory Markers or Aids to Navigation
A. A person shall not mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, or other types of permitted waterway marking devices as established under R12-4-520, without authorization from the governmental agency or the private interest having jurisdiction on such waters.
B. A person shall not moor or fasten a watercraft to any marker not intended for mooring, or willfully damage, tamper with, remove, obstruct, or interfere with any aid to navigation, regulatory marker or other type of permitted waterway marking devices as established under R12-4-520, except in the performance of authorized maintenance responsibilities or as authorized under R12-4-518 or R12-4-522.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-311(A)(5), 5-311(A)(7), and 5-361

Historical Note
Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013.

R12-4-522. Establishment of Controlled-Use Markers
A. If a lawful jurisdiction has not exercised its authority to control watercraft under A.R.S. § 5-361, or if waters are directly under the jurisdiction of the Commission, the Department has the authority to control watercraft within that jurisdiction in accordance with the following requirements:
1. The Department shall place controlled-use markers only where controlled operation of watercraft is necessary to protect life, property, or habitat, and shall move or remove the markers only if the need for the protection changes.
2. The Department shall ensure restrictions imposed are clearly communicated to the public as prescribed by rule or by wording on the markers.

B. A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, shall report to the Department when controlled-use markers have been placed or removed, unless the establishment or removal of markers is for a period of less than 30 days. The report shall be made within 30 days of establishment or removal of any controlled-use markers and shall include the:
   1. Report type,
   2. Purpose of markers,
   3. Placement of markers, and
   4. Whether the markers are expected to be permanent or temporary.

C. Any person or government agency may request establishment, change, or removal of controlled-use markers on waters under the jurisdiction of the Commission or on waters not under the jurisdiction of another agency by submitting a written request providing the reasons for the request to the Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, AZ 85086. The Department shall either approve or deny the request within 60 days of receipt.

D. A person may appeal the Department’s denial of a request to the Commission as an appealable agency action under A.R.S. Title 41, Chapter 6, Article 10.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-311(A)(5), 5-311(A)(7), and 5-361

Historical Note

R12-4-524. Water Skiing
An operator of a watercraft shall ensure that the observer of a water skier is physically capable and mentally competent to act as an observer and at least 12 years of age.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-311(A)(7), and 5-346

Historical Note
New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 13 A.A.R. 4511, effective February 2, 2008 (Supp. 07-4).

R12-4-525. Revocation of Watercraft Certificate of Number, AZ Numbers, and Decals
A. For the purposes of this Section, “person” has same meaning as prescribed under A.R.S. § 5-301.

B. Upon notice of conviction of a person under A.R.S. § 5-391(G), the Department shall revoke for a period not to exceed two years the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of any Arizona registered watercraft owned by that person and involved in the violation.

C. Upon notice of conviction of a person under A.R.S. § 5-391(H), the Department shall revoke for a period not to exceed one year the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals for any Arizona registered watercraft owned by that person and involved in the violation.

D. Upon receiving notice of conviction, the Department shall serve notice under A.R.S. §§ 41-1092.03 and 41-1092.04 on the person convicted that the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals of watercraft the person owns are subject to revocation.

E. A person whose certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals are subject to revocation may request a hearing. The person shall submit a written request to the Arizona Game and Fish Department, Director’s Office, 5000 W. Carefree Hwy, Phoenix, AZ 85086, within 30 calendar days of receiving the notice described under subsection (D).

F. If the person requests a hearing, the Department shall, within 60 days of receiving the request, schedule a hearing as prescribed under A.R.S. § 41-1092.05.

G. After a final decision to revoke the person’s certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals, the Department shall serve upon the person an Order of Revocation. Within 15 calendar days of receipt of the notice, the person shall surrender to the Department the revoked certificates of number and decals.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-311(A)(5), and 5-361

Historical Note
H. The revocation of the certificates of number, AZ numbers, registration decals, and Nonresident Boating Safety Infrastructure decals does not affect the legal title to or any property rights in the watercraft. Upon receipt of an application to transfer watercraft registration by the new watercraft owner, the Department shall terminate the revocation and allow the owner to transfer the owner’s entire interest in the watercraft if the Department is satisfied the transfer is proposed in good faith and not for the purpose of defeating the revocation.

**Authorizing Statute**

General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-391(I), 41-1092, 41-1092.02, 41-1092.04, 41-1092.06, and 41-1092.11

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013.

**R12-4-526. Unlawful Mooring**

**A.** A person, as defined under A.R.S. § 5-301, shall not moor, anchor, fasten to the shore, or otherwise secure a watercraft in any public body of water for more than 14 days within any period of 28 consecutive days unless:

1. The person moves the watercraft at least 25 nautical miles from its previous location,
2. The waters are a special anchorage area as defined under A.R.S. § 5-301,
3. Authorized for private dock or moorage, or
4. Authorized by the government agency or private interest having jurisdiction over the waters.

**B.** The 14 day limit may be reached through either a number of separate moorings or 14 days of continuous overnight occupation during the 28 day period.

**Authorizing Statute**

General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. § 5-311(A)(5)

**Historical Note**


**R12-4-527. Transfer of Ownership of a Towed Watercraft**

**A.** For the purpose of this Section, “towed watercraft” means a watercraft that has been impounded by and is in the possession of a towing company located in this state.

**B.** At the time a towing company requests watercraft registration information prescribed under A.R.S. § 5-324 for a towed watercraft, the towing company shall present the towed watercraft to the closest Department office for identification if there is no discernible hull identification number or state-issued registration number.

**C.** A towing company seeking to transfer the ownership of a towed watercraft shall submit all of the following to the Director of the Department:

1. Evidence of compliance with notification requirements prescribed under A.R.S. § 5-399;
2. A report on a form furnished by the Department and available at any Department office. The form shall include all of the following information:
   a. Name of towing company;
   b. Towing company’s business address;
   c. Towing company’s business telephone number;
   d. Towing company’s Arizona Department of Public Safety tow truck permit number;
   e. Towed watercraft’s hull identification number, if known;
   f. Towed watercraft’s state-issued registration number, registration decal, and year of expiration, if known;
   g. Towed watercraft’s trailer license number, if available;
   h. State and year of trailer registration, if available;
   i. Towed watercraft’s color and manufacturer, if known;
   j. Towed watercraft’s condition, whether intact, stripped, damaged, or burned, along with a description of any damage;
   k. Date the watercraft was towed;
   l. Location from which the towed watercraft was removed;
   m. Entity that ordered the removal of the towed watercraft, and if a law enforcement agency, include officer badge number, jurisdiction, and copy of report or towing invoice;
   n. Location where the towed watercraft is stored; and
   o. Name and signature of towing company’s authorized representative; and
3. Twenty-five dollar application fee authorized under A.R.S. § 5-399.03(2).

**D.** If the Department is unsuccessful in its attempt to identify or contact the registered owner or lienholder of the towed watercraft and has determined the towed watercraft is not stolen, the towing company shall follow the application procedures established under A.R.S. § 5-399.02(B) and R12-4-502 to register the towed watercraft.

**Authorizing Statute**

General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(1), 5-324(E)(9), 5-399, 5-399.01, 5-399.02, and 5-399.03

**Historical Note**

New Section made by emergency rulemaking under A.R.S. § 41-1026 at 9 A.A.R. 1241, effective May 26, 2003 for a period of 180 days (Supp. 03-1). Emergency rulemaking repealed under A.R.S. § 41-1026(E) and permanent new Section made by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013.

**R12-4-528. Watercraft Checkpoints**

**A.** A law enforcement agency may establish a watercraft checkpoint to ensure public safety on state waterways, to screen for unsafe or impaired watercraft operators, or to gather demographic, statistical, and compliance information related to watercraft activities.
B. An individual may be required to perform the following during a watercraft stop or at a watercraft checkpoint:

1. Stop or halt as directed when being hailed by a peace officer or entering the established checkpoint boundary as prescribed under A.R.S. § 5-391, and
2. Provide evidence of required safety equipment and registration documentation prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.

C. This Section does not limit any state peace officer’s authority to conduct routine watercraft patrol efforts prescribed under A.R.S. Title 5, Chapter 3, Boating and Water Sports.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-311(A)(7), 5-391(B), and 5-391(C)

Historical Note

R12-4-529. Nonresident Boating Safety Infrastructure Fees; Proof of Payment; Decal

A. Before placing that watercraft on the waterways of this State, a nonresident owner of a recreational watercraft who establishes this State as the state of principal operation shall pay the applicable Nonresident Boating Safety Infrastructure Fee (NBSIF) as authorized under A.R.S. § 5-327:

1. Twelve feet and less: ......................... $80
2. Twelve feet one inch through sixteen feet: .. $88
3. Sixteen feet one inch through twenty feet: .. $192
4. Twenty feet one inch through twenty-six feet: ...................... $224
5. Twenty-six feet one inch through thirty-nine feet: ...................... $253
6. Thirty-nine feet one inch through sixty-four feet: ...................... $286
7. Sixty-four feet one inch and over: ...................... $429
8. For the purposes of this subsection, the length of the motorized watercraft shall be measured in the same manner prescribed under A.R.S. § 5-321(C).

B. The nonresident recreational watercraft owner shall carry and display proof of payment of the fee while the watercraft is underway, moored, or anchored on the waterways of this State. Acceptable proof of payment includes any one of the following:

1. A current Arizona Watercraft Certificate of Number indicating the NBSIF was paid,
2. A current Arizona Watercraft Temporary Certificate of Number indicating the NBSIF was paid,
3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid, or
4. A current Arizona Nonresident Boating Safety Infrastructure Decal.

C. The Nonresident Boating Safety Infrastructure Decal shall be affixed in front of the Arizona Watercraft Registration Decal on both sides of the forward half of the watercraft.

Authorizing Statute
General: A.R.S. §§ 5-302 and 5-311(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, and 5-327

Historical Note

R12-4-530. Reserved
R12-4-531. Reserved
R12-4-532. Reserved
R12-4-533. Reserved
R12-4-534. Reserved
R12-4-535. Reserved
R12-4-536. Reserved
R12-4-537. Reserved
R12-4-538. Reserved
R12-4-539. Reserved
R12-4-540. Reserved
R12-4-541. Repealed

Historical Note

R12-4-542. Repealed

Historical Note
Adopted as an emergency effective August 31, 1981, valid for ninety (90) days after filing pursuant to A.R.S. § 41-1003 (Supp. 81-4). Former Section R12-4-542 adopted as an emergency now adopted as permanent with further amendment effective March 5, 1982 (Supp. 82-2). Amended effective March 29, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

R12-4-543. Repealed

Historical Note
R12-4-544. Repealed

**Historical Note**

R12-4-545. Repealed

**Historical Note**

ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

R12-4-601. Petition for Rule or Review of Practice or Policy

A. Any individual, including any organization or agency, requesting that the Commission make, amend, or repeal a rule, shall submit a petition as prescribed under this Section.

B. Any individual, including any organization or agency, requesting that the Commission review an existing Department practice or substantive policy that the petitioner alleges to constitute a rule under A.R.S. § 41-1033, as defined under A.R.S. § 41-1001, shall submit a petition as prescribed under this Section.

C. A petitioner shall not address more than one rule, practice, or substantive policy in the petition.

D. If the Commission has considered and denied a petition, and a petitioner submits a petition within the next year that addresses the same substantive issue, the petitioner shall provide a written statement that contains any reason not previously considered by the Commission in making a decision.

E. A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director’s Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The Commission shall render a decision on the petition as required under A.R.S. § 41-1033.

F. Within five working days after a petition is submitted, the Director shall determine whether the petition complies with this Section.

1. If the petition complies with this Section, the Director shall place the petition on a Commission open meeting agenda. The petitioner may present oral testimony at that meeting, as established under R12-4-603.

2. If a petition does not comply with subsections (G) through (L) of this Section, the Director shall return a copy of the petition as filed to the petitioner and indicate in writing why the petition does not comply with this Section. The Director shall not place the petition on a Commission agenda. The Department shall maintain the original petition on file for five years and consider the petition as a comment during the five-year review process.

G. Petitions shall be typewritten, computer or word processor printed, or legibly handwritten, and double-spaced, on 8 1/2” x 11” paper; or typewritten, computer or word processor printed, or legibly handwritten on a form provided by the Department. The title shall be centered at the top of the first page and appear as “Petition to the Arizona Game and Fish Commission.” The petition shall include the items listed in subsections (H) through (L). The items in the petition shall be presented in the order in which they are listed in this Section.

H. The title of Part 1 shall be “Identification of Petitioner.” The title shall be centered at the top of the first page of this part. Part 1 shall contain:

1. If the petitioner is a private individual, the name, mailing address, and telephone number of the petitioner;

2. If the petitioner is a private group or organization, the name and address of the group or organization; the name, mailing address, and telephone number of an individual who is designated as the representative or official contact for the petitioner; the total number of individuals, and the number of Arizona residents represented by the petitioner; or the names and addresses of all individuals represented by the petitioner; or

3. If the petitioner is a public agency, the name and address of the agency and the name, title, and telephone number of the agency’s representative.

I. The title of Part 2 shall be “Request for Rule” or “Request for Review,” as applicable. The title shall be centered at the top of the first page of this part. Part 2 shall contain:

1. If the petition is for a new rule, a statement to this effect, followed by the heading and specific language of the proposed rule;

2. If the request is for amendment of a current rule, a statement to this effect, followed by the Arizona Administrative Code number of the current rule proposed for amendment, the heading of the rule, the specific, clearly readable language of the rule, indicating language to be deleted with strikeouts, and language to be added with underlining;

3. If the request is for repeal of a current rule, a statement to this effect, followed by the Arizona Administrative Code number of the rule proposed for repeal and the heading of the rule; or

4. If the request is for review of an existing agency practice or substantive policy statement that the petitioner alleges qualifies as a rule, as defined under A.R.S. § 41-1001, a statement to this effect,
followed by the practice or policy number, if any, the practice or policy heading, if any, or a brief description of the practice or policy subject matter.

**J.** The title of Part 3 shall be “Reason for the Petition.”

The title shall be centered at the top of the first page of this part. Part 3 shall contain:
1. The reason the petitioner believes rulemaking or review of the practice or policy is necessary;
2. Any statistical data or other justification supporting rulemaking or review of the practice or policy, with clear reference to any exhibits that are attached to or included with the petition;
3. An identification of any individuals or special interest groups the petitioner believes would be impacted by the rule or a review of the practice or policy, and how they would be impacted; and
4. If the petitioner is a public agency, a summary of issues raised in any public meeting or hearing regarding the petition, or any written comments offered by the public.

**K.** The title of Part 4 shall be “Statutory Authority.”

The title shall be centered at the top of the first page of this part. In Part 4, the petitioner shall identify any statute that authorizes the Commission to make the rule, if known, or cite A.R.S. § 41-1033 if the petition relates to review of an existing practice or substantive policy statement.

**L.** The title of Part 5 shall be “Date and Signature.”

The title shall be centered at the top of the first page of this part. Part 5 shall contain:
1. An original signature of the representative or official contact, if the petitioner is a private group or organization or private individual named under subsection (H)(1) or (2); or
2. If the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
3. The month, day, and year that the petition is signed.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(1) and 41-1033

**Historical Note**


**R12-4-602. Written Comments on Proposed Rules**

Any individual may submit written statements, arguments, data, and views on proposed rules that have been filed with the Secretary of State under A.R.S. § 41-1022. An individual who submits written comments to the Commission may voluntarily provide their name and mailing address. To be placed into the rulemaking record and considered by the Commission for a final decision, the individual submitting the written comments shall ensure that they:
1. Are received before or on the closing date for written comments, as published by the Secretary of State in the Arizona Administrative Register;
2. Indicate, if expressed on behalf of a group or organization, whether the views expressed are the official position of the group or organization, the number of individuals represented are represented, types of membership available, and number of Arizona residents in each membership category; and
3. Are submitted to the employee designated by the Department to receive written comments, as published in the Arizona Administrative Register.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(1), 41-1003, and 41-1023

**Historical Note**


**R12-4-603. Oral Proceedings Before the Commission**

A. For the purposes of this Section, “matter” or “proceeding” means any contested case, appealable agency action, rule or review petition hearing, rulemaking proceeding, or any public input at a Commission meeting.

B. The Commission may allow an oral proceeding on any matter. At an oral proceeding:
1. The Chair is responsible for conducting the proceeding. If an individual wants to speak, the individual shall first request and be granted permission by the Chair.
2. Depending on the nature of the proceeding, the Chair may administer an oath to a witness before receiving testimony.
3. The Chair may order the removal of any individual who is disrupting the proceeding.
4. Based on the amount of time available, the Chair may limit the number of presentations or the time for testimony regarding a particular issue and shall prohibit irrelevant or immaterial testimony.
5. Technical rules of evidence do not apply to an oral proceeding, and no informality in any proceeding or in the manner of taking testimony invalidates any order, decision, or rule made by the Commission.

C. The Commission authorizes the Director to designate a hearing officer for oral proceedings to take public input on proposed rulemaking. The hearing officer has the same authority as the Chair in conducting oral proceedings, as provided in this Section.

D. The Commission authorizes the Director to continue a scheduled proceeding to a later Commission meeting. To request a continuance, a petitioner shall:
1. Deliver the request to the Director no later than 24 hours before the scheduled proceeding;
2. Demonstrate that the proceeding has not been continued more than twice; and
3. Demonstrate good cause for the continuance.
R12-4-604. Ex Parte Communication

A. For purposes of this Section:

1. "Individual outside the Commission" means any individual other than a Commissioner, personal aide to a Commissioner, Department employee, consultant of the Commission, or an attorney representing the Commission.

2. "Ex parte communication" means any oral or written communication with the Commission that is not part of the public record and for which no reasonable prior written notice has been given to all interested parties.

B. In any contested case (as defined in A.R.S. § 41-1001) or proceeding or appealable agency action (as defined in A.R.S. § 41-1092) before the Commission, except to the extent required for disposition of ex parte matters as authorized by law or these rules of procedure, the following prohibitions apply to ex parte communication:

1. An interested individual outside the Commission shall not make or knowingly cause to be made to any Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may reasonably be expected to be involved in the decision-making process of the proceeding, an ex parte communication relevant to the merits of the proceeding;

2. A Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may reasonably be expected to be involved in the decisional process of the proceeding, shall not make or knowingly cause to be made to any interested person outside the Commission an ex parte communication relevant to the merits of the proceeding.

C. A Commissioner, Commission hearing officer, personal aide to a Commissioner, Department employee, or consultant who is or may reasonably be expected to be involved in the decisional process of the proceeding, who receives, makes, or knowingly causes to be made a communication prohibited by subsection (B)(1) or (B)(2) of this Section, shall place on the public record of the proceeding and serve on all interested parties to the proceeding:

1. A copy of each written communication;

2. A memorandum stating the substance of each oral communication; and

3. A copy of each response and memorandum stating the substance of each oral response to any communication governed by subsections (C)(1) and (C)(2).

D. Upon receipt of a communication made or knowingly caused to be made by a party in violation of this Section, the Commission or its hearing officer, to the extent consistent with equity and fairness, may require the party to show cause why the claim or interest in proceeding should not be dismissed, denied, disregarded, or otherwise adversely affected because of the violation.

E. The provisions of this Section apply from the date that a notice of hearing for a contested case is served, a notice of appealable agency action is served, or a request for hearing is filed, whichever comes first, unless the person responsible for the communication has knowledge that a proceeding will be noticed, in which case the prohibitions apply from the date that the individual acquired the knowledge.

R12-4-605. Standards for Revocation, Suspension, or Denial of a License

A. Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for an individual who has been convicted of any of the following offenses:

1. Killing or wounding a big game animal during a closed season or possessing a big game animal taken during a closed season. Conviction for possession of a road-kill animal or an animal that was engaged in depredation is not considered “possessing during a closed season” for the purposes of this subsection.

2. Destroying, injuring, or molesting livestock, or damaging or destroying personal property, notices or signboards, other improvements, or growing crops while hunting, fishing, or trapping.

3. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person, if the act of discharging the firearm was deliberate.

4. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.

5. Entering upon a game refuge or other area closed to hunting, trapping or fishing and taking, driving, or attempting to drive wildlife from the area in violation of A.R.S. §§ 17-303 and 17-304.

6. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).

B. Under A.R.S. § 17-340, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license if the Department recommends revocation, suspension, or denial of the license for an individual convicted of any of the following offenses:

1. Unlawfully taking or possessing big game, if sufficient evidence, which may or may not have been
introduced in the court proceeding, supports any of the following conclusions:

a. The big game was taken without a valid license or permit.

b. The unlawful taking was willful and deliberate.

c. The person in unlawful possession aided the unlawful taking or was, or should have been, aware that the taking was unlawful.

2. Unlawfully taking or possessing small game or fish, if sufficient evidence, which may or may not have been introduced in the court proceeding, supports any of the following conclusions:

a. The taking was willful and deliberate.

b. The possession was in excess of the lawful possession limit plus the daily bag limit.

3. Unlawfully taking wildlife species if sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that the act of taking was willful and deliberate and showed disregard for state wildlife laws.

4. Littering a public hunting or fishing area while taking wildlife, if sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that an individual littered the area, the amount of litter discarded was unreasonably large, and that the individual convicted made no reasonable effort to dispose of the litter in a lawful manner.

5. Careless use of a firearm while hunting, fishing, or trapping that resulted in injury or death to any person, if the act of discharging the firearm was not deliberate, but sufficient evidence, which may or may not have been introduced in the court proceeding, indicates that the careless use demonstrated wanton disregard for the safety of human life or property.

6. Any violation for which a license can be revoked under A.R.S. § 17-340, if the person has been convicted of a revocable offense within the past three years.


C. Under A.R.S. §§ 17-238, 17-362, 17-363, 17-364, and 17-340, if the Department has made a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke any fur dealer, guide, taxidermy, or special license (as defined in R12-4-401) in any case where license revocation is authorized by law.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(1), 17-231(B)(12), and 17-340

Historical Note

R12-4-606. Proceedings for License Revocation, Suspension, or Denial of Right to Obtain a License, and Civil Damages

A. The Director may commence a proceeding for the Commission to revoke, suspend or deny a license under A.R.S. §§ 17-238, 17-340, 17-362, 17-363, 17-364, R12-4-105, and R12-4-605. The Director may also commence a proceeding for civil damages under A.R.S. § 17-314.

B. The Commission shall conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license in accordance with the Administrative Procedure Act, A.R.S. Title 41, Chapter 6, Article 10. A respondent shall limit testimony to facts that show why the license should not be revoked or denied. Because the Commission does not have the authority to consider or change the conviction, a respondent is not permitted to raise this issue in the proceeding. The Commission shall permit a respondent to offer testimony or evidence relevant to the Commission’s decision to order recovery of civil damages or wildlife parts.

C. If a respondent does not appear for a hearing on the date scheduled, at the time and location noticed, no further opportunity to be heard is provided, unless rehearing or review is granted under R12-4-607. If the respondent does not wish to attend the hearing, the respondent may submit written testimony to the Department before the hearing date designated in the Notice of Hearing required by A.R.S. § 17-340(D). The Commission shall ensure that written testimony received at the time of the hearing is read into the record at the hearing.

D. The Commission shall base its decision on the officer’s case report, a summary prepared by the Department, a certified copy of the court record, and any testimony presented at the hearing. With the notice of hearing required by A.R.S. § 17-340(D), the Department shall supply the respondent with a copy of each document provided to the Commission for use in reaching a decision.

E. Any party may apply to the Commission for issuance of a subpoena to compel the appearance of any witness or the production of documents at any hearing or deposition. Not later than 10 calendar days before the hearing or deposition, the party shall file a written application that provides the name and address of the witness, the subject matter of the expected testimony, the documents sought to be produced, and the date, time, and place of the hearing or deposition. The Commission chair has the authority to issue the subpoenas.

1. A party shall have a subpoena served as prescribed in the Arizona Rules of Civil Procedure, Rule 45. An employee of the Department may serve a subpoena at the request of the Commission chair.

2. A party may request that a subpoena be amended at any time before the deadline provided in this Section for filing the application. The party shall have the amended subpoena served as provided in subsection (E)(1).

F. A license revoked by the Commission is suspended on the date of the hearing and revoked upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission’s order revoking a license, the license is revoked after all appeals have been completed. A denial of the right to obtain a license is effective for a period not
to exceed five years, as determined by the Commission, beginning on the date of the hearing.

G. A license suspended by the Commission is suspended on the date of the hearing, and suspended upon issuance of the findings of fact, conclusions of law, and order. If a respondent appeals the Commission’s order suspending a license, the license is suspended after all appeals have been completed. Under A.R.S. § 17-340(A), a suspension of a license is effective for a period not to exceed five years, as determined by the Commission, beginning on the date of the hearing.

**Authorizing Statute**

**General:** A.R.S. § 17-231(A)(1)

**Specific:** A.R.S. §§ 17-231(B)(1), 17-231(B)(12), 17-314, 17-340, Title 37, Chapter 3, Article 3.1, 41-1003, and 41-1023

**Historical Note**


**R12-4-607. Rehearing or Review of Commission Decisions**

**A.** For purposes of this Section the following terms apply:

1. “Contested case” and “party” are defined as provided in A.R.S. § 41-1001;
2. “Appealable agency action” is defined as provided in A.R.S. § 41-1092(3).

**B.** Except as provided in subsection (G), any party in a contested case or appealable agency action before the Commission may file a motion for rehearing or review within 30 calendar days after service of the final administrative decision. For purposes of this subsection a decision is served when personally delivered or mailed by certified mail to the party’s last known residence or place of business. The party shall attach a supporting memorandum, specifying the grounds for the motion.

**C.** A party may amend a motion for rehearing or review at any time before the Commission rules upon the motion. An opposing party has 15 calendar days after service to respond to the motion or the amended motion. The Commission has the authority to require that the parties file written briefs on any issue raised in a motion or response, and allow for oral argument.

**D.** The Commission has the authority to grant rehearing or review for any of the following causes materially affecting the moving party’s rights:

1. Irregularity in the proceedings of the Commission, or any order or abuse of discretion that deprived the moving party of a fair hearing;
2. Misconduct of the Commission, its staff, an administrative law judge, or the prevailing party;
3. Accident or surprise that could not have been prevented by ordinary prudence;
4. Newly discovered material evidence that could not, with reasonable diligence, have been discovered and produced at the original hearing;
5. Excessive or insufficient penalties;
6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing or during the progress of the proceeding; or
7. That the findings of fact or decision is not justified by the evidence or is contrary to law.

**E.** The Commission may affirm or modify the decision or grant a rehearing to all or any of the parties on all or part of the issues for any of the reasons in subsection (D). The Commission’s order modifying a decision or granting a rehearing shall specify the grounds for the order, and any rehearing shall cover only those specified matters.

**F.** Not later than 15 calendar days, after a decision, the Commission may grant a rehearing or review on its own initiative for any reason for which it might have granted relief on motion of a party. After giving the parties or their counsel notice and an opportunity to be heard on the matter, the Commission may grant a motion for rehearing or review for a reason not stated in the motion.

**G.** When a motion for rehearing or review is based upon affidavits, the party shall serve the affidavits with the motion. An opposing party may, within 10 calendar days after service, serve opposing affidavits. The Commission may extend this period for no more than 20 calendar days for good cause shown or by written stipulation of the parties. The Commission has the authority to permit reply affidavits.

**Authorizing Statute**

**General:** A.R.S. § 17-231(A)(1)

**Specific:** A.R.S. §§ 17-231(B)(1), 17-231(B)(12), Title 37, Chapter 3, Article 3.1, 41-1001, and 41-1092

**Historical Note**


**R12-4-608. Expired**

**Historical Note**


**R12-4-609. Commission Orders**

**A.** Except as provided in subsection (B):

1. At least 20 calendar days before a meeting where the Commission will consider a Commission Order, the Department shall ensure that a public meeting notice and agenda for the public meeting is posted in accordance with A.R.S. § 38-431.02. The Department shall also issue a public notice of the recommended Commission Order to print and electronic media at least 20 calendar days before the meeting.
2. The Department shall ensure that the public meeting notice and agenda contains the date, time, and location of the Commission meeting where the Commission Order will be considered and a statement that the public may attend and present written comments at or before the meeting.

3. The Department shall also ensure that the public meeting notice and agenda states that a copy of the proposed Commission Order is available for public inspection at the Department offices in Phoenix, Pinetop, Flagstaff, Kingman, Yuma, Tucson, and Mesa 10 calendar days before the meeting. The Commission may make changes to the recommended Commission Order at the Commission meeting.

B. The requirements of subsection (A) do not apply to Commission orders establishing:
1. Supplemental hunts as prescribed in R12-4-115, and
2. Special seasons for individuals that possess special license tags issued under A.R.S. § 17-346 and R12-4-120.

C. The Department shall publish the content of all Commission orders and make them available to the public without charge.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(1) and Title 37, Chapter 3, Article 3.1

Historical Note

R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles

A. An individual or agency requesting that the Commission consider closing state or federal land to hunting, fishing, or trapping as provided under A.R.S. § 17-304(B) or R12-4-110; or closing roads or trails on state lands as provided under R12-4-110, shall submit a petition as prescribed in this Section before the Commission will consider the request.

B. A petition shall not address more than one contiguous closure request.

C. Once the Commission has considered and denied a petition, an individual who subsequently submits a petition that addresses the same contiguous closure request shall provide a written statement that contains any reason not previously considered by the Commission in making a decision.

D. A petitioner shall submit an original and one copy of the petition to the Director of the Arizona Game and Fish Department, Director’s Office, 5000 W. Carefree Highway, Phoenix, AZ 85086, not less than 60 calendar days before a scheduled Commission meeting;

E. Within 15 business days after the petition is filed, the Department shall determine whether the petition complies with the requirements established under A.R.S. § 17-452, R12-4-110, and this Section. Once the Department determines that the petition meets these requirements, and if the petitioner has not agreed to an alternative solution or withdrawn the petition, the Department, in accordance with the schedule in subsection (D), shall place the petition on the agenda for the Commission’s next open meeting and provide written notice to the petitioner of the date that the Commission will consider the petition.

F. The petitioner shall submit a petition that:
1. Is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced, on 8 1/2” x 11” paper;
2. Has a concise map that shows the specific location of the proposed closure;
3. Has the title “Petition for the Closure of Hunting, Fishing, or Trapping Privileges on Public Land” or “Petition for the Closure of Public Lands to the Operation of Motor Vehicles” at the top of the first page;
4. Is in four parts, with titles designating each part as prescribed in this subsection;
5. Has a “Part 1” with the title “Identification of Petitioner” and contains the following information, if applicable:
   a. If the petitioner is the leaseholder of the area proposed for closure, the name, lease number, mailing address, and home telephone number of the petitioner;
   b. If the petitioner is anyone other than the leaseholder, the name, mailing address, and telephone number of the petitioner; and the name of each group or organization or organizations that the petitioner represents; or
   c. If the petitioner is a public agency, the name and address of the agency and the name, title, and
telephone number of the agency's representative regarding the petition.

6. Has a “Part 2” with the title “Request for Closure” and contains all of the following information, if applicable:
   a. The type of closure requested: either a hunting, fishing, or trapping closure, or closure to the operation of motor vehicles;
   b. A complete legal description of the area to be closed;
   c. The name or identifying number of any road and the portion of the road affected by the closure; and
   d. The dates proposed for the closure:
      i. If the closure is to the operation of motor vehicles, the actual time period of the closure (up to five years), and whether or not the closure is seasonal; or
      ii. If the closure is for hunting, fishing, or trapping, whether or not the request is for a permanent closure or for some other period of time.

7. Has a “Part 3” with the title “Reason for Closure” and contains all of the following information, if applicable:
   a. Each reason why the closure should be considered under R12-4-110, A.R.S. § 17-304(B), or A.R.S. § 17-452(A);
   b. Any data or other justification supporting the reasons for the closure with clear reference to any exhibits that may be attached to the petition;
   c. Each individual or segment of the public the petitioner believes will be impacted by the closure, including any other valid licensees, lessees, or permittees that will or may be affected, and how they will be impacted, including both positive and negative impacts;
   d. If the petitioner is a public agency, a summary of issues raised in any public hearing or public meeting regarding the petition and a copy of each written comment or document of concurrence authorized under A.R.S. § 17-452(A), received by the petitioning agency; and
   e. A proposed alternate access route, under R12-4-110.

8. Has a “Part 4” with the title “Dates and Signatures” and contains the following:
   a. The original signature of the private party or the official contact named under subsection (F)(5)(a) or (b) of this Section, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
   b. The month, day, and year when the petition was signed.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(1), 17-304, 17-452, and 41-1033

Historical Note

R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

A. If no administrative remedy exists in statute, rule or policy, an aggrieved individual may request a hearing before the Commission by following the provisions of this Section.

B. Any individual who requests a hearing under this Section shall submit a petition as prescribed in this Section before the request for a hearing will be considered by the Commission.

C. A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086.

D. The petitioner shall ensure that the petition is typewritten, computer or word processor printed, or legibly handwritten, and double-spaced on 8 1/2” x 11” paper. The petitioner shall place the title “Petition for Hearing by the Arizona Game and Fish Commission” at the top of the first page. The petition shall include the items listed in subsections (E) through (H). The petitioner shall present the items in the petition in the order in which they are listed in this Section.

E. The petitioner shall ensure that the title of Part 1 is “Identification of Petitioner” and that Part 1 includes the following information, as applicable:
   1. If the petitioner is a private person, the name, mailing address, telephone number, and e-mail address (if available) of the petitioner;
   2. If the petitioner is a group or organization, the name and address of the organization; the name, mailing address, telephone number, and e-mail address (if available) of one person who is designated as the official contact for the group or organization; the number of individuals or members represented by the private group or organization, and the number of these individuals or members who are Arizona residents. If the petitioner prefers, the petitioner may provide the names and addresses of all members; or
   3. If the petitioner is a public agency, the name and address of the agency and the name, telephone number, and e-mail address (if available) of the agency’s representative.

F. The petitioner shall ensure that the title of Part 2 is “Statement of Facts and Issues.” Part 2 shall contain a description of the issue to be resolved, and a statement of the facts relevant to resolving the issue.

G. The petitioner shall ensure that the title of Part 3 is “Petitioner’s Proposed Remedy.” Part 3 shall contain a full and detailed explanation of the specific remedy the petitioner is seeking from the Commission.

H. The petitioner shall ensure that the title of Part 4 is “Date and Signatures.” Part 4 shall contain:
   1. The original signature of the private party or the official contact named in the petition, or, if the
petitioner is a public agency, the signature of the agency head or the agency head's designee; and
2. The month, day, and year that the petition is signed.

I. If a petition does not comply with this Section, the Director shall return the petition and indicate why the petition is deficient.

J. After the Director receives a petition that complies with this Section, the Director shall place the petition on the agenda of a regularly scheduled Commission meeting.

K. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same matter, unless the petitioner presents new evidence or reasons for considering the subsequent petition.

L. This Section does not apply to the following:
   1. A matter related to a license revocation or civil assessment; or
   2. An unsuccessful hunt permit-tag draw application, where there was no error on the part of the Department.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(B)(1) and Title 41, Chapter 6, Article 10

Historical Note
New Section made by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final rulemaking at 16 A.A.R. 1465, effective July 13, 2010 (Supp. 10-3).

ARTICLE 7. HERITAGE GRANTS

R12-4-701. Heritage Grant Definitions
In addition to the definitions provided under A.R.S. §§ 17-101 and 17-296, the following definitions apply to this Article:

“Administrative subunit” means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:
   - School, but not an entire school district;
   - Field office or project office, but not an entire agency; or
   - Administrative department, but not an entire city government.

“Eligible applicant” means any public agency or nonprofit organization sponsored by a public agency that meets the applicable requirements of this Article and does not have a Heritage Fund Grant in extension as authorized under R12-4-707(B).

“Facilities” means any structure or site improvements.

“Fund” means the Arizona Game and Fish Commission Heritage Fund, established under A.R.S. § 17-297.

“Grant agreement” means a document that details the terms and conditions of a grant project.

“Grant effective date” means the date the Department Director signs the Grant Agreement.

“In-kind” means contributions other than cash, which include individual and material resources that the applicant makes available to the project, e.g. a permanent public employee’s salary, volunteer time, materials, supplies, space, or other donated goods and services.

“Participant” means an eligible applicant who has been awarded a grant from the Heritage Fund.

“Project” means an activity, or series of related activities, or services described in the specific project scope of work and results in specific end products.

“Project period” means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

“Public agency” means the federal government or any federal department or agency, an Indian tribe, this state, all state departments, agencies, boards, and commissions, counties, school districts, public charter schools, cities, towns, all municipal corporations, and any other political subdivision.

“Publicly held lands” means federal, public, and reserved land, State Trust Land, and other lands within Arizona that are owned, controlled, or managed by the federal government, a state agency or political subdivision.

“Sensitive elements” means the specific areas within the geographical area, historically or currently occupied by a species or community of species, which comprise those physical or biological features essential to the establishment or continued existence of the species. These ‘sensitive elements’ may require special management, conservation or protection considerations.

“Term of public use” means the time period during which the project or facility is expected to be maintained for public use.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1) and 17-231(A)(2)
Specific: A.R.S. §§ 17-231(A)(7) and 17-231(A)(8)

Historical Note

R12-4-702. General Provisions
A. An applicant shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. In compliance with A.R.S. § 41-2702, the Department shall:
   1. Provide public notice of the time, location, and due date for application submission; and
   2. Furnish materials necessary to complete the application.

B. An eligible applicant, seeking Heritage Grant funding shall submit a Heritage Grant Application as established under this Article and in compliance with the Heritage Grant application materials.

C. An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to
sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. The applicant's proof of ownership or control or written permission shall demonstrate:

1. Permission for access is not revocable at will by the property owner, and
2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.

D. The Department shall notify an applicant in writing of the results of the applicant's submission and announce Heritage Grant awards at a regularly scheduled open meeting of the Commission.

E. A participant shall not begin a project described in an application until after the grant effective date.

F. A participant shall complete the project as specified under the terms and conditions of the Grant Agreement.

G. A participant shall use awarded Heritage Grant Funds solely for eligible purposes of the funding program as defined by law and as approved by the Department.

H. A participant shall use income generated to further the purpose of the approved project or surrender the income to the original funding source.

J. If a balance of awarded Heritage Grant funds remains, upon completion of approved project elements, the participant may, with Department approval, use those unexpended funds for an additional project consistent with the original scope of work or surrender those unexpended funds to the Department.

K. A participant shall use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement, and surrender the equipment to the Department upon completion of the project, if the equipment has an acquisition cost of more than $500.

L. A participant shall not use Heritage Grant funds to pay the salary of any permanent public employee. A participant may use a permanent employee’s time as in-kind match for the project specified in the Grant Agreement.

M. A participant shall allow Department employees or agents to conduct inspections and reviews:

1. To ensure compliance with all terms and conditions established under the Grant Agreement.
2. Before release of the final payment.

N. A participant shall submit records that substantiate the expenditure of Heritage Grant funds.

O. A participant shall bear full responsibility for performance by subcontractors to ensure compliance with the Grant Agreement.

P. A participant shall pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications, and other media funded by a Heritage Grant for the term of public use as specified in the Grant Agreement.

Q. A participant shall give public acknowledgment of Heritage Fund grant assistance for the term of public use of a project. If a project involves acquisition of property, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of this signage as part of the original project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Heritage Fund grant funding acknowledgment on any publicly available or accessible products resulting from the project.

R. An administrative subunit that failed to comply with the terms and conditions of a Grant Agreement shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project is brought into compliance.

S. An administrative subunit that has a Heritage Grant funded project in extension shall not apply for, nor be considered for, further Heritage Grants until the administrative subunit's project under extension is completed.

**Authorizing Statute**

General: A.R.S. §§ 17-231(A)(1) and 17-231(A)(7)

Specific: A.R.S. §§ 17-297 and 17-298

**Historical Note**


**R12-4-703. Heritage Grant Program Funds**

A. Environmental Education Grant. An eligible applicant shall ensure a proposed project is designed to:

1. Develop awareness, appreciation, and understanding of Arizona's wildlife and its environment; and increase responsible actions toward wildlife;
2. Use Arizona wildlife as its focus and present wildlife issues in a balanced and fair manner; and
3. Benefit Arizona public schools, public charter schools, and students.

B. IIAPM Grant: Identification, Inventory, Acquisition, Protection, and Management of Sensitive Elements. An eligible applicant shall ensure a proposed project is designed to:

1. Preserve and enhance Arizona's natural biological diversity; and
2. Incorporate identification, inventory, acquisition, protection, or management of sensitive elements.

C. Outdoor Education Grant: An eligible applicant shall ensure a proposed project is designed to:

1. Provide a meaningful outdoor educational experience;
2. Develop awareness, appreciation, and stewardship of Arizona's wildlife and wildlife habitats; and
3. Benefit Arizona public schools, public charter schools, and students.
D. Public Access Grant: An eligible applicant shall ensure a proposed project:
1. Is designed to increase or maintain public access for recreational use related to wildlife;
2. Is in cooperation with federal land managers, local and state governments, private landowners, or public users, as applicable; and
3. Is designed to inform and educate the public about recreational use of publicly held lands and public access to those lands.

E. Schoolyard Habitat Grant: An eligible applicant shall ensure a proposed project is designed to:
1. Develop awareness, appreciation, and understanding of Arizona’s wildlife and its environment;
2. Encourage wildlife educational activities on Arizona school sites or adjacent areas;
3. Encourage native wildlife species, utilize native plant materials, and demonstrate water conservation techniques;
4. Allow Arizona students to actively participate in the planning, development, and construction process;
5. Be integrated into the school curriculum; and

F. Urban Wildlife and Urban Wildlife Habitat Grant. An eligible applicant shall ensure a proposed project:
1. Is designed to conserve, enhance, and establish wildlife habitats and populations consistent with urban environments, and increase public awareness and support for urban wildlife resources; and
2. Meets one of the following criteria:
   a. Is within the incorporated limits of a city or town;
   b. Is within five miles, in straight distance, of the boundary of an incorporated area; or
   c. Is an area that receives significant impact from residential development, as determined by the Department.

**Authorizing Statute**
General: A.R.S. §§ 17-231(A)(1) and 17-231(A)(7)
Specific: A.R.S. §§ 17-297 and 17-298

**Historical Note**

R12-4-704. Grant Application

**A.** To be considered for a Heritage Grant, an eligible applicant shall submit a grant application as established under this Article and in compliance with the Heritage Grant Application materials.

**B.** An applicant who is applying for multiple projects shall submit a separate application for each project.

**C.** An applicant shall provide the following information on the Heritage Grant application form:
1. The name of the applicant;
2. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
3. The name, title, mailing address, e-mail address, and telephone number of the individual responsible for the day-to-day management of the proposed project;
4. Identification of the specific Heritage Grant program fund;
5. A descriptive project title;
6. The name of the site, primary location, and any other locations of the project;
7. Description of the:
   a. Scope of work and the objective of the proposed project;
   b. Methods for achieving the objective, and
   c. Desired result of the project;
8. The beginning and ending dates for the project;
9. The resources needed to accomplish the project, including grant monies requested, and, if applicable, evidence of secured matching funds or contributions;
10. If the eligible applicant is a non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, documentation or other evidence of the exemption; and
11. Any additional supporting information required by the Department.

**D.** The person signing the grant application form shall have the authority to enter into agreements, accept funding, and fulfill the terms of the Grant Agreement on behalf of the applicant.

**Authorizing Statute**
General: A.R.S. §§ 17-231(A)(1) and 17-231(A)(8)
Specific: A.R.S. §§ 17-297 and 17-298

**Historical Note**

R12-4-705. Review of Proposals

**A.** Heritage Grant proposals are competitive and the Department shall make awards based on a proposed project’s compatibility with the priorities of the Department, as approved by the Commission.

**B.** The Department may require an applicant to modify the application prior to awarding a Heritage Grant, if the Department determines that the modification is necessary for the successful completion of the project.

**Authorizing Statute**
General: A.R.S. §§ 17-231(A)(1) and 17-231(A)(8)
Specific: A.R.S. §§ 17-297 and 17-298

**Historical Note**

R12-4-706. State Historic Preservation Office Review

When applicable, the Department shall not release Heritage Grant Funds until after the Department has
consulted with the State Historic Preservation Office regarding the proposed project’s potential impact on historic and archeological properties and resources.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1) and 17-231(A)(8)
Specific: A.R.S. §§ 17-297 and 17-298

Historical Note

R12-4-707. Grant Agreement
A. Before the Department transfers any grant funds, the applicant shall sign the Grant Agreement.
B. A participant may request an extension beyond the approved project period by writing to the Department. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period. If approved, an extension shall be signed by both the participant and the Department.
C. Notwithstanding subsection (B), the Department may extend the project period for good cause such as, but not limited to, inclement weather or internal personnel changes.
D. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.
E. If a participant is in default of the Grant Agreement, the Department may:
1. Terminate the Grant Agreement,
2. Seek recovery of grant monies awarded, and
3. Classify the participant as ineligible for Heritage Fund Grants for a period of up to five years.
F. The Department, at its sole discretion, has the authority to include additional conditions in the Grant Agreement prior to signing the Agreement and through Amendment.

Authorizing Statute
General: A.R.S. §§ 17-231(A)(1) and 17-231(A)(8)
Specific: A.R.S. §§ 17-297 and 17-298

Historical Note

R12-4-708. Reporting and Recordkeeping Requirements
A. A participant shall submit project status reports to the Department Grant Agreement. The project status report shall include the following information, as applicable:
1. Progress in completing approved work;
2. Itemized, cumulative project expenditures;
3. A financial accounting of:
   a. Heritage Grant Funds,
   b. Matching funds,
   c. Donations, and
   d. Income derived from project funds;
4. Any delays or problems that may prevent the on-time completion of the project; and
5. Any other information required by the Department.
B. At the end of the project period and for each year until the end of the term of public use, a participant shall:
1. Certify compliance with the Grant Agreement, and
2. Complete a post-completion report form furnished by the Department.
C. A participant shall submit project status reports, as required in the grant materials. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports.
D. Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, reports, files, and any other records relating to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department’s request, a participant or subcontractor shall produce a legible copy of these records.

Authorizing Statute
Specific: A.R.S. §§ 17-297, 17-298, 17-298.01, and 35-214

Historical Note

R12-4-709. Repealed

Historical Note

R12-4-710. Repealed

Historical Note
R12-4-711. Repealed

Historical Note

R12-4-712. Repealed

Historical Note

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

R12-4-801. General Provisions

A. Wildlife areas shall be established to:
   1. Provide protective measures for wildlife, habitat, or both;
   2. Allow for special management or research practices; and
   3. Enhance wildlife and habitat conservation.

B. Wildlife areas shall be:
   1. Lands owned or leased by the Commission and managed by the Department;
   2. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife management and research implementation; or
   3. Any lands with property interest conveyed to the Commission by any entity, through approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, agreement, management agreement, inter-agency agreements, letter agreements, and right-of-entry, where said property interest is sufficient for management of the lands consistent with the objectives of the wildlife area.

C. Wildlife area designation shall not be given to any private lands, or lands in which private parcels are located, solely for the purpose of protecting private property. Wildlife area designation on private property, or where private property is involved, shall be considered by the Commission only when the Commission and the owners arrive at a mutual agreement, inter-agency agreements, letter agreements, and right-of-entry, where said property interest is sufficient for management of the lands consistent with the objectives of the wildlife area.

D. Land qualified for wildlife areas shall be:
   1. Lands with unique topographic or vegetative characteristics that contribute to wildlife;
   2. Lands where certain wildlife species are confined because of habitat demands,
   3. Lands that can be physically managed and modified to attract wildlife, or
   4. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.

E. The Department may restrict public access to and public use of wildlife areas and the resources of wildlife areas for up to 90 days when necessary to protect property, ensure public safety, or to ensure maximum benefits to wildlife. Closures or restrictions exceeding 90 days shall require Commission approval.

F. Closures of all or any part of a wildlife area to public entry, and any restriction to public use of a wildlife area, shall be listed in this Article or shall be clearly posted at each entrance to the wildlife area. No person shall conduct an activity restricted by this Article or by such posting.

G. When a wildlife area is posted against travel except on existing roads, no person shall drive a motor operated vehicle over the countryside except by road.

H. The Department may take action to manage the access and use of any Commission real property or facilities. Such actions may include restrictions for the timing, type, or duration of certain activities, including the prohibition of access or type of use.

I. No person shall access or use any Commission real property or facilities in violation of any Department actions authorized under subsection (H), if signs are posted providing notice of the restrictions.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(2) and 41-1005(A)

Historical Note

R12-4-802. Wildlife Area and Other Department Managed Property Restrictions

A. No person shall violate the following restrictions on Wildlife Areas:
   1. Alamo Wildlife Area (located in Units 16A and 44A):
      a. Wood collecting limited to dead and down material, for onsite noncommercial use only.
      b. Overnight public camping in the wildlife area outside of Alamo State Park allowed for no more than 14 days within a 45-day period.
      c. Motorized vehicle travel permitted on designated roads or areas only, except an individual may use a vehicle on or off road to pick up lawfully taken big game animals. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
      d. Open to all hunting as permitted under R12-4-304 and R12-4-318.
   2. Allen Severson Wildlife Area (located in Unit 3B):
      a. No open fires.
      b. No firewood cutting or gathering.
      c. No overnight public camping.
      d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or...
law enforcement, fire response, or other emergency vehicles.

e. Posted portions closed to discharge of all firearms from April 1 through July 31 annually.

f. Open to all hunting as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from April 1 through July 31 annually.

3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
   a. Access to Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
   b. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   c. Open to all hunting as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of all firearms.
   d. The Becker Lake boat launch access road and parking areas along with any other posted portions of the wildlife area will be closed to all public entry from one hour after sunset to one hour before sunrise daily.
   e. Posted portions closed to public entry from December through July 31 annually.
   f. Posted portions closed to hunting.
   g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of rifled firearms.

7. Bog Hole Wildlife Area (located in Unit 35B):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response or other emergency vehicles.
   e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

8. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

9. Chevelon Creek Wildlife Area (located in Unit 4B):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads and areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Posted portions closed to all public entry.
   f. Additional posted portions closed to public entry from October 1 through February 1 annually.
   g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 1 through February 1 annually.

10. Cibola Valley Conservation and Wildlife Area (located in Unit 43A):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. Motorized vehicle travel permitted on designated and administrative roads and areas only for the purpose of retrieving lawfully taken big game animals. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
    e. Posted portions closed to public entry.
    f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except legal
weapons restricted to shotguns shooting shot and bow and arrow.

11. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
   a. Closed to discharge of all firearms.
   b. Closed to hunting.

12. Cluff Ranch Wildlife Area (located in Unit 31):
   a. Open fires allowed in designated areas.
   b. Wood collecting limited to dead and down material, for onsite noncommercial use only.
   c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.
   d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or other emergency vehicles.
   e. Posted portions around Department housing and Pond Three are closed to discharge of centerfire rifles.

13. Colorado River Nature Center Wildlife Area (located in Unit 15D):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
   e. Posted portions closed to public entry from November 15 through February 15 annually.
   f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifles.

14. Fool Hollow Lake Wildlife Area (located in Unit 3C):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
   e. The parking area adjacent to Sixteenth Avenue and other posted portions of the wildlife area will be closed to all public entry daily from one hour after sunset to one hour before sunrise, except for anglers possessing a valid fishing license accessing Fool Hollow Lake/Show Low Creek.
   f. Open to hunting in season as permitted under R12-4-304 and R12-4-318.

15. House Rock Wildlife Area (located in Unit 12A):
   a. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles, law enforcement, fire response, or other emergency vehicles.
   b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

16. Jacques Marsh Wildlife Area (located in Unit 3B):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifles.

17. Lamar Haines Wildlife Area (located in Unit 7):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

18. Luna Lake Wildlife Area (located in Unit 1):
   a. Posted portions closed to public entry from February 15 through July 31 annually.
   b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except when closed to hunting from April 1 through July 31 annually.
   c. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

19. Mittry Lake Wildlife Area (located in Unit 43B):
   a. Open fires allowed in designated areas only.
   b. Overnight public camping allowed in designated areas only, for no more than 10 days per calendar year.
   c. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   d. Posted portions closed to public entry from November 15 through February 15 annually.
   e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 through February 15 annually.

20. Powers Butte (Mumme Farm) Wildlife Area (located in Unit 39):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on posted designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
22. Raymond Wildlife Area (located in Unit 5B):
   a. No open fires.
   b. No overnight public camping.
   c. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   d. Posted portions closed to public entry from September 1 through March 31 annually.
   e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from September 1 through March 31 annually.
   f. If conducted during an event approved under R12-4-804, target or clay bird shooting is permitted in designated areas only.
   g. Open to all hunting in season as permitted under R12-4-304 and R12-4-318 except:
      i. Posted portions around Department housing closed to the discharge of all firearms; and
      ii. Wildlife area is closed to the discharge of centerfire rifled firearms.

24. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
   a. Posted portions closed to public entry from November 15 through February 15 annually.
   b. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   c. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from November 15 through February 15 annually.

25. Santa Rita Wildlife Area (located in Unit 34A):
   a. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   b. Open to all hunting as permitted under R12-4-304 and R12-4-318, except that the take of wildlife with firearms is prohibited from March 1 through August 31.

26. Sipe White Mountain Wildlife Area (located in Unit 1):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions around Department housing is closed to the discharge of all firearms.

27. Springerville Marsh Wildlife Area (located in Unit 2B):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   e. Closed to discharge of all firearms.
   f. Closed to hunting.

28. Sunflower Flat Wildlife Area (located in Unit 8):
   a. No open fires.
   b. No overnight public camping.
   c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   d. No open fires.
   e. Parking in designated areas only.
   f. If conducted during an event approved under R12-4-804, target or clay bird shooting is permitted in designated areas only.
enforcement, fire response, or other emergency vehicles.

d. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

29. Three Bar Wildlife Area (located in Unit 22):

a. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

b. Open to hunting in season, as permitted under R12-4-304 and R12-4-318, except the area within the fenced enclosure inside the loop formed by Tonto National Forest Road 647, also known as the Walnut Canyon Enclosure, which is closed to hunting, unless otherwise provided under Commission Order.

c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.

d. Posted portions closed to public entry.

e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.

30. Tucson Mountain Wildlife Area (located in Unit 38M):

a. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

b. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except:
   
i. Portions posted as closed to hunting, and

ii. Wildlife area is closed to the discharge of all firearms.

c. Archery deer and archery javelina hunters must check in with the Arizona Game and Fish Tucson Regional Office prior to going afield.

d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire department, or other emergency vehicles.

e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.

f. All dogs must remain on leash except for hunting dogs during a legal open season.

31. Upper Verde River Wildlife Area (located in Unit 8 and 19A):

a. No open fires.

b. No firewood cutting or gathering.

c. Overnight public camping allowed in designated areas only.

d. Motorized vehicle travel permitted on designated roads or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire department, or other emergency vehicles.

e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of firearms within a one mile radius of visitor parking area.

f. All dogs must remain on leash except for hunting dogs during a legal open season.

32. Wenima Wildlife Area (located in Unit 2B):

a. No open fires.

b. No firewood cutting or gathering.

c. No overnight public camping.

d. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to the discharge of all firearms.

33. White Mountain Grasslands Wildlife Area (located in Unit 1):

a. No open fires.

b. No overnight public camping.

c. Motorized vehicle travel permitted on designated roads or areas only, except as permitted under R12-4-110(G). This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

d. Posted portions closed to public entry.

e. Open to all hunting in season as permitted under R12-4-304 and R13-4-318.

34. Whitewater Draw Wildlife Area (located in Unit 30B):

a. Open fires allowed in designated areas only.

b. Overnight public camping allowed in designated areas only, for no more than three days within a seven-day period.

c. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

d. Posted portions closed to public entry from October 15 through March 15 annually.

e. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except the wildlife area is closed to the discharge of centerfire rifled firearms.

35. Willcox Playa Wildlife Area (located in Unit 30A):

a. Open fires allowed in designated areas only.

b. No firewood cutting or gathering.

c. Overnight public camping allowed in designated areas only, for no more than five days within a 14-day period.

d. Motorized vehicle travel permitted on designated roads, trails, or areas only. This subsection does not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.

e. Posted portions closed to public entry from October 15 through March 15 annually.

f. Open to all hunting in season as permitted under R12-4-304 and R12-4-318, except posted portions closed to hunting from October 15 through March 15 annually.

B. Notwithstanding Commission Order 40, public access and use of the Hirsch Conservation Education Area and Biscuit Tank is limited to activities conducted and offered by the Department and in accordance with the Department's special management objectives for the property, which include, but are not limited to, flexible harvest, season, and methods that:

1. Allow for a variety of fishing techniques, fish harvest, fish consumption, and catch and release educational experiences;

2. Maintain healthy, productive, and balanced fish grouping; and

3. Provide public education activities and training courses that are compatible with the management of aquatic wildlife.
**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(2) and 41-1005(A)

**Historical Note**


**R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions**

**A. Wildlife Areas are described as follows:**

1. **Alamo Wildlife Area:** The Alamo Wildlife Area shall be those areas described as:

   - **T10N, R13W**
     - Section 1, W1/2NW1/4, NW1/4SW1/4;
     - Section 2 and Section 3;
     - Section 4, E1/2SW1/4, SE1/4;
     - Section 9, NE1/4, E1/2NW1/4;
     - Section 10, N1/2NW1/4, NW1/4NE1/4.

   - **T11N, R11W**
     - Section 7, S1/2SW1/4;
     - Section 18, N1/2 NW1/4.

   - **T11N, R12W**
     - Section 4, Lots 2, 3 and 4, SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4;
     - Section 5, Lot 1, SE1/4NE1/4, E1/2SE1/4;
     - Section 7, S1/2, SE1/4 NE1/4;
     - Section 8, NE1/4, S1/2NW1/4, S1/2;
     - Section 9:
       - Section 10, S1/2NW1/4, S1/2;
       - Section 11, S1/2S1/2;
       - Section 12, S1/2S1/2;
       - Section 13, N1/2, N1/2SW1/4, NW1/4SE1/4;
       - Section 14, N1/2, E1/2SE1/4;
       - Section 15, N1/2, SW1/4SW1/4, SW1/4SE1/4;
       - Section 16, 17, 18 and 19;
       - Section 20, N1/2, N1/2SW1/4;
       - Section 21, NW1/4;
       - Section 22, SW1/4, SW1/4SE1/4;
       - Section 30;
       - Section 31, N1/2, N1/2S1/2;
       - Section 32, NW1/4, N1/2SW1/4.

   - **T11N, R13W**
     - Section 12, SE1/4SW1/4, SW1/4SE1/4, E1/2SE1/4;
     - Section 13;
     - Section 14, S1/2NE1/4, SE1/4SW1/4, SE1/4;
     - Section 22, S1/2SW1/4, SE1/4;
     - Section 23, E1/2, E1/2NW1/4, SW1/4NW1/4, SW1/4;
     - Section 24, 25 and 26;
     - Section 27, E1/2, E1/2W1/2;
     - Section 34, E1/2, E1/2NW1/4, SW1/4;
     - Sections 35 and 36.

2. **Allen Severson Memorial Wildlife Area:** The Allen Severson Memorial Wildlife Area shall be that area including Pintail Lake and South Marsh lying within the fenced and posted portions of:

   - **T11N, R22E**
     - Section 32, SE1/4;
     - Section 33, S1/2SW1/4.

   - **T10N, R22E**
     - Section 4, N1/2SW1/4.

3. **Aravaipa Canyon Wildlife Area:** The Aravaipa Canyon Wildlife Area shall be that area within the flood plain of Aravaipa Creek and the first 50 vertical feet above the streambed within the boundaries of the Aravaipa Canyon Wilderness Area administered by the Bureau of Land Management, Graham and Pinal Counties, Arizona.

4. **Arlington Wildlife Area:** The Arlington Wildlife Area shall be those areas described as:

   - **T1S, R5W**
     - Section 33, E1/2SE1/4.

   - **T2S, R5W**
     - Section 3, W1/2W1/2;
     - Section 4, E1/2, and Parcel 401-58-001A as described by the Maricopa County Assessor’s Office;
     - A parcel of land lying within Section 4, T2S, R5W, more particularly described as follows: commencing at the southwest corner of said Section 4, 2-inch aluminum cap (A.C.) in pothole stamped “RLS 36562”, from which the northwest corner of said section, a 1 1/2-inch brass cap (B.C.) stamped “TIS R5W S32 S33 S5 S4 1966”, bears North 00°09’36” East (basis of bearing), a distance of 4130.10 feet, said southwest corner being the point of beginning; thence along the west line of said section, North 00°09’36” East, a distance of 16.65 feet; thence leaving said west line, South 89°48’28” East, a distance of 986.79 feet; thence North 00°47’35” East, a distance of 2002.16 feet; thence along the north line of said...
section; thence along said north line, South 89°18'45" East, a distance of 1603.61 feet, to the north quarter corner of said section, a 1/2 inch metal rod; thence leaving said north line, along the north-south mid-section line of said section, South 00°08'44" East, a distance of 4608.75 feet, to the south quarter corner of said section, a 3-inch brass cap flush (B.C.F.) stamped “T2S R5W 1/4S9 S9 RLS 46118 2008”; thence leaving said north-south mid-section line, along the south line of said section, North 79°10'54" West, a distance of 2719.41 feet, to the point of beginning. Subject to existing rights-of-way and easements. This parcel description is based on the Record of Survey for Alma Richardson Property, recorded in Book 996, page 25, Maricopa County Records (M.C.R.) and other client provided information. This parcel description is located within an area surveyed by Wood, Patel & Associates, Inc. during the month of April, 2008 and October, 2009 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

All in G&SRB&M, Maricopa County, Arizona.

Section 9;
Section 15, those portions of S1/2N1/2 and NW1/2SW1/4 lying west of the primary through road;
Section 16;
Section 21, E1/2, E1/2SW1/4, SE1/4NW1/4 and Parcel 401-61-008D as described by the Maricopa County Assessor’s Office.

All in G&SRB&M, Maricopa County, Arizona.

5. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as:

T1N, R1E
Section 31;
Lots 3, 5, 6, 7, 8 and NE1/4SW1/4, S1/2S1/2S1/2SW1/4N1W1/4 EXCEPT S1/2SE1/4SE1/4SE1/4SW1/4N1W1/4, and that portion of the north half of the southeast quarter of Section 31, T1N, R1E, described as follows: commencing at the aluminum cap set at the east quarter corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31 bears South 00°20'56" West 2768.49 feet; thence South 00°20'56" West along the east line of said southeast quarter of Section 31, 1384.25 feet to the southeast corner of said north half of the southeast quarter; thence South 89°25'13" West along the west line of said southeast quarter, 746.86 feet to the south line of the north 607.00 feet of said north half of the southeast quarter; thence South 89°25'13" East along said south line of the north 607.00 feet of the north half of the southeast quarter, 655.98 feet to the point of beginning.

T1N, R1W
Section 34, N1/2SE1/4;
Section 35, S1/2;
Section 36;
The W1/2SE1/4NE1/4 EXCEPT any portion of said W1/2SE1/4NE1/4 of Section 36 lying within the following described four parcels: EXCEPTION NO. 1: commencing at the Northeast corner of said W1/2SE1/4NE1/4 of section 36; thence along the East line thereof South 00°10' East 846.16 feet to the point of beginning; thence extending South 00°18' East, a distance of 141.17 feet; thence South 87°51'15" West, a distance of 570.53 feet; thence South 00°29' East, a distance of 310.00 feet to the South line of said W1/2SE1/4NE1/4 of Section 36; thence North 89°29' West along the West line of said W1/2SE1/4NE1/4 of Section 36, a distance of 425.93 feet; said point bears South 00°29' East, a distance of 895.93 feet from the Northwest corner of said W1/2SE1/4NE1/4 of Section 36; thence North 85°54'33" East, a distance of 647.01 feet to the point of beginning. EXCEPTION NO. 2: commencing at the Northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the East line thereof South 00°18' East, a distance of 846.16 feet to the point of beginning; said point being on the Northerly line of the Flood Control District of Maricopa County parcel as shown in Document No. 84-26119, Maricopa County Records; thence South 85°54'33" West, a distance of 647.01 feet to the West line of said W1/2SE1/4NE1/4 of Section 36; thence North 00°29' West along said West line, a distance of 30 feet; thence North 84°23'15" East, a distance of 226.19 feet; thence North 87°17'06" East, a distance of 418.85 feet to the East line of said W1/2SE1/4NE1/4 of Section 36; thence South 00°18' East along said East line, a distance of 26.00 feet to the point of beginning. EXCEPTION NO. 3: The South 37.6 feet of said W1/2SE1/4NE1/4 of Section 36. EXCEPT all oil, gas and other hydrocarbon substances, helium or other substance of gaseous nature, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to the production of fissionable material as reserved in Arizona Revised Statutes. EXCEPTION NO. 4: That part of the West half of the Northeast quarter of the Northeast quarter (W1/2SE1/4NE1/4) of Section 36, T1N, R1W lying North of the following described line: commencing at the Northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the East line thereof South 00°18'00" East, a distance of 820.16 feet, to the point of beginning; said point being on the Northerly line of the Flood District of Maricopa County parcel as shown in Document 85-357813, Maricopa County Records; thence South 89°18'45" East, a distance of 1603.61 feet, to the point of beginning.
87°17'06" West, a distance of 418.85 feet; thence South 84°23'15" West, a distance of 228.19 feet to the West line of said W1/2SE1/4NE1/4 of Section 36 and the point of terminus. The above described parcel contains 162,550 sq. ft. or 3.7316 acres. The Southeast quarter of the Southeast quarter of the Northeast quarter (SE1/4SE1/4NE1/4) of Section 36, T1N, R1W, EXCEPT the South 37.6 feet of said SE1/4SE1/4NE1/4, and EXCEPT the East 55 feet of said SE1/4SE1/4NE1/4, and EXCEPT that part of said SE1/4SE1/4NE1/4 lying North of the most Southerly line of the parcel described in Record No. 84-026119, Maricopa County Records, said Southerly line being described as follows: beginning at the Northeast corner of the South half of the Northeast quarter of the Southeast quarter of the Southeast quarter (NE1/4SI/2NE1/4SE1/4) of said Section 36; thence South 60" East along the East line of Section 36, a distance of 50.70 feet; thence South 89°53' West, a distance of 55.00 feet to a point on the West line of the East 55.00 feet of said Section 36; thence South 00°07' East along said line, a distance of 510.00 feet; thence South 81°44'43" West, a distance of 597.37 feet to a terminus point on the West line of said SE1/4SE1/4NE1/4 of Section 36, and EXCEPT that part of said SE1/4SE1/4NE1/4 described as follows: commencing at the East quarter corner of said Section 36; thence North 89°37'23" West along the South line of said SE1/4SE1/4NE1/4 of Section 36, a distance of 241.25 feet; thence North 18°53'04" East, a distance of 39.65 feet to the point of beginning; thence continuing North 18°53'04" East, a distance of 408.90 feet; thence South 81°04'43" West, a distance of 222.55 feet; thence South 18°53'04" West, a distance of 370.98 feet; thence South 89°37'23" East, a distance of 207.58 feet to the point of beginning. That portion of land lying within the Southeast quarter of the Southeast quarter of the Northeast quarter (SE1/4SE1/4NE1/4) of Section 36, T1N, R1W, and the South half of the Southwest quarter of the Northwest quarter (S1/2SW1/4NW1/4) of Section 31, T1N, R1E, as described in Document Number 99-1109024. EXCEPT the West 22 feet of the property described in Recorder Number 97-0425420, also known as Assessor Parcel No. 101-44-003G; and EXCEPT the West 22 feet of the property described in Recorder Number 97-566498, also known as Assessor Parcel No. 101-44-013. All in the G&SRB&M, Maricopa County, Arizona.

6. Becker Lake Wildlife Area: The Becker Lake Wildlife Area shall be that area including Becker Lake lying within the fenced and posted portions of: T9N, R29E.

Section 19, SE1/4SW1/4;
Section 20, SW1/4SW1/4, W1/2NW1/4, and NW1/4SW1/4;
Section 29, NE1/2NE1/4;
Section 30, NE1/4SE1/4;
R29E, G&SRB&M, Apache County, Arizona. The preliminary ALTA survey for the Enders property indicates that Parcel 5 is approximately 79 acres in size. The Becker Lake Ditch is also located within Parcel 5. Parcel 5 is bounded by Parcel 4 to the east and Parcel 3 to the south. The Becker Lake Wildlife Area bounds the western half of the northern boundary of this parcel. Privately owned lands are also located to the north of Parcel 5. The Springerville Airport as well as State Trust lands are located to the south of Parcel 5. Hopi Tribal Land (26 Bar Ranch) abuts the entire western boundary of this parcel. The Becker Lake Road and Becker Ditch bisect Parcel 5. This parcel is described by Apache County Assessor’s Office parcel number 105-15-014F.

7. Bog Hole Wildlife Area: The Bog Hole Wildlife Area lying in Sections 29, 32 and 33, T22S, R17E shall be the fenced and posted area described as follows: Beginning at the southeast corner of Section 32, Township 22 South, Range 17 East, G&SRB&M, Santa Cruz County, Arizona; thence North 21°42’45” West 1394.86 feet to the true point of beginning; thence North 9°15’26” West 1014.82 feet; thence North 14°30’58” West 1088.82 feet; thence North 36°12’57” West 20.93 feet; thence North 50°20’ East 4.96 feet; thence North 21°42’20” West 1394.86 feet distant; thence South 29°48’ West 1341.30 feet; thence North 57°51’08” West 1320.68 feet; thence North 50°16’38” West 1341.30 feet; thence North 11°41’ West 21.53 chains distant; thence North 11°41’ West 21.53 chains to Corner No. 1; the place of beginning, all in G&SRB&M, Coconino County, Arizona. The Beckner Lake Ditch bisects Parcel 5. This parcel is also described by Apache County Assessor’s Office parcel number 105-15-014F.

8. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as follows: Beginning at Corner No. 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears North 11°41’ West 21.53 chains distant; thence South 26°55’ East 6.80 chains to Corner No. 2; thence South 66° West 12.74 chains to Corner No. 3; thence South 19°16’ West 13.72 chains to Corner No. 4; thence South 29°1’ West 50.02 chains to Corner No. 5; thence North 64°15’ West 5.02 chains to Corner No. 6; thence North 28°54’ East 67.97 chains to Corner No. 7; thence North 55°36’ East 11.02 to Corner No. 8; thence South 66° West 12.74 chains to Corner No. 9; thence South 53° 08’ East 2.98 chains to Corner No. 10; thence South 22°45’ East 30.03 chains to Corner No. 11; thence North 76°23’ West 3.49 chains to Corner No. 12; thence North 10°13’ West 14.02 chains to Corner No. 13; thence North 19°41’ East 8.92 chains to Corner No. 14; thence North 38°2’ East 24.79 chains to Corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.

Tillman Ranch: T12N, R14E

Land included in H.E. Survey No. 200 embracing a portion of approximately Sections 9 and 10 in T12N R14E of the Gila and Salt River Base and Meridian. All in G&SRB&M, Coconino County, Arizona.

Vincent Ranch: T12N, R13E

Sections 3 and 4, more particularly described as follows: Begin at corner No. 1, from which the South 1/4 corner to Sec. 33, T13N, R13E, bears North 40°53’ West 16.94 chains distance; thence South 53° 08’ East 2.98 chains to corner No. 2; thence South 11°26’ West 6.19 chains to corner No. 3; thence South 49°43’ West 22.41 chains to corner No. 4; thence South 22°45’ West 30.03 chains to corner No. 5; thence North 67°35’ West 6.00 chains to corner No. 6; thence North 23° East 30.03 chains to corner No. 7; thence North 42°18’ East 21.19 chains to corner No. 8; thence North 57°52’ East 8.40 chains to corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.

Wolf Ranch: T12N, R14E

Sections 18 and 19, more particularly bounded and described as follows: Beginning at Corner No. 1, from which the U.S. Location Monument No. 184 H. E. S. bears South 88°53’ East 4.41 chains distant; thence South 34°4’ East 11.19 chains to Corner No. 2; thence South 40°31’ West 31.7 chains to Corner No. 3; thence South 63°3’ West 7.97 chains to Corner No. 4; thence South 23°15’ West 10.69 chains to Corner No. 5; thence North 59° West 2.60 chains to Corner No. 6; thence North 18°45’ East 10.80 chains to Corner No. 7; thence North 51°26’ East 8.95 chains to Corner No. 8; thence North 30°19’ East 34.37 chains to Corner No. 1, the place of beginning, all in G&SRB&M, Coconino County, Arizona.

9. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be those areas described as follows:

Parcel 1: The South half of the South half of the Northwest quarter and the Southwest quarter of Section 23, Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian;

Parcel 2: Lots 1, 2, 3 and 4 of Section 26, Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian;

Parcel 1: That portion of the Northeast Quarter of Section 26 lying Northerly of Chevelon Creek Estates East Side No. 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in Township 18 North, Range 17 East of the Gila and Salt River Base and Meridian, Navajo County, Arizona.
10. Cibola Valley Conservation and Wildlife Area:
The Cibola Valley Conservation and Wildlife Area shall be those areas described as:

Parcel 1. This parcel is located in the North-west quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying East of the right of way line of the “Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System,” as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: beginning at the Northeast corner of the Northwest quarter of said Section 36; thence South and along the East line of the Northwest quarter of said Section 36, a distance of 2,646.00 feet to a point being the Northeast corner of the Northwest quarter of said Section 36; thence Westerly and along the South line of the Northwest quarter, a distance of 1,711.87 feet to a point of intersection with the East line of the aforementioned right of way; thence Northerly and along said East line of the aforementioned right of way, a distance of 2,657.20 feet along a curve concave Easterly, having a radius of 9,260.00 feet to a point of intersection with the North line of the Northwest quarter of said Section 36; thence Easterly and along the North line of the Northwest quarter of said Section 36, a distance of 1,919.74 feet to the point of beginning.

Parcel 2. This parcel is located in the United States Government Survey of Lot 1 and the East half of the Southwest quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying East of the right of way line of the “Cibola Channelization Project of the United States Bureau of Reclamation Colorado River Front Work and Levee System,” as indicated on Bureau of Reclamation Drawing 423-300-438, dated March 31, 1964, and more particularly described as follows: Beginning at the South quarter corner of said Section 36; thence Westerly and along the South line of said Section 36, a distance of 610.44 feet to a point of intersection with the East line of the aforementioned right of way; thence Northerly along said East line of the of the aforementioned right of way and along a curve concave South-westerly, having a radius of 17,350.00 feet, a distance of 125.12 feet to a point; thence continuing along said right of way line and along a reverse curve having a radius of 9,260.00 feet, a distance of 2,697.10 feet to a point of intersection with the East-West midsection line of said Section 36; thence Easterly along said East-West midsection line, a distance of 1,711.87 feet to a point being the center of said Section 36; thence South and along the North-South midsection line, a distance of 2,640.00 feet to the point of beginning.

Parcel 3. This parcel is located in the East half of the Northeast quarter of Section 36, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.

Parcel 4. This parcel is located in the East half of the Northwest quarter of the Southwest quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the South right of way line of U.S.A. Levee. EXCEPT therefrom that portion lying within Cibola Sportsman's Park, according to the plat thereof recorded in Book 4 of Plats, Page 58, records of Yuma (now La Paz) County, Arizona; and FURTHER EXCEPTING the North half of the East half of the Northwest quarter of the Southwest quarter.

Parcel 5. This parcel is located in the South half of the Southwest quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, EXCEPT the West 33.00 feet thereof; and further EXCEPTING that portion more particularly described as follows: the North half of the Northwest quarter of the Southwest quarter of the Southwest quarter of said Section, EXCEPTING the North 33.00 feet and the East 33.00 feet thereof.

Parcel 6. This parcel is located in the Southwest quarter of the Southeast quarter of Section 21, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.

Parcel 7. This parcel is located in Sections 24 and 25, T1N, R24W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and East of Meander line per BLM Plat 2647C.

Parcel 8. This parcel is located in the West half of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River. EXCEPT that portion in condemnation suit Civil No. 5188PHX filed in District Court of Arizona entitled USA -vs- 527.93 Acres of Land; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 9. This parcel is located in the North half of the Northeast quarter of the Southeast quarter; and the West half of the Southwest quarter of the Northeast quarter of the Southeast quarter; and that portion of the Southeast quarter of the Northeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the South right of way line of the U.S.B.R. Levee; EXCEPT the East 33.00 feet thereof; and further
EXCEPTING that portion more particularly described as follows: Commencing at the Northeast corner of the Southeast quarter of said Section 20; thence South 0°24'00" East along the East line, a distance of 380.27 feet; thence South 89°36'00" West, a distance of 50.00 feet to the true point of beginning; thence continuing South 89°36'00" West, a distance of 193.00 feet; thence North 0°24'00" West, a distance of 261.25 feet; thence South 70°11'00" East, a distance of 205.67 feet to the West line of the East 50.00 feet of said Southeast quarter of Section 20; thence South 0°24'00" East, a distance of 190.18 feet to the true point of beginning; EXCEPTING therein from any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 10. This parcel is located in the South half of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona; EXCEPT the East 33.00 feet thereof.

Parcel 11. This parcel is located in the Southwest quarter of the Northeast quarter; and the Northwest quarter of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and West of the Meander line per BLM Plat 2546B; EXCEPT any portion thereof lying within U.S.A. Lots 5 and 6 of said Section 20, as set forth on BLM Plat 2546B; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 12. This parcel is located in the Southeast quarter of the Northeast quarter of the Southwest quarter; and the East half of the Southwest quarter of the Northeast quarter of the Southeast quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.

Parcel 13. This parcel is located in the East half of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River; EXCEPT the West half of the West half of the Southeast quarter of the Southwest quarter of the Southwest quarter of the Southeast quarter; EXCEPT the East half of the East half of the Southwest quarter of the Southwest quarter of the Southeast quarter; EXCEPT the Southwest quarter of the Southwest quarter of the Northeast quarter; EXCEPT the West half of the Southeast quarter of the Southwest quarter of the Northeast quarter; and EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 14. This parcel is located in the Southwest quarter of the Southwest quarter of the Northeast quarter; and the West half of the Southeast quarter of the Southwest quarter of the Northeast quarter of Section 19, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona, lying South of the Colorado River and protection levees and front work, EXCEPTING therefrom any portion of said land lying within the bed or former bed of the Colorado River waterward of the natural ordinary high water line; and also EXCEPTING any artificial accretions to said line of ordinary high water.

Parcel 15. This parcel is located in the West half of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona; EXCEPT the West 133.00 feet thereof; EXCEPT any portion lying within the U.S. Levee or Channel right of way or any portion claimed by the United States for Levee purposes or related works; and EXCEPT the Southwest quarter of the Southeast quarter of the Southwest quarter of said Section 20.

Parcel 16. This parcel is located in the Southeast quarter of the Southwest quarter of the Southwest quarter of Section 20, T1N, R23W of the Gila and Salt River Base and Meridian, La Paz County, Arizona.

11. Clarence May and C.M.H. May Memorial Wildlife Area: Clarence May and C.M.H. May Memorial Wildlife Area shall be the SE1/4 of Section 8 and N1/2NE1/4 of Section 17, Township 17 South, Range 31 East, and the W1/2SE1/4, S1/2NW1/4, SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.

12. Cluff Ranch Wildlife Area: The Cluff Ranch Wildlife Area is that area within the fenced and posted portions of Sections 13, 14, 23, 24, and 26, T7S, R24E, G&SRB&M, Graham County, Arizona; consisting of approximately 788 acres.

13. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, that is bordered by the Fort Mojave Indian Reservation to the West, the Colorado River to the North, and residential areas of Bullhead City to the South and East, G&SRB&M, Mohave County, Arizona.

14. Fool Hollow Lake Wildlife Area: The Fool Hollow Lake Wildlife Area shall be that area lying in those portions of the South half of Section 7 and of the North half of the North half of Section 18, T10N, R22E, G&SRB&M, described as follows: Beginning at a point on the west line of the said Section 7, a distance of 990 feet South of the West quarter corner thereof; running thence South 86 degrees 12 minutes East 2533.9 feet; thence South 41 degrees 02 minutes East 634.7 feet; thence East 800 feet; thence South 837.5 feet, more or less to the South line of the said Section 7; thence south 89 degrees 53 minutes
16. Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE1/4SW1/4, NE/4SW1/4, NE1/4SW1/4SW1/4, NW1/4SW1/4, N1/2NW1/4SE1/4, SW1/4SW1/4NE1/4, S1/2SE1/4NW1/4, SE1/4SE1/4NW1/4, Section 11; and N1/2NE1/4NW1/4 Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.

17. Lamar Haines Wildlife Area: The Lamar Haines Wildlife Area is that area described as: T22N, R6E, Section 12 NW1/4, G&SRB&M, Coconino County, Arizona; together with all improvements thereon, and that certain water right on "Hudsonian Spring" as evidenced by certificate of Water Right from the State Water Commissioner of the State of Arizona, dated December 13, 1935 and recorded in Book 5 of Water Rights, pages 374-375, records of Coconino County, Arizona, and being Certificate #624.

18. Luna Lake Wildlife Area: The Luna Lake Wildlife Area shall be the fenced, buoyed, and posted area lying north of U.S. Highway 180 T5N, R31E, Section 17 N1/2, G&SRB&M, Apache County, Arizona.

19. Mittry Lake Wildlife Area: The Mittry Lake Wildlife Area shall be those areas described as:

T6S, R21W
Section 31: All of Lots 1, 2, 3, 4, E1/2W1/2, and that portion of E1/2 lying westerly of Gila Gravity Main Canal Right-of-Way.

T7S, R21W
Section 5: that portion of SW1/4SW1/4 lying westerly of Gila Gravity Main Canal Right-of-Way;
Section 6: all of Lots 2, 3, 4, 5, 6, 7 and that portion of Lot 1, S1/2NE1/4, SE1/4 lying westerly of Gila Gravity Main Canal R/W;
Section 7: all of Lots 1, 2, 3, 4, E1/2W1/2, S1/2E1/2, and that portion of E1/2E1/2 lying westerly of Gila Gravity Main Canal R/W;
Section 8: that portion of W1/2W1/2 lying westerly of Gila Gravity Main Canal R/W;
Section 18: all of Lots 1, 2, 3, E1/2W1/4, and that portion of Lot 4, NE1/4, E1/2W1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W.

T6S, R22W
Section 36: all of Lots 1, 2.

T7S, R22W
Section 1: all of Lot 1;
Section 12: all of Lots 1, 2, SE1/4SE1/4;
Section 13: all of Lots 1, 2, 3, 4, 5, 6, 7, 8, NE1/4, N1/2SE1/4, and that portion of S1/2E1/4 lying northerly of Gila Gravity Main Canal R/W, all in G&SRB&M, Yuma County, Arizona.

20. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as:

T1S, R5W
Section 25, N1/2SW1/4, SW1/4SW1/4;
Section 26, S1/2;
Section 27, E1/2SE1/4;
Section 34.

T2S, R5W
Section 3, E1/2W1/2, W1/2SE1/4, NE1/4SE1/4, NE1/4;
Section 10, NW1/4, NW1/4NE1/4;
Section 15, SE1/2SW1/4;
Section 22, E1/2NW1/4, NW1/4NW1/4.
All in G&SRB&M, Maricopa County, Arizona.

21. Quigley Wildlife Area: The Quigley Wildlife Area shall be those areas described as:
TSS, R12W
Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the West half of Section 13, more particularly described as follows: Beginning at the South Quarter corner, thence South 89°17'09" West along the south line of said Section 13, a distance of 2627.50 feet to the southwest corner of said Section 13; thence North 41°49'46" East, a distance of 3026.74 feet to a point; thence North 0°13'30" West, a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence North 89°17'36" East along said north 1/16th line, a distance of 600.00 feet to the Center of said Section 13; thence South 0°13'30" E. along the north-south midsection line, a distance of 3959.99 feet to the point of beginning.
Section 23, SE1/4NE1/4, and a portion of land in the NE1/4NE1/4 of Section 23, more particularly described as follows: Beginning at the Northeast Corner, thence South 0°10'19" East along the east line of said Section 23, a distance of 1326.74 feet to a point on the south line of the NE1/4NE1/4 of said Section 23; thence South 89°29'58" West along said south line, a distance of 1309.64 feet to a point; thence North 44°17'39" East, a distance of 1869.58 feet to the point of beginning.
Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4 all in G&SRB&M, Yuma County, Arizona.

22. Raymond Wildlife Area: The Raymond Wildlife Area is that area described as: All of Sections 24, 25, 26, 34, 35, 36, and the portions of Sections 27, 28, and 33 lying east of the following described line: Beginning at the west one-quarter corner of Section 33; thence northeasterly through the one-quarter corner common to Sections 28 and 33, one-quarter corner common to Sections 27 and 28 to the north one-quarter corner of Section 27 all in T19N, R11E. All of Sections 15, 16, 17, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34 all in T19N, R12E, all in G&SRB&M, Coconino County, Arizona.

23. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as:

T1S, R3W
Section 17, S1/2NE1/4, SE1/4, NW1/4SW1/4;
Section 18, Lots 3, 4, and E1/2SW1/4, S1/2NE1/4, W1/2SE1/4, NE1/4SE1/4.

T1S, R4W
Section 13, all EXCEPT that portion of W1/2SW1/4SW1/4 lying west of State Route 85;
Section 14, all EXCEPT the W1/2NW1/4 and that portion of the SW1/4 lying north of the Arlington Canal;
Section 19, S1/2SE1/4;
Section 20, S1/2S1/2, NE1/4SE1/4;
Section 21, S1/2, S1/2NE1/4, SE1/4NW1/4;
Section 22, all EXCEPT for NW1/4NW1/4;
Section 23;
Section 24, that portion of SW1/4, W1/2SW1/4NW1/4 lying west of State Route 85;
Section 25, that portion of the NW1/4NW1/4 lying west of State Route 85;

Section 26, NW1/4, W1/2NE1/4, NE1/4NE1/4;
Section 27, N1/2, SW1/4;
Section 28;
Section 29, N1/2N1/2, SE1/4NE1/4;
Section 30, Lots 1, 2, and E1/2NW1/4, NE1/4, SE1/4SE1/4.
All in G&SRB&M, Maricopa County, Arizona.

24. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as: Beginning at the junction of A-Cross Road and AZ. Hwy. 188; south on AZ. Hwy. 188 to junction of AZ. Hwy. 88; east on AZ. Hwy. 88 to Carson's Landing; northeast across Roosevelt Lake to the point of beginning; directly north to the Long Gulch Road; northeast on this road to the A-Cross Road; northwest on the A-Cross Road to the point of beginning; all in G&SRB&M, Gila County, Arizona.

25. Santa Rita Wildlife Area: The Santa Rita Experimental Range is that area described as: Concurrent with the Santa Rita Experimental Range boundary and includes the posted portion of the following sections: Sections 33 through 36, T17S, R14E, Section 25, Section 35 and Section 36, T18S, R13E, Sections 1 through 4, Sections 9 through 16, and Sections 21 through 36, T18S, R14E, Sections 3 through 9, Sections 16 through 21, Sections 26 through 34, T18S, R15E, Sections 1 through 6, Sections 9 through 16, Section 23, T19S, R14E, Sections 3 through 10, Sections 16 through 18, T19S, R15E; all in G&SRB&M, Pima County, Arizona, and all being coincidental with the Santa Rita Experimental Range Area.

26. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as:

T7N, R29E
Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SE1/4SW1/4.

T7N, R30E
Section 5, W1/2W1/2SE1/4SW1/4, and the SW1/4SW1/4;
Section 6, Lots 1, 2, 3, 7 and 8, SW1/4NW1/4NW1/4, SW1/4NW1/4, S1/2NW1/4NE1/4SE1/4, S1/2NE1/4SE1/4, S1/2NE1/4SE1/4, N1/2SE1/4SE1/4SE1/4, E1/2SE1/4SE1/4SE1/4, SW1/4SE1/4 and the SE1/4SW1/4;
Section 7, Parcel 10: Lots 1 and 2, E1/2NW1/4, E1/2E1/2NE1/4NE1/4, W1/2SW1/4NE1/4, NW1/4SE1/4, W1/2NE1/4SE1/4, NE1/4SW1/4, E1/2NW1/4SW1/4, and the NW1/4NE1/4;
Section 8, NW1/4NW1/4, and the W1/2W1/2NE1/4NW1/4.

T8N, R30E
Section 31, SE1/4NE1/4, SE1/4, and the SE1/4SW1/4, all in G&SRB&M, Apache County, Arizona.

27. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
28. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as:

T20N, R3E

Section 11, NE1/4SE1/4, N1/2NW1/4SE1/4, SE1/4NW1/4SE1/4, NE1/4SE1/4SE1/4, W1/2SE1/4NE1/4, S1/2SE1/4SE1/4NE1/4, E1/2SW1/4NE1/4;

Section 12, NW1/4SW1/4, NW1/4NE1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4SW1/4 SW1/4 all in the G&SRB&M, Coconino County, Arizona.

29. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area lying within the following described boundary: Beginning at Roosevelt Dam, northwesterly on AZ. Hwy. 188 to milepost 252 (Bumble Bee Wash); westerly along the boundary fence for approximately 7 1/2 miles to the boundary of Gila and Maricopa counties; southerly along this boundary through Four Peaks to a fence line south of Buckhorn Mountain; southerly along the barbed wire drifter fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.

30. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area lying within the following described boundary: Beginning at the northwest corner of Section 33; T19S, R11E on the Saguaro National Monument boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario Road; south on Sandario Road approximately two miles to the southwest corner of Section 15; T14S, R11E, east along the section line to the El Paso Natural Gas Pipeline; southeast along this pipeline to its junction with State Route 86, also known as the Ajo Highway; easterly along this highway to the Tucson city limits; north along the city limits to Silverbell Road; northwest along this road to Twin Peaks Road; west along this road to Sandario Road; south along this road to the Saguaro National Monument boundary; west and south along the monument boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.

31. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of eight parcels totaling 1102.54 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as:

Sullivan Lake: Located immediately downstream of Sullivan Lake, the headwaters of the Verde River; the NE1/4NE1/4 lying east of the California, Arizona, and Santa Fe Railway Company right-of-way in Section 15, T17N, R2W; and also the NW1/4NE1/4 of Sec. 15 consisting of approximately 80 acres.

Granite Creek Parcel: Includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres. E1/2SW1/4SW1/4, SE1/4SW1/4, NE1/4SW1/4 and NW1/4SE1/4 of Section 12, NW1/4NW1/4 of Section 13, T17N, R2W consisting of approximately 182.26 acres.

Campbell Place Parcel: Tracts 40 and 41 in Section 7, T17N, R1W and Section 7, T17N, R1W and Section 12, T17N, R2W consisting of 315 acres. All that portion of Government Lots 9 and 10 of Section 7, T17N, R1W consisting of approximately 70.87 acres.

Tract 39 Parcel: The east half of Tract 39 within the Prescott National Forest boundary, SE1/2SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Lot 3 and SW1/4NW1/4 of Section 8, T17N, R1W consisting of approximately 40.238 acres.

Wells Parcels: Parcel No. 1 and Parcel No. 2: All that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the Southwest quarter of the Northwest quarter, Section 8, located in Township 17 North, Range 1 West, of the Gila and Salt River base and Meridian, Yavapai County, Arizona, further described as follows: Beginning at the Northwest corner of above said Lot 9, Section 7, which is common with the Southwest corner of Tract 41, (Corner No. 3) and common with the Southeast corner of Section 12, Township 17 North, Range 2 West, being marked with a found scribed stone as shown on that plat of record found in Book 35 of land surveys, pages 98-99, records of Yavapai County, from which a found one and one-quarter inch pipe with cap marking the Southwest corner of Section 12 bears South 87°37′09″ West 5485.60 feet (basis of bearing); thence South 85°56′23″ East 3421.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a set one-half inch rebar with plastic cap stamped l.s. 27738; thence South 85°56′23″ East 86.70 feet to a set one-half inch rebar with a plastic cap stamped l.s. 27738; thence South 01°23′14″ East 86.70 feet to a set one-half inch rebar with plastic cap stamped l.s. 27738; thence South 53°08′05″ East 3421.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a fence line south of Buckhorn Mountain; southerly along this boundary through Four Peaks to a fence line south of Buckhorn Mountain; southerly along the barbed wire drifter fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.

31. Upper Verde River Wildlife Area: The Upper Verde River Wildlife Area consists of eight parcels totaling 1102.54 acres located eight miles north of Chino Valley in Yavapai County, Arizona, along the upper Verde River and lower Granite Creek described as:

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Granite Creek Parcel: Includes one mile of Granite Creek to its confluence with the Verde River: The SE1/4SE1/4 of Section 11; the NW1/4SW1/4 and SW1/4NW1/4 of Section 13; the E1/2NE1/4 of Section 14; all in T17N, R1W consisting of approximately 239 acres. E1/2SW1/4SW1/4, SE1/4SW1/4, NE1/4SW1/4 and NW1/4SE1/4 of Section 12, NW1/4NW1/4 of Section 13, T17N, R2W consisting of approximately 182.26 acres.

Campbell Place Parcel: Tracts 40 and 41 in Section 7, T17N, R1W and Section 7, T17N, R1W and Section 12, T17N, R2W consisting of 315 acres. All that portion of Government Lots 9 and 10 of Section 7, T17N, R1W consisting of approximately 70.87 acres.

Tract 39 Parcel: The east half of Tract 39 within the Prescott National Forest boundary, SE1/2SW1/4 and SW1/4SE1/4 of Section 5, T18N, R1W; and the W1/2 of Tract 39 outside the Forest boundary, SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Lot 3 and SW1/4NW1/4 of Section 8, T17N, R1W consisting of approximately 40.238 acres.

Wells Parcels: Parcel No. 1 and Parcel No. 2: All that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the Southwest quarter of the Northwest quarter, Section 8, located in Township 17 North, Range 1 West, of the Gila and Salt River base and Meridian, Yavapai County, Arizona, further described as follows: Beginning at the Northwest corner of above said Lot 9, Section 7, which is common with the Southwest corner of Tract 41, (Corner No. 3) and common with the Southeast corner of Section 12, Township 17 North, Range 2 West, being marked with a found scribed stone as shown on that plat of record found in Book 35 of land surveys, pages 98-99, records of Yavapai County, from which a found one and one-quarter inch pipe with cap marking the Southwest corner of Section 12 bears South 87°37′09″ West 5485.60 feet (basis of bearing); thence South 85°56′23″ East 3421.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a set one-half inch rebar with plastic cap stamped l.s. 27738; thence South 85°56′23″ East 86.70 feet to a set one-half inch rebar with a plastic cap stamped l.s. 27738; thence South 01°23′14″ East 86.70 feet to a set one-half inch rebar with plastic cap stamped l.s. 27738; thence South 53°08′05″ East 3421.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a fence line south of Buckhorn Mountain; southerly along this boundary through Four Peaks to a fence line south of Buckhorn Mountain; southerly along the barbed wire drifter fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
Range 2 West, being marked with a found scribed stone as shown on that plat of record found in Book 35 of land surveys, pages 98-99, records of Yavapai County, from which a found one and one-quarter inch pipe with cap marking the Southwest corner of Section 12 bears South 87°37'09'' West 5485.60 feet (basis of bearing); thence South 85°56'23'' East 3471.35 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to a set one-half inch rebar with a plastic cap stamped l.s. 27738 and the point of beginning for this parcel; thence South 85°56'23'' East 353.84 feet along the Northerly line of said Lots 9 and 10, also being the Southerly line of Tract 41, to Corner No. 4 of Tract 41 marked with a found scribed stone; thence North 00°13'26'' East 1306.85 feet along the Westerly line of Lot 10, also being the Easterly line of Tract 41, to Corner No. 1 of Tract 41, marked with a found scribed stone; thence South 85°59'32'' East 1331.42 feet along the Westerly line of Lot 10, also being the Southerly line of Tract 40, Section 7, to Corner No. 4 of Tract 40, marked with a found scribed stone; thence North 00°54'53'' East 2613.54 feet along the Westerly line of Lot 10, also being the Easterly line of Tract 40, to the Northeast corner of Lot 10, said point being common with Corner No. 1 of Tract 40 and Corner No. 3, of Tract 39, and marked with a found one-half inch rebar r.l.s. 19353; thence South 89°36'10'' East 1304.89 feet to the Northwest corner of Lot 10, also being the Northwest corner of the Northeast quarter of Section 13 and the point of beginning. EXCEPT for the West half of the Southwest quarter of Section 12 and the Northwest quarter of the Northwest quarter of Section 13, Township 17 North, Range 2 West, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows: BEGINNING at the Southwest corner of Section 12, marked with a found one and one-quarter inch pipe with cap as shown in Book 35, of land surveys, pages 98-99, records of Yavapai County, from which a found scribed stone marking the Southeast corner of Section 12 bears North 87°37'09'' East 5485.60 feet (basis of bearing); thence North 02°06'55'' East 1305.61 feet along the Westerly line of Section 12 to the Northwest corner of the Northwest quarter of the Southwest quarter of Section 12 marked with a found nail in rock tagged rls 19353; thence North 87°48'37'' East 1356.91 feet to the Northeast corner of the Northwest quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence North 01°29'39'' East 1300.03 feet to the Northwest corner of the Northeast quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence North 88°00'24'' East 2677.55 feet to the Northeast corner of the Northwest quarter of the Southeast quarter Section 12, from which a found one-half inch rebar set as a witness corner bears South 00°04'23'' West 183.13 feet; thence South 00°04'23'' West 1289.18 feet to the Southeast corner of the Northeast quarter of the Southeast quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 19353; thence South 87°48'37'' West 1353.25 feet to the Southwest corner of the Northwest quarter of the Southeast quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 00°52'03'' West 1294.59 feet to the Southeast corner of the Southeast quarter of the Southwest quarter Section 12, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 87°37'09'' West 1371.40 feet to the Southeast corner of the Northeast quarter of the Northwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 27738; thence South 00°42'41'' East 1308.78 feet to the Southeast corner of the Northeast quarter of the Northwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 19353; thence South 87°46'38'' West 1366.74 feet to the Southwest corner of the Northwest quarter of the Southwest quarter Section 13, marked with a found one-half inch rebar with plastic cap rls 19353; thence North 00°54'41'' West 1304.89 feet to the Northwest corner of Section 13 and the point of beginning. EXCEPT for the West half of the Southwest quarter of the Northwest quarter of Section 12. Containing 181.89 acres more or less.

32. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as:

T9N, R29E

Section 5, SE1/4 SW1/4, and SW1/4 SE1/4 EXCEPT E1/2 E1/2 SW1/4 SE1/4

Section 8, NE1/4 NW1/4, and NW1/4 NE1/4
Sections 8, 17 and 18, within the following boundary: From the quarter corner of Sections 17 and 18, the true point of beginning; thence North 00°12'56" East 1302.64 feet along the Section line between Sections 17 and 18 to the North 1/16 corner; then North 89°24'24" West 1331.22 feet to the Northeast 1/16 corner of Section 18; thence North 00°18'02" East 1310.57 feet to the East 1/16 corner of Sections 7 and 18; thence South 89°03'51" East 1329.25 feet to the Northeast Section corner of said Section 18; thence North 01°49'10" East 1520.28 feet to a point on the Section line between Sections 7 and 8; thence North 38°21'18" East 370.87 feet to a point; thence North 22°04'51" East 590.96 feet to a point; thence North 57°24'55" East 468.86 feet to a point on the point on the East West mid-section line of said Section 8; thence North 89°38'03" East 525.43 feet along said mid-section line to the center West 1/16 corner; thence South 02°01'25" West 55.04 feet to a point; thence South 87°27'17" East 231.65 feet to a point; thence South 70°21'28" East 81.59 feet to a point; thence North 89°28'36" East 111.27 feet to a point; thence North 37°32'54" East 310.00 feet to a point; thence North 43°58'37" West 550.00 feet to a point; thence North 27°25'53" West 416.98 feet to the North South 1/16 line of said Section 8; thence North 02°01'25" East 380.04 feet along said 1/16 line to the Northwest 1/16 corner of said Section 8; thence North 89°45'28" East 1315.07 feet along the East West mid-sixteenth line to a point; thence South 45°14'41" East 67.69 feet to a point; thence South 49°28'18" East 1099.72 feet to a point; thence South 08°04'43" West 810.00 feet to a point; thence South 58°54'47" West 341.78 feet to a point; thence South 50°14'53" West 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Road; thence North 80°02'20" West 724.76 feet to a point, said point lying North 42°15'10" West 220.12 feet from the Northwest corner of Lot 72; thence North 34°19'23" East 80.84 feet to a point; thence North 15°54'25" East 51.54 feet to a point; thence North 29°09'53" East 45.37 feet to a point; thence North 40°09'33" East 69.21 feet to a point; thence North 25°48'58" East 43.28 feet to a point; thence North 13°24'51" East 63.12 feet to a point; thence North 16°03'10" West 30.98 feet to a point; thence North 57°55'25" West 35.50 feet to a point; thence North 80°47'38" West 48.08 feet to a point; thence South 87°28'53" West 82.84 feet to a point; thence South 72°07'06" West 131.85 feet to a point; thence South 43°32'45" West 118.71 feet to a point; thence South 02°37'48" East 59.34 feet to a point; thence South 33°09'29" East 57.28 feet to a point; thence South 28°30'29" East 54.75 feet to a point; thence South 36°39'47" East 105.08 feet to a point; thence South 24°55'07" West 394.78 feet to a point; thence South 61°32'16" West 642.77 feet to the Northwest corner of Lot 23; thence North 04°35'23" West 90.62 feet to a point; thence South 85°24'37" West 26.00 feet to a point; thence North 64°21'36" West 120.76 feet to a point; thence South 61°07'57" West 44.52 feet to a point; thence South 39°55'58" West 80.59 feet to a point; thence South 11°33'07" West 47.21 feet to a point; thence South 19°53'19" East 27.06 feet to a point; thence South 54°26'36" East 62.82 feet to a point; thence South 24°56'25" West 23.92 feet to a point; thence South 48°10'38" West 542.79 feet to a point; thence South 17°13'48" West 427.83 feet to the Northwest corner of Lot 130; thence South 29°10'58" West 104.45 feet to the Southwest corner of Lot 130; thence Southwesterly along a curve having a radius of 931.52 feet, and arc length of 417.52 feet to the Southwest corner of Lot 134; thence South 15°04'25" West 91.10 feet to a point; thence South 04°29'15" West 109.17 feet to a point; thence South 01°41'24" West 60.45 feet to a point, thence South 29°16'05" West 187.12 feet to a point; thence South 14°44'00" West 252.94 feet to a point; thence South 15°42'24" East 290.09 feet to a point; thence South 89°13'25" East 162.59 feet to a point; thence South 37°19'54" East 123.03 feet to the Southeast corner of Lot 169; thence South 20°36'30" East 706.78 feet to the Northwest corner of Lot 189; thence South 04°07'31" West 147.32 feet to a point; thence South 29°11'19" East 445.64 feet to a point; thence South 00°31'40" East 169.24 feet to the East West mid-section line of Section 17 and the Southwest corner of Lot 194; thence South 89°28'20" West 891.84 feet along said East West mid-section line to the true point of beginning. All in G&SRB&M, Apache County, Arizona.

33. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as:

Parcel No. 1: (CL1)
The South half of Section 24; the North half of the Northeast quarter of Section 25; the Northeast quarter and the North half of the Southeast quarter of Section 26; all in Township 9 North, Range 27 East of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.

Parcel No. 2: (CL2)
The Southeast quarter and the Southwest quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.

Parcel No. 3: (CL3)
The Northwest quarter of the Southwest quarter of Section 28; and the Southwest quarter, the South half of the Southeast quarter and the Northeast quarter of the Southeast quarter of Section 29, Township 9 North, Range 28 East of the Gila and Salt River Base and Meridian, Apache County, Arizona.

Parcel No. 4: (CL4)
The Southwest quarter of the Southwest quarter of Section 5; the Southeast quarter of the Southwest quarter of Section 6; the Northeast quarter
of the Northeast quarter of Section 7; the Northeast quarter of the Northwest quarter, the East half of the Southwest quarter of the Northwest quarter, the West half of the Northeast quarter, the Southeast quarter of the Northwest quarter, and that portion of the South half which lies North of Highway 260, EXCEPT the West half of the Southwest quarter of Section 8; All in Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona.

Parcel No. 1: (O1)
The South half of the Northeast half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT that Parcel of land lying within the South one-half of the Northeast quarter of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona, more particularly described as follows:

From the North 1/16 corner of Sections 10 and 11, monumented with a 5/8 inch rebar with a cap marked LS 13014, said point being the TRUE POINT OF BEGINNING; thence North 89°44'54'' West 1874.70 feet along the East-West 1/16 line to a point monumented with a half-inch rebar with a tag marked LS 13014; thence South 02°26'17'' West 932.00 feet to a point monumented with a half-inch rebar with a tag marked LS 13014; thence South 89°44'54'' East 1873.69 feet to a point monumented with a half-inch rebar with a tag marked LS 13014; thence North 02°30'00'' East 932.00 feet along said Section line to the TRUE POINT OF BEGINNING.

Parcel No. 2: (O2)
The North half of the South half of Section 10, Township 8 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona.

Parcel No. 3: (O3)
The Southeast quarter of Section 25, Township 9 North, Range 27 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.

Parcel No. 4: (O4)
Lots 3 and 4; the East half of the Southwest quarter; the West half of the Southeast quarter; and the Northeast quarter of the Southeast quarter of Section 30, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.

Parcel No. 5: (O5)
Lots 1, 2 and 3; the South half of the Northeast quarter; the Northwest quarter of the Northeast quarter; the East half of the Northwest quarter; and the Northeast quarter of the Southwest quarter of Section 31, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; EXCEPT all coal and other minerals as reserved to the United States in the Patent of said land.

Parcel No. 6: (O6)
Beginning at the Northwest corner of the Southeast quarter of Section 27, Township 9 North, Range 28 East, of the Gila and Salt River Base and Meridian, Apache County, Arizona; thence East 1320.00 feet; thence South 925.00 feet; thence West 320.00 feet to the center of a stock watering tub; thence North 83° West 1000.00 feet; thence North 740.00 feet to the point of beginning; EXCEPT all gas, oil, metals and mineral rights as reserved to the State of Arizona in the Patent to said land.

34. White Water Draw Wildlife Area: The White Water Draw Wildlife Area shall be those areas described as:

T21S, R26E
Section 19, S1/2 SE1/4
Section 29, W1/2 NE1/4, and E1/2 NE1/4
Section 30, N1/2 NE1/4
Section 32

T22S, R26E
Section 4, Lots 3 and 4

T22S, R26E
Section 5, Lots 1 to 4, EXCEPT an undivided 1/2 interest in all minerals, oil, and/or gas as reserved in Deed recorded in Docket 209, page 117, records of Cochise County, Arizona.

35. Willcox Playa Wildlife Area: The Willcox Playa Wildlife Area shall be that area within the posted Arizona Game and Fish Department fences enclosing the following described area: Beginning at the section corner common to Sections 2, 3, 10 and 11, T15S, R25E, G&SRB&M, Cochise County, Arizona; thence, South 0°15'57'' West 2645.53 feet to the east 1/4 corner of Section 10; thence South 89°47'15'' West 2578.59 feet to the center 1/4 corner of Section 10; thence, North 1°45'24'' East 2647.85 feet to the center 1/4 corner of Section 3; thence, North 1°02'42'' East 2647.58 feet to the center 1/4 corner of said Section 3; thence North 89°41'37'' East to the common 1/4 corner of Section 2 and Section 3; thence, South 0°00'03'' West 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence South 44°46'30'' East 1867.80 feet to a point on the common section line of Section 2 and Section 11; thence South 44°41'13'' East 1862.94 feet to a point; thence South 44°42'35'' East 1863.13 feet to a point; thence North 0°13'23'' East 1322.06 feet to a point; thence South 89°54'40'' West 1276.24 Feet to a point on the west right-of-way fence line of Kansas Settlement Road; thence South 0°12'32'' West 2643.71 feet along said fence line to a point; thence North 89°55'27'' West 2591.30 feet to a point; thence North 0°14'14'' East 661.13 feet to a point; thence North 89°55'27'' West 658.20 feet to a point; thence North 0°14'39'' East 332.36 feet to a point; thence North 44°41'19'' West 931.44 feet to a point; thence North 44°40'31'' West 1862.85 feet
to the point of beginning. Said wildlife area contains 543.10 acres approximately.

B. Department Controlled Properties are described as follows:

Hirsch Conservation Education Area and Biscuit Tank: The Hirsch Conservation Education Area and Biscuit Tank shall be that area lying in Section 3 T5N R2E, Beginning at the North East corner of Section 3,T5N, R2E, G&SRB&M, Maricopa County, Arizona; thence South 35d39'23.49" West 2938.12 feet; to the point of true beginning; thence South 81d31'35.45" West 147.25 feet; thence South 45d46'21.90" West 552.25 feet; thence South 21d28'21.59" West 56.77 feet; thence South 16d19'49.19" East 384.44 feet; thence South 5d27'54.02" West 73.43 feet; thence South 89d50'44.45" East 431.99 feet; thence North 4d53'57.68" West 81.99 feet; thence North 46d49'53.27" West 47.22 feet; thence North 43d3'68" East 83.74 feet; thence South 15d45'24" West 95.87 feet; thence North 76d2'59.67" East 105.91 feet; thence North 15d45'24" West 95.87 feet; thence North 68d48'27.79" East 69.79 feet; thence North 8d31'53.39" West 69.79 feet; thence North 30d5'32.34" East 39.8 feet; thence North 46d17'32.32" East 63.77 feet; thence North 22d17'26.17" West 517.05 feet to the point of true beginning.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(2) and 41-1005(A)

Historical Note

R12-4-804. Public Solicitation or Event on Department Property

A. In addition to the definitions provided under A.R.S. § 17-101, the following definitions apply to this Section, unless otherwise specified:

“Applicant” means a person who submits to the Department an application to conduct a solicitation or event on Department property.

“Certificate of insurance” means an official document issued by the solicitor’s or event organizer’s insurance carrier providing coverage for the solicitor or event organizer for general commercial, professional, workers compensation, auto, real, and personal property liability coverage determined by the Department as adequate for the solicitation or event activities.

“Department property” means those buildings or grounds under the jurisdiction of the Arizona Game and Fish Commission.

“Person” has the meaning as provided under A.R.S. § 1-215.

“Solicitation” means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or for participation in an event or activity of any kind, including organizational, educational, public affairs, or protest activities, including the distribution or posting of advertising, handbills, leaflets, circulares, posters, or other printed materials for these purposes.

“Solicitation material” means advertising, circulares, flyers, handbills, leaflets, posters, or other printed information.

“Solicitor” means the person or persons conducting a solicitation or event.

“Work-site” means any location on Department property where employees conduct the daily business of the Department, including eating areas and break rooms.

B. All Department property is a non-public forum, closed to all types of solicitation and events unless permitted by the Department. A person shall not:

1. Conduct partisan political activity on Department property or in Department work-sites.
2. Post solicitation material on Department property without express written permission from the Department.
3. Schedule or conduct a solicitation or event on state property without express written permission from the Department.

C. Any person who would like to conduct a solicitation on state property may apply for a solicitation or event permit by submitting a completed solicitation or event application to any Department office or Department Headquarters, Director’s Office, at 5000 W. Carefree Hwy, Phoenix, AZ 85086, whichever is appropriate for the solicitation or event venue. The application is furnished by the Department and is available at all Department offices.

1. An applicant shall apply for a solicitation or event permit no more than six months prior to the solicitation or event.
2. An applicant shall submit an application at least:
   a. Fourteen days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulares, posters, or other printed materials.
   b. Ten days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulares, posters, or other printed materials.
3. An applicant shall provide all of the following information on the application:
   a. Applicant’s name, address, and telephone number;
   b. Applicant’s e-mail address, when available;
   c. Contact person’s name and telephone number, when the applicant is an organization;
   d. Proposed date of the solicitation or event;
   e. Specific, proposed location for the solicitation or event;
   f. Starting and approximate concluding times;
The Department shall not provide insurance or

The facility shall designate the hours of use for

The Department may consider the following criteria

The applicant's signature on the application certifies that the applicant:

The Department may take any of the following actions to the extent it is necessary and in the best interest of the state:

The Department may consider the following criteria to determine whether any of the actions in subsection (D) are necessary and in the best interest of the state:

The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The applicant shall be responsible for any cleanup or damage costs associated with the solicitation or event.

An applicant shall not allow solicitors or event organizers or attendees to bring alcoholic beverages onto the solicitation or event site.

The Department shall approve or deny an application within 10 business days of the receipt of the completed application. The Department shall deny an application for any of the following reasons:

The Department may revoke a permit for an approved application due to emergency circumstances or for an applicant's failure to comply with this Section or other applicable laws.

The Department shall send written notice, to an applicant denied a solicitation or event permit or whose solicitation or event permit is revoked, providing:

A solicitor or event organizer shall be responsible for furnishing all necessary labor, material, and equipment for a solicitation or event.

A solicitor or event organizer shall post solicitation material only in designated posting areas.

A solicitor or event organizer is liable to the Department for damage to Department property and any expense arising out of the solicitor's or event organizer's use of Department property.

The Department shall inspect the solicitation or event site at the conclusion of activities and document any damage or cleanup costs incurred because of the solicitation or event. The applicant shall be responsible for any cleanup or damage costs associated with the solicitation or event.

When conducting an event on Department property, a solicitor or event organizer shall:

1. The reason for the denial or revocation, and
2. The applicant's right to seek a hearing under A.R.S. § 41-1092 et seq.

A solicitor or event organizer shall post solicitation material only in designated posting areas.

A solicitor or event organizer is liable to the Department for damage to Department property and any expense arising out of the solicitor's or event organizer's use of Department property.

When conducting an event on Department property, a solicitor or event organizer shall:

1. Park vehicles in designated parking areas.
2. Obey all posted requirements and restrictions.
3. Designate one person to act as a monitor for every 50 persons anticipated to attend the solicitation or event. The monitor shall act as a contact person for the Department for the purposes of the solicitation or event.
4. Ensure that all safety standards, guidelines, and requirements are followed.
5. Implement additional safety requirements upon request by the Department.
6. Ensure all obstructions and hazards are eliminated.
7. Ensure trash and waste is disposed of throughout the solicitation or event.

R. At all times, the Department reserves the right to immediately remove or cause to be removed all items of the solicitation or event that could damage state property, inhibit egress, or poses a safety issue. The Department also reserves the right to immediately remove or cause to be removed all solicitors, event organizers, or attendees damaging state property, inhibiting egress, or posing a threat to public health and safety.

S. The Department shall cancel or terminate the solicitation or event if a solicitor or event organizer fails to comply with a Department request or the following minimum safety requirements:
1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, statues, rules, and regulations, including those of OSHA.
2. The layout of the solicitation or event shall ensure that emergency vehicles will have access at all times.
3. The Department may conduct periodic safety checks throughout the solicitation or event.

T. This Section does not apply to government agencies.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 17-231(A)(1)

**Historical Note**

New Section made by exempt rulemaking at 9 A.A.R. 800, effective June 20, 2011 (Supp. 11-2).

**ARTICLE 9. ARIZONA WILDLIFE CONSERVATION FUND GRANTS**

R12-4-901. Definitions

In addition to the definitions provided under A.R.S. §§ 17-101 and 41-2701, the following definitions apply to this Article, unless otherwise specified:

“Administrative subunit” means a branch, chapter, department, division, section, school, or other similar divisional entity of an eligible applicant. For example, an individual:
School, but not an entire school district;
Field office or project office, but not an entire agency; or
Administrative department, but not an entire city government.

“Eligible applicant” means any state agency, political subdivision, Indian tribe, or non-profit organization that has met the applicable requirements of this Article and does not have an Arizona Wildlife Conservation Fund Grant in extension as authorized under R12-4-905(B).

“Facilities” means any structure or site improvements.

“Fund” means the Arizona Wildlife Conservation Fund, established under A.R.S. § 17-299.

“Grant Agreement” means the document that details the terms and conditions of a grant project that are binding on the participant and the Commission.

“Grant effective date” means the date the Department Director signs the Grant Agreement.

“Participant” means an eligible applicant who has been awarded a grant from the Arizona Wildlife Conservation Fund Grant.

“Project” means an activity, series of related activities, or services described in the scope of work and result in a specific end product.

“Project period” means the time during which a participant shall complete all approved work and related expenditures associated with an approved project.

“Representative” means an individual who is authorized to represent an eligible applicant or an administrative subunit and is responsible for administering a project.

“Term of public use” means the time period during which the project or facility is expected to be maintained for public use.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(7), 17-231(A)(8), 17-231(B)(6), and 17-299

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 766, effective June 1, 2013.

R12-4-902. General Provisions

A. An applicant shall submit to the Department an Arizona Wildlife Conservation Fund grant application according to a schedule of due dates determined by the Director as prescribed under A.R.S. Title 41, Chapter 24, Article 1. In compliance with A.R.S. § 41-2702, the Department shall:
1. Provide public notice of the time, location, and due date for application submission; and
2. Furnish materials necessary to complete the application.

B. An eligible applicant may apply for a grant from the Arizona Wildlife Conservation Fund as prescribed under A.R.S. § 17-299 and this Article.

C. The Department shall notify an applicant in writing of the results of the applicant's submission and announce Arizona Wildlife Conservation Fund Grant awards at a regularly scheduled open meeting of the Commission.

D. The Department shall distribute awarded Arizona Wildlife Conservation Fund Grant funds at its sole discretion, dependent on the proposed project scope of work. The Department may perform inspections and reviews before releasing final payment.

E. A participant shall not begin a project described in an application until after the grant effective date.

F. A participant shall complete the project as specified under the terms and conditions of the Grant Agreement.
G. An applicant shall demonstrate ownership or control of the project. Ownership or control may be demonstrated through fee title, lease, easement, or agreement. For all other project types related to sites not controlled by an applicant, an applicant shall provide written permission from the property owner authorizing the project activities and access. To be eligible for an Arizona Wildlife Conservation Fund Grant, the applicant's ownership or control or written permission shall demonstrate:
1. Permission for access is not revocable at will by the property owner, and
2. Public access will be granted to the project site for the life of the project, unless the purpose of the project proposal is to limit access.

H. A non-profit participant shall provide public access to any land that is wholly or partly purchased with grant monies, unless specified otherwise.

I. A participant shall deposit transferred Arizona Wildlife Conservation Fund Grant funds in a separate non-interest bearing account, carrying the name and number of the project.

J. A participant shall use awarded Arizona Wildlife Conservation Fund grant monies solely for the purposes defined under A.R.S. § 17-299, as approved by the Department. The participant shall not exceed the grant allocation unless both parties agree to amend the Grant Agreement.

K. If applicable, a participant shall operate and maintain grant-assisted project facility improvements, provide reasonable protection of any project improvements, and ensure that public access is maintained as specified in the Grant Agreement.

L. A participant shall pay all costs associated with the operation and maintenance of properties, facilities, equipment, services, publications and other media funded by a grant for the term of the public use as specified in the Grant Agreement.

M. A participant shall give public acknowledgment of Arizona Wildlife Conservation Fund grant assistance for the term of public use. If a project involves acquisition of property or improvements, development of public access, or renovation of a habitat site, the participant shall install a permanent sign describing the funding sources. The participant may include the cost of the signage as part of the project. The participant is responsible for maintenance or replacement of the sign as required. For other project types, the participant shall include Arizona Wildlife Conservation Fund grant funding acknowledgement on any publicly available or accessible products resulting from the project.

N. A participant shall not use grant monies to replace monies already budgeted for the project.

O. A participant shall ensure that real property purchased with grant assistance is appraised by a state certified appraiser within six months before the acquisition, in accordance with the Uniform Standards of Professional Appraisal Practice. The Department has the authority to select an appraiser for an independent evaluation if the Department determines the participant's appraised value of the real property is not accurate.

P. If a balance of awarded Arizona Wildlife Conservation Grant funds remain upon completion of approved project elements, the participant may, with Department approval, use those unexpended funds for an additional project consistent with the original scope of work, or surrender those unexpended funds to the Department.

Q. A participant shall use equipment purchased with Arizona Wildlife Conservation Grant funds in a manner consistent with the purposes of the Grant Agreement and surrender the equipment to the Department upon completion of the project if the equipment has an acquisition cost of more than $500.

R. A participant is responsible for ensuring compliance with all applicable local, state and federal laws before the release of Arizona Wildlife Conservation Grant Funds and during project implementation.

S. In accordance with A.R.S. Title 41, Chapter 24, an unsuccessful applicant may submit an appeal.

T. A participant shall bear full responsibility for compliance by subcontractors of the terms and conditions of the Grant Agreement.

U. The Department may inspect or audit participant and subcontractor records. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records. The participant is responsible for the acceptable performance of a subcontractor under each subcontract.

V. A participant who fails to comply with the terms or conditions of a Grant Agreement is not eligible to apply for other grants until the applicant's project is brought into compliance.

W. If a representative has a grant-funded project that has been extended under R12-4-905, an administrative subunit that employs the representative is not eligible to apply for other grants until the project is completed.

X. When applicable, the Department shall comply with A.R.S. Title 41, Chapter 4.2 and the applicant shall provide evidence to the Department that the applicant has satisfied all the necessary requirements of these statutes established under this rule, including the proposed project's potential impact on historical and archaeological properties and resources.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(7), 17-231(A)(8), 17-231(B)(6), and 17-299

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013.

R12-4-903. Grant Application
A. To be considered for an Arizona Wildlife Conservation Fund grant, an eligible applicant shall submit a grant application as established under this Article and in compliance with the Arizona Wildlife Conservation Fund Grant application materials.

B. An applicant shall provide the following information on the Arizona Wildlife Conservation Fund grant application form:
1. The name of the applicant;
2. The name, title, mailing address, e-mail address, and telephone number of the applicant's representative or individual responsible for the day-to-day management of the proposed project;
3. Any county and legislative district where the project will be developed or upon which the project will have a direct impact;
4. A descriptive project title;
5. The name of the site, primary location, and any other locations of the project;
6. Description of the:
   a. Scope of work and the objective of the proposed project;
   b. Methods for achieving the objective; and
   c. Desired result of the project;
7. The beginning and ending dates for the project;
8. The resources that will be needed to accomplish the project, including the grant monies requested, and if applicable, evidence of secured matching funds or contributions; and
9. Any additional supporting information that may be required by the Department.

C. If the applicant is a non-profit organization exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, the applicant shall also submit documentation or other evidence of its exemption.

D. Upon request, an applicant or the applicant's representative shall provide documentation to the Department of the representative's authority to sign an application and execute a Grant Agreement.

E. An applicant shall submit an estimated cost sheet for the scope of work that contains the following information, if applicable:
   1. The project title, as designated on the application form;
   2. A list of all land parcels to be acquired, in priority order, with the acreage involved and anticipated dates of acquisition;
   3. The hourly rate, title, and name of personnel who will accomplish the project objectives; and
   4. The total cost for the entire project proposal with each of the following amounts listed separately:
      a. Grant monies requested;
      b. Applicant match for the project, if applicable; and
      c. Any other sources of funding.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(7), 17-231(A)(8), 17-231(B)(6), and 17-299

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013.

**R12-4-905. Grant Agreement**

A. Before the Department transfers any funds, the applicant shall sign the Grant Agreement.

B. A participant may request an extension beyond the approved project period by writing to the Department. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period. If approved, an extension shall be signed by both the participant and the Department.

C. Notwithstanding subsection (B), the Department may extend the project period for good cause such as, but not limited to, inclement weather or internal personnel changes.

D. The Department and the participant may amend the Grant Agreement during the project period. A participant seeking to amend the Grant Agreement shall submit a written request that includes justification to amend the Grant Agreement. The Department shall prepare any approved amendment in writing and both the Department and the participant shall sign the amendment.

E. If a participant is in default of the Grant Agreement, the Department may:
   1. Terminate the Grant Agreement,
   2. Seek recovery of grant monies awarded, and
   3. Classify the participant as ineligible for Arizona Wildlife Conservation Fund Grants for a period of up to five years.

F. The Department, at its sole discretion, has the authority to include additional conditions in the Grant Agreement prior to signing the Agreement and through Amendment.

**Authorizing Statute**

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(A)(7), 17-231(A)(8), 17-231(B)(6), and 17-299

**Historical Note**

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013.
R12-4-906. Reporting and Recordkeeping Requirements

A. A participant shall submit project status reports to the Department as specified in the Grant Agreement. The project status report shall include the following, when applicable:
   1. Progress in completing approved work;
   2. Itemized, cumulative project expenditures;
   3. A financial accounting of:
      a. Arizona Wildlife Conservation Fund Grants;
      b. Matching funds;
      c. Donations; and
      d. Income derived from project funds;
   4. Any delays or problems that may prevent the on-time completion of the project; and
   5. Any other information required by the Department.

B. Each participant shall retain and shall contractually require each subcontractor to retain all books, accounts, bank statements, reports, files, and other records that pertain to the acquisition and performance of the contract for a period of five years from the end date of the project period. The Department may inspect and audit participant and subcontractor records as prescribed under A.R.S. § 35-214. Upon the Department's request, a participant or subcontractor shall produce a legible copy of these records.

C. At the end of the project period and for each year until the end of the term of public use, a participant shall:
   1. Certify compliance with the Grant Agreement; and
   2. Complete a post-completion report form, furnished by the Department.

D. A participant shall submit project status reports, as required under this subsection. If a participant fails to submit a project status report, the Department may not release any remaining grant monies until the participant has submitted all past due project status reports.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Historical Note
New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013.

ARTICLE 10. RESERVED

ARTICLE 11. AQUATIC INVASIVE SPECIES

R12-4-1101. Definitions

In addition to the definitions provided under A.R.S. §§ 5-301 and 17-255, the following definitions apply to this Article, unless otherwise specified:

“Aquatic invasive species” means those species listed in Director's Order 1.

“Certified agent” means a person who meets Department standards to conduct inspections authorized under A.R.S. § 17-255.01(C)(1).

“Conveyance” means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.

“Equipment” means an item used either in or on water; or to carry water. Equipment includes, but is not limited to, trailers used to launch or retrieve watercraft, rafts, inner tubes, kick boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin diving and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.

“Operator” means a person who operates or is in actual physical control of a watercraft, vehicle, conveyance or equipment.

“Owner” means a person who claims lawful possession of a watercraft, vehicle, conveyance, or equipment.

“Person” has the same meaning as defined under A.R.S. § 1-215.

“Release” means to place, plant, or cause to be placed or planted in waters.

“Transporter” means a person responsible for the overland movement of a watercraft, vehicle, conveyance, or equipment.

“Waters” means surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this State.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(2), 17-255, 17-255.01, 17-255.02, 17-255.03, and 17-255.04

Historical Note
New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).

R12-4-1102. Aquatic Invasive Species; Prohibitions; Inspection, Decontamination Protocols

A. A person shall not, unless authorized under Article 4:
   1. Possess, import, ship, or transport into or within this State an aquatic invasive species, unless authorized by the Director.
   2. Sell, purchase, barter, or exchange in this State an aquatic invasive species.
   3. Release an aquatic invasive species into waters or into any water treatment facility, water supply or water transportation facility, device or mechanism in this State.

B. Upon removing a watercraft, vehicle, conveyance, or equipment from any waters listed in Director's Order 2 and before leaving that location, a person shall:
   1. Remove all clinging materials such as plants, animals, and mud.
   2. Remove any plug or other barrier that prevents water drainage or, where none exists, take reason-
able measures to drain or dry all compartments or spaces that hold water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation.

C. Before transporting a watercraft, vehicle, conveyance, or equipment to any waters located within or bordering this State from waters or locations where aquatic invasive species are suspected or known to be present, as listed in Director’s Order 2, a person shall comply with the mandatory conditions and protocols identified in Director’s Order 3 for decontamination of watercraft, vehicles, conveyances, and equipment.

D. Department employees, certified agents, and Arizona peace officers authorized under A.R.S. § 17-104 may inspect a watercraft, vehicle, conveyance, or equipment for the purposes of determining compliance with A.R.S. § Title 17, Chapter 2, Article 3.1 and this Section.

E. If the presence of an aquatic invasive species is documented or suspected on or in a watercraft, vehicle, conveyance, or equipment, a Department employee or any Arizona peace officer may order the person to decontaminate or cause to be decontaminated such watercraft, vehicles, conveyances, and equipment using the mandatory protocols described in Director’s Order 3.

F. The following Director’s orders are available at any Department office and online at azgfd.gov:

1. Director’s Order 1 - Listing of Aquatic Invasive Species for Arizona,
2. Director’s Order 2 - Designation of Waters or Locations Where Listed Aquatic Invasive Species are Present, and
3. Director’s Order 3 - Mandatory Conditions on the Movement of Watercraft, Vehicles, Conveyances, or Other Equipment from Listed Waters Where Aquatic Invasive Species are Present.

G. This Section does not apply to owners and operators exempt under A.R.S. § 17-255.04.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(2), 17-255, 17-255.01, 17-255.02, 17-255.03, and 17-255.04

Historical Note
New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1).
LAW ENFORCEMENT COMMON VIOLATION INDEX

ARS TITLE 5

REGISTRATION/NUMBERING
OPERATE UNREGISTERED WATERCRAFT
DISPLAY NUMBERS/DECALS
DISPLAY NBSIF DECALS
EXPIRED, COVERED, REMOVED DECALS
CERTIFICATE ON BOARD
KNOWINGLY DISPLAY FICT. REGISTR.
KNOWINGLY DEFACE HIN (F6)
KNOWINGLY PERMIT USE FRAUD REGIS.

REQUIRED EQUIPMENT
INSUFF/ACCESS/POOR CONDITION, PDSS
NO THROWABLE (>16 FOOT BOAT)
<12 YO PD
SKI W/O PFD/SKI BELT
NO FIRE EXTINGUISHER
OPERATE WITH NO/IMPROPER LIGHTS
NO FLAME ARRESTER/CARBURETOR
NO MUFFLING DEVICE
EXCEED MEASURED SOUND LEVEL

OUI
OUI IMPAIRED OPERATION
EXCEED 0.08 BAC
OPERATE WITH DRUGS PRESENT
EXCEED 0.04 BAC (COMMERCIAL)
AGGRAVATED OUI (F4)
AGGRAVATED OUI (F6) (W/<15YO)
OUI EXTREME >0.15 BAC
OUI SUPER EXTREME >0.20 BAC
<21 YO OPERATE WC W/ BAC

PERSONAL WATERCRAFT
NO PFD/WEAR
ATTACHED KILL SWITCH LANVARD
NO KILL OR IDLE SWITCH
EXCEED CAPACITY/OVERLOAD
OWNER ALLOW USE IN VIOLATION
RECKLESS OPERATION
(2 or more, w/in 60", above wakeless)
W/160 OF WC
OBTRED VISABILITY OF OPERAT.
JUMP % LENGTH OUT ON WAKE
TURN QUICK/SHARP W/160 OF WC

MISCELLANEOUS
EXCEED BOAT ENGINE RESTRICTION
TIE TO BOUY/MARKER
INTERFERENCE W/NAVIG./LAUNCH AREA
PARK/LOCK LAUNCH RAMP
LITTER WATERWAY
WATERCRAFT CASUALTY
LEASE SCENE OF ACCIDENT
FAIL TO STOP PERMIT OFFC. ONBOARD
FAIL TO OBEY LAWFUL ORDER
REFUSE HIN INSPECTION
UNLAWFUL MOORING

MISCELLANEOUS TITLES
POSSESSION OF FIREWORKS

ARS TITLE 3

DIG/POSSE/REMOVE PROTECTED PLNT
DESTROY/UTILIZE PROTECTED PLNT
TRANS PROTECT PLNT W/O PERMIT

ARS TITLE 13

ATTEMPT
SOLICITATION
CONSPIRACY
FACILITATION
ENDANGEMENT
THREATEN/INTIMIDATE
ASSAULT
AGGRAVATED ASSAULT
CRIMES AGAINST NATURE
TRESPASS
CRIMINAL DAMAGE
PARK DENY CATTLE ACCESS TO H2O
LITTERING
OBTRED GOVT. OPERATION
REFUSE TO AID PEACE OFFICER
FAIL TO APPEAR
RESIST ARREST
DISORDERLY CONDUCT
RECKLESS DISCHARGE FIREARM
FALSE REPORTING TO OFFICER
CRIMINAL NUISANCE
CRUELTY TO ANIMALS
VIOLATE FIRE CLOSURE/RESTRICTION
UNLAWFUL FEEDING WILDLIFE
MISCONDUCT W/ WEAPONS (CCW)
MISCONDUCT W/ EXPLOSIVES
DISCHARGE FIREARM W/ CITY LIMITS
POS/SALE MARIJUANA
POS/SALE NARCOTICS
DOMESTIC VIOLENCE
DEFACE, PETRO, PICTO, CAVE, CAVERN
CLOSE PURSUIT (FELONY)

ARS TITLE 28

NO OPERATOR'S LICENSE
DRIVE W/ SUSPENDED LICENSE
DRIVE W/ SUSPENDED LICENSE (DUI)
DRIVE W/ SUSPENDED LICENSE (FTA)
FLIGHT FROM PURS. LE VEHICLE
PTO PEACE OFFICER
PTO TRAFFIC CONTROL DEVICE
FAIL TO GIVE INFO AT ACCIDENT
DUI ALCOHOL/DRUGS
DUI EXCEED 0.08
RECKLESS DRIVING
SPEED GREATER THAN R/P
SPEED LESS THAN R/P
EXCESSIVE SPEED (85+ Hwy, 20+ all other)
DRIVE LEFT OF CENTER
PASS IN NO PASS ZONE
PASS IN FACE OF TRAFFIC
IMPEDE TRAFFIC/FAIL TO PULL OFF
FAIL TO KEEP RT/CONTROL MNT
NO PROOF INSURANCE
EXPIRED REGISTRATION (RESIDENT)
EXPIRED/NO AZ REGIST (RESIDENT)
NO PROOF INSURANCE
FAIL TO OBEY LAWFUL ORDER
UNLAWFUL MOORING

** CIVIL TRAFFIC VIOLATION
* PETTY OFFENSES

Revised 12/12
### Citation Coding

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**Second Two Digits of Violation Code**

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<th>SALE</th>
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<td>01</td>
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<tr>
<td>02</td>
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<td>SALE/PURCHASE OF LIVE WILDLIFE</td>
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<td>TAKE WITHOUT A TROUT STAMP</td>
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<td>TAKE WITHOUT A CALIFORNIA STAMP</td>
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<td>TAKE WITHOUT A NEVADA STAMP</td>
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<td>08</td>
<td>TAKE WITHOUT A LAKE POWELL STAMP</td>
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<td>70F7</td>
<td>USE ANOTHER'S TAG</td>
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<td>70F8</td>
<td>APPLY/OBTAIN LICENSE WHEN REVOKED</td>
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<td>HUNT/FISHER/TRAP WHILE REVOKED</td>
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<td>4E</td>
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**Check Station Procedures**

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**Tagging Procedures**

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**Decoy**

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**Felony Violations**

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<td>F3</td>
<td>FELONY SALE BIG GAME/CLOSED SEASON</td>
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**Guide Violations**

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<td>G200</td>
<td>GUIDE CARRY FIREARMS</td>
</tr>
<tr>
<td>G300</td>
<td>GUIDE WILL-CALL</td>
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</table>
TRAPPING
60T0 TRAP WITHOUT A LICENSE
60T1 TRAP DURING A CLOSED SEASON
60T2 TRAP WITH AN UNLAWFUL DEVICE
60T3 UNMARKED TRAPS
60T4 USE SIGHT EXPOSED BAIT
60T5 TRAP TOO CLOSE
60T6 FAIL TO INSPECT TRAPS
60T7 TRAP PROHIBITED SPECIES
60T8 TRAP WITHOUT A RELEASE DEVICE
60T9 DISTURB TRAP OF ANOTHER
6000 OTHER TRAPPING VIOLATIONS

SPECIAL LICENSE RULE VIOLATIONS
70L1 AQUATIC STOCKING (12-4-410)
70L2 LIVE BAIT DEALER (12-4-411)
70L3 GAME FARM (12-4-413)
70L4 SHOOTING PRESERVE (12-4-414)
70L5 GUIDES (17-362, R12-4-208)
70L6 WILDLIFE HOLDING (R12-4-417)
70L7 SCIENTIFIC COLLECTING (R12-4-418)
70L8 GAME BIRD HOB (R12-4-419)
70L9 FALCONRY (R12-4-422)
70L0 TATTOO/ZUM (17-363, 17-364)
70LA FIELD TRIAL/TRAINING (17-238, R12-4-415)
70LB ZOO (R12-4-420)
70LC WILDLIFE SERVICE (R12-4-421)
70LD WILDLIFE REHABILITAT (R12-4-423)
70LE WHITE AMUR STOCKING (R12-4-424)
70LF MEAT PROCESSORS STAMP (17-373)
70LH SALVAGE PERMIT (17-319)
70LI LION AND BEAR DEPREDATION (17-302)
70LJ OTHER DEPREDATION (17-239)
70LK SPECIAL GROUP FISHING LICENSE (R12-4-310)
70LL TOURNAMENT FISHING CONTEST PERMIT (R12-4-215)
70LM CROSSBOW PERMIT (R12-4-426)
70LN CHAMP PERMIT (R12-4-217)
70LO GRANDFATHERED WILDLIFE (R12-4-425)
70LP EXHIBIT WILDLIFE TAKEN ON HUNT/FISH LIC (R12-4-404)

MISC TITLE 17
70M1 LITTERING
70M2 VANDALISM
70M3 ACCESS
70M4 HUNTER HARASSMENT
70M5 MISS USE OF FIREARMS
70M6 UNLAWFUL FEEDING WILDLIFE (TITLE 13)
70M8 CAMP TOO CLOSE
70M0 OTHER

BOATING EQUIPMENT
80W1 FIRE EXTINGUISHER
80W2 TOO FEW PFDS
80W3 VENTS/FLAME ARRESTERS
80W4 MUFFLER/NOISE
80W5 LIGHTS
80W6 OTHER
80W7 JUVENILE W/O PFD
80W8 TYPE 4 THROWABLE

BOATING OPERATION
80A1 CARELESS OPERATION
80A2 ALLOW CHILD TO OPERATE WATERCRAFT
80A3 ROWRIDERS
80A5 EXCESS WAKE/SPEED
80A6 OVERLOADING
80A7 NAVIGATIONAL PATTERN
80A8 INTERFERENCE W/ LAUNCH OR NAVIGATION
80A9 OPERATE CONTRARY TO CONTROL MARKERS
80S7 SKI WITH NO OBSERVER
80S8 NO SKI FLAG
80S9 SKI AT NIGHT

OUT
80D1 AT IMPAIRED
80D3 A2 >.08 BAC
80D3 AGGREGATED
80D4 EXTREME > 15
80D5 REFUSAL
80D6 UNDER 21 (TITLE 4)

PWC OPERATION/EQUIPMENT
80P1 OPERATE W/O PFD
80P2 OPERATE W/O CUTTOFF LANYARD ATTACHED
80P3 RECKLESS OPERATION
80P4 OPERATE LOADED BEYOND CAPACITY
80P5 OPERATE W/INOPERABLE THROTTLE RETURN
80P6 ALLOW OPERATION BY ANOTHER CONTRARY TO 5-350

BOATING REGISTRATION/OTHER
80R1 UNREGISTERED
80R2 EXPIRED
80R3 BOAT LIVERIES
80R4 LITTERING
80R5 ENGINE RESTRICTIONS
80R6 NO DECS
80R7 SUPPLY FICTICIOUS CERTIFICATE/NUMBERS OR DECAL
80R8 DISPLAY FICTICIOUS CERTIFICATE/NUMBERS OR DECAL
80R9 FELONY TAMPERING
80R0 OTHER REGISTRATION VIOLATIONS
80V0 INVALID DECAL/YEAR DISPLAYED

OTHER ARS TITLES/MISC VIOLATIONS
90V1 TITLE 28
90V2 TITLE 13
90V3 TITLE 3
90V4 TITLE 4
90V5 TITLE 9
90V6 TITLE 24
90V7 TITLE 41
90V9 OTHER

OFF-HIGHWAY VEHICLES FIRST 3 DIGITS OF CODE

OPERATION
710_ PROHIBITION AGAINST VEHICLE TRAVEL
711_ HARASSMENT OF WILDLIFE
712_ RECKLESS OPERATION
713_ DAMAGE BY OHV (28-1174A.2)
714_ OPERATE WHERE PROHIBITED (28-1174A.3, 4 & B)
715_ ENVIRONMENTAL DAMAGE, OTHER RULE (28-1174C)
716_ REGULATORY SIGNS
717_ RACE OR ORGANIZED EVENT; AUTHORIZATION REQUIRED
718_ RIDING DOUBLE
729_ MISCELLANEOUS OPERATION VIOLATIONS

USER FEE
740_ OFF-HIGHWAY VEHICLE USER FEE, INDICIA
741_ PLACEMENT OF OHV DECAL
742_ ATV, OHV, ORRMV, LICENSE PLATES
749_ MISCELLANEOUS USER FEE/REGISTRATION VIOLATIONS

EQUIPMENT
760_ BRAKES
761_ HEADLIGHTS AND TAILLIGHTS
762_ SOUND
763_ SPARK ARRESTOR
764_ SAFETY FLAG
765_ HELMETS
766_ OFFENSE BY PERSON OWNING OR CONTROLLING VEHICLE
780_ TITLE 28 MISC EQUIPMENT VIOLATIONS
790_ COUNTY/CITY/OTHER MISC VIOLATIONS

OHV LAND STATUS LAST DIGIT OF CODE

A BLM
B COUNTY
C FEDERAL REFUGE
D FOREST SERVICE
E GAME & FISH LAND
F MILITARY RANGE
G MUNICIPAL
H NATIONAL PARKS
I PRIVATE
J STATE PARKS
K STATE TRUST LAND
L TRIBAL LAND
Justice Precinct Court Boundaries
Cochise County

Justice Court Information:

Cochise County #1: 0201
207 N Judd Dr., Bisbee, AZ 85603
(528) 432-9544, (528) 432-5271 (fax)
Wednesday 8:30am-11:30am

Cochise County #2: 0202
661 G Ave. Douglas, AZ 85607
(520) 805-5640, (520) 364-3684 (fax)
Tuesday 9am

Cochise County #3: 0203
126 W 5th st. Ste 1, Benson, AZ 85602
(520) 586-8100, (520) 586-9647 (fax)
Wednesday 9am

Cochise County #4: 0204
450 S Haskell Ave., Willcox, AZ 85643
(520) 384-7000, (520) 384-7019 (fax)
Wednesday 9am, JUV 4pm

Cochise County #5: 0205
100 Colonia De Salud Suite 108,
Sierra Vista, AZ 85635
(520) 803-3800, (520) 439-9106 (fax)
Thur 1:30pm, JUV Tuesday 3pm

Cochise County #6: 0206
PO Box 317, Bowie, AZ 85605
(520) 847-2303, (520) 847-2242 (fax)
Tue and Wed 10am
Justice Precinct Court Boundaries
Coconino County

Justice Precinct Boundaries
National Forests
Tribal
National Parks and Monuments

Justice Court Information:

Flagstaff: 0301
200 N San Francisco St., Flagstaff, AZ 86001
(928) 679-7650, (928) 679-7683 (fax)
Mon-Fri 9:30am (30 days)

Williams: 0302
700 W Railroad Ave, Williams, AZ 86046
(928) 635-2892, (928) 635-4463 (fax)
10am or 1:30pm

Fredonia: 0303
PO Box 559, Fredonia, AZ 86022
(928) 643-7472, (928) 643-7491 (fax)
Wednesday 1pm

Page: 0305
PO Box 1565, Page, AZ 86040
(928) 645-8871, (928) 645-1869 (fax)
Wednesday 10am
JUV Wednesday 4pm
Justice Precinct Court Boundaries
Gila County

Justice Court Information:

Globe: 0403
1400 E Ash St., Globe, AZ 85501
(928) 425-3231 ext. 8543 or 8535
(928) 425-4773 (fax)
Tuesday 1:30pm

Payson: 0404
714 S Beeline Hwy. #103, Payson, AZ 85541
(928) 474-5267, (928) 474-6214 (fax)
Wednesday 9am
Justice Precinct Court Boundaries
Graham and Greenlee Counties

Justice Court Information:
Graham County #1: 0501
800 W Main St., Safford, AZ 85546
(928) 428-1210, (928) 428-3523 (fax)
Tuesday 10:00 AM
Civil and Criminal (No criminal juveniles)
Graham County #2: 0502
PO Box 1159, Pima, AZ 85543
(928) 485-2771, (928) 485-9961 (fax)
Tuesday 10am
Morenci/Clifton: 0601
PO Box 517, Clifton, AZ 85533
(928) 865-4312, (928) 865-5644 (fax)
Wed and Thur 2:30-3:00pm
Duncan: 0602
PO Box 208, Duncan, AZ 85534
(928) 359-2536, (928) 359-1936 (fax)
Tue and Thur 8am-5pm
Justice Precinct Court Boundaries
La Paz County

Justice Court Information:

Quartzsite: 1504
PO Box 580, Quartzsite, AZ 85346
(928) 927-6314, (928) 927-4842 (fax)
Mon-Thur 8:30am (30 days)

Salome: 1505
PO Box 661, Salome, AZ 85348
(928) 859-3871, (928) 859-3709 (fax)
Mon 1:30pm (30 days)

Parker: 1506
1105 Arizona Ave., Parker, AZ 85344
(928) 669-2504, (928) 669-2915 (fax)
Mon-Wed and Fri 9am (30 days)
Justice Precinct Court Boundaries
Maricopa County - Central

Justice Precinct Boundaries
Tribal

Justice Court Information
found on page: 281
Justice Precinct Court Boundaries
Mohave County

Justice Court Information:

Kingman/Cerbat: 0801
PO Box 29, Kingman, AZ 86401
(928) 753-0710, (928) 753-7840 (fax)
Wednesday 10am (30 days)
JUV: 1st Tuesday 4pm (7 days)

Bullhead: 0802
2225 Trane Rd.
Bullhead City, AZ 86442
(928) 758-0709, (928) 758-2644 (fax)
Mon-Fri 8:30am

Moccasin: 0803
HC 65, Box 90, Moccasin, AZ 86022
(928) 643-7104, (928) 643-6206 (fax)
Wednesday 9am

Lake Havasu: 0804
2001 College Dr. #148
Lake Havasu City, AZ 86403
(928) 453-0705, (928) 680-0193
Wednesday 9:30am
Justice Precinct Court Boundaries
Pima County - East
Justice Court Information:

West Santa Cruz County: 1201
PO Box 1150, Nogales, AZ 85628
(520) 375-7762, (520) 375-7759 (fax)
Criminal: Tuesday 10am (30 days)
Civil: Mon-Thur 10am

East Santa Cruz County: 1202
PO Box 1330, Sonoita, AZ 85637
(520) 455-5796, (520) 455-5133 (fax)
Mon, Tue, and Thur 10am
Justice Precinct Court Boundaries
Yavapai County

Justice Court Information:

Mayor: 1301
PO Box 245, Mayer, AZ 86333
(928) 632-7342, (928) 771-3356 (fax)
Criminal: Tue 9am
Civil: Mon 10am (10 days)

Verde Valley: 1302
10 South 6th St, Cottonwood, AZ 86326
(928) 639-5820, (928) 639-5828 (fax)
Tuesday 9am

Prescott: 1303
PO Box 2059, Prescott, AZ 86302
(928) 771-3300, (928) 771-3302 (fax)
Mon and Wed 9am (30 days)

Seligman: 1304
PO Box 56, Seligman, AZ 86337
(928) 422-3281, (928) 442-5962 (fax)
Tuesday 10am

Bagdad/Yarnell: 2 courts
Bagdad: 1306
PO Box 243, Bagdad, AZ 86321
(928) 633-2141, (928) 633-4451 (fax)
Monday 10am (30 days)
Yarnell: 1307
PO Box 65, Yarnell, AZ 85362
(928) 427-3318, (928) 771-3362 (fax)
Wednesday 10am (30 days)
Justice of the Peace Courts 2011

When citing JUVENILES, be sure to include the wording:

“NOTICE: FAILURE TO APPEAR OR COMPLY AS ORDERED WILL RESULT IN A SUSPENSION OF YOUR DRIVER’S LICENSE/DRIVING PRIVILEGES UNTIL YOU COMPLY OR REACH YOUR 18th BIRTHDAY.”

<table>
<thead>
<tr>
<th>Judge, Mailing Address</th>
<th>Precinct, Code, Location</th>
<th>Phone, Fax, email</th>
<th>Date, Time, Instructions</th>
<th>Last Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEISLER, Sherry L. PO Box 1356</td>
<td>Round Valley 0101 130 N. South Mtn. Ave.</td>
<td>(928) 333-4613 (928) 333-4821 (928) 333-4205 (fax)</td>
<td>Tuesday 9:30 AM (Civil and Criminal) JUV-refer to Juv. Prob if criminal.</td>
<td>02/10/2011</td>
</tr>
<tr>
<td>GUNNELS, Butch L. PO Box 308 St Johns, AZ 85936</td>
<td>St Johns 0102 70 W. 3rd South</td>
<td>(928) 337-7558 (928) 337-2683 (fax) <a href="http://www.co.apache.az.us">www.co.apache.az.us</a></td>
<td>Monday 10:00 AM Civil and Criminal JUV – must bring parent</td>
<td>02/10/2011</td>
</tr>
<tr>
<td>YELLOWHORSE, Jay PO Box 610 Sanders, AZ 86512</td>
<td>Puerco 0103 Exit 339, ½ N County Rd 7080</td>
<td>(928) 688-2954 (928) 688-2244 (fax)</td>
<td>Thursday 10:00 AM</td>
<td>02/10/2011</td>
</tr>
<tr>
<td>CLYDE, Victor J. PO Box 888 Chinle, AZ 86503</td>
<td>Chinle 0104 Apache Co. Compound</td>
<td>(928) 674-5922 (928)674-5924 (928) 674-5926 (fax)</td>
<td>Monday – Thursday 10:00 AM – 2:00 PM</td>
<td>02/10/2011</td>
</tr>
<tr>
<td>MORALES, David C. 207 N Judd Dr. Bisbee, AZ 85603</td>
<td>Cochise County #1 0201</td>
<td>(520) 432-9544 (520) 432-9542 (520) 432-9540 Martha Elkins 9543 (LE only) (520) 432-5271 (fax)</td>
<td>Wednesday 8:30 – 11:30 AM (Civil and Criminal)</td>
<td>02/10/2011</td>
</tr>
<tr>
<td>VILDOSOLA, Alma 661 G Avenue Douglas, AZ 85607</td>
<td>Cochise County #2 0202</td>
<td>(520) 805-5640 (520) 364-3684 (fax)</td>
<td>Civil and Criminal Tuesday 9:00AM</td>
<td>02/15/2011</td>
</tr>
<tr>
<td>KNOBLOCK, Joseph 126 W. 5th St., Suite 1 JC#3 Benson, AZ 85602</td>
<td>Cochise County #3 0203</td>
<td>(520) 586-8100 Anita Nelson 8104 (LE only) (520) 586-9647 (fax)</td>
<td>Wednesday 9:00 AM (Civil and Criminal)</td>
<td>02/16/2011</td>
</tr>
<tr>
<td>TREVAR, Ward 450 S Haskell Ave. Willcox, AZ 85643</td>
<td>Cochise County #4 0204</td>
<td>(520) 384-7000 (520) 384-7019 (fax)</td>
<td>Wednesday 9:00 AM (Civil and Criminal) JUV-must bring parent 4:00PM on Wednesday</td>
<td>02/16/2011</td>
</tr>
<tr>
<td>DICKERSON, Timothy 100 Colonia De Salud Suite 108 Sierra Vista, AZ 85635</td>
<td>Cochise County #5 0205</td>
<td>(520) 803-3800 (520) 439-9106 (fax)</td>
<td>Criminal: Thurs. 1:30 PM Civil-depends on violation JUV-Tuesday 3:00 PM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>SKILES, Michael PO Box 317 Bowie, AZ 85605</td>
<td>Cochise County #6 0206 201 N Central</td>
<td>(520) 847-2303 (520) 847-2242 (fax)</td>
<td>Tuesday or Wednesday 10:00 AM (Civ. &amp; Crim) JUV-must bring parent</td>
<td>02/16/2011</td>
</tr>
<tr>
<td>KOLB, Brian 200 N. San Francisco St. Flagstaff, AZ 86001</td>
<td>Flagstaff 0301</td>
<td>(928) 679-7650 (928)679-7681 (LE only) Vicki Diaz (928) 679-7683 (fax)</td>
<td>Monday – Friday 9:30AM (thirty days)</td>
<td>02/16/2011</td>
</tr>
<tr>
<td>Judge, Mailing Address</td>
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</tbody>
</table>
| SUTTON, William Jr.  
700 W Railroad Ave  
Williams, AZ 86046 | Williams  
0302 | (928) 635-2691  
(928) 635-2692  
(928) 635-4463 (fax)  
sutton@courts.sp.state.az.us | Monday –Friday  
10:00 AM or 1:30 PM | 02/16/2011 |
| BARON, Mark R.  
PO Box 559  
Fredonia, AZ 86022 | Fredonia  
0303  
112 N Main St. | (928) 643-7472  
(928) 643-7491(fax)  
mbaron@courts.sp.state.az.us | Wednesday 1:00 PM  
(Civil and Criminal)  
(JUV-must bring parent) | 02/16/2011 |
| ROBERTS, Donald G  
Page, AZ 86040 | Page  
0305  
547 Vista Ave | (928) 645-8871  
(928) 645-1869 (fax) | Wednesday 10:00 AM  
(Civil and Criminal)  
JUV-Wednesday 4:00 PM  
Must bring parent | 02/16/2011 |
| G       I       C       L    A       C       U       N       T       Y | Globe Regional  
0403 | (928) 425-3231  
ext. 8543 or 8535  
(928) 425-4773 (fax) | Tuesday 1:30 PM  
(Civil and Criminal) | 02/16/2011 |
| LITTLE, Dorothy A.  
714 S Beeline Hwy. #103  
Payson, AZ 85541 | Payson Regional  
0404 | (928) 474-5267  
(928) 474-6214 (fax) | Wednesday 9:00 AM  
(Civil and Criminal) | 02/16/2011 |
| G       R       A       H       M       C       O       U       N       T       Y | Graham County #1  
0501 | (928) 428-1210  
(928) 428-3523 (fax) | Tuesday 10:00 AM  
(Civil and Criminal)  
(No Criminal JUV) | 02/16/2011 |
| PALMER, Wyatt  
PO Box 1159  
Pima, AZ 85543 | Graham County #2  
0502  
136 W Center St. | (928) 485-2771  
(928) 485-9961 (fax) | Tuesday 10:00 AM  
Civil & Criminal | 02/16/2011 |
| G       R       E       E       C       O       U      N       T       Y | Morenci/Clifton  
0601  
253 5th ST Webster | (928) 865-4312  
(928) 865-5644 (fax) | Wednesday/Thursday  
2:30-3:00 PM | 02/16/2011 |
| BASTEEN, John  
PO Box 208  
Duncan, AZ 85534 | Duncan  
0602  
1684 Fairgrounds | (928) 359-2536  
(928) 359-1936 (fax) | Tuesdays/Thursdays  
8:00 AM – 5:00 PM | 02/16/2011 |

**NOTE** Send all citations to: Justice Court Services  
Old Courthouse-4th Floor  
125 W Washington  
Phoenix, Arizona 85003

| Gandarilla, Armando  
620 W. Jackson St 1037  
Phoenix, AZ 85003 | Downtown  
0701 | (602) 372-6300  
(602) 372-6406 (fax) | Wednesday 8:30 AM  
Civil and Criminal | 02/16/2011 |
| Sarkis, Steve  
620 W. Jackson Street  
Phoenix, AZ 85003 | Arcadia Biltmore  
0702 | (602) 372-6300  
(602) 372-6412 (fax) | Thursday 9:00 AM  
(Civil and Criminal) | 02/16/2011 |
| Fine, Jeff  
21749 W Yuma Rd Ste. B101  
Buckeye, AZ 85326 | White Tank  
0703 | (602) 386-4822  
(602) 386-5796 (fax) | Wednesday 9:00 AM  
(Civil and Criminal)  
JUV-must bring parent | 02/16/2011 |
| Frankel, Keith  
201 E. Chicago St. Suite #103  
Chandler, AZ 85225 | San Marcos  
0704 | (602) 372-3400  
(602) 372-3468 (fax) | Tuesday 8:00 AM  
(Civil and Criminal)  
JUV-must bring parent | 02/16/2011 |
| Chiles, Mark  
4811 E Julep #128  
Mesa, AZ 85205 | East Mesa  
0705 | (480) 985-0188  
(480) 396-6327 (fax) | Wednesday 8:30 AM  
Civil and Criminal  
(JUV-must bring parent) | 02/16/2011 |
| Getzwiller, Joe  
209 E. Pima Street (PO BOX 648)  
Gila Bend, AZ 85337 | Ironwood  
0706 | (928) 683-2651  
(928) 683-6412 (fax) | Tuesday 9:00 AM  
(Civil and Criminal) | 02/16/2011 |
<table>
<thead>
<tr>
<th>Judge, Mailing Address</th>
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<tbody>
<tr>
<td>HANDLEY, Gary</td>
<td>Maricopa County Northwest Regional Court Center</td>
<td>14264 W Tierra Buena Ln, Surprise, AZ 85374</td>
<td>(602) 372-2000 (602) 372-2620 (fax)</td>
<td>Wednesday 9:00 AM Civil and Criminal</td>
</tr>
<tr>
<td>CONTI, Frank</td>
<td>Maricopa County Northeast Regional Court Center</td>
<td>18380 N 40th St, Phoenix, AZ 85032</td>
<td>(602) 372-7000 (602) 372-7911 (fax)</td>
<td>Monday 8:30 AM Thursday 8:30 AM Civil and Criminal</td>
</tr>
<tr>
<td>MACBETH, Rebecca</td>
<td>Maricopa County Northeast Regional Court Center</td>
<td>18380 N 40th St, Phoenix, AZ 85032</td>
<td>(602) 372-7000 (602) 372-7910 (fax)</td>
<td>Friday 8:30 AM Civil and Criminal JUV- must bring parent</td>
</tr>
<tr>
<td>WOOLBRIGHT, Phillip</td>
<td>Maricopa County Northwest Regional Court Center</td>
<td>14264 W Tierra Buena Ln, Surprise, AZ 85374</td>
<td>(602) 372-2000 (602) 372-2620 (fax)</td>
<td>Tuesday 2:00 PM Civil and Criminal</td>
</tr>
<tr>
<td>REAGAN, Michael</td>
<td>Maricopa County Northeast Regional Court Center</td>
<td>18380 N 40th St, Phoenix, AZ 85032</td>
<td>(602) 372-7000 (602) 372-7910 (fax)</td>
<td>Wednesday @ 8:30 Civil and Criminal</td>
</tr>
<tr>
<td>WILLIAMS, CODY</td>
<td>620 W. Jackson Street Phoenix, AZ 85003</td>
<td></td>
<td>(602) 372-6300 (602) 372-6410 (fax)</td>
<td>Tuesday 9:00 A.M. Civil and Criminal 30 days</td>
</tr>
<tr>
<td>ORE, John</td>
<td>201 E. Chicago Street Suite #101 Chandler, AZ 85255</td>
<td></td>
<td>(602) 372-3400 (602) 372-3414 (fax)</td>
<td>Tuesday 1:30 PM (Civil and Criminal) Thursday 1:30 PM-Spanish speaking only</td>
</tr>
<tr>
<td>GUZMAN, Joe “Pep”</td>
<td>9550 W Van Buren, Suite 6 Tolleson, AZ 85353</td>
<td></td>
<td>(623) 936-1449 (623) 936-4859 (fax)</td>
<td>Thursday 9:00 AM 30 days</td>
</tr>
<tr>
<td>Anderson, Mark</td>
<td>2050 W University Dr. Mesa, AZ 85201</td>
<td></td>
<td>(480) 964-2958 (480) 969-1098 (fax)</td>
<td>Wednesday 8:30 AM (Civil and Criminal) 30 days (JUV-Wednesday 9AM)</td>
</tr>
<tr>
<td>CARRILLO, Rachel Torres</td>
<td>620 W. Jackson Street Phoenix, AZ 85003</td>
<td></td>
<td>(602) 372-6300 (602) 372-6405 (fax)</td>
<td>Monday 8:30 A.M. (Civil and Criminal)</td>
</tr>
<tr>
<td>MUELLER, Chris</td>
<td>Maricopa County Northwest Regional Court Center</td>
<td>14264 W Tierra Buena Ln, Surprise, AZ 85374</td>
<td>(602) 372-2000 (602) 372-2620 (fax)</td>
<td>Lake Pleasant 1st &amp; 4th Tuesday @0900 Last name A – M 2:00 PM Last name N– Z 30 days</td>
</tr>
<tr>
<td>McMURRY, C. Steven</td>
<td>620 W Jackson Street Ste 1045 Phoenix, AZ 85003</td>
<td></td>
<td>(602) 372-6300 (602) 372-6414 (fax)</td>
<td>Tuesday 8:30 AM (Civil and Criminal) 30 days</td>
</tr>
<tr>
<td>GASTELUM, Andy</td>
<td>4622 W Indian School Rd., D10 Phoenix, AZ 85031</td>
<td></td>
<td>(623) 245-0432 (623) 245-1216 (fax)</td>
<td>Wednesday 1:00 PM Civil and Criminal 30 days</td>
</tr>
<tr>
<td>GOODMAN, Samuel T.</td>
<td>201 E. Chicago St. Ste #102 Chandler, AZ 85225</td>
<td></td>
<td>(602) 372-3400 (602) 372-3441 (fax)</td>
<td>Tues Civil 8-10:30AM Wed Criminal 8-10:30AM 30 days</td>
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<tr>
<td>Judge, Mailing Address</td>
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<tr>
<td>PEARCE, Lester N. 1837 S Mesa Dr., Suite B103 Mesa, AZ 85210</td>
<td>North Mesa 0721</td>
<td>(480) 926-9731 (480) 926-7763 (fax)</td>
<td>Thursday 9:00 AM Civil and Criminal 30 days (JUV-must bring parent)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>ROGERS, Elizabeth 201 E Chicago St Suite #104 Chandler, AZ 85225</td>
<td>Kyrene 0723</td>
<td>(602) 372-3400 (602) 372-3494 (fax)</td>
<td>Tuesday 1:30 PM Civil and Criminal Tuesday @ 8:30 AM (Spanish only) 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>WILLIAMS, Gerald Maricopa County Northwest Regional Court Center 14264 W Tierra Buena Ln. Surprise, AZ 85374</td>
<td>North Valley 0724</td>
<td>(602) 372-2000 (602) 372-2620 (fax)</td>
<td>Wednesday s 9:00 AM Civil and Criminal 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>JAYNE, Clancy 18380 N. 40th Street, Suite # 130 Phoenix, AZ 85032</td>
<td>Desert Ridge 0725</td>
<td>(602) 372-7100 (602) 372-7912 (fax)</td>
<td>Monday 1:30 PM OR Wednesday 8:30 (Civil and Criminal) 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>DODGE, Dan 55 E. Civic Center Drive Suite 55 Gilbert, AZ 85296</td>
<td>Highland Regional 0726</td>
<td>(602) 372-8300 (602) 372-8301 (fax)</td>
<td>Thursday 08:30 (Civil and Criminal) 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>TAYLOR, John PO Box 29 Kingman, AZ 86401</td>
<td>Kingman/Cerbat 0801 524 West Beale St.</td>
<td>(928) 753-0710 (928) 753-7840 (fax)</td>
<td>Wednesday 10:00AM (Civil and Cirm.) 30 days (JUV-4:00PM 1st Tuesday) JUV - 7 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>BRADY, Thomas 2225 Trane Rd. Bullhead City, AZ 86442</td>
<td>Bullhead City 0802</td>
<td>(928) 758-0709 (928) 758-2644 (fax)</td>
<td>Monday – Friday 8:30 AM (Civil and Criminal)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>KALAULI, Mitchell HC 65, Box 90 Moccasin, AZ 86022</td>
<td>Moccasin 0803 123 S Main</td>
<td>(928) 643-7104 (928) 643-6206 (fax)</td>
<td>Wednesday 9:00 AM (Civil and Criminal) JUV – must bring parent</td>
<td>02/14/2011</td>
</tr>
<tr>
<td>DAVIS, Jill 2001 College Dr. #148 Lake Havasu City, AZ 86403</td>
<td>Lake Havasu Consolidated 0804</td>
<td>(928) 453-0705 3065 (LE only) (928) 680-0193(fax)</td>
<td>Civil and Criminal Wednesday 9:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>MAGISTRATE- Kathy McCoy 310 N Fourth St Kingman, AZ 86401</td>
<td>Kingman Municipal 0841 219 N 4TH ST. Kingman, AZ</td>
<td>(928) 753-8193 (928) 753-8099 (fax)</td>
<td>Civil: Tuesday 3:00 PM Criminal: Tues. 1:30 PM Juvenile: Thurs. 3:00 PM 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>ANDRESS, Clyde 2001 College Dr. #148 Lake Havasu City, AZ 86403</td>
<td>Lake Havasu 0844 Magistrate</td>
<td>(928) 453-0705 (928) 680-0193 (fax)</td>
<td>Civil and Criminal Wednesday 8:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>MAREZ, Evelyn PO BOX 366 Holbrook, AZ 86025</td>
<td>Holbrook 0901 121 W. Buffalo</td>
<td>(928) 524-4720 (928) 524-4725 (fax) <a href="mailto:rhatch@courts.sp.state.az.us">rhatch@courts.sp.state.az.us</a></td>
<td>Tuesday 9:00:10:00 AM Civil and Criminal (JUV Mon. 3:30-4:30 PM) 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>KOLOMITZ, Alison PO Box 308 Winslow, AZ 86047</td>
<td>Winslow J.C. 0902 605 E 3rd St.</td>
<td>(928) 289-6840 (928) 289-6847 (fax)</td>
<td>Civil: Tuesday 9:00 AM Criminal: Tuesday 1:00PM (JUV Tuesday 3:00 P.M.)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>PETERSON, Fred L. 145 S Main, Suite D Snowflake, AZ 85937</td>
<td>Snowflake 0903</td>
<td>(928) 536-4141 (928) 536-3511 (fax)</td>
<td>Monday 10:00 AM (Civil and Criminal) JUV-Wed. 3:30 P.M.</td>
<td>02/09/2011</td>
</tr>
<tr>
<td>PRICE, Stephen E. 620 East McNeil Show Low, AZ 85901</td>
<td>Show Low 0905 620 e McNeil</td>
<td>(928) 532-6030 (928)532-6018 (LE ONLY) DANA SIPES (928) 532-6035 (fax) <a href="mailto:dsipes@courts.az.gov">dsipes@courts.az.gov</a></td>
<td>Monday 9:00 AM Civil and Criminal (JUV Monday 11:00 AM) JUV must bring parent</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>Judge, Mailing Address</td>
<td>Precinct, Code, Location</td>
<td>Phone, Fax, email</td>
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<tr>
<td>WIDMAIER, David L.</td>
<td>Pinetop/Lakeside 0907</td>
<td>(928) 368-6200</td>
<td>Mon – Fri 8AM-5PM First Appearance/Open Crt (Civil, Criminal, Juvenile) JUV-must bring parent</td>
<td>02/09/2011</td>
</tr>
<tr>
<td>Nelson, Susie.</td>
<td>Kayenta 0908</td>
<td>(928) 697-3522</td>
<td>Monday - Friday, 8 AM - 5 PM 30 days</td>
<td>02/28/2011</td>
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<tr>
<td>PIMA COUNTY</td>
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<tr>
<td>SEGAL, Anne</td>
<td>Tucson #1 1001</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM/ 30days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>CASTILLO Jr., Jose Luis</td>
<td>Tucson #2 1002</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>ALVILLAR, Maria L.</td>
<td>Ajo 1003</td>
<td>(520) 387-7684</td>
<td>Tuesday/ Wednesday 9:00 A.M. (JUV-must bring parent)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>DOLNY, Carmen M.</td>
<td>Tucson #4 1004</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>BEE, Keith</td>
<td>Tucson #5 1005</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>SIMON, Paul</td>
<td>Tucson #6 1006</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>WIGHT, Gail A</td>
<td>Green Valley 1007</td>
<td>(520) 648-0658</td>
<td>Friday 8:00 AM (3 weeks)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>BACAL, Susan</td>
<td>Tucson #8 1008</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>FELIX, Maria</td>
<td>Tucson #9 1009</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>PEYTON, Jack</td>
<td>Tucson #10 1010</td>
<td>(520) 740-3171</td>
<td>Civil: Monday – Friday Criminal: Monday – Friday 8:30 AM</td>
<td>02/28/2011</td>
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<tr>
<td>PINAL COUNTY</td>
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<tr>
<td>RAMIREZ, Andrew</td>
<td>Florence/ Coolidge 1101</td>
<td>(520) 866-7194</td>
<td>1st or 3rd Tuesday 9:00 AM (Civil and Criminal)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>VALDEZ, Roger.</td>
<td>Casa Grande 1102</td>
<td>(520) 836-5471</td>
<td>Tuesday 9:00 A.M. Friday 9:00AM (Civil and Criminal)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>LORONA, Marie A. (Toni)</td>
<td>Eloy 1103 801 N Main St.</td>
<td>(520) 866-7983</td>
<td>Tuesday or Friday 9:30 AM Juv’s 3rd Tuesday 3:30 P.M.</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>ESTRADA, Arnold</td>
<td>San Manuel/Mammoth 1104</td>
<td>(520) 487-2262</td>
<td>Monday – Thurs. 10:00AM (Civil and Criminal)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>KENT, Robert</td>
<td>Oracle 1105 1470 Justice Dr.</td>
<td>(520) 896-9250</td>
<td>Tuesday 1000AM (Civil and Criminal)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>Judge, Mailing Address</td>
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<td>Phone, Fax, email</td>
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<tr>
<td>BRAVO, Larry 60 E. Main St. Superior, AZ 85173</td>
<td>Superior/Kearny 1106 355 Alden Rd. Kearny</td>
<td>(520) 689-5871 Superior (520) 363-5308 Kearny (520) 689-2369 (fax) S (520) 363-9523 (fax) K</td>
<td>Superior – Wed. 10:00 AM Civil and Criminal Kearny - Call court (JUV must bring parent)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>BABEAU, Shawn 575 N Idaho, Suite 200 Apache Junction, AZ 85119</td>
<td>Apache Junction 1107</td>
<td>(480) 982-2921 (520) 866-6153 (fax)</td>
<td>Mon. 9:00 AM (Civil and Criminal)</td>
<td>02/09/2011</td>
</tr>
<tr>
<td>SULLEY, Scott PO Box 201 Maricopa, AZ 85139</td>
<td>Stanfield/Maricopa 1108 19955 N. Wilson</td>
<td>(520) 866-3999 (520) 866-3990 (fax)</td>
<td>Monday, Wednesday 9 AM Wednesday Spanish speaking (JUV must bring parent) 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>MALEY, Mary Helen PO Box 1150 Nogales, AZ 85628</td>
<td>1201 2150 N. Congress #204</td>
<td>(520) 375-7762 (520) 375-7760 (520) 375-7759 (fax)</td>
<td>Civil Monday – Thurs 10AM Criminal Tuesday 10 AM 30days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>BARTH, Keith D PO Box 1330 Sonoita, AZ 85637</td>
<td>East Santa Cruz County 1202 3147 SR 83, Ste 103, Sonoita 85637</td>
<td>(520) 455-7960 Evelyn/ Andrea (520) 455-5133 (fax)</td>
<td>Monday, Tuesday &amp; Thur 10:00 AM (Civil and Criminal)</td>
<td>02/09/2011</td>
</tr>
<tr>
<td>RUMMER, Bill PO Box 245 Mayer, AZ 86333</td>
<td>Mayer 1301 12840 Central Av.</td>
<td>(928) 632-7342 (928) 632-7357 (928) 777-3356 (fax)</td>
<td>Civil Monday 1000 AM (filed 10days) Criminal Tuesday 0900AM (JUV)must bring parent</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>LUNDY, Bill 10 South 6th St Cottonwood, AZ 86326</td>
<td>Verde Valley 1302</td>
<td>(928) 639-5820 Carmela Nicoletta (928)-639-8193 (LE) (928) 639-5828 (fax)</td>
<td>Tuesdays 9:00 AM Civil and criminal</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>MARKHAM, Arthur RAY II, Kenneth / YOUNG, Anna PO Box 2059 Prescott, AZ 86302</td>
<td>Prescott 1303 120 S Cortez St Room 103</td>
<td>(928) 771-3300 (928) 771-3302 (fax)</td>
<td>Monday or Wednesday 9:00 AM (Civil and Criminal) 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>KULP, Janice PO Box 56 Seligman, AZ 86337</td>
<td>Seligman 1304 54150 Floyd St.</td>
<td>(928) 422-3281 (928) 771-3358 (928) 442-5982 (fax)</td>
<td>Tuesday 10:00 AM (Civil and Criminal)</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>GLAAB, Anna Mary PO Box 243 Bagdad, AZ 86321</td>
<td>Bagdad 1306 100 Main St.</td>
<td>(928) 633-2141 (928) 771-3360 (928) 633-4451(fax)</td>
<td>Civil and Criminal Monday 10:00 AM 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>GLAAB, Anna Mary PO box 65 Yarnell, AZ 85362</td>
<td>Yarnell 1307 22591 Lookaway</td>
<td>(928) 427-3318 (928) 771-3357(LE) (928) 771-3362 (fax)</td>
<td>Civil and Criminal Wednesday 10:00 AM 30days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>STEWART,Gregory/TOROK, Yolanda – Pro Tem 250 W. 2nd St. Suite A Yuma, AZ 85364</td>
<td>Yuma Precinct 1 1401</td>
<td>(928) 817-4100 (928) 817-4113 – Margo Chief Traffic Clerk (928) 817-4101 (fax)</td>
<td>Civil and Criminal Monday – Friday @ 1 PM Criminal Traffic 30days/Mandatory appearance</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>LOZANO, Jorge PO Box 7650 San Luis, AZ 85349</td>
<td>Somerton –San Luis JP #2 1402 1358 E.Liberty St.</td>
<td>(928) 314-5100 (928)314-5105 (fax)</td>
<td>Civil Mon-Fri 800-500PM Criminal Tues-Fri 10:00AM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>Judge, Mailing Address</td>
<td>Precinct, Code, Location</td>
<td>Phone, Fax, email</td>
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<td>Last Update</td>
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<tr>
<td>JONES, Russ</td>
<td>Wellton JP #3 1403 10260 Dome St</td>
<td>(928) 785-3321 (928) 785-4933 (fax)</td>
<td>Monday – Friday 11:00 AM (Civil and Criminal) 30 days</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>Juvenile Hearing Officer</td>
<td>2440 W. 28th St. Yuma, AZ 85364</td>
<td>(928) 314-1900 (928) 726-4720 (fax)</td>
<td>Thursday 9:00 – 11:00 AM and/or 2:00 – 4:00 PM</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>WILLIAMS, E.M.</td>
<td>Quartzsite JP #4 1504 555 N. Plymouth</td>
<td>(928) 927-6314 (officer) (928) 927-6313 (public) (928) 927-4842 (Fax)</td>
<td>Monday- Thursday, 8:30 AM (Civil and Criminal) 30 days, statement of fact Mandatory Appearance</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>SLAUGHTER, Karen</td>
<td>Salome 1505 310 Salome Rd</td>
<td>(928) 859-3871 Ask for Jill (LE) (928) 859-3709 (fax)</td>
<td>Monday 1:30 PM (Civil and Criminal) 30 days/statement of fact/Mandatory Appearance</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>WEIS, Charlene S</td>
<td>Parker 1506</td>
<td>(928) 669-2504 (928) 669-2915 (fax)</td>
<td>Civil and Criminal Monday – Wed, Friday 9:00 AM 30 days/ Mandatory appearance</td>
<td>02/28/2011</td>
</tr>
<tr>
<td>Juvenile Hearing Officer</td>
<td>1316 Kofa Ave. Parker, AZ 85344</td>
<td>(928) 669-6134 (928) 669-2186 (fax)</td>
<td>Citations should state: To be notified by mail Location &amp; date, rather than specified.</td>
<td>02/09/2011</td>
</tr>
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</table>
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