

**azNOTICE OF PROPOSED RULEMAKING**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**PREAMBLE**

**1. Permission to proceed with this proposed rulemaking was granted under A.R.S. § 41-1039 by the governor on:**

December 18, 2024

**2. Article, Part, or Section Affected (as applicable)**

**Rulemaking Action**

R12-4-1001

Amend

R12-4-1002

Amend

R12-4-1004

Amend

R12-4-1005

Amend

**3. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 17-231(A)(1), (A)(4), and (A)(8)

Implementing statute: A.R.S. §§ 28-1171, 28-1172, 28-1173, 28-1174, 28-1175, 28-1177, 28-1178, and 28-1179

**4. Citations to all related notices published in the Register that pertain to the current record of the proposed rule:**

Notice of Rulemaking Docket Opening: (volume #) A.A.R. (page #), Issue Date: (date published), Issue Number: (number), File number: (R2#-###)

**5. The agency's contact person who can answer questions about the rulemaking:**

Name: Micah White

Title: Off Highway Vehicle Law Enforcement Program Coordinator

Division: Field Operations

Address: 5000 W Carefree Hwy Phoenix, AZ 85086

Telephone: (623) 236-7206

Email: mwhite@azgfd.gov

Website: www.azgfd.gov

**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

The Arizona Game and Fish Commission seeks to amend its Article 10 rules to ensure alignment with current legal and scientific standards, as well as to enhance regulatory efficiency. All rules within Article 10 are required by the Arizona Revised Statutes, and amendments are necessary to maintain compliance with recent legislative changes, specifically Laws 2024, Chapter 240, Section 6. Additionally, updates are essential to reflect current scientific methodologies involving sound measurement standards as required by statute. The proposed amendments also aim to clarify the placement of the non-resident user indicia by moving the required location of the indicia to the rear of the vehicle.

**R12-4-1001 Minimum Standards for an Approved Off-Highway Vehicle Educational Course**

The objective of this rule is to establish the minimum standards for a certified Off-Highway Vehicle (OHV)

educational course. The Commission proposes to amend the rule to comply with the requirements of Laws 2024, Chapter 240, Section 6, which mandates that the course be offered online. Additionally, since both the Arizona Department of Transportation and the Arizona Game and Fish Department are responsible for hosting the online course and administering OHV user indicia, the rule should include provisions for data sharing between the two agencies.

#### **R12-4-1002. Course-approval Procedure**

The objective of this rule is to establish the application requirements for obtaining course approval by submitting materials to the Off Highway Vehicle (OHV) Law Enforcement Program Coordinator. The Commission proposes amending the rule to transfer responsibility for receiving and reviewing applications from the OHV Law Enforcement Program Manager to the Off-Highway Vehicle Education Program Manager. Additionally, the Commission proposes revising the application to include an alternate email address and phone number, if available, as well as an indication of whether the course will be conducted in person or online. The Commission also recommends removing the requirement for a written examination, allowing for greater flexibility in the type of assessment used, and eliminating the requirement to submit a copy of the certificate of completion.

#### **R12-4-1004. Off-highway Vehicle Sound-level Requirements**

The objective of this rule is to give law enforcement officers the authority to require an individual to submit their Off Highway Vehicle for sound testing if the officer believes the OHV is producing sound in excess of legal levels, defined in statute as 96 decibels. The Commission proposes to amend the rule to align with the most recent scientific sound level standards, updating the reference from the second edition to the third as prescribed by A.R.S. 28-1179 A 3.

#### **R12-4-1005. Nonresident Off-highway Vehicle User Indicia**

The objective of this rule is to prescribe how the Department administers the non-resident indicia program and authorizes the Department to collect a fee for the administration of the program. The Commission proposes to amend the rule to remove the term “off-highway” from sections A and B to reduce confusion for the public. Instead, the Commission proposes to add the phrase “on public or state trust land,” which better aligns the rule with statute for where an OHV user indicia is required. The Commission also proposes to add a proof of completion for the off highway vehicle safety education course to the requirement for purchasing a non-resident OHV user indicia to align with Laws 2024, Chapter 240, Section 6. The Commission also proposes to change the prescribed location of the non-resident OHV user indicia to the rear of the vehicle to make it similar to the placement of license plates. Additionally, the Commission proposes to amend the rule to add mining exploration to the list of exceptions for the non-resident OHV user indicia to ensure consistency with statutory changes.

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

The agency did not rely on any study in its evaluation of or justification for the rule.

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

Not applicable.

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

The Commission determined that the proposed rule change will have little to no effect on small businesses and consumers. The Commission also expects that there will be a net benefit to the consumer, with reduced accidents and injuries, as well as a reduction in potential for citations from law enforcement after being informed of OHV laws. The Commission also anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

**10. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**

Name: Micah White  
Title: Off Highway Vehicle Law Enforcement Program Coordinator  
Division: Field Operations  
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Telephone: (623) 236-7206  
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Website: www.azgfd.gov

**11. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments about this proposed rulemaking will be accepted in person at the address provided under Item #5, Monday through Friday from 8 a.m. to 5 p.m. except for State holidays. Comments will also be accepted via email at the email address provided under Item #5. Mailed written comments shall be postmarked within 30 days of this published notice. An oral proceeding is scheduled on this proposed rulemaking.

Date: January 16, 2026  
Time: 8:00 a.m. to 5:00 p.m.  
Location: 5000 W. Carefree Hwy  
Close of record: December 15, 2025

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

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The authorization for an approved course described in R12-4-1002 falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11). The rule complies with A.R.S. § 41-1037. The Nonresident Off-highway Vehicle User Indicia

described in R12-4-1005 falls within the definition of "general permit" as defined under A.R.S. § 41-1001(11). The rule complies with A.R.S. § 41-1037. No other rules included in this rulemaking package require the issuance of a regulatory permit, license, or agency authorization..

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

Federal law is not directly applicable to the subject of the rule. The rule is based on state law.

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

The Agency has not received an analysis.

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

Society of Automotive Engineers, J1287, Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, April 2017, available from SAE International, 400 Commonwealth Dr., Warrendale, PA 15096 or online at [www.sae.org](http://www.sae.org), incorporated under R12-4-1004. International Organization for Standardization, ISO5130:2007, Acoustics--Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 2077, available from American National Standards Institute, Attention Customer Service Department, 25 W. 43rd St., 4th Floor, New York, NY 10056 or online at [www.iso.org](http://www.iso.org), incorporated under R12-4-1004.

**14. The full text of the rules follows:**

Rule text begins on the next page.

**TITLE 12. NATURAL RESOURCES**  
**CHAPTER 4. GAME AND FISH COMMISSION**  
**ARTICLE 10. Off-Highway Vehicles**

Section

R12-4-1001 Minimum Standards for an Approved Off-highway Vehicle Education Course

R12-4-1002 Course Approval Procedure

R12-4-1004 Off-highway Vehicle Sound-level Requirements

R12-5-1005 Nonresident Off-highway Vehicle User Indicia

**ARTICLE 10. Off-Highway Vehicles**

**R12-4-1001. MINIMUM STANDARDS FOR AN APPROVED OFF-HIGHWAY VEHICLE EDUCATION COURSE**

The Department may approve an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, provided the course meets the following minimum standards:

1. Course content. The course shall provide information regarding:
  - a. OHV safety;
  - b. Responsibilities of users of OHVs;
  - c. Use of an OHV in a manner that does not harm the natural terrain, plants, or animals;
  - d. Use of an OHV in a manner that minimizes air pollution; and
  - e. State statutes and rules regarding use of OHVs.
2. Course procedures. The course provider shall:
  - a. Use a written or online examination to measure the extent to which a participant learned the course content; and
  - b. Provide proof of completion to a participant who receives a score of 80% or above on the ~~written~~ examination or that demonstrates an equivalent proficiency.
  - c. Provide proof of completion to the Department of Transportation (resident user indicia) or the Game and Fish Department (non-resident user indicia) as appropriate.

**R12-4-1002. COURSE-APPROVAL PROCEDURE**

**A.** To obtain approval of an educational course of instruction in basic off-highway vehicle (OHV) safety and environmental ethics, the course provider shall submit an application to the Department's OHV Safety Education Law Enforcement Program Manager using a form furnished by the Department. The provider shall include the following information on the application form:

1. Name of provider;
2. If the provider is not an individual, the name of the person who will maintain contact with the Department;
3. Business address;
4. Business email address; ~~and~~
5. Business and contact telephone numbers; and
6. An alternate email address and alternate phone number if available.

**B.** In addition to the application form required under subsection (A), a provider shall include a copy of all of the following:

1. The curriculum that will be used to provide the educational course;
2. Whether the educational course will be conducted in-person or online;
- ~~2-3.~~ Any materials that will be provided to course participants; and
- ~~3-4.~~ The ~~written~~ examination required under R12-4-1001(2)(a); and
- ~~4.~~ The ~~certificate of completion required under R12-4-1001(2)(b).~~

**C.** The Department shall either approve or deny a request to approve an educational course within 60 days of receiving the application. The Department shall not approve an educational course that fails to meet the requirements established under R12-4-1001 or this Section. The Department shall provide a written notice to the course provider stating the reason for the denial.

**D.** No changes to an approved course shall be made without prior approval from the Department.

**E.** The provider of an educational course of instruction that is not approved by the Department may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**R12-4-1004. OFF-HIGHWAY VEHICLE SOUND-LEVEL REQUIREMENTS**

- A. A peace officer who has reason to believe that an off-highway vehicle (OHV) is being operated in violation of A.R.S. § 28-1179(A)(3) may direct the operator to submit the OHV to an onsite test to measure the OHV's sound level. In accordance with A.R.S. § 28-1179(A)(3), the sound level of an OHV shall be measured using the following procedures, which are incorporated by reference and are available for inspection at the Arizona Game and Fish Department, 5000 W. Carefree Highway, Phoenix, Arizona 85086:
1. All terrain vehicle or motorcycle. Society of Automotive Engineers, J1287, Measurement of Exhaust Sound Pressure Levels of Stationary Motorcycles, April 2017, available from SAE International, 400 Commonwealth Dr., Warrendale, PA 15096 or online at [www.sae.org](http://www.sae.org); and
  2. Other OHV. International Organization for Standardization, ISO 5130:2019 ~~07~~, Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 201907, July May 31, 2007 Edition ~~32~~, available from American National Standards Institute, Attention Customer Service Department, 25 W. 43rd St., 4th Floor, New York, NY 10056 or online at [www.iso.org](http://www.iso.org).
- B. If a peace officer directs the operator of an OHV to submit the OHV to an onsite test to measure the OHV's sound level, the operator shall allow the OHV and associated equipment to be tested. If the peace officer believes that more than one test of the OHV's sound level is necessary to ensure that an accurate measure is obtained, the operator shall allow multiple tests.
- C. If it is determined that an OHV is being operated in violation of A.R.S. § 28-1179(A)(3), the operator of the OHV shall:
1. Immediately stop operating the OHV; and
  2. Ensure the vehicle is not operated again until it can be operated in compliance with A.R.S. § 28-1179(A)(3), except:
    - a. During a period of emergency; or
    - b. When the operation is directed by a peace officer or other public authority.
- D. This Section does not include any later amendments or editions of the incorporated materials.

#### **R12-4-1005. NONRESIDENT OFF-HIGHWAY VEHICLE USER INDICIA**

- A. The owner or operator of an all-terrain vehicle (ATV) or off-highway vehicle (OHV) as defined under A.R.S. § 28-1171 shall not operate the ATV or OHV ~~off-highway~~ in this state without an Arizona off-highway vehicle user indicia. This requirement only applies to an ATV or OHV that:
1. Is designed by the manufacturer primarily for travel over unimproved terrain.
  2. Has an unladen weight of two thousand five hundred pounds or less.
- B. For lawful ~~Arizona off-highway~~ operation on public or state trust land, the owner or operator of a qualifying nonresident ATV or OHV shall apply to the Department for an off-highway vehicle user indicia as prescribed under A.R.S. § 28-1177. The owner or operator shall submit to the Department:
1. The nonresident off-highway vehicle user indicia application furnished by the Department and available on the Department's website,
  2. The fee established under subsection (C)(1), and
  3. The convenience fee established under subsection (C)(2).
4. Proof of completion for the off highway vehicle safety education course as required.
- C. As authorized under A.R.S. § 28-1177:
1. The fee for the nonresident off-highway vehicle user indicia is \$25.
  2. The Department may also collect and retain a reasonable and commensurate fee for its services.
- D. The owner or operator of the ATV or OHV titled or registered out-of-state shall display the nonresident off-highway user indicia in a manner that is clearly visible to outside inspection:
1. For vehicles with three or more wheels, the indicia shall be visible from the rear of the vehicle ~~on the left side rear quadrant of the vehicle.~~
  2. For two-wheeled vehicles, the indicia shall be displayed on top of the rear fender ~~left fork leg.~~
- E. A printed receipt or an electronic copy of the receipt of payment for an annual decal that is purchased online shall serve as a temporary permit for a period of 30 days from the date of purchase.
- F. Under A.R.S. § 28-1178, a person may operate an ATV or OHV in this state without the nonresident off-highway user indicia required under A.R.S. § 28-1177 when any one of the following applies:
1. The person is loading or unloading an ATV or OHV from a vehicle.
  2. The person is participating in an off-highway special event.
  3. The person is operating an ATV or OHV:
    - a. During an emergency or as directed by a peace officer or other public authority.
    - b. Exclusively for agriculture, ranching, construction, mining, mining exploration or building trade purposes.
    - c. Exclusively on private land.