ARIZONA GAME AND FISH LAWS AND RULES



September 2026 Edition

Issued by the

Arizona Game and Fish Department

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TITLE 3. AGRICULTURE
CHAPTER 7. ARIZONA NATIVE PLANTS
ARTICLE 1. ADMINISTRATION

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 or if the department has record of a previous legal movement of the cactus by the person. Saguaro cacti 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.

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

A. The division shall provide harvest or wood 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.

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.

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.

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.

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.

TITLE 4. ALCOHOLIC BEVERAGES
CHAPTER 2. REGULATIONS AND PROHIBITIONS

Art. 3. Prohibitions

4-244. Unlawful acts

TITLE 4. ALCOHOLIC BEVERAGES
CHAPTER 2. REGULATIONS AND PROHIBITIONS
ART. 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 having procured a license duly issued by the board, except that the director may issue a temporary permit of any series pursuant to section 4-205.05 to a trustee in bankruptcy to acquire and dispose of the spirituous liquor of a debtor.

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 that 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 $500 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 the wholesaler's 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 does 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 eighteen 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 eighteen years of age to manufacture, sell or dispose of spirituous liquors. This paragraph does 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 eighteen 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 eighteen 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 eighteen 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 the employee 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 of not more than four ounces per day or distilled spirits of not more than 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 of not more than two ounces per educational session or beer or wine of not more than four ounces per educational session, and provided that a licensee does 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 not more than thirty minutes after the state of obvious intoxication is known or should be known to the licensee for a nonintoxicated person to 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., except that a retailer with off-sale privileges may receive and process orders, accept payment or package, load or otherwise prepare spirituous liquor for delivery at any time, if the actual deliveries to customers are made between the hours of 6:00 a.m. and 2:00 a.m., at which time section 4-241, subsections A and K apply.

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. An on-sale retailer shall not 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 or wine from a broken package in a public recreation area or on private property with permission of the owner or lessor 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 that 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 may designate an area of the licensed premises as an area in which spirituous liquor will not be sold or consumed for the purpose of allowing underage persons on the premises if the designated

area is separated by a physical barrier and at no time will underage persons have access to the area in which spirituous liquor is sold or consumed. A licensee or an employee of a licensee may require a person who intends to enter a licensed premises or a portion of a licensed premises where persons under the legal drinking age are prohibited under this section to exhibit an instrument of identification that is acceptable under section 4-241 as a condition of entry or may use a biometric identity verification device to determine the person's age as a condition of entry. The director, or a municipality, may adopt rules to regulate the presence of underage persons on licensed premises provided the rules adopted by a municipality are more stringent than those adopted by the director. The rules adopted by the municipality shall be adopted by local ordinance and shall not interfere with the licensee's ability to comply with this paragraph. This paragraph does not apply:

(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 8, 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 fifty 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. For the purposes of 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 while on duty or off duty 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, a retired peace officer as defined in section 38-1113 or an honorably retired law enforcement officer who has been issued a certificate of firearms proficiency pursuant to section 13-3112, subsection T, 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 does not 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 does 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 while on duty or off duty 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, a retired peace officer as defined in section 38-1113 or an honorably retired law enforcement officer who has been issued a certificate of firearms proficiency pursuant to section 13-3112, subsection T, 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 is a defense to action under this paragraph if the licensee or employee requested assistance of a peace officer to remove such person. This paragraph does 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 that 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 licensee of a bar, beer and wine bar, liquor store, beer and wine store, microbrewery or restaurant that has a permit pursuant to section 4-205.02, subsection H that dispenses beer only in a clean container composed of a material approved by a national sanitation organization with a maximum capacity that does not exceed one gallon and not for consumption on the premises if:

(i) The licensee or the licensee's employee fills the container at the tap at the time of sale.

(ii) The container is sealed and displays a government warning label.

(iii) The dispensing of that beer is not done through a drive-through or walk-up service window.

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 percent 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 that 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 $6 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 that mixes spirituous liquor with pure oxygen or another gas to produce a vaporized product for the purpose of consumption by inhalation or to allow patrons to use any item for the consumption of vaporized spirituous liquor.

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.

46. For a direct shipment licensee, a farm winery licensee or an employee of those licensees to sell, dispose of, deliver or give spirituous liquor to an individual purchaser between the hours of 2:00 a.m. and 6:00 a.m., except that a direct shipment licensee or a farm winery licensee may receive and process orders, accept payment, package, load or otherwise prepare wine for delivery at any time without complying with section 4-241, subsections A and K, if the actual deliveries to individual purchasers are made between the hours of 6:00 a.m. and 2:00 a.m. and in accordance with section 4-203.04 for direct shipment licensees and section 4-205.04 for farm winery licensees.

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TITLE 5. AMUSEMENT AND SPORTS
CHAPTER 3. BOATING AND WATER SPORTS
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.

4. "Documented watercraft" means any watercraft currently registered as a watercraft of the United States

pursuant to 46 Code of Federal Regulations part 67.

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.

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.

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.

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 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 assignment 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.

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.

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.

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 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.

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 insurance and 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.

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.

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.

ARTICLE 4. REQUIRED EQUIPMENT

5-331. Personal flotation devices; requirements; exception

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 who is being towed behind a watercraft shall wear a wearable personal flotation device while being towed except for a performer who is engaged in a professional exhibition.

C. A child who is twelve years of age or under and who is on board a watercraft shall wear a properly fitting United States coast guard approved wearable personal flotation device whenever the watercraft is underway.

D. Subsection C of this section 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.

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.

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 o) 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 o) of the compass, so fixed as to throw the light ten points (112 1/2 o) on each side of the watercraft, namely, from right ahead to two points (22 1/2 o) 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 o) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 o) 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 o) of the compass, so fixed as to throw the light from right ahead to two points (22 1/2 o) 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 o) 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 o) 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.

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.

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.

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.

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.

C. 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.

D. No person on water skis, a surfboard or a similar contrivance shall behave in a careless, reckless or negligent manner.

E. 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.

F. 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.

G. A person violating subsection A, B, C or D is guilty of a class 2 misdemeanor.

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.

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.

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.

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.

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.

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.

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 or 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 property of another or another watercraft, 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.

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.

ARTICLE 6. UNIFORM WATERWAY MARKING SYSTEM

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 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 liveries; 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 FUND

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

A. The 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 use 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 allowed 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.

(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.

3. To fund the purchase of drones to clean plastic, algae, biomass and other floating trash from lakes and waterways. The drones shall be equipped with the following specifications:

a. Time stamped and GPS locating data sensors to provide constant monitoring of lakes and waterways.

b. Collision avoidance.

4. To fund the purchase of drones by law enforcement agencies and fire service agencies for the purposes of search, rescue, and recovery operations and training in the use and operation of drones.

D. Projects involving expenditure of monies from the 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 or by the governing body of a fire district if the 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 fund monies may be used on projects if matching funds are made available.

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 sections 5-323, 5-395.01, 5-395.03, 5-396 and 5-397. The monies are subject to legislative appropriation.

B. Only a board of supervisors of a county that has a law enforcement and boating safety program that was in existence before July 1, 1990 shall be eligible to receive law enforcement and boating safety fund monies.

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.
5. The ability of the county to constructively use additional monies.
6. The ratio of boating use to water surface within the jurisdiction of the counties in areas of administrative authority.
7. The ability of participating counties to provide continued funding of the program.
8. Annual input and feedback from the county boards of supervisors receiving funds.
9. Boat accident data for the waterways within the jurisdiction of the county.

E. The monies distributed to a county board of supervisors shall be used by the law enforcement agencies of the county solely for boating law enforcement, personnel, equipment and training.

ARTICLE 9. VIOLATIONS AND PENALTIES

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.

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.

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.

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 who is licensed pursuant to title 32 and who is authorized to prescribe the drug is not guilty of violating subsection A, paragraph 3 of this section.

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 using 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 ten liters of breath.

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 law enforcement and boating safety fund established by section 5-383. 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, the United States department of veterans affairs 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 or the defendant or on the judge's own initiative. The person shall pay the costs of the screening, education or treatment unless the court waives part or all 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.

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 if 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 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 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 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 one thousand two hundred fifty dollars to be deposited by the state treasurer in the law enforcement and boating safety fund established by section 5-383. 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 and can continue the person's 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 day, days or parts 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.

5-395.02. Admissibility of breath test or other records

A. The results of a breath test administered for the purpose of determining a person's alcohol concentration as defined in section 5-395 are admissible as evidence in any trial, action or proceeding on establishing the following foundational requirements:

1. The test was performed using a quantitative breath testing device approved by the department of public safety. A properly authenticated certification by the department of public safety or judicial notice of department of public safety rules is sufficient to establish this requirement.

2. The operator who conducted the test possessed a valid permit issued by the department of health services or the department of public safety to operate the device used to conduct the test.

3. Duplicate tests were administered and the test results were within 0.02 alcohol concentration of each other and an operator observed the person charged with the violation for fifteen minutes immediately preceding the administration of the test.

4. The operator who conducted the test followed an operational checklist approved by the department of public safety for the operation of the device used to conduct the test. The testimony of the operator is sufficient to establish this requirement.

5. The device used to conduct the test was in proper operating condition. Records of periodic maintenance that show that the device was in proper operating condition are admissible in any proceeding as prima facie evidence that the device was in proper operating condition at the

time of the test. Calibration checks with a standard alcohol concentration solution bracketing each person's duplicate breath test are one type of records of periodic maintenance that satisfies the requirements of this section. The records are public records.

B. Compliance with subsection A of this section is the only requirement for the admission in evidence of a breath test result.

C. The inability of any person to obtain manufacturer's schematics and software for a quantitative breath testing device that is approved as prescribed in subsection A of this section shall not affect the admissibility of the results of a breath test pursuant to this section.

D. Records that may be obtained or are otherwise maintained pursuant to section 28-1327 are admissible as evidence in any trial, action or proceeding.

5-395.03. Test for alcohol concentration or drug content; refusal; civil penalty

A. Any person who operates a motorized watercraft that is underway within this state gives consent, subject to section 4-244, paragraph 35, section 5-395 or section 5-396, 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 35 while the person was operating or in actual physical control of a motorized watercraft that was underway 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 the person to have been operating or in actual physical control of a motorized watercraft that is underway within this state while under the influence of intoxicating liquor or drugs, or if the person is under twenty-one years of age, with spirituous liquor in the person's body.

B. Following 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 to submit to or complete the test or tests, the violator shall be informed that the violator is subject to a civil penalty. The case shall proceed as provided in title 28, chapter 5, article 4.

C. A person who refuses any test or tests prescribed by subsection A of this section is subject to a civil penalty of seven hundred fifty dollars and:

1. An additional civil penalty of five hundred dollars to be deposited by the state treasurer in the prison construction and operations fund established by section 41-1651. The civil penalty authorized pursuant to this paragraph is not subject to any surcharge. If the civil penalty authorized pursuant to this paragraph is imposed by the superior court or a justice court, the court shall transmit the amount collected to the county treasurer. If the civil penalty authorized pursuant to this paragraph is imposed by a municipal court, the court shall transmit the amount collected to the city treasurer. The city or county treasurer shall transmit the monies received pursuant to this paragraph to the state treasurer.

2. If the person is convicted or adjudicated of any offense arising out of acts committed in violation of this chapter or section 4-244, paragraph 35 while the person was operating or in actual physical control of a motorized watercraft that was underway while under the influence of intoxicating liquor or drugs, an additional assessment of five hundred dollars to be deposited by the state treasurer in the law enforcement and boating safety fund established by section 5-383. The assessment imposed pursuant to this paragraph is not subject to any surcharge. If the conviction or adjudication occurred in the superior court or a justice court, the court shall transmit the assessed monies to the county treasurer. If the conviction or adjudication 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 pursuant to this paragraph to the state treasurer.

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 none shall be given, except as provided in section 5-395, subsection L or pursuant to a search warrant.

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.

5-396. Aggravated operating or actual physical control of motorized watercraft while under the influence of intoxicating liquor or drugs; classification

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 a violation of either:

(a) Section 5-395.

(b) 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 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 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 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 not less than four months in prison.

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) 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 (b) 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.

I. 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 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. 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 the state treasurer in the law enforcement and boating safety fund established by section 5-383. 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.

J. Aggravated operating or actual physical control of a motorized watercraft that is underway while under the influence of an intoxicating liquor or drugs committed under:

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.

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.

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 law enforcement and boating safety fund established by section 5-383. 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. 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 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.

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 law enforcement and boating safety fund established by section 5-383. 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.

G. Notwithstanding subsection F, 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 sixty 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.

H. In applying the eighty-four month provision of subsection F 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.

I. 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.

J. A person who is convicted of a violation of this section is guilty of a class 1 misdemeanor.

K. 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 ten liters of breath.

5-398. 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.

5-398.01. 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.

5-398.02. 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. The name and address of the party charged.

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.

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.

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 available 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.

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.

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.

TITLE 13. CRIMINAL CODE
CHAPTER 9. PROBATION AND RESTORATION OF CIVIL RIGHTS

13-907. Automatic restoration of civil rights for first offenders; exception; definition

TITLE 13. CRIMINAL CODE
CHAPTER 9. PROBATION AND RESTORATION OF CIVIL RIGHTS

13-907. Automatic restoration of civil rights for first offenders; firearm rights

A. On completion of probation for an offense committed in this state or absolute discharge from imprisonment, any person who has not previously been convicted of a felony offense shall automatically be restored any civil rights that were lost or suspended as a result of the conviction if the person pays all victim restitution imposed. A person who is entitled to the restoration of any civil rights pursuant to this subsection is not required to file an application pursuant to section 13-908, except that if the person does file an application, the court shall grant the application without receiving a response from the state or holding a hearing.

B. On completion of probation for an offense committed outside the jurisdiction of this state or absolute discharge from a prison in another state or the federal bureau of prisons, a person who has not previously been convicted of a felony offense is eligible for automatic restoration of any civil rights that were lost or suspended as a result of the conviction if the person pays all victim restitution imposed. A person who is entitled to the restoration of any civil rights pursuant to this subsection shall file an application pursuant to section 13-908, and the court shall grant the application without receiving a response from the state or holding a hearing.

C. This section does not apply to a person's right to possess a firearm as defined in section 13-3101 if the person was convicted of any of the following:

1. A dangerous offense under section 13-704 or an offense committed outside the jurisdiction of this state that would be a dangerous offense under section 13-704 if committed in this state.

2. A serious offense as defined in section 13-706 or an offense committed outside the jurisdiction of this state that would be a serious offense as defined in section 13-706 if committed in this state.

D. If the person is not entitled to the automatic restoration of firearm rights pursuant to this section, the court may order the restoration of the right to possess a firearm pursuant to section 13-910.

TITLE 13. CRIMINAL CODE
CHAPTER 15. CRIMINAL TRESPASS AND BURGLARY

13-1501. Definitions
13-1502. Criminal trespass in the third degree; classification

TITLE 13. CRIMINAL CODE
CHAPTER 15. CRIMINAL TRESPASS AND BURGLARY

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 device that accepts electronic or physical currency and that is used to conduct commercial transactions, 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.

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.

TITLE 13. CRIMINAL CODE
CHAPTER 16. CRIMINAL DAMAGE TO PROPERTY

13-1601. Definitions
13-1602. Criminal damage; classification
13-1603. Criminal littering or polluting; classification

TITLE 13. CRIMINAL CODE
CHAPTER 16. CRIMINAL DAMAGE TO PROPERTY

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 marring 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.

5. "Tamper" means any act of interference.

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.

13-1602. Criminal damage; classification

A. A person commits criminal damage by:

1. Recklessly defacing or damaging property of another person.

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

3. Recklessly damaging property of a utility.

4. Recklessly physically obstructing a passageway 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 $10,000 or more.

2. Criminal damage is a class 4 felony if the person recklessly damages the property of a utility in an amount of $5000 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 recklessly damages property of another in an amount of $2,000 or more but less than $10.000 or if the damage is inflicted to promote, further or assist any criminal street

gang or criminal syndicate with the intent to intimidate and the person is not subject to paragraph 1 or 2 of this subsection.

4. Criminal damage is a class 6 felony if the person recklessly damages property of another in an amount of $1,000 or more but less than $2,000.

5. Criminal damage is a class 1 misdemeanor if the person recklessly damages property of another in an amount of more than $250 but less than $1,000.

6. In all other cases criminal damage is a class 2 misdemeanor.

C. For a violation of subsection A, paragraph 5 of this section, in determining the amount of damage to property, damages include reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property.

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.

TITLE 13. CRIMINAL CODE
CHAPTER 29. OFFENSES AGAINST PUBLIC ORDER

13-2927. Unlawful feeding of wildlife; classification

TITLE 13. CRIMINAL CODE
CHAPTER 29. OFFENSES AGAINST PUBLIC ORDER

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.

TITLE 13. CRIMINAL CODE
CHAPTER 31. WEAPONS AND EXPLOSIVES

13-3107. Unlawful discharge of firearms; exceptions; classification; definitions
13-3108. Firearms regulated by state; state preemption; injunction; civil penalty; cause of action; violation; classification; definition

TITLE 13. CRIMINAL CODE
CHAPTER 31. WEAPONS AND EXPLOSIVES

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 without the consent of the owner or occupant of the structure. For the purposes of this paragraph:

(a) "Occupied structure" means any building in which, at the time of the firearm's discharge, a reasonable person from the location where a firearm is discharged would expect a person to be present.

(b) "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.

7. Using blanks.

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 association 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.

13-3108. Firearms regulated by state; state preemption; injunction; civil penalty; cause of action; 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 adopting an ordinance or rule restricting the discharge of a firearm within one-fourth mile of an occupied structure without the consent of the owner or occupant of the structure. For the purposes of this subsection:

1. "Occupied structure" means any building in which, at the time of the firearm's discharge, a reasonable person from the location where a firearm is discharged would expect a person to be present.

2. "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 or a certified hunter safety instructor or certified firearms safety instructor acting with the consent of the minor's 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 marksmanship 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 marksmanship 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 commercial land and structures, including a business relating to firearms or ammunition or their components or a commercial shooting range in the same manner as other commercial businesses. Notwithstanding any other law, this paragraph does not:

(a) 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 subdivision, 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.

(b) Authorize a political subdivision through a zoning ordinance to prohibit or otherwise regulate the otherwise lawful discharge of a firearm or maintenance or improvements directly related to the discharge on a private lot or parcel of land that is not open to the public on a commercial or membership basis.

(c) Authorize a political subdivision to regulate the otherwise lawful discharge of a firearm or maintenance or improvements directly related to the discharge on land that is used for agriculture or other noncommercial purposes.

4. Regulating employees or independent contractors of the political subdivision who are acting within the course and scope of their employment or contract. For the purposes of this paragraph, acting within the course and scope of their employment or contract does not include the lawful possession, carrying, transporting or storing of a firearm or other weapon:

(a) On real property that is owned by the employee or independent contractor.

(b) In or on a private vehicle or craft that is owned or operated by the employee or independent contractor unless the ordinance or rule violates another applicable federal or state law or regulation.

(c) Pursuant to section 12-781.

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. Any ordinance, regulation, tax or rule that is enacted by a political subdivision in violation of this section is invalid and subject to a permanent injunction against the political subdivision from enforcing the ordinance, regulation, tax or rule. It is not a defense that the political subdivision was acting in good faith or on the advice of counsel.

I. If a court determines that a political subdivision has knowingly and wilfully violated this section, the court may assess a civil penalty of up to fifty thousand dollars against the political subdivision.

J. If a court determines that a person has knowingly and wilfully violated this section while acting in the person's official capacity through enactment of any ordinance, regulation, tax, measure, directive, rule, enactment, order or policy, the person may be subject to termination from employment to the extent allowable under state law.

K. A person or an organization whose membership is adversely affected by any ordinance, regulation, tax, measure, directive, rule, enactment, order or policy that is in violation of this section may file a civil action for declaratory and injunctive relief and actual damages against the political subdivision in any court of this state having jurisdiction over any defendant in the action. If the plaintiff prevails in the action, the court shall award both:

1. Reasonable attorney fees and costs.

2. The actual damages incurred not to exceed one hundred thousand dollars.

L. 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.

M. 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.

TITLE 13. CRIMINAL CODE

CHAPTER 37. MISCELLANEOUS OFFENSES

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

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

CHAPTER 37. MISCELLANEOUS OFFENSES

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.

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.

TITLE 17. GAME AND FISH
CHAPTER 1. GENERAL PROVISIONS

Art. 1. Definitions and Authority of the State

17-101. Definitions
17-102. Wildlife as state property; exceptions
17-103. Duties of county attorneys
17-104. Duties of peace officers as special game rangers
17-105. Immunity of witnesses

TITLE 17. GAME AND FISH

CHAPTER 1. GENERAL PROVISIONS
ART. 1. DEFINITIONS AND AUTHORITY OF THE STATE

17-101. Definitions

A. In this title, unless the context otherwise requires:

1. "Angling" means taking fish by one line and not more than two hooks, by one line and one artificial lure, which may have attached more than one hook, or by one line and not more than two artificial flies or lures.

2. "Bag limit" means the maximum limit, in number or amount, of wildlife that any one person may lawfully take during a specified period of time.

3. "Closed season" means the time during which wildlife may not be lawfully taken.

4. "Commission" means the Arizona game and fish commission.

5. "Department" means the Arizona game and fish department.

6. "Device" means any net, trap, snare, salt lick, scaffold, deadfall, pit, explosive, poison or stupefying substance, crossbow, firearm, bow and arrow, or other 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 meets 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 any one person may possess at one time.

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.

(c) A youth who resides with and is under the guardianship of a person who is a resident.

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 placing or using any net or other device or trap in a manner that may result in capturing or killing wildlife.

21. "Taxidermist" means any person who engages for hire in mounting, refurbishing, maintaining, restoring or preserving 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" means fish, amphibians, mollusks, crustaceans and soft-shelled turtles.

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

3. "Fur-bearing animals" means muskrats, raccoons, otters, weasels, bobcats, beavers, badgers and ringtail cats.

4. "Game fish" means trout of all species, bass of all species, catfish of all species, sunfish of all species, northern pike, walleye and yellow perch.

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

6. "Migratory game birds" means wild waterfowl, including ducks, geese and swans, sandhill cranes, all coots, all gallinules, common snipe, wild doves and bandtail pigeons.

7. "Nongame animals" means all wildlife except game mammals, game birds, fur-bearing animals, predatory animals and aquatic wildlife.

8. "Nongame birds" means all birds except upland game birds and migratory game birds.

9. "Nongame fish" means all the species of fish except game fish.

10. "Predatory animals" means foxes, skunks, coyotes and bobcats.

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

12. "Small game" means cottontail rabbits, tree squirrels, upland game birds and migratory game birds.

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

14. "Upland game birds" means quail, partridge, grouse and pheasants.

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.

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.

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.

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.

TITLE 17. GAME AND FISH

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TITLE 17. GAME AND FISH

CHAPTER 2. GAME AND FISH DEPARTMENT AND GAME AND FISH COMMISSION
ART. 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.

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 sportsman'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.

ART. 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 37-1302, subsection B.

E. Game rangers and wildlife managers may, in addition to other duties:

1. Execute all warrants issued for a violation of this title.

2. Execute subpoenas issued in any matter arising under this title.

3. Search without warrant any aircraft, boat, vehicle, box, game bag or other package where there is sufficient cause to believe that wildlife or parts of wildlife are possessed in violation of law.

4. Inspect all wildlife taken or transported 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.

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.

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.

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 department 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 rangers 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.

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.

ART. 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

D. 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.

E. 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 department. The money derived from the sale of any devices shall be deposited in the game and fish fund.

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.

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.

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.

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.

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.

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.

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.

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 purchase agreement that it is issued in accordance with the constitution and laws of this state.

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.

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 carcasses 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.

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.

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.

17-253. Mexican gray wolf; memorandum of understanding; reporting

A. The commission shall attempt to enter into a memorandum of understanding with the United States fish and wildlife service regarding the endangered species act and the release, translocation and cross-fostering of Mexican gray wolves prior to any release, translocation or cross-fostering in this state. The memorandum of understanding shall specify that a Mexican gray wolf release, translocation or cross-fostering may not occur:

1. Within three miles of state trust land or private property.

2. Without a full DNA profile on each Mexican gray wolf that is released, translocated or cross-fostered.

B. The department shall report to the commission at every commission meeting the following information:

1. Any known death of a Mexican gray wolf in this state and, if known, the reason for the death.

2. The number of Mexican gray wolves that are supplemented with feed in this state and the cost of the supplementation.

3. The number of Mexican gray wolves that are captured in this state by the department or a federal agency partnering with the department, the reason for the capture and the full DNA profile on each Mexican gray wolf captured.

4. The location of all collared Mexican gray wolves in this state.

5. All human and domestic animal incidents in this state that involve a Mexican gray wolf.

ART. 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.

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.

D. 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.

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.

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.

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.

ART. 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 section 28-1177, 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 in administering the off-highway vehicle user indicia program pursuant to title 28, chapter 3, article 20, 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.

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.

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 divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the game and fish fund.

17-263. Membership dues

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

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.

17-265. Game and fish in-lieu fee program restoration endowment trust fund; exemption; definition

A. The game and fish in-lieu fee program restoration endowment trust fund is established to be used to fulfill the department's obligations as an in-lieu fee sponsor pursuant to sections 401 and 404 of the clean water act. The commission shall administer the trust fund as trustee.

B. The trust fund is a permanent endowment fund that consists of monies deposited from proceeds received by the department as an in-lieu fee sponsor pursuant to sections 401 and 404 of the clean water act, and interest and investment income earned on those monies, including:

1. Compensatory mitigation monies received from in-lieu fee permittees through the purchase of in-lieu fee mitigation credits.
2. Monies received from the United States army corps of engineers for other approved in-lieu fee programs.
3. Monies received from the United States army corps of engineers as a resolution of unauthorized activities under a completed federal enforcement action that does not involve department personnel pursuant to sections 401 and 404 of the clean water act.

C. Monies in the trust fund are continuously appropriated. Monies in the trust fund do not revert to the state general fund and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

D. The state treasurer shall accept, separately account for and hold in trust any trust fund monies deposited pursuant to this section in the state treasury, which are considered to be trust monies as defined in section 35-310 and which may not be commingled with any other monies in the state treasury except for investment purposes. On notice from the commission, the state treasurer shall invest and divest, as provided by section 35-313, 35-314 or 35-314.03, any trust fund monies deposited in the state treasury, and monies earned from interest and investment income shall be credited to the trust fund.

E. The beneficiaries of the trust are the in-lieu fee projects sponsored by the department pursuant to sections 401 and 404 of the clean water act.

F. Monies in the trust fund shall be spent by the commission solely for the following:

1. The purposes authorized under any enabling instrument between the commission, the United States army corps of engineers and the United States environmental protection agency.
2. Site selection, design, implementation, monitoring, management and administrative costs related to the department's responsibilities as an in-lieu fee sponsor pursuant to sections 401 and 404 of the clean water act.

G. For the purposes of this section, "clean water act" has the same meaning prescribed in section 49-201.

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.

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.

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.

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.

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.

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.

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 commission-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. Noise abatement.
3. Safety enhancement.
4. Shooting range design.
5. New shooting range sites and construction.
6. Shooting range relocation.
7. Shooting sports programs.
8. Inventory for sale at ranges.
9. 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.

17-274. Arizona game and fish department fleet vehicle replacement fund

A. The Arizona game and fish department fleet vehicle replacement fund is established consisting of revenues received from the fees charged to the department for having vehicles in the state motor vehicle fleet.

B. The purpose of the fund is to acquire and replace department vehicles and equipment. The department shall administer the fund. Monies in the fund are continuously appropriated.

17-275. Arizona game and fish department fleet operations fund

A. The Arizona game and fish department fleet operations fund is established consisting of revenues received from the fees charged to the department for having vehicles in the state motor vehicle fleet.

B. The purpose of the fund is to maintain and operate the state motor vehicle fleet. The department shall administer the fund. Monies in the fund are continuously appropriated.

ART. 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.

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.

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.

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.

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.

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.

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.

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, priority 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.

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.

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.

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.

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.

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.

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.

ARTICLE 6. ARIZONA GAME AND FISH 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 evaluation" means the assessment of the status, condition and ecological value of habitat and subsequent recommendations of management, conservation or other protection measures, or mitigation measures, including but not limited to, recommendation of reasonable alternatives for the proposed projects that might otherwise affect the habitat under assessment.

9. "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.

17-297. Arizona game and fish commission heritage fund

A. The Arizona game and fish commission heritage fund is established consisting of monies deposited from the state lottery fund pursuant to section 5-572 and interest earned on those monies.

B. The fund shall be administered by the Arizona game and fish commission and is not subject to appropriation and expenditures from the fund are not subject to outside approval notwithstanding any provision of section 17-241 or 17-261 or any other statutory provision to the contrary. Monies received pursuant to section 5-572 shall be deposited directly with the Arizona game and fish commission heritage 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.

C. All monies in the Arizona game and fish commission heritage fund shall be spent by the Arizona game and fish commission only for the purposes and in the percentages set forth in this article. In no event shall any monies in the fund revert to the state general fund and monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

D. The commission shall not use its rights of eminent domain to acquire property to be paid for with money from the Arizona game and fish commission heritage fund.

17-298. Expenditures from fund; purpose and amounts; annual report

A. Monies received pursuant to section 5-572 shall be spent as follows:

1. Five percent on public access, including maintenance and operation expenses.

2. Sixty percent on the identification, inventory, acquisition, protection and management, including maintenance and operations, of property with sensitive habitat. At least twenty percent of the monies available under this paragraph shall be spent to acquire property with sensitive habitat used by endangered, threatened and candidate species. Not more than twenty percent of the monies available under this paragraph may be spent on the operation and maintenance of the acquired property, including the acquired property's infrastructure. The commission may dispose of any lands acquired for use as habitat by an endangered, threatened or candidate species under this paragraph when the species no longer qualifies as an endangered, threatened or candidate species. The Arizona game and fish commission shall dispose of the land in a manner consistent with the preservation of the species of concern. The disposal may include conservation easements and fee simple transfers with associated instruments of protection. The commission shall follow the guidelines established pursuant to section 37-803 relating to the disposition of real property by a state agency. In addition, disposal shall include a written agreement between the commission and the purchaser requiring the purchaser to incorporate management actions to ensure proper maintenance of the species of concern. 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 percent on habitat evaluation or habitat protection.

4. Fifteen percent on urban wildlife and urban wildlife habitat programs.

5. Five percent 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, 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, and shall provide a copy of this report to the secretary of state. 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, operation and maintenance.

(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.

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.

ART. 7. ARIZONA WILDLIFE CONSERVATION FUND

17-299. Arizona wildlife conservation fund (Caution: 1998 Prop. 105 applies**)**

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.

TITLE 17. GAME AND FISH

CHAPTER 3. TAKING OF WILDLIFE

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Art. 4. Transportation and Storage

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TITLE 17. GAME AND FISH

CHAPTER 3. TAKING OF WILDLIFE
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.

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.

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.

17-302.01. Taking of wolves for protection of life or property

Notwithstanding any other law, the commission may not prohibit any person from taking a wolf that is actively threatening or attacking a person, livestock or other domestic animal.

17-303. Taking or driving wildlife from closed areas or while trespassing

It is unlawful for any person"

1. Except by Commission Order, to enter on a game refuge or other area that is closed to hunting, trapping or fishing and take, drive or attempt to drive wildlife from such an area.

2. Without authorization from the landowner or lessee of private land, to take wildlife if section 17-304, subsection D, paragraph 1 or 2 applies.

17-304. Prohibition by landowner on hunting; posting; exception

A. Landowners or lessees of private land who desire to prohibit hunting, fishing, trapping, or guiding on their lands

without their permission shall post such lands closed to hunting, fishing, trapping, or guiding 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 at least 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 trespassing," "no hunting," "no trapping," "no fishing," or "no guiding" either as a single phrase or in any combination.

3. Be conspicuously placed on a structure or post 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 is not 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 a law enforcement officer acting at the request of the owner, the owner or any other person having lawful control over the property or the person knowingly disregards reasonable notice prohibiting entry to any real property.

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.

17-306. Importation, transportation, release or possession of live wildlife; violations; classification

A. No person shall import or transport into this state or sell, trade or release within this state or have in the person's possession any live wildlife except as authorized by the commission or as defined in title 3, chapter 16.

B. It is unlawful for a person to knowingly and without lawful authority under state or federal law import and transport into this state and release within this state a species of wildlife that is listed as a threatened, endangered or candidate species under 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 violates subsection B of this section is guilty of a class 6 felony.

D. A person who violates subsection B of this section with the intent to disrupt or interfere with the development or use of public natural resources to establish the presence of the species in an area not currently known to be occupied by that species is guilty of a class 4 felony.

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.

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.

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, release, 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.

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 for such appearance, the offense charged, and the location or approximate location where the violation was committed. The notice shall be signed by the person notified to appear, and he shall be given a copy thereof and thereupon may be released from custody. Failure of such person to appear at the time and place specified shall be cause for issuance of a warrant for his arrest for failure to appear.

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.

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.

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.

17-314. Illegally taking, wounding, killing or possessing wildlife; civil penalty; enforcement

A. The commission may impose a civil penalty against any person for unlawfully taking, wounding, killing or possessing any of the following wildlife, or part thereof, to recover the following minimum sums:

1. For each turkey or javelina $ 500.00

2. For each bear, mountain lion, pronghorn (antelope) or deer $1,500.00

3. For each elk or eagle, other than 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 bighorn sheep, bison (buffalo) or endangered species animal $8,000.00

B. The commission may bring a civil action in the name of this state to enforce the civil penalty. The civil penalty, or a verdict or judgment to enforce the civil penalty, shall not be less than the sum fixed in this section. The minimum sum that the commission may recover from a person pursuant to this section may be doubled for a second violation, verdict or judgment and tripled for a third violation, verdict or

judgment. The action to enforce the civil penalty may be joined with an action for possession and recovery had for the possession as well as the civil penalty.

C. The pendency or determination of an action to enforce the civil penalty or for payment of the civil penalty or 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 deposited in the wildlife theft prevention fund established by section 17-315.

17-315. Wildlife theft prevention fund; authorized expenditures

A. The wildlife theft prevention fund is established consisting of:

1. Monies received from civil penalties 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 taking, possession or use of wildlife.

5. Investigations of fraud related to licenses, permits, tags or stamps.

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.

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.

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.

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 before the wildlife are released in this state.

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.

17-319. Big game animals; carcasses; possession and transportation; salvage permit; requirements; violation; classification

A. Notwithstanding any other provision of this title, the carcass of a big game animal may be possessed and transported if a peace officer or authorized employee of the department issues a big game salvage permit. A big game salvage permit is not transferable and may only be issued as follows:
   1. If the big game animal has been killed as a result of an accidental collision with a motor vehicle, to the driver of the motor vehicle or to an individual wishing to possess the carcass.
   2. If the big game animal is euthanized by a peace officer or authorized employee of the department as a result of injuries sustained by an accidental collision with a motor vehicle, to the driver of the motor vehicle or to an individual wishing to possess the carcass.
   3. If the big game animal died as a result of natural causes, to the individual who reports the big game carcass.
   4. If the big game animal subsequently dies or is euthanized by a peace officer or authorized employee of the department as a result of an injury sustained from natural causes, to the individual who reports the injured big game animal.

B. The department shall provide big game salvage permit forms to peace officers on request. The salvage permit form shall require the following information:
   1. The name and address of the individual receiving the salvage permit.
   2. A description of the big game animal that was killed or euthanized.
   3. The date on which the salvage permit is issued.
   4. The specific location of the big game animal.
   5. A description of the motor vehicle, if applicable.
   6. The destination where the carcass will be transported.
   7. The name of the peace officer or the authorized employee of the department who issued the salvage permit.

C. The peace officer or the authorized employee of the department shall:
   1. Complete all of the information required on the salvage permit.
   2. Give the original of the salvage permit to the driver of the motor vehicle or the individual wishing to possess the carcass.
   3. Provide a copy of the salvage permit to the department within forty-eight hours after issuing the permit.

D. A peace officer or authorized employee of the department may inspect the carcass before issuing the big game salvage permit.

E. A person who possesses the carcass of a big game animal pursuant to this section may make a gift of the carcass or parts to another individual.

F. A big game salvage permit issued under this section does not represent or imply that any part of the carcass is edible. The peace officer or the authorized employee of the department issuing the salvage permit, the agency employing the peace officer and the department are not liable with respect to any use made of the carcass.

G. A big game salvage permit may not be issued for a big game animal that the peace officer or authorized employee of the department suspects is diseased or spoiled.

H. A person who possesses the 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.

17-320. Jaguar; protection; violations; classification; civil liability; exceptions

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.

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 the 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 that is 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.

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.

17-332. Form and content of license; duplicate licenses; transfer of license prohibited; exceptions; refunds; period of validity; definitions

A. Licenses and license materials shall be prepared by the department and may be furnished and charged to dealers that are authorized to issue licenses. Each license shall be issued in the name of the department and signed in a manner provided by rule adopted by the commission. 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 the manner prescribed by the commission. The commission may limit the number or use of licenses that are issued to nonresidents or permits that are issued to nonresidents and that are not issued in a random drawing. The commission shall limit the number of big game permits issued to nonresidents in a random drawing to ten percent or fewer of the total hunt permits, but in extraordinary circumstances, at a public 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 commission unanimously:

1. Support the finding of a specifically described extraordinary circumstance.

2. Adopt the increased number of nonresident permits 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 commission, 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 a license or tag furnishes the information deemed necessary by the commission.

D. A license or permit is not transferable and may not be used by anyone except the person to whom the license or permit was issued, except that:

1. The commission may prescribe the manner and conditions of transferring and using permits and tags under this paragraph, including an application process for a qualified organization, to allow a person to transfer the person's big game permit or tag to a qualified organization for use by:

(a) A minor child who has a life-threatening medical condition or a permanent physical disability.

(b) A minor child whose parent was killed in action while serving in the armed forces of the United States.

(c) A minor child whose parent was killed in the course and scope of employment as a peace officer.

(d) A minor child whose parent was killed in the course and scope of employment as a professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department.

(e) A veteran of the armed forces of the United States who has a service-connected disability.

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, grandparent'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 transfer the permit or tag to the minor child in a manner prescribed by the commission.

(b) The minor child must possess a valid hunting license.

(c) Any big game that is taken counts toward the minor child's bag limit.

E. A minor child who uses a big game permit or tag pursuant to subsection D of this section and is under fourteen years of age must satisfactorily complete the Arizona hunter education course or another comparable hunter education course that is approved by the director.

F. Refunds may not be made for the purchase of a license or permit, except that the commission may prescribe a manner of refunding the cost of a big game permit or tag to the following individuals:

1. An active duty member of the armed forces of the United States who is ordered to leave this state during the time period in which the big game permit or tag is valid for the taking of wildlife.

2. A peace officer who is assigned to special duty during the time period in which the big game permit or tag is valid for the taking of wildlife.

3. A professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department and who is assigned to special duty during the time period in which the big game permit or tag is valid for the taking of wildlife.

G. Licenses are valid for a license year as prescribed in rule by the commission. Lifetime licenses and benefactor licenses are valid for the lifetime of the licensee.

H. For the purposes of this section:

1. "Disability" means a permanent physical impairment that substantially limits one or more major life activities and that requires the assistance of another person or a mechanical device for physical mobility.

2. "Qualified organization" means a nonprofit organization that is qualified under section 501(c)(3) of the United States internal revenue code and that affords opportunities and experiences to minor children with life threatening medical conditions or with physical disabilities, minor children whose parents were killed in action while serving in the armed forces of the United States or in the course and scope of employment as peace officers or professional firefighters or to veterans with disabilities.

17-333. License classifications; fees; reduced fee and complimentary licenses; annual report; review

A. The commission shall prescribe 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. The commission may reduce the fees for licenses and issue complimentary licenses, including the following:

1. A complimentary license to a pioneer who is at least seventy years of age and who has been a resident of this state for twenty-five or more consecutive years immediately before applying for the license. The pioneer license is valid for the licensee's lifetime, and the commission may not require renewal of the license.

2. A complimentary license to a veteran of the armed forces of the United States who has been a resident of this state for one year or more immediately before applying for the license and who receives compensation from the United States government for a permanent service-connected disability rated as one hundred percent disabling.

3. A license for a reduced fee of up to twenty-five percent less than the full license fee to a veteran of the United States armed forces who has been a resident of this state for one year or more immediately before applying for the license and who receives compensation from the United States government for a service-connected disability.

4. A license for a reduced fee that is one-half of the full license fee to a person who has been a resident of this state for one year or more immediately before applying for the license and who submits satisfactory proof to the department that the person is a veteran and a bona fide purple heart medal recipient.

5. A youth license for a reduced fee to a resident of this state who is either:

(a) A member of the boy scouts of America and who has attained the rank of eagle scout.

(b) A member of the girl scouts of the USA and who has received the gold award.

D. 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.

E. On or before December 31 of each year, the commission shall submit an annual report to the president of the senate, the speaker of the house of representatives, the chairperson of the senate natural resources, energy and water committee and the chairperson of the house of representatives energy, environment and natural resources committee, or their successor committees, that includes information relating to license classifications, fees for licenses, permits, tags and stamps and any other fees that the commission prescribes by rule. The joint legislative audit committee may assign a committee of reference to hold a public hearing and review the annual report submitted by the commission.

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 on responsible trapping conducted in cooperation with the Arizona game and fish department is exempt from subsection A of this section.

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.

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.

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.

17-337. Hunting and fishing licenses; armed forces members and spouses

A member or the spouse of a member of the armed forces of the United States who is on active duty and stationed in this state for either permanent or temporary duty may purchase a resident license permitting the taking of wildlife.

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.

17-338. Remission of fees from sale of licenses and permits; violation; classification

A. License dealers shall transmit to the department all license and permit fees collected and furnish such information as the commission prescribes by rule. The failure to transmit these fees within thirty days after the deadline the commission prescribes by rule is 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. A license dealer may collect and retain a reasonable fee as determined by the license dealer in addition to the fee charged to issue the license or permit.

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.

17-340. Revocation, suspension and denial of privilege of taking wildlife; civil penalty; 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 a license issued to any person under this title and deny the person the right to secure another license 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 that 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, 17-316 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.

9. A violation of title 13 involving the taking or possession of wildlife.

B. An active license revocation for an agreement to defer prosecution terminates after the licensee provides proof to the commission that:

1. The licensee satisfactorily completed the terms and obligations of a deferred prosecution program.

2. The criminal charges filed against the licensee are dismissed..

3.The licensee completed all required training courses.

4. The licensee paid in full all civil penalties imposed pursuant to section 17-314.

C. 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 the person's privilege to take wildlife for a period of up to five years.

2. Notwithstanding subsection B of this section, for a second conviction, on entering a second agreement to defer prosecution, for a second adjudication as a delinquent juvenile or any combination of convictions, deferred prosecution agreements or adjudications that constitute a second final disposition, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny the person's privilege to take wildlife for a period of up to ten years.

3. Notwithstanding subsection B of this section, for a third conviction, on entering a third agreement to defer prosecution, for a third adjudication as a delinquent juvenile or any combination of convictions, deferred prosecution agreements or adjudications that constitute a third final disposition, for unlawfully taking or wounding wildlife at any time or place, the commission, after a public hearing, may revoke, suspend or deny the person's privilege to take wildlife permanently.

D. In accordance with title 41, chapter 6, article 10 and notwithstanding subsection A of this section, a person against whom the commission imposes a civil penalty under section 17-314 for the unlawful taking, wounding, killing or possession of wildlife may be denied the right to obtain a license to take wildlife until the person has made full payment of the civil penalty.

E. On receiving a report from the licensing authority of a state that 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.

F. 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.

G. 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.

H. 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.

I. 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.

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.

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.

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.

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.

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 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.

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.

ART. 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.

17-362. Guide license; violations; annual report

A. A person shall not act as a guide without first satisfying the director of the person's qualifications and without having procured a guide license. A person who is under eighteen years of age shall not 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. A guide license shall not 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.

17-363. Practice of taxidermy; registration required; rules; register; revocation; suspension; civil penalty

A. A person shall not engage in the business of a taxidermist for hire until that person registers with the department. The department shall adopt rules to allow a person to register pursuant to this section.

B. A taxidermist shall:

1. Keep a register of the names and addresses of persons who furnish raw and unmounted specimens, the taker's tag or license number and the date and number of each species of wildlife received.

2. Exhibit the register on request of an authorized representative of the department.

3. Maintain the register for five years after the date the wildlife was received.

4. File a copy of the register in English with the department on or before January 31 of each year.

C. After a public hearing, the commission may revoke or suspend the registration of a person who violates this section and deny the person the right to register with the department as a taxidermist for hire under subsection A of this section for a period not to exceed one year.

D. A person who violates this section is subject to a civil penalty of one hundred fifty dollars.

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.

ART. 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 commission. 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.

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.

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.

TITLE 17. GAME AND FISH
CHAPTER 4. CONSERVATION PROJECTS AND FEDERAL COOPERATION

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TITLE 17. GAME AND FISH

CHAPTER 4. CONSERVATION PROJECTS AND FEDERAL COOPERATION

ART. 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 improvement 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.

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.

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.

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.

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.

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.

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.

ART. 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.

ART. 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.

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.

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.

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.

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.

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.

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.

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.

ART. 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 divest 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.

ART. 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.

ART. 6. LIVESTOCK LOSS BOARD

17-491. Livestock loss board; members; terms; compensation; annual report

A. The livestock loss board is established to address the depredation of wolves on livestock operations. The livestock loss board consists of the following members:

1. The director of the Arizona department of agriculture or the director's designee.

2. The director of the Arizona game and fish department or the director's designee.

3. Three members who represent the livestock industry, who have knowledge and experience with wildlife impacts and management and who are appointed by the governor pursuant to section 38-211.

4. Two members who represent wildlife conservation or wildlife management, who have knowledge and experience with livestock production or management and who are appointed by the governor pursuant to section 38-211.

5. One member who is a livestock auction market owner and who is appointed by the speaker of the house of representatives.

6. One member who is a faculty member at a university under the jurisdiction of the Arizona board of regents, who has expertise in agricultural and life sciences and who is appointed by the president of the senate.

B. The initial members of the livestock loss board who are appointed pursuant to subsection A, paragraphs 3, 4, 5 and 6 of this section shall assign themselves by lot to terms of two and four years in office. All subsequent members serve four-year terms of office. The chairperson shall notify the governor's office, the president of the senate and the speaker of the house of representatives of these appointments.

C. A majority of the members constitute a quorum.

D. The livestock loss board shall annually elect a chairperson from its members.

E. Members of the livestock loss board are not eligible to receive compensation but are eligible for reimbursement of expenses pursuant to title 38, chapter 4, article 2.

F. The livestock loss board shall submit to the governor, the president of the senate and the speaker of the house of representatives on or before December 31 of each year a report of the number of applications for compensation, the total amount of monies provided to landowners, lessees and livestock operators that year and any recommendations. The livestock loss board shall provide a copy of this report to the secretary of state.

17-492. Powers and duties

A. The livestock loss board shall:

1. Establish and implement procedures to compensate

landowners, lessees or livestock operators for wolf depredation on livestock.

2. Establish requirements for landowners, lessees and livestock operators to report and demonstrate wolf depredation on livestock.

3. Establish eligibility and application requirements to receive compensation for wolf depredation on livestock.

4. Determine the compensation rate for each livestock animal depredated by wolves.

5. Research and develop measures to prevent wolf depredation on livestock.

6. Establish procedures for landowners, lessees or livestock operators to appeal decisions of the livestock loss board.

B. The livestock loss board may:

1. Compensate landowners, lessees or livestock operators for wolf depredation on livestock.

2. Implement a pay-for-presence program that provides compensation for the landowners, lessees and livestock operators who allow wolves to be present on private property owned or leased by the landowner, lessee or livestock operator and accept potential wolf depredation on livestock. A pay-for-presence program may not provide compensation for the presence of wolves on public lands.

3. Coordinate with the department in an investigation of wolf depredation on livestock and any corrective measures taken pursuant to section 17-239.

4. Coordinate with state and federal wildlife agencies to verify wolf depredation on livestock.

5. Collaborate with federal farm services agencies in this state to promote livestock compensation programs.

6. Adopt rules pursuant to title 41, chapter 6 as necessary to administer and enforce this section.

17-493. Livestock compensation fund; exemption

A. The livestock compensation fund is established consisting of federal monies, legislative appropriations from the state general fund, public and private grants and private donations received for the purpose of compensating landowners, lessees and livestock operators for wolf depredation on livestock. Monies in the livestock compensation fund may also be used to compensate landowners, lessees and livestock operators for participation in a pay-for-presence program implemented by the livestock loss board pursuant to section 17-492.

B. The livestock loss board shall administer the livestock compensation fund. Monies in the fund are continuously appropriated. The livestock loss board may accept and spend federal monies, public and private grants, gifts, contributions and devises to assist in carrying out the purposes of this article. These monies do not revert to the state general fund at the end of a fiscal year. Monies in the fund shall be used to supplement, not supplant, monies otherwise appropriated to the department.

C. Monies in the livestock compensation fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations.

ART. 7. ENDANGERED SPECIES CONSERVATION AND COORDINATION

17-495. Definitions

In this article, unless the context otherwise requires:

1. "Confidential information" means any data collected about a landowner, species or property location from a private landowner or property owner by a state agency or municipal agency or an entity acting on the agency's behalf.

2. "Conservation plan" means a species conservation plan that promotes compliance with federal law protecting endangered species, species proposed for listing and candidate species in a manner consistent with this state's economic development and fiscal stability, including candidate conservation agreements, candidate conservation agreements with assurances and habitat conservation plans.

3. "Endangered species" means any species that is in danger of extinction throughout all or a significant portion of its range and is listed as endangered pursuant to the endangered species act.

4. "Endangered Species Act" means the endangered species act of 1973 (P.L. 93-205; 87 Stat. 884; 16 United States Code sections 1531 through 1544).

5. "Property owner" means a person with a fee simple, leasehold or other property interest, including owners of water or other natural resources, or any other entity that may have a property interest, sufficient to carry out species research or management activities, subject to applicable state law, on nonfederal land.

6. "Research" means scientifically valid data that is collected on a species that is already protected under the endangered species act or potentially subject to federal protection under the endangered species act.

7. "Species" includes any species or subspecies of fish, wildlife or plants and any distinct population segment of any species of vertebrate fish or wildlife that interbreeds when mature.

8. "State agency" means any state agency, authority or body that is established and authorized by the legislature.

17-495.01. Property owner confidentiality; disclosure; consent; civil penalty

A. Information collected in the furtherance of the roles, responsibilities and duties of a state agency or an entity acting on the state agency's behalf, from a private landowner, property owner or other participant or potential participant in an endangered species survey or other species research or conservation plan is confidential information and may not be disclosed to any person, including state or federal agencies, if the information relates to the specific location, species identification or quantity of any animal or plant life for which an endangered species survey or other species research or a conservation plan, or both, is under consideration, development or implementation. The state agency shall disclose such information only to the person that provided the information unless the person consents in writing to full or specified partial disclosure of such information.

B. Confidential information about species shall be collected only through a standardized form in which property owners provide express written consent to have their property surveyed or enrolled or potentially subject to enrollment in a conservation plan.

C. A person who violates the property owner confidentiality requirements in this section is subject to a civil penalty of $25,000 for each violation of this section.

TITLE 17. GAME AND FISH
CHAPTER 5. WILDLIFE VIOLATOR COMPACT

Art. 1. Adoption

17-501. Short title
17-502. Adoption and text of compact
17-503. Administration; expenses

TITLE 17. GAME AND FISH
CHAPTER 5. WILDLIFE VIOLATOR COMPACT
ART. 1. ADOPTION

17-501. Short title

This chapter shall be known and may be cited as "the wildlife violator compact".

17-502. Adoption and text of compact

The wildlife violator compact is adopted and enacted into law as follows:

Article 1

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.

(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 to:

(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 Commonwealth 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 defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance or administrative 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 enacted for the management of wildlife resources and the uses thereof.

(q) "Wildlife officer" means any individual authorized 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 noncompliance pursuant to paragraph (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority of the home state of the violator the information in form and content as prescribed in the compact manual.

Article IV

Procedure for home state

(a) Upon receipt of a report from the licensing authority 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 accordance 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 suspension 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 suspension 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 circumstance 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 established. The board shall be composed of one representative from each of the participating states to be known as the compact administrator. The compact administrator 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;

(3) 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.

(c) 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".

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.

TITLE 17. GAME AND FISH
CHAPTER 6. SHOOTING RANGES

Art. 1. Outdoor Shooting Range Noise Standards

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

Art. 2. Disclosure of Proximity to Shooting Range

17-621. Recording proximity to shooting range; definition

TITLE 17. GAME AND FISH
CHAPTER 6. SHOOTING RANGES
ART. 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, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Outdoor shooting range does not include:

1. Any area for the exclusive use of archery or air guns.

2. 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.

3. Any area that is used for shooting on a private lot or parcel of land that is not open to the public on a commercial or membership basis.

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.

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.

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.

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.

ART. 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.

TITLE 28. TRANSPORTATION
CHAPTER 3. TRAFFIC AND VEHICLE REGULATION

Art. 15. Miscellaneous Rules

28-892. Riding on motorcycle or all-terrain vehicle

Art. 16. Equipment

28-921. Applicability of equipment requirements
28-925. Tail lamps
28-926. New motor vehicles; reflectors
28-927. Stop lamps; peace officers; warnings
28-928. Applicability of lighting laws

Art. 20. Off-highway Vehicles

28-1171. Definitions
28-1172. Applicability; private and Indian lands
28-1173. Enforcement
28-1174. Operation restrictions; violation; classification
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28-1176. Off-highway vehicle recreation fund; annual reports; definition
28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception
28-1178. Operation of off-highway vehicles; exceptions
28-1179. Off-highway vehicle equipment requirements; rule making; exception
28-1180. Race or organized event; authorization required
28-1181. Civil traffic violation

TITLE 28. TRANSPORTATION
CHAPTER 3. TRAFFIC AND VEHICLE REGULATION
ART. 15. MISCELLANEOUS RULES

28-892. Riding on motorcycle or all-terrain vehicle

A. A person operating a motorcycle or all-terrain vehicle shall ride only on the permanent and regular seat attached to the motorcycle or all-terrain vehicle.

B. The operator of a motorcycle shall not carry any other person and any other person shall not ride on a motorcycle unless the motorcycle is designed to carry more than one person. On a motorcycle 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 at the rear or side of the operator.

C. The operator of an all-terrain vehicle shall not carry any other person and any other person shall not ride on an all-terrain vehicle unless the all-terrain vehicle is equipped to carry more than one person. On an all-terrain vehicle that is equipped to carry more than one person, a passenger may ride on the permanent and regular seat if it is equipped for two persons or on another seat firmly attached to the all-terrain vehicle at the rear or side of the operator.

ART. 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.

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, each 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.

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.

28-927. Stop lamps; peace officers; warnings

A. A person shall not sell a new motor vehicle, including a motorcycle or motor driven cycle, in this state unless it is equipped with a stop lamp and every stop lamp on the vehicle meets the requirements of section 28-939.

B. A person may not drive a vehicle on the highways unless it is equipped with a stop lamp and every stop lamp on the vehicle meets the requirements of section 28-939.

C. The first violation of subsection B of this section is not a civil traffic violation and may not result in a citation. A peace officer may issue a verbal or written warning or notice to repair to a person for the first violation of subsection B of this section.

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 equipment 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.

ART. 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 that is operated primarily off of highways and that is designed, modified or purpose-built primarily for recreational nonhighway all-terrain travel.
   (b) Includes a tracked or wheeled vehicle, recreational or utility side-by-side vehicle, all-terrain vehicle, motorcycle, dirt bike, dune buggy, sand rail, 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. For the purposes of this subsection, “dirt bike” means a lightweight motorcycle that is designed for use on rough terrain, including unsurfaced roads or tracks.
   (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 or used in the exploration or mining of minerals or aggregates as defined in title 27.
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.

28-1172. Applicability; private and Indian lands

This article applies to all lands in this state except private land and Indian land.

28-1173. Enforcement

All peace officers of this state and counties or municipalities of this state and other duly authorized state employees may enforce this article.

28-1174. Operation restrictions; violation; classification

A. A person shall not operate or allow a minor who is under twelve years of age to operate 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 or 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.

B. A person shall operate or allow a minor who is under twelve years of age to operate 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.

C. A person shall not operate or allow a minor who is under twelve years of age to 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.

D. 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.

E. Except as provided in subsection (I) of this section, a person who violates subsection A, paragraph 1 is guilty of a class 2 misdemeanor.

F. Except as provided in subsection (I) of this section, a person who violates any other provision of this section is guilty of a class 3 misdemeanor.

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 of this section 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.

I. If a minor who is under twelve years of age violates this section, a citation shall be issued to the parent or legal guardian of the minor and not to the minor. If a minor who is at least twelve years of age and under sixteen years of age violates this section, a citation shall be issued to the minor or to the parent or legal guardian of the minor but not to both.

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 conservation council may collect a fee from the participant that is reasonable and commensurate for the training and that is determined by the director of the Arizona game and fish department by rule.

28-1176. Off-highway vehicle recreation fund; annual reports; definition

A. An off-highway vehicle recreation fund is established. The fund consists of:

1. Monies appropriated by the legislature.

2. Monies deposited pursuant to sections 28-1177 and 28-5927.

3. Federal grants and private gifts.

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 percent of the monies in the off-highway vehicle recreation fund for:

1. Informational and educational programs related to safety, the environment and responsible use with respect to off-highway vehicle recreation.

2. Law enforcement activities relating to this article.

3. The administration of the indicia program.

4. 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 percent of the monies in the off-highway vehicle recreational fund to allow occupants of off-highway vehicles with resident or nonresident off-highway vehicle 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 percent of the monies in the off-highway vehicle recreation fund for the following purposes:

1. No more than twelve percent 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 percent 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.

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.

F. 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.

G. 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.

H. 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.

I. 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 employee services.

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.

28-1177. Off-highway vehicle user fee; indicia; registration; state trust land recreational permit; exception

A. A person shall not operate or allow the operation of an all-terrain vehicle or an off-highway vehicle in this state without either a resident or nonresident 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 two thousand five hundred

pounds or less.

B. A person shall apply to the department of transportation for a resident or nonresident 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 resident or nonresident off-highway vehicle 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 a resident 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 percent of the user fees collected pursuant to this section in the off-highway vehicle recreation fund established by section 28-1176 and thirty percent of the user fees collected pursuant to this section in the Arizona highway user revenue fund.

E. The Arizona game and fish department may provide for the purchase of nonresident off-highway vehicle user indicia and may impose an additional service fee in an amount to be determined by the Arizona game and fish commission by rule. The Arizona game and fish department shall deposit, pursuant to sections 35-146 and 35-147, the service fees collected pursuant to this subsection in the game and fish fund established by section 17-261.

F. An occupant of an off-highway vehicle with a resident or nonresident off-highway vehicle 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 resident or nonresident off-highway vehicle 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.

G. 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, mining exploration or building trade purposes.

H. In consultation with the department of transportation, the Arizona game and fish department may adopt rules necessary to implement this section.

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 a resident or nonresident 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. The vehicle displays a valid dealer license plate that the department issues pursuant to section 28-4533.

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 an off-highway vehicle or be an off-highway vehicle passenger on public or state land unless the person is wearing a protective helmet 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. A person may not allow a person who is under eighteen years of age to operate an off-highway vehicle or be an off-highway vehicle passenger in violation of subsection B of this section.

D. Subsections B and C of this section do not apply to a child who is an off-highway vehicle passenger if both of the following occur:

1. The child is properly secured in a child restraint system pursuant to section 28-907.

2. The off-highway vehicle is equipped with a rollover protection system.

E. In consultation with the department, 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.

F. 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.

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.

28-1181. Civil traffic violation

Unless otherwise specified in this article, a violation of this article is a civil traffic violation.

TITLE 28. TRANSPORTATION
CHAPTER 4. DRIVING UNDER THE INFLUENCE

Art. 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

Art. 3. Driving Under the Influence

28-1381. Driving or actual physical control while under the influence; trial by jury; presumptions; admissible evidence; sentencing; classification
28-1382. Driving or actual physical control while under the extreme influence of intoxicating liquor; trial by jury; sentencing; classification
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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
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TITLE 28. TRANSPORTATION
CHAPTER 4. DRIVING UNDER THE INFLUENCE
ART. 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 as prescribed in section 28-1381 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 as prescribed in section 28-1381 or drugs.

2. If the person is under twenty-one years of age, with spirituous liquor 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, a vehicle for hire as defined in section 28-9501 or while providing transportation network services as defined in section 28-9551 as a transportation network company driver as defined in section 28-9551 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 within thirty days after the date of the arrest. If a certified report is not forwarded to the department as prescribed by this subdivision, the department shall not enter an order of suspension on its records unless the violation listed in subsection a of this section resulted in death or serious physical injury as defined in section 13-105.

(b) On behalf of the department, do one of the following"

(i) Serve an order of suspension on the person that is effective thirty days after the date the order is served.

(ii) Advise the person that the certified report will be submitted to the department and that the department will notify the person in writing if an order of suspension is entered. The law enforcement officer shall direct the person to ensure the person's address is updated with the department pursuant to section 28-448.

(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. The law enforcement agency may do either of the following to a driver license or permit taken into possession under this subdivision:

(i) In compliance with sections 41-151.15 and 41-151.19, destroy the driver license or permit.

(ii) Forward the driver license or permit to the department within thirty days after the issuance of the notice of suspension.

(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 thirty days.

(f) Forward the certified report of refusal, a copy of the completed notice of suspension and a copy of any completed temporary permit to the department within thirty 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 as prescribed in section 28-1381 or drugs.

(b) If the person is under twenty-one years of age, with spirituous liquor 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. The order of suspension is effective thirty days after the date that the order was served unless a timely request for a hearing as provided in this section is 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. Thirty 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 thirty 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 thirty 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 apply 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 not 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 as prescribed in section 28-1381 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 thirty 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 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.

Q. Notwithstanding section 28-1401, the department may issue a special ignition interlock restricted driver license to a person for an offense described in subsection A of this section. A person who applies for and who is issued a special ignition interlock restricted driver license pursuant to this subsection agrees to the administrative action taken by the department against the person's license. Once the department issues a special ignition interlock restricted driver license pursuant to this subsection, the person waives any right to an administrative hearing contesting the administrative action against the person's license pursuant to this section or section 28-1385.

ART. 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.

5. While operating a vehicle for hire as defined in section 28-9501 or while providing transportation network services as defined in section 28-9551 as a transportation network company driver as defined in section 28-9551 if 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 who is licensed pursuant to title 32 and who is

authorized to prescribe the drug 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 a person who is driving or being in actual physical control of a commercial motor vehicle, a vehicle for hire as defined in section 28-9501 or involving a person who is providing transportation network services as defined in section 28-9551 as a transportation network company driver as defined in section 28-9551, 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 $250.

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

4. Shall pay an additional assessment of $500 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 $500 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.

6. If the violation involved intoxicating liquor, 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 the person successfully completes the alcohol or other drug screening, education or treatment program requirements of this title and the person is otherwise eligible to reinstate the person's driver license or driving privilege. The person who operates a motor vehicle with a certified ignition interlock device under this paragraph shall comply with article 5 of this chapter.

7. Shall be required by the department to attend and successfully complete an approved traffic survival school course.

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 $500.

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, if the violation involved intoxicating liquor, 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 the person successfully completes the alcohol or other drug screening, education or treatment program requirements of this title and the person is otherwise eligible to reinstate the person's driver license or driving privilege. 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 $1,250 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 $1,250 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.

7. Shall be required by the department to attend and successfully complete an approved traffic survival school course.

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 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.

P. The court may order a person who is convicted of a violation of this section that does not involve intoxicating liquor to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. On receipt of the report of conviction and certified ignition interlock device requirement, the department 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 the person successfully completes the alcohol or other drug screening, education or treatment program requirements of this title and the person is otherwise eligible to reinstate the person's driver license or driving privilege. The person who operates a motor vehicle with a certified ignition interlock device under this subsection shall comply with article 5 of this chapter.

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 $250, 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 $500. 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 $250. 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. 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 the person successfully completes the alcohol or other drug screening, education or treatment program requirements of this title and the person is otherwise eligible to reinstate the person's driver license or driving privilege. 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 $1,000 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 $1,000 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. Shall be required by the department to attend and successfully complete an approved traffic survival school course.

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 $500, 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 $1,000. 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 $250. 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 at least thirty hours of 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 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 the person successfully completes the alcohol or other drug screening, education or treatment program requirements of this title and the person is otherwise eligible to reinstate the person's driver license or driving privilege. 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 $1,250 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 $1,250 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. Shall be required by the department to attend and successfully complete an approved traffic survival school course.

F. 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 nine 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.

28-1383. Aggravated driving or actual physical control while under the influence; county jail program; annual report; violation; classification; definitions

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 or required pursuant to section 28-3319 by the department to equip any motor vehicle the person operates with a certified ignition interlock device, commits a violation of section 28-1381, section 28-1382 or this section.

5. Commits a violation of section 28-1381, section 28-1382 or this section while driving the wrong way on a highway.

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 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 2 and subsection E of this section.

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 has 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.

3. Subsection A, paragraph 5 of 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, if the violation involved intoxicating liquor, 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 the person successfully completes the alcohol or other drug screening, education or treatment program requirements of this title and the person is otherwise eligible to reinstate the person's driver license or driving privilege. 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 $250. 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. 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 $750.

4. In addition to any other penalty prescribed by law, shall order the person to pay an additional assessment of $1,500 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 $1,500 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.

K. On conviction for a violation of this section the defendant shall be required by the department to attend and successfully complete an approved traffic survival school course.

L. 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.

M. The court may order a person who is convicted of a violation of this section that does not involve intoxicating liquor to equip any motor vehicle the person operates with a certified ignition interlock device pursuant to section 28-3319. On receipt of the report of conviction and certified ignition interlock device requirement, the department 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 the person successfully completes the alcohol or other drug screening, education or treatment program requirements of this title and the person is otherwise eligible to reinstate the person's driver license or driving privilege. The person who operates a motor vehicle with a certified ignition interlock device under this subsection shall comply with article 5 of this chapter.

N. The sheriff of a county with a population of less than five hundred thousand persons may establish an aggravated driving under the influence jail program. If the sheriff establishes an aggravated driving under the influence jail program, the program may not be implemented until the state department of corrections enters into an agreement with the county board of supervisors pursuant to section 31-234 to facilitate the program. Notwithstanding subsections D and E of this section, if the violation occurs in a county that has established and implemented an aggravated driving under the influence jail program or in a county that is contiguous to a county that has established and implemented an aggravated driving under the influence jail program and the person is placed on probation, the mandatory term of incarceration that the person would otherwise serve in prison may be served in the jail of the county that established and implemented the program. A person who is incarcerated in a county jail pursuant to this subsection is not eligible for any release, work detail or monitoring program that the person would not otherwise be eligible for if incarcerated in prison. A county sheriff who establishes an aggravated driving under the influence jail program pursuant to this subsection shall submit an annual report to the Arizona criminal justice commission that contains the data that the Arizona statistical analysis center determines is necessary to prepare a recidivism report pursuant to section 41-2405.

O. Aggravated driving or actual physical control while under the influence of intoxicating liquor or drugs committed under:

1. Subsection A, paragraph 1, 2, 4 or 5 of this section is

a class 4 felony.

2. Subsection A, paragraph 3 of this section is a class 6 felony.

P. For the purposes of this section:

1. "Suspension, cancellation, revocation or refusal" means any suspension, cancellation, revocation or refusal.

2. "Wrong way" means vehicular movement that is in a direction opposing the legal flow of traffic. Wrong way does not include median crossing or a collision where a motor vehicle comes to a stop facing the wrong way.

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.

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. Within thirty days after an arrest occurs, 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 test of the person's blood, breath, urine or other bodily substance that is allowed 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) 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 vehicle for hire as defined in section 28-9501 or while providing transportation network services as defined in section 28-9551 as a transportation network company driver as defined in section 28-9551.

(d) 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 law enforcement officer directing the administration of the test shall:

1. File a certified report that is required by subsection A of this section with the department within thirty days after the date of the arrest. If a certified report is not forwarded to the department as prescribed by this paragraph, the department may not enter an order of suspension on its records unless the violation listed in subsection a of this section resulted in death or serious physical injury as defined in section 13-105.

2. On behalf of the department, do one of the following:

(a) Serve an order of suspension on the person that is effective thirty days after the date that the order is served.

(b) Advise the person that the certified report will be submitted to the department and that the department will notify the person in writing if an order of suspension is entered. The law enforcement officer shall direct the person to ensure the person's address is updated with the department pursuant to section 28-448.

D. If the officer serves an order of suspension on the person, the order of suspension:

1. Is effective thirty 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 or summary review and that advise the person that the person may alternatively submit an online request for a hearing or summary review.

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 issued or reinstated following the period of suspension or issuance of a special ignition interlock restricted driver license 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.

E. 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.

F. If the license or permit is not surrendered pursuant to subsection D 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 thirty days. The officer shall forward a copy of the completed order of suspension and a copy of any completed temporary permit to the department within thirty days after the issuance of the order of suspension along with the report. The law enforcement agency may do either of the following with a valid license or permit that is surrendered pursuant to this section:

1. In compliance with sections 41-151.15 and 41-151.19, destroy the license or permit.

2. Forward the license or permit to the department within thirty days after the issuance of the notice of suspension.

G. On receipt of the certified report, the department shall enter an order of suspension on its records. The department shall mail a written notification to the person who is named in the certified report. The notification shall:

1. Include information on alcohol or other drug education and treatment programs that are provided by a facility approved by the department of health services.

2. Disclose all of the following:

(a) Thirty days after the date of issuance of the notice, the department will suspend the person's driving privilege or nonresident operating privilege.

(b) The person may submit a written or online request for a hearing or summary review.

(c) The request for a hearing or summary review must be received by the department within thirty days after the date of the notice or the order of suspension becomes final.

(d) The person's driving privilege or right to apply for a driving privilege or the person's nonresident operating privilege will be suspended as prescribed in subsections H and I of this section.

(e) The person's driving privilege or right to apply for a driving privilege or the person's nonresident operating privilege may be issued or reinstated following the period of suspension only if the person completes alcohol or other drug screening.

(f) The person may apply for a special ignition interlock restricted driver license pursuant to subsections J and K of this section.

H. 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.

I. Notwithstanding subsections A, B, C, D, E, F, G and H of this section and except as provided in subsection J of this section, the department shall suspend the driving privileges of the person described in subsection A of this section for at least thirty consecutive days and shall restrict the person's driving privileges as prescribed in section 28-144 for at least sixty consecutive additional days 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 after 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. 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.

J. In lieu of a driving privilege suspension pursuant to subsection I of this section, on a person's request, the department shall issue a special ignition interlock restricted driver license to the person if the requirements set forth in subsection I, paragraphs 1, 2 and 3 of this section are met.

K. Notwithstanding section 28-1401, the department may issue a special ignition interlock restricted driver license to a person for an offense described in subsection A of this section. A person who applies for and who is issued a special ignition interlock restricted driver license pursuant to this subsection agrees to the administrative action taken by the department against the person's license. Once the department issues a special ignition interlock restricted driver license pursuant to this subsection, the person waives any right to an administrative hearing contesting the administrative action against the person's license pursuant to this section or section 28-1321.

L. 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 not 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.

M. 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 as prescribed in section 28-1381 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.

(iii) 0.04 or more if the person was driving or in actual physical control of a vehicle for hire as defined in section 28-9501 or while providing transportation network services as defined in section 28-9551 as a transportation network company driver as defined in section 28-9551.

(b) 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.

N. The results of the blood or breath alcohol test shall be admitted on establishing the requirements in section 28-1323 or 28-1326.

O. 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 thirty 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.

P. A person may request 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. A timely request for summary review stays the suspension until a decision is issued. The person shall submit the request in writing to the department together with any written explanation as to why the department should not suspend the driving privilege. 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 voided. 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.

Q. 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.

R. 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.

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 28-8279, 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.

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, the United States department of veterans affairs 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 day, 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 I, the department shall suspend the driving privileges of the person for not less than thirty consecutive days and shall restrict the person's driving privileges as described in section 28-144 for not less than sixty consecutive additional days.

F. 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.

G. 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.

H. The court may order alternative sanctions to community restitution that is ordered pursuant to section 28-1381, subsection K or section 28-1382, subsection E if the court determines that education, treatment or other alternative sanctions are more appropriate.

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. 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.

B. 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.

C. 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.

D. 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 this activity if requested by a law enforcement officer to collect blood, urine or other bodily substances unless the person, 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.

28-1389. Waiver of fine, surcharge or assessment

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.

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 subsection A of this section, the personnel shall comply with the request. Emergency department personnel are not required to determine whether a law enforcement officer has a reasonable belief that a person may have violated section 28-1381, 28-1382 or 28-1383 when complying with the request in subsection A of this section.

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.

TITLE 28. TRANSPORTATION
CHAPTER 5. PENALTIES AND PROCEDURES FOR VEHICLE VIOLATIONS

Art. 2. Penalties and Violations

28-1524. Offense by person owning or controlling vehicle; classification

TITLE 28. TRANSPORTATION
CHAPTER 5. PENALTIES AND PROCEDURES FOR VEHICLE VIOLATIONS
ART. 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.

TITLE 28. TRANSPORTATION
CHAPTER 7. CERTIFICATE OF TITLE AND REGISTRATION

Art. 5. Registration Requirements Generally

28-2153. Registration requirement; exceptions;

Art. 15. Distinctive Vehicles

28-2512. All-terrain motor vehicles; off-highway vehicles; off-road recreational motor vehicles; license plates

TITLE 28. TRANSPORTATION
CHAPTER 7. CERTIFICATE OF TITLE AND REGISTRATION
ART. 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 41-1830.51.

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

ART. 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.

TITLE 28. TRANSPORTATION
CHAPTER 16. TAXES

Art. 5. Tax Administration

28-5926. Transfer; state lake improvement fund; administrative expenses

TITLE 28. TRANSPORTATION
CHAPTER 16. TAXES
ART. 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.

TITLE 33. PROPERTY
CHAPTER 12. LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION

Art. 1. General Provisions

33-1551. Duty of owner, lessee or occupant of premises to recreational users or educational users; liability; definitions

TITLE 33. PROPERTY
CHAPTER 12. LIABILITIES AND DUTIES ON PROPERTY USED FOR EDUCATION AND RECREATION
ART. 1. GENERAL PROVISIONS

33-1551. Duty of owner, lessee or occupant of premises to recreational users 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 user 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 user or educational user. A recreational user or educational user accepts the risks created by the user's activities and shall exercise reasonable care in those activities.

B. A landowner, easement holder, lessee, tenant manager or occupant of private or public land is not liable for damages in any civil action for unknown conditions on the land. Installing a sign or other form of warning of a dangerous condition, use, structure or activity, or any modification made for the purpose of improving the safety of others, or failing to maintain or keep in place any sign, other form of warning or any modification made to improve safety does not create liability on the part of an owner, easement holder, lessee, tenant manager or occupant of land if there is no other basis for that liability.

C. This section is applicable to the duties and liability of any governmental entity, nongovernmental organization or person that provides monies, that reasonably performs maintenance, that reasonably makes or supports improvements or that takes similar reasonable action regarding land made available to the public for recreational or educational purposes.

D. This section does not create a duty of care or basis of liability for injury to persons or property. This section does not relieve any person using the land of another for recreational or educational purposes from any obligation that the person may have in the absence of this section to exercise care in the person's use of that land and in the activities on the land or from legal consequences for failing to employ such care.

E. Any person that uses the land of another for recreational or educational purposes with or without permission is liable for any damage to the land, property, livestock or crops that the person may cause while on that land.

F. 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.

G. 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 the viewing of historical, natural, archaeological or scientific sites. 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 user or educational user, including 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":

(a) 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 or payment by an agency of this state to an owner, easement holder or lessee for public recreational access to the premises 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.

(b) Does not include a student who is registered at a school during designated times that the student is allowed to be on the school grounds as determined by district personnel or who is participating in a school-sanctioned activity.

6. "School" has the same meaning prescribed in section 15-101.

TITLE 37. PUBLIC LANDS
CHAPTER 3. ADMINISTRATION OF STATE AND OTHER PUBLIC LANDS

Art. 12. Trespass on State Lands

37-501. Trespass on state lands; classification

TITLE 37. PUBLIC LANDS
CHAPTER 3. ADMINISTRATION OF STATE AND OTHER PUBLIC LANDS

ART. 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.

TITLE 41. STATE GOVERNMENT
CHAPTER 3. ADMINISTRATIVE BOARDS AND COMMISSIONS

Art. 1.1. Arizona State Parks Board

41-511.04. Duties; board; partnership fund; state historic preservation officer; definition

Art. 1.2. Arizona Outdoor Recreation Coordinating Commission

41-511.25. Arizona outdoor recreation coordinating commission; members; powers and duties

Art. 12. Board of Fingerprinting

41-619.51. Definitions

TITLE 41. STATE GOVERNMENT
CHAPTER 3. ADMINISTRATIVE BOARDS AND COMMISSIONS
ART. 1.1. ARIZONA STATE PARKS BOARD

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 places composed of districts, sites, buildings, structures and objects significant in this state's history, architecture, archaeology, engineering and culture that meet criteria that the board establishes or that are listed on the national register of historic places. Entry on the register requires nomination by the state historic preservation officer and owner notification in accordance with rules that the board adopts.

10. Accept, on behalf of the state historic preservation officer, applications for classification as historic property received from the county assessor.

11. Adopt rules with regard to classification of historic property including:

(a) Minimum maintenance standards for the property.

(b) Requirements for documentation.

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 37-1302, 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 a proportionate amount, not to exceed ten percent, 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.

ART. 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.

ART. 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 child safety, the department of education, the department of health services, the department of juvenile corrections, the department of emergency and military affairs, the department of public safety, the department of transportation, the state real estate department, the department of insurance and financial institutions, the Arizona game and fish department, the Arizona department of agriculture, the board of examiners of nursing care institution administrators and assisted living facility managers, the state board of dental examiners, the Arizona state board of pharmacy, the board of physical therapy, the state board of psychologist examiners, the board of athletic training, the board of occupational therapy examiners, the state board of podiatry examiners, the acupuncture board of examiners the state board of technical registration or the board of massage therapy or the Arizona department of housing.

2. "Board" means the board of fingerprinting.

3. "Central registry exception" means notification to the department of economic security, the department of child safety 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 3-314.
(b) Section 8-105.
(c) Section 8-322.
(d) Section 8-463.
(e) Section 8-509.
(f) Section 8-802.
(g) Section 8-804.
(h) Section 15-183.
(i) Section 15-503.
(j) Section 15-512.
(k) Section 15-534.
(l) Section 15-763.01.
(m) Section 15-782.02.
(n) Section 15-1330.
(o) Section 15-1881.
(p) Section 17-215.
(q) Section 28-3228.
(r) Section 28-3413.
(s) Section 32-122.02.
(t) Section 32-122.05.
(u) Section 32-122.06.
(v) Section 32-823.
(w) Section 32-1232.
(x) Section 32-1276.01.
(y) Section 32-1284.
(z) Section 32-1297.01.
(aa) Section 32-1904.
(bb) Section 32-1941.
(cc) Section 32-1982.
(dd) Section 32-2022.
(ee) Section 32-2063.
(ff) Section 32-2108.01.
(gg) Section 32-2123.
(hh) Section 32-2371.
(ii) Section 32-3430.
(jj) Section 32-3620.
(kk) Section 32-3668.
(ll) Section 32-3669.
(mm) Section 32-3922.
(nn) Section 32-3924.
(oo) Section 32-4222.
(pp) Section 32-4128.
(qq) Section 36-113.
(rr) Section 36-207.
(ss) Section 36-411.
(tt) Section 36-425.03.
(uu) Section 36-446.04.
(vv) Section 36-594.01.
(ww) Section 36-594.02.
(xx) Section 36-766.01.
(yy) Section 36-882.
(zz) Section 36-883.02.
(aaa) Section 36-897.01.
(bbb) Section 36-897.03.
(ccc) Section 36-3008.
(ddd) Section 41-619.53.
(eee) Section 41-1964.
(fff) Section 41-1967.01.
(ggg) Section 41-1968.
(hhh) Section 41-1969.
(iii) Section 41-2814.
(jjj) Section 41-4025.
(kkk) Section 46-141, subsection A or B.
(lll) Section 46-321.

TITLE 41. STATE GOVERNMENT
CHAPTER 6. ADMINISTRATIVE PROCEDURE

Art. 1. General Provisions

41-1005. Exemptions
41-1009. Inspections and audits; applicability; exceptions

Art. 3. Rulemaking

41-1037. General permits; issuance of traditional permit

CHAPTER 6. ADMINISTRATIVE PROCEDURE
ART. 1. GENERAL PROVISIONS, § 41-1005

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.

(d) Limits the number or use of licenses or permits that are issued to nonresidents pursuant to section 17-332.

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. Fees established under sections 41-4010 and 41-4042.

14. Rule or other matter relating to agency contracts.

15. Fees established under section 32-2067 or 32-2132.

16. Rules made pursuant to section 5-111, subsection A.

17. 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.

18. Fees or charges established under section 41-511.05.

19. Emergency medical services protocols except as provided in section 36-2205, subsection B.

20. Fee schedules established pursuant to section 36-3409.

21. Procedures of the state transportation board as prescribed in section 28-7048.

22. Rules made by the state department of corrections.

23. Fees prescribed pursuant to section 32-1527.

24. Rules made by the department of economic security pursuant to section 46-805.

25. Schedule of fees prescribed by section 23-908.

26. Procedure that is established pursuant to title 23, chapter 6, article 6.

27. 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.

28. Rules made by a marketing commission or marketing committee pursuant to section 3-414.

29. Administration of public assistance program monies authorized for liabilities that are incurred for disasters declared pursuant to sections 26-303 and 35-192.

30. User charges, tolls, fares, rents, advertising and sponsorship charges, services charges or similar charges established pursuant to section 28-7705.

31. Administration and implementation of the hospital assessment pursuant to section 36-2901.08, except that the Arizona health care cost containment system administration must provide notice and an opportunity for public comment at least thirty days before establishing or implementing the administration of the assessment.

32. Rules made by the Arizona department of agriculture to adopt and implement the provisions of the federal milk ordinance as prescribed by section 3-605.

33. Rules made by the Arizona department of agriculture to adopt, implement and administer the United States food and drug administration produce safety rule (21 Code of Federal Regulations part 112) and any other federal produce safety regulation, order or guideline or other requirement adopted pursuant to the FDA food safety modernization act (P.L. 111-353; 21 United States Code sections 2201 through 2252) as provided by title 3, chapter 3, article 4.1.

34. Calculations that are performed by the department of economic security and that are associated with the adjustment of the sliding fee scale and formula for determining child care assistance pursuant to section 46-805.

35. Rules made by the Arizona department of agriculture to implement and administer the livestock operator fire and flood assistance grant program established by section 3-109.03.

B. Notwithstanding subsection A, paragraph 21 of this section, if 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:

1. Prepare a notice and follow formatting guidelines prescribed by the secretary of state.

2. Prepare the rulemaking exemption notices pursuant to chapter 6.2 of this title.

3. 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. The state board of education shall consider the fiscal impact of any proposed rule pursuant to this subsection.

G. Unless otherwise required by law, articles 2, 3, 4 and 5 of this chapter do not apply to the state board for charter schools, except that the board shall adopt policies or rules for the board and the charter schools sponsored by the board 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 policy or rule, the board shall provide at least two opportunities for public comment. The state board for charter schools shall consider the fiscal impact of any proposed rule pursuant to this subsection.

41-1009. Inspections and audits; applicability; exceptions

A. An agency inspector, auditor or regulator who enters any premises of a regulated person for the purpose of conducting an inspection or audit shall, unless otherwise provided by law:

1. Present photo identification on entry of the premises.

2. On initiation of the inspection or audit, state the purpose of the inspection or audit and the legal authority for conducting the inspection or audit.

3. Disclose any applicable inspection or audit fees. Notwithstanding any other law, a regulated person being inspected or audited is responsible for only the direct and reasonable costs of the inspection or audit and is entitled to receive a detailed billing statement as described in paragraph 5, subdivision (e) of this subsection.

4. Afford an opportunity to have an authorized on-site representative of the regulated person accompany the agency inspector, auditor or regulator on the premises, except during confidential interviews.

5. Provide notice of the right to have on request:

(a) Copies of any original documents taken by the agency during the inspection or audit if the agency is allowed by law to take original documents.

(b) A split of any samples taken during the inspection if the split of any samples would not prohibit an analysis from being conducted or render an analysis inconclusive.

(c) Copies of any analysis performed on samples taken during the inspection.

(d) Copies of any documents to be relied on to determine compliance with licensure or regulatory requirements if the agency is otherwise allowed by law to do so.

(e) A detailed billing statement that provides reasonable specificity of the inspection or audit fees imposed pursuant to paragraph 3 of this subsection and that cites the statute or rule that authorizes the fees being charged.

6. Inform each person whose conversation with the agency inspector, auditor or regulator during the inspection or audit is tape recorded that the conversation is being tape recorded.

7. Inform each person who is interviewed during the inspection or audit that:

(a) Statements made by the person may be included in the inspection or audit report.

(b) Participation in an interview is voluntary, unless the person is legally compelled to participate in the interview.

(c) The person is allowed at least twenty-four hours to review and revise any written witness statement that is drafted by the agency inspector, auditor or regulator and on which the agency inspector, auditor or regulator requests the person's signature.

(d) The agency inspector, auditor or regulator may not prohibit the regulated person from having an attorney or any other experts in their field present during the interview to represent or advise the regulated person.

8. At the end of the inspection, offer to review, with an authorized representative of the regulated person, the findings of the inspection and what agency actions the regulated person can expect.

B. On initiation of an audit or an inspection of any premises of a regulated person, an agency inspector, auditor or regulator shall provide the following in writing:

1. The rights described in subsection A of this section and section 41-1001.01, subsection C.

2. The name and telephone number of a contact person who is available to answer questions regarding the inspection or audit.

3. The due process rights relating to an appeal of a final decision of an agency based on the results of the inspection or audit, including the name and telephone number of a person to contact within the agency and any appropriate state government ombudsman.

4. A statement that the agency inspector, auditor or regulator may not take any adverse action, treat the regulated person less favorably or draw any inference as a result of the regulated person's decision to be represented by an attorney or advised by any other experts in their field.

5. A notice that if the information and documents provided to the agency inspector, auditor or regulator become a public record, the regulated person may redact trade secrets and proprietary and confidential information

unless the information and documents are confidential pursuant to statute.

6. The time limit or statute of limitations applicable to the right of the agency inspector, auditor or regulator to file a compliance action against the regulated person arising from the inspection or audit, which applies to both new and amended compliance actions.

C. An agency inspector, auditor or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable, indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable, and is notified of the regulated person's or on-site representative of the regulated person's inspection or audit and due process rights. The agency inspector, auditor or regulator may provide an electronic document of the writing prescribed in subsection B of this section and section 41-1001.01, subsection C and, at the request of the regulated person or on-site representative, obtain a receipt in the form of an electronic signature. The agency shall maintain a copy of this signature with the inspection or audit report and shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable, the agency inspector, auditor or regulator shall note that fact on the writing prescribed in subsection B of this section and section 41-1001.01, subsection C, if applicable.

D. An agency that conducts an inspection shall give a copy of the inspection report to the regulated person or on-site representative of the regulated person either:

1. At the time of the inspection.

2. Notwithstanding any other state law, within thirty working days after the inspection.

3. As otherwise required by federal law.

E. The inspection report shall contain alleged deficiencies identified during an inspection. Unless otherwise provided by state or federal law, the agency shall provide the regulated person an opportunity to correct the alleged deficiencies unless the agency documents in writing as part of the inspection report that the alleged deficiencies are:

1. Committed intentionally.

2. Not correctable within a reasonable period of time as determined by the agency.

3. Evidence of a pattern of noncompliance as demonstrated by alleged deficiencies previously identified in an inspection report or other written notice at the same premises.

4. A significant risk to any person, the public health, safety or welfare or the environment.

F. If the agency is unsure whether a regulated person meets the exemptions in subsection E of this section, the agency shall provide the regulated person with an opportunity to correct the alleged deficiencies.

G. If the agency allows the regulated person an opportunity to correct the alleged deficiencies pursuant to subsection E of this section, the regulated person shall notify the agency when the alleged deficiencies have been corrected. Within thirty days after receipt of notification from the regulated person that the alleged deficiencies have been corrected, the agency shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance. If the regulated person fails to correct the alleged deficiencies or the agency determines the alleged deficiencies have not been corrected within a reasonable period of time, the agency may take any enforcement action authorized by law for the alleged deficiencies.

H. If the agency does not allow the regulated person an opportunity to correct alleged deficiencies pursuant to subsection E of this section, on the request of the regulated person, the agency shall provide a detailed written explanation of the reason that an opportunity to correct was not allowed.

I. An agency decision pursuant to subsection E or G of this section is not an appealable agency action.

J. At least once every month after the commencement of the inspection, an agency shall provide a regulated person with an update on the status of any agency action resulting from an inspection of the regulated person. An agency is not required to provide an update after the regulated person is notified that no agency action will result from the agency inspection or after the completion of agency action resulting from the agency inspection.

K. For agencies with authority under title 49, if, as a result of an inspection or any other investigation, an agency alleges that a regulated person is not in compliance with licensure or other applicable regulatory requirements, the agency shall provide written notice of that allegation to the regulated person. The notice shall contain the following information:

1. A citation to the statute, regulation, license or permit condition on which the allegation of deficiency is based, including the specific provisions in the statute, regulation, license or permit condition that are alleged to be violated.

2. Identification of any documents relied on when determining the allegation of deficiency.

3. An explanation stated with reasonable specificity of the regulatory and factual basis for the allegation of deficiency.

4. Instructions for obtaining a timely opportunity to discuss the alleged deficiencies with the agency.

L. Subsection K of this section applies only to inspections or any other investigations necessary for the issuance of a license or to determine compliance with licensure or other regulatory requirements. Subsection K of this section does not apply to an action taken pursuant to section 11-871, 11-876, 11-877, 49-457.01, 49-457.03 or 49-474.01. Issuance of a notice under subsection K of this section is not a prerequisite to otherwise lawful agency actions seeking an injunction or issuing an order if the agency determines that the action is necessary on an expedited basis to abate an imminent and substantial endangerment to public health or the environment and documents the basis for that determination in the documents initiating the action.

M. This section does not authorize an inspection or any other act that is not otherwise authorized by law.

N. Except as otherwise provided in subsection L of this section, this section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure or other regulatory requirements applicable to a licensee and audits pursuant to enforcement of title 23, chapters 2 and 4. This section does not apply:

1. To criminal investigations, investigations under tribal state gaming compacts and undercover investigations that are generally or specifically authorized by law.

2. If the agency inspector, auditor or regulator has reasonable suspicion to believe that the regulated person may be engaged in criminal activity.

3. To the Arizona peace officer standards and training board established by section 41-1821.

4. To certificates of convenience and necessity that are issued by the corporation commission pursuant to title 40, chapter 2.

O. If an agency inspector, auditor or regulator gathers evidence in violation of this section, the violation may be a basis to exclude the evidence in a civil or administrative proceeding.

P. Failure of an agency, board or commission employee to comply with this section:

1. May subject the employee to disciplinary action or dismissal.

2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.

Q. An agency may make rules to implement subsection A, paragraph 5 of this section.

R. Nothing in this section shall be used to exclude evidence in a criminal proceeding.

S. Subsection A, paragraph 7, subdivision (c) and subsection E of this section do not apply to the department of health services for the purposes of title 36, chapters 4 and 7.1.

T. Subsection B, paragraph 5 and subsection E of this section do not apply to the corporation commission for the purposes of title 44, chapters 12 and 13.

U. Except as otherwise prescribed by this section and notwithstanding any other law:

1. This section applies to all state agencies that conduct inspections and audits.

2. If a conflict arises between the rights afforded a regulated person pursuant to this section and the rights afforded a regulated person pursuant to another statute, this section governs.

ART. 3. RULEMAKING

41-1037. General permits; issuance of traditional permit

A. If an agency proposes a new rule or an amendment to an existing rule that requires the issuance of a regulatory permit, license or agency authorization, the agency shall use a general permit if the facilities, activities or practices in the class are substantially similar in nature unless any of the following applies:

1. A general permit is prohibited by federal law.

2. The issuance of an alternative type of permit, license or authorization is specifically authorized by state statute.

3. The issuance of a general permit is not technically feasible or would not meet the applicable statutory requirements.

4. The issuance of a general permit would result in additional regulatory requirements or costs being placed on the permit applicant.

5. The permit, license or authorization is issued pursuant to section 8-126, 8-503, 8-505, 23-504, 36-592, 36-594.01, 36-595, 36-596, 36-596.54, 41-1967.01 or 46-807.

6. The permit, license or authorization is issued pursuant to title V of the clean air act.

B. The agency retains the authority to revoke an applicant's ability to operate under a general permit and to require the applicant to obtain a traditional permit if the applicant is in substantial noncompliance with the applicable requirements for the general permit.

TITLE 41. STATE GOVERNMENT
CHAPTER 12. PUBLIC SAFETY

Art. 3.1. Fingerprinting Division

41-1758.01. Fingerprinting division; powers and duties

CHAPTER 12. PUBLIC SAFETY
ART. 3.1. FINGERPRINTING DIVISION

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 3-314, 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503, 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3228, 28-3413, 32-122.02, 32-122.05, 32-122.06, 32-1232, 32-1276.01, 32-1284, 32-1297.01, 32-1904, 32-1941, 32-2022, 32-2108.01, 32-2123, 32-2371, 32-3620, 32-3668, 32-3669, 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 or B 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 monies collected in the board of fingerprinting fund.

4. Inform in writing each person who submits fingerprints for a fingerprint background check of the right to petition the board of fingerprinting for a good cause exception pursuant to section 41-1758.03, 41-1758.04 or 41-1758.07.

5. If after conducting a state and federal criminal

history records check the division determines that it is not authorized to issue a fingerprint clearance card to a person, inform the person in writing that the division is not authorized to issue a fingerprint clearance card. The notice shall include the criminal history information on which the denial was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

6. Notify the person in writing if the division suspends, revokes or places a driving restriction notation on a fingerprint clearance card pursuant to section 41-1758.04. The notice shall include the criminal history information on which the suspension, revocation or placement of the driving restriction notation was based. This criminal history information is subject to dissemination restrictions pursuant to section 41-1750 and Public Law 92-544.

7. 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.

TITLE 41. STATE GOVERNMENT
CHAPTER 25. STATE GOVERNMENT COMPETITION WITH PRIVATE ENTERPRISE

Art. 1. General Provisions

41-2752. State competition with private enterprise prohibited; exceptions; definition

CHAPTER 25. STATE GOVERNMENT COMPETITION WITH PRIVATE ENTERPRISE
ART. 1. GENERAL PROVISIONS

41-2752. State competition with private enterprise prohibited; exceptions; definition

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 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.

14. The Arizona commerce authority.

15. The Arizona game and fish commission, but only for the sale of goods or services and not firearms.

16. The lease or sublease of lands or buildings by the department of child safety pursuant to section 8-460.

17. Agreements executed by the department of child safety 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 child safety collections fund established by section 8-461.

18. The lease or sublease of state hospital lands or buildings by the department of health services.

19. The sale or lease of software, computer systems or intellectual property developed by the department of education or associated services provided for the sale or lease of software, computer systems or intellectual property by the department of education. The department shall deposit, pursuant to sections 35-146 and 35-147, sixty percent of the profit from the monies generated pursuant to this paragraph in the state general fund and the remaining forty percent in the department of education intellectual property fund established by section 15-231.04. The department of education may not transfer or expend monies or personnel resources for the purposes of marketing or soliciting goods or services authorized pursuant to this paragraph that were appropriated and authorized for other functions and programs of the department of education.

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.

E. For the purposes of this section, "profit" means any monies generated from the sale or lease of goods and services after accounting for the costs paid by this state, including appropriations from the state general fund.

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ARIZONA GAME AND FISH RULES LISTING

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ARIZONA GAME AND FISH RULES

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:

"Arizona Conservation Education" means the conservation education course provided by Arizona Game and Fish Department in hunting safety, responsibility, and conservation.

"Arizona Hunter Education" means the hunter education course provided by Arizona Game and Fish Department in hunting safety, responsibility, and conservation meeting Association of Fish and Wildlife agreed upon reciprocity standards along with Arizona-specific requirements.

"Attach" means to fasten or affix a tag to a legally harvested animal. An electronic tag is considered attached once the validation code is fastened to the legally harvested animal.

"Bobcat seal" means the tag a person is required to attach to the raw pelt or unskinned carcass of any bobcat taken by trapping in Arizona or exported out of Arizona regardless of the method of take.

"Bonus point" means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

"Bow" means a long bow, flat bow, recurve bow, or compound bow of which the bowstring is drawn and held under tension entirely by the physical power of the shooter through all points of the draw cycle until the shooter purposely acts to release the bowstring either by relaxing the tension of the toes, fingers, or mouth or by triggering the release of a hand-held release aid.

"Certificate of insurance" means an official document, issued by the sponsor's and sponsor's vendors, or subcontractor's insurance carrier, providing insurance against claims for injury to persons or damage to property which may arise from, or in connection with, the solicitation or event as determined by the Department.

"Cervid" means a mammal classified as a Cervidae, which includes but is not limited to caribou, elk, moose, mule deer, reindeer, wapiti, and whitetail deer; as defined in the taxonomic classification from the Integrated Taxonomic Information System, available online at www.itis.gov.

"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.

"Crossbow" means a device consisting of a bow affixed on a stock having a trigger mechanism to release the bowstring.

"Day-long" means the 24-hour period from one midnight to the following midnight.

"Department property" means those buildings or real property and wildlife areas under the jurisdiction of the Arizona Game and Fish Commission.

"Electronic signature" means symbols or other data in digital form attached to an electronically transmitted document as verification of the sender's intent to sign the document. The electronic signature is used to indicate the person's intent to agree to payment, conditions, terms, etc. as applicable to an online application, form, report, etc.

"Electronic tag" means a tag that is provided by the Department through an electronic device that syncs with the Department's computer systems.

"Export" means to carry, send, or transport wildlife or wildlife parts out of Arizona to another state or country.

"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 management unit, portion of a management unit, or group of management units, or any portion of Arizona described in a Commission Order and not included in a management unit, opened to hunting.

"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.

"Import" means to bring, send, receive, or transport wildlife or wildlife parts into Arizona from another state or country.

"License dealer" means a business authorized to sell hunting, fishing, and other licenses as established under R12-4-105.

"Limited-entry permit-tag" means a permit made available for a limited-entry fishing or hunting season.

"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 and R12-4-314.
"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.
"Nonprofit organization" means an organization that is recognized under Section 501(C) of the U.S. Internal Revenue Code.
"Person" has the meaning as provided under A.R.S. § 1-215.
"Proof of purchase," for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.
"Pursue" means to chase, tree, corner or hold wildlife at bay.
"Pursuit-only" means a person may pursue, but not kill, a bear, mountain lion, or raccoon on any management unit that is open to pursuit-only season, as defined under R12-4-318, by Commission Order.
"Pursuit-only permit" means a permit for a pursuit-only hunt for which a Commission Order does not assign a hunt number and the number of permits are not limited.
"Restricted nonpermit-tag" means a tag issued for a supplemental hunt as established under R12-4-115.
"Signature" means a notation that signifies an individual's acceptance of the terms and conditions applicable to the application or contract and is used to identify who is signing and what their intention is; includes electronic signatures.
"Solicitation" means any activity that may be considered or interpreted as promoting, selling, or transferring products, services, memberships, or causes, or 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, circulars, posters, or other printed materials for these purposes.
"Solicitation material" means advertising, circulars, flyers, handbills, leaflets, posters, or other printed information.
"Sponsor" means the person or persons conducting a solicitation or event.
"Stamp" means a form of authorization in addition to a license that authorizes the license holder to take wildlife specified by the stamp.
"Tag" means the Department authorization a person is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.
"Validation code" means the unique code provided by the Department and associated with an electronic tag.
"Waterdog" means the larval or metamorphosing stage of a salamander.
"Wildlife area" means an area established under 12 A.A.C. 4, Article 8.

B. If the following terms are used in a Commission Order, the following definitions apply:
"Antlered" means having an antler fully erupted through the skin and capable of being shed.
"Antlerless" means not having an antler, antlers, or any part of an antler erupted through the skin.
"Bearded turkey" means a turkey with a beard that extends beyond the contour feathers of the breast.
"Buck pronghorn" means a male pronghorn.
"Adult bull bison" means a male bison of any age or any bison designated by a Department employee during an adult bull bison hunt.
"Adult cow bison" means a female bison of any age or any bison designated by a Department employee during an adult cow bison hunt.
"Bull elk" means an antlered elk.
"Designated" means the gender, age, or species of wildlife or the specifically identified wildlife the Department authorizes to be taken and possessed with a valid tag.
"One-horned ram" means any bighorn sheep ram having one horn that is less than one half the length of its other horn.
"Ram" means any male bighorn sheep.
"Rooster" means a male pheasant.
"Yearling bison" means any bison less than three years of age or any bison designated by a Department employee during a yearling bison hunt.

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, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-01 renumbered as Section R12-4-101 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 22, 1982 (Supp. 82-2). Amended subsection (A), paragraph (10) effective April 7, 1983 (Supp. 83-2). Amended effective June 4, 1987 (Supp. 87-2). Amended subsection (A) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (A) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended

effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022; when amended the Commission inadvertently removed the definitions of "Arizona Conservation Education" and "Arizona Hunter Education." These definitions are included as originally published (Supp. 21-4). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024 (Supp. 24-2). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

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.

D. A person desiring a replacement of a Migratory Bird Stamp shall repurchase the stamp.

Hunting and Fishing License Fees	**Resident**	**Nonresident**
General Fishing License	$37	$55
General Hunting License	$37	Not available
Combination Hunting and Fishing License	$57	$160
Youth Combination Hunting and Fishing License, fee applies until the applicant's 18th birthday.	$5	$5
High Achievement Scout License, as authorized under A.R.S. § 17-333(C). Fee applies until the applicant's 21st birthday.	$5	Not available
Short-term Combination Hunting and Fishing License	$15	$20
Youth Group Two-day Fishing License	$25	Not available

Hunt Permit-tag Fees	**Resident**	**Nonresident**
Bear	$25	$150
Bighorn Sheep	$300	$1,800
Bison		
Adult Bulls or any Bison	$1,100	$5,400
Adult Cows	$650	$3,250
Yearling	$350	$1,750
Cow or Yearling	$650	$3,250
Deer and Archery Deer	$45	$300
Youth	$25	$25
Elk	$135	$650
Youth	$50	$50
Javelina	$25	$100
Youth	$15	$15
Pheasant non-archery, non-falconry	Application fee only	Application fee only

Pronghorn	$90	$550
Raptor	Not applicable	$175
Sandhill Crane	$10	$10
Turkey and Archery Turkey	$25	$90
Youth	$10	$10

Nonpermit-tag and Restricted Nonpermit-tag Fees	**Resident**	**Nonresident**
Bear	$25	$150
Bison		
Adult Bulls or any Bison	$1,100	$5,400
Adult Cows	$650	$3,250
Yearling	$350	$1,750
Cow or Yearling	$650	$3,250
Deer	$45	$300
Youth	$25	$25
Elk	$135	$650
Youth	$50	$50
Javelina	$25	$100
Youth	$15	$15
Mountain Lion	$15	$75
Pronghorn	$90	$550
Sandhill Crane	$10	$10
Raptor	Not applicable	$175
Turkey	$25	$90
Youth	$10	$10

Stamps and Special Use Fees	**Resident**	**Nonresident**
Bobcat Seal	$3	$3
Limited-entry Permit	Application fee only	Application fee only
State Migratory Bird Stamp	$5	$5

Other License Fees	**Resident**	**Nonresident**
Challenged Hunter Access/Mobility Permit (CHAMP)	Application fee only	Application fee only
Crossbow Permit	Application fee only	Application fee only
Fur Dealer's License	$115	$115
Reduced-fee Disabled Veteran's License, available to a resident disabled veteran who receives compensation from the U.S. government for a service-connected disability. This fee shall be equal to the fee required for the resident Combination Hunting and Fishing License, reduced by 25%, and then rounded down to the nearest even dollar.	$42	Not available
Reduced-fee Purple Heart Medal License, available to a resident who is a bona fide Purple Heart Medal recipient. This fee shall be equal to the fee required for the resident Combination Hunting and Fishing License, reduced by 50%, and then rounded down to the nearest even dollar.	$28	Not available
Guide License	$300	$300

License Dealer's License	$100	$100
License Dealer's Outlet License	$25	$25
Pursuit-only Permit	$20	$100
Taxidermist Registration	$100	$100
Trapping License	$30	$275
Youth	$10	$10

Administrative Fees	**Resident**	**Nonresident**
Duplicate License Fee, in the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.	$8	$8
Application Fee	$13	$15

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

Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 31, 1977 (Supp. 77-2). Amended effective June 28, 1977 (Supp. 77-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 1, 1979 Supp. 78-6). Amended effective June 4, 1979 (Supp. 79-3). Amended effective January 1, 1980 (Supp. 79-6). Amended paragraphs (1), (7) through (11), (13), (15), (29), (30), and (32) effective January 1, 1981 (Supp. 80-5). Former Section R12-4-30 renumbered as Section R12-4-102 without change effective August 13, 1981. Amended effective August 31, 1981 (Supp. 81-4). Amended effective September 15, 1982 unless otherwise noted in subsection (D) (Supp. 82-5). Amended effective January 1, 1984 (Supp. 83-4). Amended subsections (A) and (C) effective January 1, 1985 (Supp. 84-5). Amended effective January 1, 1986 (Supp. 85-5). Amended subsection (A), paragraphs (1), (2), (8) and (9) effective January 1, 1987; Amended by adding a new subsection (A), paragraph (31) and renumbering accordingly effective July 1, 1987. Both amendments filed November 5, 1986 (Supp. 86-6). Amended subsections (A) and (C) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsections (A) and (C) filed December 30, 1988, effective January 1, 1989"; Amended subsection (C) effective April 28, 1989 (Supp. 89-2). Section R12-4-102 repealed, new Section R12-4-102 filed as adopted November 26, 1990, effective January 1, 1991 (Supp. 90-4). Amended effective September 1, 1992; filed August 7, 1992 (Supp. 92-3). Amended effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective December 16, 1995 (Supp. 94-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State November 14, 1995 (Supp. 95-4). Amended subsection (D), paragraph (4), and subsection (E), paragraph (10), effective October 1, 1996; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended subsection (B), paragraph (6) and subsection (E) paragraph (4), effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 or January 1, 2001, as designated within the text of the Section (Supp. 00-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 1157, effective May 1, 2004 (Supp. 04-1). Amended by final rulemaking at 10 A.A.R. 2823, effective August 13, 2004 (Supp. 04-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 12 A.A.R. 1391, effective June 4, 2006 (Supp. 06-2). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3). Amended by final exempt rulemaking at 27 A.A.R. 400, effective July 1, 2021 (Supp. 21-1). Amended by final exempt rulemaking at 27 A.A.R. 1076, effective August 21, 2021 (Supp. 21-2). Amended by final exempt rulemaking at 27 A.A.R. 2916 (December 17, 2021), effective February 7, 2022 (Supp. 21-4). Amended by final exempt rulemaking, effective September 26, 2022 (Supp. 22-3). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025; When this Section was amended by final exempt rulemaking at 27 A.A.R. 400, the Commission did not use the text as amended at 29 A.A.R. 1854 (July 19, 2019); Taxidermist "License" has been corrected to "Registration" and fees corrected from "$150" to "$100" (Supp. 25-2).

R12-4-102.01. License Fee Waiver; Eligibility; Application

A. The Department shall waive the initial license fee when an eligible applicant as identified under subsection (B) requests

an initial license for any license listed under subsection (C). At the time of application, the eligible applicant shall submit to the Department the applicable license application and a signed licensing fee waiver form affirming the information provided on the form is true and accurate. The license application and licensing fee waiver forms are available from any Department office and on the Department's website. The applicant shall provide all of the following information:

1. Type of exemption, see subsection (B); and
2. Applicant's:
   a. Name;
   b. Date of birth;
   c. Mailing address;
   d. Email, if available;
   e. Telephone number;
   f. Customer ID number;
   g. Affirmation that the information provided on the application is true and accurate; and
   h. Signature and date.

B. Under A.R.S. §41-1080.01, persons eligible for the initial license fee waiver are limited to any:

1. Individual whose family income does not exceed 200% of the current federal poverty guidelines,
2. Active military service member's spouse, or
3. Honorably discharged veteran who has been discharged not more than two years before application.

C. The Department has determined the following licenses may be used for the purpose of operating a business or providing a service in Arizona and are subject to A.R.S. §41-1080.01:

1. Aquatic Wildlife Stocking License,
2. Fur Dealer's License,
3. Game Bird Field Training License,
4. Game Bird Field Trial License,
5. Game Bird Shooting Preserve License,
6. Guide License,
7. Live Bait Dealer's License,
8. Private Game Farm License,
9. Sport Falconry License,
10. License Dealer's License,
11. Taxidermist License,
12. Trapping License,
13. Wildlife Holding License,
14. Wildlife Service, and
15. Zoo License.

D. An applicant for a license fee waiver shall certify they meet the eligibility criteria proscribed in subsection (B), as applicable.

E. All information and documentation provided by the applicant is subject to Department verification.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(8), 17-231(B)(1), 17-332, 17-333, and 41-1005

Historical Note

New Section made by final rulemaking effective September 1, 2023, see 29 A.A.C., September 22, 2023.

R12-4-102.02. Refund of Permit-Tag Fee; Active-duty Military; Peace Officer; Professional Firefighter

A. The Department shall refund the fee paid for a big game permit-tag, nonpermit-tag, or limited-entry tag when an eligible person as identified under subsection (B) requests a refund at any time during the time period in which the tag is valid. To request a refund, the eligible person shall submit to the Department:

1. The tag for which the refund is requested,
2. The big game tag refund form, and
3. Proof of order or special assignment as identified under subsection (C).
4. A person requesting a refund under this Section shall certify the information provided on the big game tag refund form is true and accurate;
5. The big game tag refund form is available from any Department office and on the Department's website.

B. Under A.R.S. §17-332, persons eligible for a refund are limited to:

1. A person who is ordered to leave Arizona as an active duty member of the U.S. Armed Forces,
2. A peace officer assigned to special duty, or

3. A professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department and who is assigned to special duty.

C. An eligible person requesting a refund shall provide the following as applicable:
1. For an active duty member of the U.S. Armed Forces, an official order or letter.
2. For a peace officer assigned to special duty, an official letter of assignment to special duty showing evidence of assignment status during the time period in which the big game tag is valid.
3. For a professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department and who is assigned to special duty, an official letter of assignment to special duty showing evidence of assignment status during the time period in which the big game tag is valid.
4. All information and documentation provided by the applicant is subject to Department verification.

D. For subsections (C)(1), (2), and (3), the official order or letter, as applicable, shall provide the eligible person's name and the dates of the assignment.

E. When an eligible person submits a request for a refund for a big game hunt permit-tag awarded through a computer draw, the Department shall reinstate any expended bonus points for a successful Hunt Permit-tag Application and award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the refunded big game tag.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(8), 17-231(B)(1), 17-332, 17-333, and 41-1005

Historical Note

New Section made by final rulemaking effective September 1, 2023, see 29 A.A.C., September 22, 2023.

R12-4-103. Duplicate Tags and Licenses

A. Under A.R.S. § 17-332(C), the Department and its license dealers may issue a duplicate license tag, or electronic tag to an applicant who:
1. Pays the applicable fee prescribed under R12-4-102, and
2. Signs an affidavit. The affidavit is furnished by the Department and is available at any Department office or license dealer.

B. The applicant shall provide the following information on the affidavit:
1. The applicant's personal information:
   a. Name;
   b. Department identification number, when applicable;
   c. Residency status and number of years of residency immediately preceding application, when applicable;
2. The original license or tag information:
   a. Type of license tag, or electronic tag;
   b. Place of purchase;
   c. Purchase date, when available; and
3. Disposition of the original tag for which a duplicate is being purchased:
   a. The tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or
   b. The tag was attached to a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee as required under R12-4-112(B) and (C). An applicant applying for a duplicate tag under this subsection shall also submit the condemned meat duplicate tag authorization form issued by the Department.

C. In the event the Department is unable to verify the expiration date of the original license, the duplicate license shall expire on December 31 of the current year.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-331(A) and 17-332

Historical Note

Amended effective June 7, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Former Section R12-4-07 renumbered as Section R12-4-103 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Computer Draw and Purchase of Bonus Points

A. For the purposes of this Section, "group" means all applicants who placed their names on a single application as part of the same application.

B. A person is eligible to apply for a:
1. Hunt permit-tag for big game if the person:
   a. Is at least 10 years of age at the start of the hunt for which the person is applying;
   b. Has successfully completed a Department-sanctioned hunter education course by the start date of the hunt for which the person is applying, when the person is between 9 and 14 years of age;
   c. Has not reached the bag limit established under subsection (J) for that genus; and
   d. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
2. Bonus point for big game if the person:
   a. Is at least 10 years of age by the application deadline date; and
   b. Is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.
3. Bonus point for wildlife other than big game if the person is not suspended or revoked in this state as a result of an action under A.R.S. §§ 17-340 or 17-502 at the time the person submits an application.

C. An applicant shall apply at the times, locations, and in the manner and method established by the hunt permit-tag application schedule published by the Department and available at any Department office, on the Department's website, or a license dealer.
1. The Commission shall set application deadline dates for hunt permit-tag computer draw applications through the hunt permit-tag application schedule.
2. The Director has the authority to extend any application deadline date if a problem occurs that prevents the public from submitting a hunt permit-tag application within the deadlines set by the Commission.
3. The Commission, through the hunt permit-tag application schedule, shall designate the manner and method of submitting an application, which may require an applicant to apply online only. If the Commission requires applicants to use the online method, the Department shall accept paper applications only in the event of a Department systems failure.

D. An applicant for a hunt permit-tag or a bonus point shall complete and submit a Hunt Permit-tag Application. The application form is available from any Department office, a license dealer, or on the Department's website.

E. An applicant shall provide the following information on the Hunt Permit-tag Application:
1. The applicant's personal information:
   a. Name;
   b. Date of birth,
   c. Social security number, as required under A.R.S. §§ 25-320(P) 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;
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 (K). 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;
   c. Type of license for which the person is applying; and
4. Certify the information provided on the application is true and accurate;
5. An applicant who is:
   a. Under the age of 10 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.
   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. In addition to the information required under subsection (E), an applicant shall also submit all applicable fees established under R12-4-102, as follows:
1. When applying electronically:
   a. The permit application fee; and
   b. The license fee, when the applicant does not possess a valid license at the time of application. The applicant shall submit payment in U.S. currency using valid credit or debit card.
   c. If an applicant is successful in the computer draw, the Department shall charge the hunt permit-tag fee using the credit or debit card furnished by the applicant.
2. When applying manually:
   a. The fee for the applicable hunt permit-tag;
   b. The permit application fee; and
   c. The license fee if the applicant does not possess a valid license at the time of application. The applicant shall submit payment by certified check, cashier's check, or money order made payable in U.S. currency to the Arizona Game and Fish Department.

G. 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 computer draw, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
1. An applicant shall make all hunt choices for the same genus within one application.
2. An applicant shall not include applications for different genera of wildlife in the same envelope.

H. 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.
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 for remaining hunt permit-tags in unfilled hunt areas as specified in the hunt permit-tag application schedule.

I. All members of a group shall apply for the same hunt numbers and in the same order of preference.
1. No more than four persons may apply as a group.
2. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.

J. A person shall not apply for a hunt permit-tag for:
1. Rocky Mountain or desert bighorn sheep if the person has met the lifetime bag limit for that sub-species.
2. Bison if the person has met the lifetime bag limit for that species.
3. Any species when the person has reached the bag limit for that species during the same calendar year for which the hunt permit-tag applies.

K. To participate in:
1. The computer draw 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 computer 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)(2).
   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.

L. The Department shall reject as invalid a Hunt Permit-Tag Application not prepared or submitted in accordance with this Section or not prepared in a legible manner.

M. Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.

N. The Department or its authorized agent shall deliver hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-tag Application. The Department shall not refund:
1. A permit application fee.
2. A license fee submitted with a valid application for a hunt permit-tag or bonus point.
3. An overpayment of five dollars or less. The Department shall consider the overpayment to be a donation to the Arizona Game and Fish Fund.

O. The Department shall award a bonus point for the appropriate species to an applicant when the payment submitted is less than the required fees, but is sufficient to cover the application fee and, when applicable, license fee.

P. When the Department determines a Department error, as defined under subsection (P)(3), caused the rejection or denial of a valid application:

1. The Director may authorize either:
   a. The issuance of an additional hunt permit-tag, provided 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, or
   b. The awarding of a bonus point when a hunt permit-tag is not issued.
2. A person who is denied a hunt permit-tag or a bonus point under this subsection may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.
3. For the purposes of this subsection, "Department error" means an internal processing error that:
   a. Prevented a person from lawfully submitting an application for a hunt permit-tag,
   b. Caused a person to submit an invalid application for a hunt permit-tag,
   c. Caused the rejection of an application for a hunt permit-tag,
   d. Failed to apply an applicant's bonus points to a valid application for a hunt permit-tag, or
   e. Caused the denial of a hunt permit-tag.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 25-320(P), 25-502(K), and 25-518

Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 28, 1977 (Supp. 77-3). Amended effective July 24, 1978 (Supp. 78-4). Former Section R12-4-06 renumbered as Section R12-4-104 without change effective August 13, 1981. Amended subsections (N), (O), and (P) effective August 31, 1981 (Supp. 81-4). Former Section R12-4-104 repealed, new Section R12-4-104 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (D) as an emergency effective December 27, 1982, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 82-6). Emergency expired. Amended effective June 20, 1983 (Supp. 83-3). Amended subsection (F)(3) effective September 12, 1984. Amended subsection (F)(9) and added subsections (F)(10) and (G)(3) effective October 31, 1984 (Supp. 84-5). Amended effective May 5, 1986 (Supp. 86-3). Amended effective June 4, 1987 (Supp. 87-2). Section R12-4-104 repealed, new Section R12-4-104 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Subsection (E)(3) contained a clerical error to a subsection label; "established under subsection (L)" corrected to "established under subsection (K)" file number R22-77 (Supp. 22-2). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

R12-4-105. License Dealer's License

A. For the purposes of this Section, unless the context otherwise requires:

"Dealer number" means the unique number assigned by the Department to a dealer outlet.

"Dealer outlet" means a specified location authorized to sell licenses under a license dealer's license.

"License" means any hunting or fishing license, permit, stamp, or tag that may be sold by a dealer or dealer outlet under this Section.

"License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.

"License Dealer Portal" means the secure website provided by the Department for issuing licenses and permits and accessing a license dealer's account.

B. A person shall not sell or issue licenses without authorization from the Department. A license dealer's license authorizes a person to issue licenses on behalf of the Department. A person is eligible to apply for a license dealer's license, provided all of the following criteria are met:

1. The person's privilege to sell licenses for the Department has not been revoked or canceled under A.R.S. §§ 17-334, 17-338, or 17-339 within the two calendar years immediately preceding the date of application;
2. The person's credit record or assets assure the Department that the value of the licenses shall be adequately protected;

3. The person agrees to assume financial responsibility for licenses provided by the Department at the maximum value established under R12-4-102.

C. A person shall apply for a license dealer's license by submitting an application to any Department office. The application is furnished by the Department and is available at any Department office. A license dealer license applicant shall provide all of the following information on the application:

1. The principal business or corporation information:
   a. Name,
   b. Physical address, and
   c. Telephone number;
   d. If not a corporation, the applicant shall provide the information required under subsections (C)(1)(a), (b), and (c) for each owner;
2. The contact information for the person responsible for ensuring compliance with this Section:
   a. Name,
   b. Business address, and
   c. Business telephone number;
3. Whether the applicant has previously sold licenses under A.R.S. § 17-334;
4. Whether the applicant is seeking renewal of an existing license dealer's license;
5. Credit references and a statement of assets and liabilities; and
6. Dealer outlet information:
   a. Name,
   b. Physical address,
   c. Telephone number, and
   d. Name of the person responsible for ensuring compliance with this Section at each dealer outlet.

D. A license dealer may request to add dealer outlets to the license dealer's license, at any time during the license year, by submitting the application form containing the information required under subsection (C) to the Department and paying the fee established under R12-4-102.

E. An applicant who is denied a license dealer's license under this Section may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

F. The Department shall:

1. Provide to the license dealer all licenses that the license dealer will make available to the public for sale,
2. Authorize the license dealer to use the dealer's own license stock, or
3. Authorize the license dealer to issue licenses and permits online via the Department's License Dealer Portal.

G. Upon receipt of licenses provided by the Department, the license dealer shall verify the licenses received are the licenses identified on the shipment inventory provided by the Department with the shipment.

1. Within five working days from receipt of shipment, the person performing the verification shall:
   a. Clearly designate any discrepancies on the shipment inventory,
   b. Sign and date the shipping inventory, and
   c. Return the signed shipping inventory to the Department.
2. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory accordingly.

H. A license dealer shall maintain an inventory of licenses for sale to the public at each outlet.

I. A license dealer's license holder shall transmit to the Department all collected license or permit fees established under R12-4-102.

1. A license dealer's license holder may collect and retain a reasonable and commensurate fee for its services.
2. Each license dealer's license holder shall identify to the public the Department's license fees separately from any other costs.

J. A license dealer may request additional licenses in writing or verbally.

1. The request shall include:
   a. The name of the license dealer,
   b. The assigned dealer number,
   c. A list of the licenses needed, and
   d. The name of the person making the request.
2. Within 10 calendar days from receipt of a request, the Department shall provide the licenses requested, unless:
   a. The license dealer failed to acknowledge licenses previously provided to the license dealer, as required under subsection (G);
   b. The license dealer failed to transmit license fees, as required under subsection (J); or
   c. The license dealer is not in compliance with this Section and all applicable statutes and rules.

K. A license dealer shall transmit to the Department all license fees collected by the tenth day of each month, prescribed under A.R.S. § 17-338(A). Failure to comply with the requirements of this subsection shall result in the cancellation of the license dealer's license, as authorized under A.R.S. § 17-338(A).

L. A license dealer shall submit a monthly report to the Department by the tenth day of each month, as prescribed under A.R.S. § 17-339.

1. The monthly report form is furnished by the Department.
2. A monthly report is required regardless of whether or not activities were performed.
3. Failure to submit the monthly report in compliance with this subsection shall be cause to cancel the license dealer's license.
4. The license dealer shall include in the monthly report all of the following information for each outlet:
   a. Name of the dealer;
   b. The assigned dealer number;
   c. Reporting period;
   d. Number of sales and dollar amount of sales for reporting period, by type of license sold;
   e. Debit and credit adjustments for previous reporting periods, if any;
   f. Number of affidavits received for which a duplicate license was issued under R12-4-103;
   g. List of lost or missing licenses; and
   h. Printed name and signature of the preparer.
5. In addition to the information required under subsection (L), the license dealer shall also provide the affidavit for each duplicate license issued by the dealer during the reporting period.
   a. The affidavit is furnished by the Department and is included in the license book.
   b. A license dealer who fails to submit the affidavit for a duplicate license issued by the license dealer shall remit to the Department the actual cash value of the original license replaced.

L. The Department shall provide written notice of suspension and demand the return of all inventory within five calendar days from any license dealer who:

1. Fails to transmit monies due the Department under A.R.S. § 17-338 by the deadline established under subsection (J);
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 and all applicable statutes and rules.

M. As prescribed under A.R.S. § 17-338, the actual cash value of licenses not returned to the Department is due and payable to the Department within 15 working days from the date the Department provides written notice to the license dealer. This includes, but is not limited to:

1. Licenses not returned upon termination of business by a license dealer; or
2. Licenses reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason.

N. In addition to those violations that may result in revocation, suspension, or cancellation of a license dealer's license as prescribed under A.R.S. §§ 17-334, 17-338, and 17-339, the Commission may revoke a license dealer's license if the license dealer or an employee of the license 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)

Specific: A.R.S. §§ 17-332, 17-333, 17-334, 17-338, and 17-339

Historical Note

Amended effective June 7, 1976 (Supp. 77-3). Former Section R12-4-08 renumbered as Section R12-4-105 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-105 repealed, new Section R12-4-105 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

R12-4-106. Special Licenses Licensing Time-frames

A. For the purposes of this Section, the following definitions apply:

"Administrative review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(1).

"License" means any permit or authorization issued by the Department and listed under subsection (H).

"Overall time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(2).

"Substantive review time-frame" has the same meaning as prescribed under A.R.S. § 41-1072(3).

B. As required under A.R.S. § 41-1072 et seq., within the overall time-frames listed in the Table 1. Time-Frames, the Department shall either:
1. Grant a license to an applicant after determining the applicant meets all of the criteria required by statute and the governing rule; or
2. Deny a license to an applicant when the Department determines the applicant does not meet all of the criteria required by statute and the governing rule.
   a. The Department may deny a license at any point during the review process if the information provided by the applicant demonstrates the applicant is not eligible for the license as prescribed under statute or the governing rule.
   b. The Department shall issue a written denial notice when it is determined that an applicant does not meet all of the criteria for the license.
   c. The written denial notice shall provide:
      i. The Department's justification for the denial, and
      ii. When a hearing or appeal is authorized, an explanation of the applicant's right to a hearing or appeal.

C. During the overall time-frame:
1. The applicant and the Department may agree in writing to extend the overall time-frame.
2. The substantive review time-frame shall not be extended by more than 25% of the overall time-frame.

D. An applicant may withdraw an application at any time.

E. The administrative review time-frame shall begin upon the Department's receipt of an application.
1. During the administrative review time-frame, the Department may return to the applicant, without denial, an application that is missing any of the information required under R12-4-409 and the rule governing the specific license. The Department shall issue to the applicant a written notice that identifies all missing information and indicates the applicant has 30 days in which to provide the missing information.
2. The administrative review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the notice until the date the Department receives the missing information.
3. If an applicant fails to respond to a request for missing information within 30 days, the Department shall consider the application withdrawn.

F. The substantive review time-frame shall begin when the Department determines an application is complete.
1. During the substantive review time-frame, the Department may make one comprehensive written request for additional information. The written notice shall:
   a. Identify the additional information, and
   b. Indicate the applicant has 30 days in which to submit the additional information.
   c. The Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information.
   d. If an applicant fails to respond to a request for additional information within 30 days, the Department shall consider the application withdrawn.
2. The substantive review time-frame and the overall time-frame listed for the applicable license under this Section are suspended from the date on the request until the date the Department receives the additional information.

G. If the last day of the time-frame period falls on a Saturday, Sunday, or an official State holiday, the Department shall consider the next business day the time-frame period's last day. All periods listed are:
1. Calendar days, and
2. Maximum time periods.

H. The Department may grant or deny a license in less time than specified in Table 1. Time-Frames.

Table 1. Time-Frames

Name of Special License	Governing Rule	Administrative Review Time-frame	Substantive Review Time-frame	Overall Time-frame
Aquatic Wildlife Stocking License	R12-4-410	10 days	170 days	180 days
Authorization for Use of Drugs on Wildlife	R12-4-309	20 days	70 days	90 days
Challenged Hunter Access/Mobility Permit	R12-4-217	1 day	29 days	30 days
Crossbow Permit	R12-4-216	1 day	29 days	30 days
Disabled Veteran's License	R12-4-202	1 day	29 days	30 days
Fishing Permits	R12-4-310	10 days	20 days	30 days

Game Bird License	R12-4-414	10 days	20 days	30 days
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days
Live Bait Dealer's License	R12-4-411	10 days	20 days	30 days
Pioneer License	R12-4-201	1 day	29 days	30 days
Private Game Farm License	R12-4-413	10 days	20 days	30 days
Scientific Activity License	R12-4-418	10 days	20 days	30 days
Small Game Depredation Permit	R12-4-113	10 days	20 days	30 days
Sport Falconry License	R12-4-422	10 days	20 days	30 days
Taxidermy Registration	R12-4-204	10 days	20 days	30 days
Watercraft Agents	R12-4-509	10 days	20 days	30 days
White Amur Stocking License	R12-4-424	10 days	20 days	30 days
Wildlife Holding License	R12-4-417	10 days	20 days	30 days
Wildlife Rehabilitation License	R12-4-423	10 days	50 days	60 days
Wildlife Service License	R12-4-421	10 days	50 days	60 days
Zoo License	R12-4-420	10 days	20 days	30 days

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 41-1072 and 41-1073

Historical Note

Editorial correction subsections (F) through (G) (Supp. 78-5). Former Section R12-4-09 renumbered as Section R12-4-106 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section adopted June 10, 1998 (Supp. 98-2). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

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 in a Commission Order for use by an applicant who is applying for a bonus point only.
"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 computer draw for bear, bighorn sheep, bison, deer, elk, javelina, pronghorn, Sandhill crane, or turkey for each bonus point that person has accumulated under this Section.
1. Each bonus point random number entry is in addition to the entry normally granted under R12-4-104.
2. When processing a "group" application, 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 number of bonus points is equal to or greater than .5, the total will be rounded to the next higher number.
3. The Department shall credit a bonus point under an applicant's Department identification number for the genus on the application.
4. The Department shall not transfer bonus points between persons or genera.

C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application provided the following apply:
1. The application is unsuccessful in the computer draw or the application is for a bonus point only;
2. The application is unsuccessful in the computer draw:
   a. The applicant is age 10 or younger, and is applying for a hunt wildlife other than big game; or
   b. The application is for a bonus point for wildlife other than big game only;
3. The application is not for a hunt permit-tag leftover after the computer draw and available on a first-come, first-served basis as established under R12-4-114; and

4. 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, as prescribed under R12-4-104 at the times, locations, and in the manner and method established by the schedule published by the Department and available at any Department office, on the Department's website, or a license dealer.
   a. When the application is submitted for a hunt permit-tag or bonus point, the Department shall reject any application that:
      i. Indicates the bonus point only hunt number as any choice other than the first-choice,
      ii. Includes any other hunt number on the application,
      iii. Includes more than one Hunt Permit-tag Application per genus per computer draw, or
      iv. Is submitted after the application deadline for that specific computer draw.
   b. When the application is submitted for a bonus point during the extended bonus point period, the Department shall reject any application that:
      i. Includes more than one Hunt Permit-tag Application per genus, or
      ii. Is submitted after the application deadline for that extended bonus point period.
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 the applicant is applying for a hunt permit-tag.

E. With the exception of the conservation education and hunter education bonus points, each accumulated bonus point is valid only for the genus designated on the Hunt Permit-tag Application.

F. With the exception of a permanent bonus point awarded for conservation education or hunter education and a loyalty bonus point which is accrued and forfeited as established under subsection (L), a person's accumulated bonus points for a genus are expended if:
1. The person is issued a hunt permit-tag for that genus in a computer draw;
2. The person fails to submit a Hunt Permit-tag Application for that genus for five consecutive years; or
3. The person purchases a surrendered tag as prescribed under R12-4-118(F)(1), (2), or (3).

G. Notwithstanding subsection (F), the Department shall restore any expended bonus points to a person who surrenders or transfers a tag in compliance with R12-4-118 or R12-4-121.

H. An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(e) after the computer draw does not expend bonus points for that genus.

I. An applicant who is unsuccessful for a first-come, first-served hunt permit-tag made available by the Department after the computer draw is not eligible to receive a bonus point.

J. The Department shall award one permanent bonus point for each genus upon a person's first graduation from either:
1. A Department-sanctioned Arizona Hunter Education Course completed after January 1, 1980, or
2. The Department's Arizona Conservation Education Course completed after January 1, 2021.
   a. Course participants are required to provide the following information upon registration, the participants:
      i. Name;
      ii. Mailing address;
      iii. Telephone number;
      iv. E-mail address, when available;
      v. Date of birth; and
      vi. Department ID number, when applicable.
   b. The Arizona Game and Fish Department-certified Instructor shall submit the course paperwork to the Department within 10 business days of course completion. Course paperwork must be received by the Department no less than 30 days before the computer draw application deadline, as specified in the hunt permit-tag application schedule in order for the Department to assign hunter education bonus points in the next computer draw.
   c. Any person who is nine years of age or older may participate in a hunter education course or the Department's conservation education course. When the person is under 10 years of age, the hunter education completion card and certificate shall become valid on the person's 10th birthday.
   d. The Department shall not award hunter education bonus points for any of the following specialized hunter education courses:
      i. Bowhunter Education,
      ii. Trapper Education, or
      iii. Advanced Hunter Education.

K. The Department provides an applicant's total number of accumulated bonus points on the Department's application website or IVR telephone system.
1. If a person believes the total number of accumulated bonus points is incorrect, the person may request proof of compliance with this Section, from the Department, to prove Department error.
2. In the event of an error, the Department shall correct the person's record.

L. The following provisions apply to the loyalty bonus point program:
1. An applicant who 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 shall accrue a loyalty bonus point for that genus.
2. Except as established under subsection (N), once a loyalty bonus point is accrued, the applicant shall retain the loyalty bonus point provided the applicant annually submits an application, with funds sufficient to cover all application fees and applicable license fees for each applicant listed on the application, for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
3. An applicant who fails to apply in any calendar year for a hunt permit-tag or bonus point for the genus for which the loyalty bonus point was accrued shall forfeit the loyalty bonus point for that genus.
4. A loyalty bonus point is accrued in addition to all other bonus points.

M. It is unlawful for a person to purchase or accrue a bonus point by fraud or misrepresentation and any bonus point so obtained shall be removed from the person's Department record.

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

Former Section R12-4-03 renumbered as Section R12-4-107 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-107 repealed, new Section R12-4-107 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective July 29, 1992 (Supp. 92-3). Section R12-4-107 repealed, new Section R12-4-107 adopted effective January 1, 1999; filed with the Office of the Secretary of State February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 845, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005 (Supp. 05-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 29 A.A.R., effective September 1, 2023. (Supp. 23-3). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

R12-4-108. Management Unit Boundaries

A. For the purpose of this Section, parentheses mean "also known as," and the following definitions shall apply:
"FH" means forest highway.
"FR" means forest road.
"Hwy" means Highway.
"I-8" means Interstate Highway 8.
"I-10" means Interstate Highway 10.
"I-15" means Interstate Highway 15.
"I-17" means Interstate Highway 17.
"I-19" means Interstate Highway 19.
"I-40" means Interstate Highway 40.
"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 RD (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; westerly 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; easterly 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 Showlow; northerly along AZ Hwy 77 to Snowflake.

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 mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; east along the Navajo Indian 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 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 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. (FH 151); westerly and southerly along the Woods Canyon Lake Rd. (FH 151) to the Mogollon Rim; easterly along the Mogollon Rim to the intersection of AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto 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.; north 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; southwesterly 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); southwesterly along the bottom of Walnut Canyon to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; southwesterly along the bottom of Walnut Canyon to FH3 (mp 337.5).

Unit 6A - Beginning at the junction of AZ Hwy 89A and FR 237; southwesterly on AZ Hwy 89A to the Verde River; southeasterly along the Verde River to the confluence with Fossil Creek; northeasterly along Fossil 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; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well Rd. (FH3); northwesterly 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; northwesterly on FR 132 to FR 235; westerly on FR 235 to Priest Draw; southwesterly 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 Mountainaire Rd.; west on Mountainaire Rd. to FR 237; westerly on FR 237 to AZ 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 AZ Hwy 89A; southerly on AZ 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; southeasterly 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; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 8 – Beginning at the junction of I-40 and AZ Hwy 89 (in Ash Fork, Exit 146); south on AZ Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; northeasterly along Volunteer Canyon to the west boundary of Camp Navajo; north along the boundary to a point directly north of I-40; west on I-40 to AZ Hwy 89.

Unit 9 – Beginning where Cataract Creek enters the Havasupai Reservation; easterly and northerly along the Havasupai Reservation boundary to Grand Canyon National Park; easterly along the Grand Canyon National Park boundary to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly along U.S. Hwy 180 to AZ Hwy 64; south along AZ Hwy 64 to Airpark Rd.; west and north along Airpark Rd. to the Valle-Cataract Creek Rd.; westerly along the Valle-Cataract Creek Rd. to Cataract Creek at Island Tank; northwesterly along Cataract Creek to the Havasupai Reservation Boundary.

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-Valle Rd. to Airpark Rd.; south and east along Airpark Rd. to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 11M – Beginning at the junction of Lake MaryClint's Well Rd (FH3) and Walnut Canyon (mp 337.5 on FH3); northeasterly along the bottom of 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 the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1&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 the Navajo Army Depot (mp 188.5 on I-40); south along the eastern boundary of the Navajo Army Depot to the southeast corner of the Depot; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that 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 Mountainaire Rd; easterly on Mountainaire 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 Priest Draw to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH 3; southeasterly on FH 3 to the south rim of Walnut Canyon (mp 337.5 on FH3).

Unit 12A – Beginning at the confluence of the Colorado River and South Canyon; southerly and westerly along the Colorado River to Kanab Creek; northerly along Kanab Creek to Snake Gulch; northerly, easterly, and southerly around the Kaibab National Forest boundary to South Canyon; northeasterly along South Canyon to the Colorado River.

Unit 12B – 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; northeasterly along the park boundary to Glen Canyon National 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; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to U.S. Hwy 89A near mp 566; except those portions that are sovereign tribal lands of the Kaibab 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 Kaibab 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; westerly 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); northwesterly on U.S. Hwy 93 to Hoover Dam; north and east along the Colorado River to Pearce Ferry; southerly on the Pearce Ferry Rd. to Antares Rd.; southeasterly on Antares Rd. to AZ Hwy 66; easterly on AZ Hwy 66 to Hackberry Rd.; southerly on the Hackberry Rd. to I-40; west on I-40 to Kingman (Exit 48).

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 15D – Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93 to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A – Beginning at Kingman on I-40 (Exit 48); 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 on U.S. Hwy 93 to I-40 (Exit 71); west on 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 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 Rd. to the west boundary of the Prescott National Forest; north along the forest 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 the forest 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 at the junction of Iron Springs Rd. (County Rd. 10) and Williamson Valley Rd. (County Road 5) in Prescott; westerly on the Prescott-Skull Valley-Hillside-Bagdad 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; southwest 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 I-40; west along I-40 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 forest boundary; south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad Rd.; southwesterly 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 AZ Hwy 89 (in Prescott); northerly on AZ Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwesterly on the southbound lane of I-17 to AZ Hwy 69; northwesterly on AZ Hwy 69 to AZ 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 AZ 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 AZ Hwy 89; south on AZ 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 AZ Hwy 89 and AZ Hwy 69; west on Gurley St. to Grove Ave.; north on Grove Ave. to Miller Valley Rd., northwest on Miller Valley Rd. to Iron Springs Rd., west and south on Iron Springs Rd. (County Rd. 10) to Kirkland; southeast on Kirkland Junction Rd. (AZ Hwy 89, County Rd. 15) to Kirkland Junction (AZ Hwy 89); south on AZ Hwy 89 to Wagoner Rd. (County Rd. 60); southeasterly along Wagoner Rd. to Wagoner (confluence of Hassayampa River and Blind Indian Creek); from Wagoner easterly along Wagoner Rd. (County Rd. 60 FR 362) to Senator Highway (FR 52); easterly along Senator Highway to Crown King Rd. (County Rd. 59, FR 529) easterly along Crown King to Antelope Creek Rd. cutoff (County Rd. 179S); northeasterly along Antelope Creek Rd. cutoff to intersection of Antelope Creek Rd. (County Rd. 179); northeasterly on Antelope Creek Rd. to Cordes; east on Bloody Basin Rd. 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 AZ 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 60/93 (at Wickenburg), northeasterly along the Hassayampa River to Wagoner (confluence of Hassayampa River and Blind Indian Creek); from Wagoner easterly along Wagoner Rd. (County Rd. 60 FR 362) to Senator Highway (FR 52); easterly along Senator Highway (FR 52) to Crown Kind Rd. (County Rd. 59, FR 259); easterly along Crown King Rd. (County Rd. 59, FR 259) to Antelope Creek Rd. cutoff (County Rd. 179S); northeasterly along Antelope Creek Rd. cutoff to intersection of Antelope Creek Rd. (County Rd. 179); northeasterly on Antelope Creek Rd. to Cordes; east on Bloody Basin Rd. (County Rd. 73) to I-17 (Exit 259); south on the southbound lane of I-17 to New River Rd. (Exit 232); west on New River Rd. to AZ Hwy 74; west on AZ Hwy 74 to junction of U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Hassayampa River (at Wickenburg).

Unit 20C – Beginning at U.S. Hwy 60/93 and the Santa Maria River; northeasterly along the Santa Maria River to AZ Hwy 96; easterly on AZ Hwy 96 to Kirkland; southeast on Kirkland Junction Rd. (AZ. Hwy 96, County Rd. 15) to Kirkland Junction (U.S. Hwy 89); southeasterly along Wagoner Rd. (County Rd. 60) to Wagoner (confluence of Hassayampa River and Blind Indian Creek)); from Wagoner southwesterly along the Hassayampa River to U.S. Hwy 60/93; northwesterly on U.S. Hwy 60/93 to the Santa Maria River.

Unit 21 – Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Rd. (Exit 232); east on New River Rd. to Fig Springs Rd.; northeasterly on Fig Springs Rd. to Mingus Rd.; Mingus Rd. 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 the confluence with Fossil Creek; northeasterly along Fossil 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; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the 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 Yavapai Nation.

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; southwesterly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 188 to U.S. Hwy 60; southwesterly 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.); southwesterly 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; easterly and southerly along the Tonto National Forest boundary to Fort McDowell Yavapai Nation boundary; northeasterly along the Fort McDowell Yavapai Nation boundary to the Verde River; southerly along the Verde River to the Salt River; southwesterly along the Salt River to the Tonto National Forest boundary; southerly along the Tonto National Forest boundary to Bush Hwy/Power Rd.; southerly on Bush Hwy/Power Rd. to AZ Loop 202; easterly, southerly, and westerly on AZ Loop 202 to the intersection of Pecos Rd. at I-10; west 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); southwesterly on New River Rd. to AZ Hwy 74; westerly on AZ Hwy 74 to U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly 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); west on I-10 to Oglesby Rd. (Exit 112); 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; easterly along the Tohono O'odham Nation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Highway 60 to Peralta Rd.; northeasterly along Peralta Rd. to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to the Salt River; northeasterly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along the Tonto National Forest boundary to Mingus Rd.; Mingus Rd. to Fig Springs Rd.; southwesterly on Fig Springs Rd. to New River Rd.; west on New River Rd. 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; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast 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; northwest on U.S. Hwy 191 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; southerly and west 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.; easterly on the 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; north along the state line to I-10.

Unit 30A – Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the

U.S.-Mexico border; west along the border to U.S. Hwy 191; northerly on U.S. Hwy 191 to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass Rd.; southerly on the Bowie-Apache Pass Rd. to AZ Hwy 186; southeasterly 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.; easterly on Rucker Canyon Rd. to the 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 291); 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 Compound St.; northeast on Grand Avenue to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita Rd. alignment; west along the Sahuarita Rd. 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 Lochiel Rd.; north on Lochiel 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 Hwy 89 at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to Lochiel Rd.; north on the Lochiel 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; southwesterly 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 Rd. alignment; north on Sandario Rd. to AZ Hwy 86.

Unit 36B – Beginning at I-19 and Compound St.; southeasterly on Compound St. to Sonoita Ave.; north on Sonoita Ave. to Crawford St.; southeasterly on Crawford St. to Grand Avenue 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.

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 Nation boundary; north, east, and west along this 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 291); 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 Community; southeasterly along this 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 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; southerly 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 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 (AZ 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southwesterly 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 Rd.; 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 Rd.; 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.; northeasterly 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 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) 17-234, 17-241, 17-452, 17-453, 17-454, and 17-455

Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective March 5, 1976 (Supp. 76-2). Amended effective May 17, 1977 (Supp. 77-3). Amended effective September 7, 1978 (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-10 renumbered as Section R12-4-108 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective February 4, 1993 (Supp. 93-1). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 7 A.A.R. 865, effective July 1, 2001 (Supp. 01-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

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 $75.

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). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

R12-4-110. Posting and Access to State Land

A. For the purpose of this Section:

"Corrals," "feed lots," or "holding pens" mean completely fenced areas used to contain livestock for purposes other than grazing.

"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, and is not currently closed by the Commission.

"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 the prohibition against posting proscribed under A.R.S. § 17-304, a person 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 or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.

1. A person in violation of this Section shall take immediate corrective action to remove any lock, fence, or other obstacle unlawfully preventing access to state lands.
2. 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 prevents access to state lands.
3. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful posting or obstacle that prevented access to state land.

C. The provisions of this Section do not allow any person to trespass upon private land to gain access to any state land.

D. A person may post state lands as closed to hunting, fishing, or trapping without further action by the Commission when the state land is within one-quarter mile of any:

1. Occupied residence, cabin, lodge, or other building; or
2. Corrals, feed lots, or holding pens containing concentrations of livestock other than for grazing purposes.
3. Subsection (D) does not authorize any person to deny lawful access to state land in any way.

E. The Commission may grant permission to lock, tear down, or remove a gate or close a road or trail that provides legally available access to state lands for persons lawfully taking wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing if access to such lands is provided by a reasonable alternate route.

1. 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.
2. Applications for permits for more than 30 days shall be submitted to the Commission for approval.
3. 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.

F. A person may post state lands other than those referenced under subsection (D) as closed to hunting, fishing, or trapping, provided the person has obtained a permit from the Commission authorizing the closure. A person possessing a permit authorizing the closure of state lands shall post signs in compliance with A.R.S. 17-304(C). The Commission may permit the closure of state land when it 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.

G. A person shall submit an application for posting state land to prohibit hunting, fishing, or trapping under subsection (F), or to close an existing road under subsection (E), as required under R12-4-610. If an application to close state land to hunting, fishing, or trapping is made by a person 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 with the Department, in writing, within 30 days after receipt of

notice, after which the matter shall be submitted to the Commission for determination.

H. A person may use a vehicle on or off a road to pick up lawfully taken big game.

I. The closing of state land to hunting, fishing, or trapping shall not restrict any other permitted use of the land.

J. 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 person lawfully taking or retrieving wildlife or conducting any activities that are within the scope of and take place while lawfully hunting or fishing.

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;
8. Frighten or chase domestic livestock or wildlife, or endanger the lives or safety of others when using a motorized vehicle or other means; or
9. Operate a motor vehicle off road or on any road closed to the public by the Commission or landowner, except to retrieve a lawfully taken big game.

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, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

R12-4-111. Repealed

Historical Note

Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-05 renumbered as Section R12-4-111 without change effective August 13, 1981 (Supp. 81-4). Section R12-4-111 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section adopted 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. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

R12-4-112. Diseased, Injured, or Chemically-immobilized Wildlife

A. A person who lawfully takes and possesses wildlife believed to be diseased, injured, or chemically-immobilized may request an inspection of the wildlife carcass provided:

1. The wildlife was lawfully taken and possessed under a valid hunt permit- or nonpermit-tag, and
2. The person who took the wildlife did not create the condition.

B. The Department, after inspection, may condemn the carcass if it is determined the wildlife is unfit for human consumption. The Department shall condemn chemically-immobilized wildlife only when the wildlife was taken during the immobilizing drug's established withdrawal period.

C. The person shall surrender the entire condemned wildlife carcass and any parts thereof to the Department.

1. Upon surrender of the condemned wildlife, the Department shall provide to the person written authorization allowing the person to purchase a duplicate hunt permit- or nonpermit-tag.
2. The person may purchase a duplicate tag from any Department office or license dealer where the permit-tag is available.

D. If the duplicate tag is issued by a license dealer, the license dealer shall forward the written authorization to the Department with the report required under R12-4-105(K).

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(8), and 17-250(A)(3)

Historical Note

Former Section R12-4-04 renumbered as Section R12-4-112 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

R12-4-113. Small Game Depredation Permit

A. The Department shall issue a small game depredation permit authorizing the take of small game and the allowable methods of take only after the Department has determined all other remedies prescribed under A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of the small game is necessary to alleviate the property damage. A small game depredation permit is:
1. A complimentary permit.
2. Not valid for the take of migratory birds unless the permit holder:
   a. Obtains and possesses a federal special purpose permit under 50 CFR 21.41, revised October 1, 2014, which is incorporated by reference; or
   b. Is exempt from permitting requirements under 50 CFR 21.43, revised October 1, 2014, which is incorporated by reference.
   c. For subsections (A)(2)(a) and (b), 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, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

B. A person desiring a small game depredation permit shall submit to the Department an application requesting the permit. The application form is furnished by the Department and is available at any Department office and on the Department's website. The person shall provide all of the following information on the form:
1. Full name or, when submitted by a municipality, the name of the agency and agency contact;
2. Mailing address;
3. Telephone number or, when submitted by a municipality, agency contact number;
4. E-mail address, when available, or, when submitted by a municipality, agency contact e-mail address;
5. Description of property damage suffered;
6. Species of wildlife causing the property damage; and
7. Area the permit would be valid for.

C. Within 30 days of completion of the activities authorized by the small game depredation permit, the permit holder shall submit a report to the Department providing all of the following:
1. The number of individuals removed;
2. The location the individuals were removed from;
3. The date of the removal; and
4. The method of removal.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102 and 17-239

Historical Note

Adopted effective August 5, 1976 (Supp. 76-4). Former Section R12-4-12 renumbered as Section R12-4-113 without change effective August 13, 1981 (Supp. 81-4). Amended as an emergency effective September 20, 1985, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 85-5). Amended effective May 5, 1986 (Supp. 86-3). Section R12-4-113 repealed, new Section R12-4-113 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags

A. The Department provides numbered tags for sale to the public. The Department shall ensure each tag:
1. Includes a transportation and shipping permit as prescribed under A.R.S. §§ 17-332 and 17-371, and
2. Clearly identifies the wildlife 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. A person purchasing a nonpermit-tag shall provide all of the following information to a Department office or license

dealer at the time of purchase; the applicant's:
a. Name,
b. Mailing address, and
c. Department identification number.

2. An applicant shall not obtain nonpermit-tags in excess of the bag limit established by Commission Order 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. A person applying for a hunt permit-tag shall submit an application as described under R12-4-104.
2. The Department shall determine whether a hunt permit-tag will be issued to an applicant as follows:
   a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number, except as established under subsection (C)(2)(b), for bear, deer, elk, javelina, pronghorn, Sandhill crane, and turkey and reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and bison to issue to persons who have bonus points and shall issue the hunt permit-tags as established under subsection (C)(2)(c).
   b. For bear, deer, elk, javelina, pronghorn, Sandhill crane, and turkey, the Department shall reserve one hunt permit-tag for any hunt number with fewer than five, but more than one, hunt permit-tags and shall issue the tag as established under subsection (C)(2)(c). When this occurs, the Department shall adjust the number of available hunt permit-tags in order to ensure the total number of hunt permit-tags available does not exceed the 20% maximum specified in subsection (C)(2)(a).
   c. The Department shall issue the reserved hunt permit-tags for hunt numbers that eligible applicants designate 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.
   d. The Department shall ensure that all unreserved hunt permit-tags are issued by random selection:
      i. First, to hunt numbers designated by eligible applicants as their first or second choices; and
      ii. Next, to hunt numbers designated by eligible applicants as their third, fourth, or fifth choices.
   e. Before each of the three passes listed under (C)(2)(c)(i), (ii), and (iii), each application is processed through the Department's random number generator program. A random number is assigned to each application; an additional random number is assigned to each application for each group bonus point, including the Education and Loyalty bonus points. Only the lowest random number generated for an application is used in the computer draw process. A new random number is generated for each application for each pass of the computer draw.
   f. If the bag limit is more than one per calendar year, or if there are unissued hunt permit-tags remaining after the random computer draw, the Department shall ensure these hunt permit-tags are available on a first-come, first-served basis as specified in the annual hunt permit-tag application schedule.

D. A person may purchase hunt permit-tags equal to the bag limit for a genus.
1. A person shall not exceed the established bag limit for that genus.
2. A person shall not apply for any additional hunt-permit-tags if the person has reached the bag limit for that genus during the same calendar year.
3. A person who surrenders a tag in compliance with R12-4-118 is eligible to apply for another hunt permit-tag for the same genus during the same calendar year, provided the person has not reached the bag limit for that genus.

E. The Department shall make available to nonresidents:
1. For bighorn sheep and bison, no more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or bison in any computer draw. The Department shall not make available more than 50% nor more than two bighorn sheep or bison hunt permit-tags of the total in any hunt number.
2. For antlerless deer, antlerless elk, antlered deer, any deer, any elk, bull elk, javelina, pronghorn, Sandhill crane, or turkey, no more than 10%, rounded down to the next lowest number, of the total hunt permit-tags in any hunt number. If a hunt number for antlered deer, bull elk, pronghorn, Sandhill crane, or turkey has 10 or fewer hunt permit-tags, no more than one hunt permit-tag will be made available unless the hunt number has only one hunt permit-tag, then that tag shall only be available to a resident.

F. The Commission may, at a public meeting, increase the number of hunt permit-tags issued to nonresidents in a computer draw when necessary to meet management objectives.

G. The Department shall not issue under subsection (C)(2)(c), more than half of the hunt permit-tags made available to

nonresidents under subsection (E).

H. A nonresident cap established under this Section applies to:
1. Hunt permit-tags issued by computer draw under subsections (C)(2)(c) and (d), and
2. Archery deer nonpermit-tags.
   a. The number of archery deer nonpermit-tags made available to nonresidents shall be set annually at 10% of the average total archery deer nonpermit-tag sales for the preceding five years, rounded down to the nearest increment of five.
   b. The Commission, through the nonpermit-tag first-come schedule published by the Department, shall designate the manner and method of purchasing a nonresident archery deer nonpermit-tag, which may require an applicant to apply online only.
   c. If the Commission requires applicants to use the online method, the Department shall accept paper applications only in the event of a Department systems failure. The Director has the authority to extend the nonpermit-tag first-come schedule if a problem occurs that prevents the public from purchasing a nonpermit-tag within the deadlines set by the Commission.

I. An applicant who is unsuccessful for a first-come, first-served hunt permit-tag made available by the Department after the computer draw is not eligible to receive a bonus point.

J. The Department shall award one permanent bonus point for each genus upon a person's first graduation from either:
1. A Department-sanctioned Arizona Hunter Education Course completed after January 1, 1980, or
2. The Department's Arizona Conservation Education Course completed after January 1, 2021.
   a. Course participants are required to provide the following information upon registration, the participants:
      i. Name;
      ii. Mailing address;
      iii. Telephone number;
      iv. E-mail address, when available;
      v. Date of birth; and
      vi. Department ID number, when applicable.
   b. The Arizona Game and Fish Department-certified Instructor shall submit the course paperwork to the Department within 10 business days of course completion. Course paperwork must be received by the Department no less than 30 days before the computer draw application deadline, as specified in the hunt permit-tag application schedule in order for the Department to assign hunter education bonus points in the next computer draw.
   c. Any person who is nine years of age or older may participate in a hunter education course or the Department's conservation education course. When the person is under 10 years of age, the hunter education completion card and certificate shall become valid on the person's 10th birthday.
   d. The Department shall not award hunter education bonus points for any of the following specialized hunter education courses:
      i. Bowhunter Education,
      ii. Trapper Education, or
      iii. Advanced Hunter Education.

K. The Department provides an applicant's total number of accumulated bonus points on the Department's application website or IVR telephone system.
1. If a person believes the total number of accumulated bonus points is incorrect, the person may request proof of compliance with this Section, from the Department, to prove Department error.
2. In the event of an error, the Department shall correct the person's record.

L. The following provisions apply to the loyalty bonus point program:
1. An applicant who 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 shall accrue a loyalty bonus point for that genus.
2. Except as established under subsection (N), once a loyalty bonus point is accrued, the applicant shall retain the loyalty bonus point provided the applicant annually submits an application, with funds sufficient to cover all application fees and applicable license fees for each applicant listed on the application, for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
3. An applicant who fails to apply in any calendar year for a hunt permit-tag or bonus point for the genus for which the loyalty bonus point was accrued shall forfeit the loyalty bonus point for that genus.
4. A loyalty bonus point is accrued in addition to all other bonus points.

M. A military member, military reserve member, member of the National Guard, or emergency response personnel with a public agency may request the reinstatement of any expended bonus points for a successful Hunt Permit-tag Application.
1. To request reinstatement of expended 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:

a. Evidence of mobilization or change in duty status, such as a letter from the public agency or official orders; or
b. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
c. The valid, unused hunt permit-tag.

2. The Department shall deny requests post-marked after the beginning date of the hunt for which the hunt permit-tag is valid, unless the person also submits, with the request, evidence of mobilization, activation, or a change in duty status that precluded the applicant from submitting the hunt permit-tag before the beginning date of the hunt.
3. 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.
4. Reinstatement of bonus points under this subsection is not subject to the requirements established under R12-4- 118.

N. It is unlawful for a person to purchase or accrue a bonus point by fraud or misrepresentation and any bonus point so obtained shall be removed from the person's Department record.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), 17-331(A), 17-332(A), and 17-371

Historical Note

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 1183, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final exempt rulemaking at 28 A.A.R. 3360, effective November 26, 2022. Amended by final rulemaking at 32 A.A.R. 679 (March 20, 2026, Issue 12), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-115. Restricted Nonpermit-Tags; Supplemental Hunts and Hunter Pool

A. For the purposes of this Section, the following definitions apply:

"Companion tag" means a restricted nonpermit-tag valid for a supplemental hunt prescribed by Commission Order that exactly matches the season dates and open areas of another big game hunt, for which a hunt number is assigned and hunt permit-tags are issued through the computer draw.

"Emergency season" means a season established for reasons constituting an immediate threat to the health, safety or management of wildlife or its habitat, or public health or safety.

"Management objectives" means goals, recommendations, or guidelines contained in Department or 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.

"Restricted nonpermit-tag" means a permit limited to a season for a supplemental hunt established by the Commission for the following purposes:

Take of depredating wildlife as authorized under A.R.S. § 17-239;

Take of wildlife under an Emergency Season; or

Take of wildlife under a population management hunt if the Commission has prescribed 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. The Commission shall, by Commission Order, open a season or seasons and prescribe a maximum number of restricted nonpermit-tags to be made available under this Section.

C. The Department shall implement a population management hunt under the open season or seasons established under subsection (B) if the Department determines the:

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 established by Commission Order, the Department shall:

1. Select season dates, within the range of dates listed in the Commission Order;
2. Select specific hunt areas, within the range of hunt areas listed in the Commission Order;

3. Select the legal wildlife that may be taken from the list of legal wildlife identified in the Commission Order;
4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags authorized in the Commission Order.
    a. The Department shall not issue more restricted nonpermit-tags than the maximum number prescribed by Commission Order.
    b. A restricted nonpermit-tag is valid only for the supplemental hunt for which it is issued.

E. The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to a supplemental hunt.

F. If the Department anticipates the normal fee structure will not generate adequate participation, then the Department may reduce restricted nonpermit-tag fees up to 75%, as authorized under A.R.S. § 17-239(D).

G. An applicant for a supplemental hunt shall apply at the times, locations, and in the manner and method established by the hunt permit-tag application schedule published by the Department and available at any Department office, on the Department's website, or a license dealer.A supplemental hunt application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.
1. The Department shall not accept a group application, as defined under R12-4-104, for a restricted nonpermit-tag.
2. An applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit established by Commission Order.
3. The issuance of a restricted nonpermit-tag does not authorize a person to exceed the bag limit established by Commission Order.

H. To participate in a supplemental hunt, a person shall:
1. Obtain a restricted nonpermit-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.

I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts other than companion tag hunts.
1. The Department shall purge and renew the hunter pool on an annual basis.
2. An applicant for a restricted nonpermit-tag under this subsection shall submit a hunt permit-tag application to the Department for each desired species. The application is available at any Department office, an authorized agent, or on the Department's website. The applicant shall provide all of the following information on the application:
    a. The applicant's:
        i. Name;
        ii. Department identification number, when applicable;
        iii. Mailing address;
        iv. Number of years of residency immediately preceding application;
        v. Date of birth;
        vi. Social Security Number, as required under A.R.S. §§ 25-320(P) and 25-502(K); and
        vii. Daytime and evening telephone numbers,
    b. The species that the applicant would like to hunt, if selected, and
    c. The applicant's hunting license number.
3. In addition to the requirements established under subsection (I)(2), at the time of application the applicant shall submit the application fee required under R12-4-102. A separate application and application fee is required for each species the applicant submits an application for.
4. When issuing a restricted nonpermit-tag, the Department or its authorized agent shall randomly select applicants from the hunter pool.
    a. The Department or its authorized agent shall attempt to contact each randomly-selected applicant at least three times within a 24-hour period.
    b. If an applicant cannot be contacted or is unable to participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application.
    c. In compliance with subsection (D)(4), the Department or its authorized agent shall select no more applications after the number of restricted nonpermit-tags establish by Commission Order are issued.
5. 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. If an applicant fails to purchase the nonpermit-tag within the specified period, the Department or its authorized agent shall:
    a. Remove the person's application from the hunter pool, and
    b. Offer that restricted nonpermit-tag to another person whose application is drawn from the hunter pool as established under this Section.
6. 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 hunter pool applicant who is selected and who wishes

to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
a. The fee for the tag as established under R12-4-102 or subsection (F) if the fee has been reduced, and
b. The applicant's hunting license number. The applicant shall possess an appropriate license that is valid at the time of the supplemental hunt. The applicant shall purchase a license at the time of application when:
i. The applicant does not possess a valid license, or
ii. The applicant's license will expire before the supplemental hunt.

7. A person who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until the hunter pool is renewed.

J. The Department shall only make a companion tag available to a person who possesses a matching hunt permit-tag and not a person from the hunter pool. Authorization to issue a companion tag occurs when the Commission establishes a hunt in Commission Order under subsection (B).
1. The requirements of subsection (D) are not applicable to a companion tag issued under this subsection.
2. To obtain a companion tag under this subsection, an applicant shall submit a hunt permit-tag application to the Department. The application is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application, the applicant's:
a. Name,
b. Mailing address,
c. Department identification number, and
d. Hunt permit-tag number, to include the hunt number and permit number, corresponding with the season dates and open areas of the supplemental hunt.
3. In addition to the requirements established under subsection (J)(2), at the time of application the applicant shall:
a. Provide verification that the applicant lawfully obtained the hunt permit-tag for the hunt described under this subsection by presenting the hunt permit-tag to a Department office for verification, and
b. Submit all applicable fees required under R12-4-102.

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

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered as Section R12-4-607 without change effective December 22, 1987 (Supp. 87-4). New Section R12-4-115 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 11 A.A.R. 991, effective April 2, 2005; amended by final rulemaking at 11 A.A.R. 1177, effective May 2, 2005 (Supp. 05-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

R12-4-116. Issuance of Limited-Entry Permit-tag

A. For the purposes of this Section, limited-entry permit-tags may be for terrestrial or aquatics species, or specific areas for terrestrial or aquatic species.

B. The Commission may, by Commission Order, open a limited-entry season or seasons and prescribe a maximum number of limited-entry permit-tags to be made available under this Section.

C. The Department may implement limited-entry permit-tags under the open season or seasons established in subsection (B) if the Department determines:
1. A season for a specific terrestrial or aquatic wildlife species, or specific area of the state, is in high demand;
2. Issuance of a specific number of limited-entry permit-tags will not adversely affect management objectives for a species or area;
3. Surrendered hunt permit-tags, already approved by Commission Order, are available from hunts with high demand.

D. To implement a limited-entry season established by Commission Order, the Department shall:
1. Select season dates, within the range of dates listed in the Commission Order;
2. Select specific areas, within the range of areas listed in the Commission Order;
3. Select the legal wildlife that may be taken from the list of legal wildlife identified in the Commission Order;
4. Determine the number of limited-entry permit-tags that will be issued from the maximum number authorized in the Commission Order.

a. The Department shall not issue more limited-entry permit-tags than the maximum number prescribed by Commission Order.
b. A limited-entry permit-tag is valid only for the limited-entry season for which it is issued.

E. The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to limited-entry seasons.

F. A limited-entry permit-tag application submitted in accordance with this Section does not invalidate any other application submitted by the person for a hunt permit-tag.

G. The Department shall not accept a group application, as defined under R12-4-104, for a limited-entry season.

H. To participate in a limited-entry season, a person shall:
1. Obtain a limited-entry permit-tag as prescribed under this Section, and
2. Possess a valid hunting, fishing or combination license at the time the limited-entry permit-tag is awarded. If the applicant does not possess a valid license or the license will expire before the limited-entry season, the applicant shall purchase an appropriate license. A valid hunting, fishing or combination license is not required at the time of application.

I. A limited-entry permit-tag is valid only for the person named on the permit-tag, for the season dates on the permit-tag, and the species for which the permit-tag is issued.
1. Possession of a limited-entry permit-tag shall not invalidate any other hunt permit-tag for that species.
2. Big game taken under the authority of this limited-entry permit-tag shall not count towards the established bag limit for that species.

J. The Department shall maintain the applications submitted for limited-entry permit-tags.
1. An applicant for a limited-entry season under this subsection shall submit a limited-entry permit-tag application to the Department for each limited-entry season established. The application is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application:
   a. The applicant's personal information:
      i. Name,
      ii. Date of birth,
      iii. Social security number, as required under A.R.S. §§ 25-320(P) and 25-502(K), when applicable;
      iv. Department identification number, when applicable;
      v. Residency status and number of years of residency immediately preceding application, when applicable;
      vi. Mailing address, when applicable;
      vii. Physical address;
      viii. Telephone number, when available; and
      ix. Email address, when available;
   b. The limited-entry season the applicant would like to participate in, and
   c. Certify the information provided on the application is true and accurate.
2. In addition to the requirements established under subsection (J)(1), at the time of application the applicant shall submit the application fee required under R12-4-102. A separate application and application fee are required for each limited-entry season an applicant submits an application.
3. When issuing a limited-entry permit-tag for a terrestrial or aquatic wildlife species, the Department shall randomly select applicants for each designated limited-entry season.
4. When issuing a limited-entry permit-tag for a particular water, the Department shall randomly select applicants for each date limited-entry permit-tags are available until no more are available for that date.
5. In compliance with subsection (D)(4), the Department shall select no more applications after the number of limited-entry permits establish by Commission Order are issued.

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

Adopted effective January 10, 1979 (Supp. 79-1). Former Section R12-4-15 renumbered as Section R12-4-116 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 18, 1985 (Supp. 85-6). Section R12-4-116 repealed, new Section R12-4-116 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). R12-4-116 renumbered to R12-4-126; new Section R12-4-116 made by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

R12-4-117. Indian Reservations

A state license, permit, or tag 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)(19). All wildlife transported anywhere in this State 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. §§ 17-231(A)(7) and 17-315(B)(1)

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). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

R12-4-118. Hunt Permit-tag Surrender

A. The Commission authorizes the Department to implement a tag surrender program if the Director finds:
1. The Department has the administrative capacity to implement the program;
2. There is public interest in such a program; or
3. The tag surrender program is likely to meet the Department's revenue objectives.

B. The tag surrender program is limited to a person who has a valid and active membership in a Department membership program.
1. The Department may establish a membership program that offers a person various products and services.
2. The Department may establish different membership levels based on the type of products and services offered and set prices for each level.
   a. The lowest membership level may include the option to surrender one hunt permit-tag during the membership period.
   b. A higher membership level may include the option to surrender more than one hunt permit-tag during the membership period.
3. The Department may establish terms and conditions for the membership program in addition to the following:
   a. Products and services to be included with each membership level.
   b. Membership enrollment is available online only and requires a person to create a portal account.
   c. Membership is not transferable.
   d. No refund shall be made for the purchase of a membership, unless an internal processing error resulted in the collection of erroneous fees.

C. The tag surrender program is restricted to the surrender of an original, unused hunt permit-tag obtained through a computer draw.
1. A person must have a valid and active membership in the Department's membership program with at least one unredeemed tag surrender that was valid:
   a. On the application deadline date for the computer draw in which the hunt permit-tag being surrendered was drawn, and
   b. At the time of tag surrender.
2. A person who chooses to surrender an original, unused hunt permit-tag shall do so prior to the close of business the day before the hunt begins for which the tag is valid.
3. A person may surrender an unused hunt permit-tag for a specific species only once before any bonus points accrued for that species must be expended.

D. A person who wants to surrender an original, unused hunt permit-tag or an authorized nonprofit organization that wants to return a donated original, unused hunt permit-tag shall comply with all of the following conditions:
1. Submit a completed application form to any Department office. The application form is available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application form:
   a. The applicant's:
      i. Name,
      ii. Mailing address,
      iii. Department identification number,
      iv. Membership number,
   b. Applicable hunt number,
   c. Applicable hunt permit-tag number, and
   d. Any other information required by the Department.

2. A person shall surrender the original, unused hunt permit-tag as required under subsection (C) in the manner described by the Department as indicated on the application form.

E. Upon receipt of an original, unused hunt permit-tag surrendered in compliance with this Section, the Department shall:
1. Restore the person's bonus points that were expended for the surrendered tag, and
2. Award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag.
3. Not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(F).

F. The Department may, at its sole discretion, re-issue or destroy the surrendered original, unused hunt permit-tag. When re-issuing a tag, the Department may use any of the following methods in no order of preference:
1. Re-issuing the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who has a valid and active membership in that membership level and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
2. Re-issuing the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program with a tag surrender option and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process;
3. Re-issuing the surrendered tag to an eligible person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's computer draw process; or
4. Offering the surrendered tag through the first-come, first-served process.

G. For subsections (F)(1), (2), and (3); if the Department cannot contact a person qualified to receive a tag or the person declines to purchase the surrendered tag, the Department shall make a reasonable attempt to contact and offer the surrendered tag to the next person qualified to receive a tag for that hunt number based on the assigned random number during the Department's computer draw process. This process will continue until the surrendered tag is either purchased or the number of persons qualified is exhausted. For the purposes of subsections (G) and (H), the term "qualified" means a person who satisfies the conditions for re-issuing a surrendered tag as provided under the selected re-issuing method.

H. When the re-issuance of a surrendered tag involves a group application and one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Department shall offer the surrendered tag first to the applicant designated "A" if qualified to receive a surrendered tag.
1. If applicant "A" chooses not to purchase the surrendered tag or is not qualified, the Department shall offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag.
2. This process shall continue with applicants "C" and then "D" until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag.

I. A person who receives a surrendered tag shall submit the applicable tag fee as established under R12-4-102 and provide their valid hunting license number.
1. A person receiving the surrendered tag as established under subsections (F)(1), (2), and (3) shall expend all bonus points accrued for that genus, except any accrued Education and loyalty bonus points.
2. The applicant shall possess a valid hunting license at the time of purchasing the surrendered tag and at the time of the hunt for which the surrendered tag is valid. If the person does not possess a valid license at the time the surrendered tag is offered, the applicant shall purchase a license in compliance with R12-4-104.
3. The issuance of a surrendered tag does not authorize a person to exceed the bag limit established by Commission Order.
4. It is unlawful for a person to purchase a surrendered tag when the person has reached the bag limit for that genus during the same calendar year.

J. A person is not eligible to petition the Commission under R12-4-611 for reinstatement of any expended bonus points, except as authorized under R12-4-102.02(E).

K. For the purposes of this Section and R12-4-121, "valid and active membership" means a paid and unexpired membership in any level of the Department's membership program.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(8), and 41-2752

Historical Note

Adopted effective April 8, 1983 (Supp. 83-2). Section R12-4-118 repealed effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). New Section made by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 29 A.A.R., effective September 1, 2023

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 under 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 the Director designates.

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

Adopted effective September 29, 1983 (Supp. 83-5). Section R12-4-119 repealed, new Section R12-4-119 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

R12-4-120. Issuance, Sale, and Transfer of Special Big Game Tags

A. An incorporated nonprofit organization that is tax exempt under section 501(c) seeking special big game tags as authorized under A.R.S. § 17-346 shall submit a proposal to the Director of the Arizona Game and Fish Department from March 1 through May 31 preceding the year when the tags may be legally used. The proposal shall include all of the following information for each member of the organization coordinating the proposal:

1. The name of the organization making the proposal and the:
   a. Name;
   b. Mailing address;
   c. E-mail address, when available; and
   d. Telephone number;
2. Organization's previous involvement with wildlife management;
3. Organization's conservation objectives;
4. Number of special big game tags and the species requested;
5. Purpose to be served by the issuance of these tags;
6. Method or methods by which the tags will be marketed and sold;
7. Proposed fund raising plan;
8. Estimated amount of money to be raised and the rationale for that estimate;
9. Any special needs or particulars relevant to the marketing of the tags;
10. A 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, unless a current and correct copy is already on file with the Department;
11. Statement that the person or organization submitting the proposal agrees to the conditions established under A.R.S. § 17-346 and this Section;
12. Printed name and signature of the president and secretary-treasurer of the organization or their equivalent; and
13. Date of signing.

B. The Director shall return to the organization any proposal that does not comply with the requirements established under A.R.S. § 17-346 and this Section. Because proposals are reviewed for compliance after the May 31 deadline, an organization that receives a returned proposal cannot resubmit a corrected proposal, but may submit a proposal that complies with the requirements established under A.R.S. § 17-346 and this Section the following year.

C. The Director shall submit all timely and valid proposals to the Commission for consideration.

1. In selecting an organization, the Commission shall consider the:
   a. Written proposal;
   b. Proposed uses for tag proceeds;
   c. Qualifications of the organization as a fund raiser;
   d. Proposed fund raising plan;
   e. Organization's previous involvement with wildlife management; and

f. Organization's conservation objectives.

2. 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.
3. Commission approval and issuance of any special big game license-tag is contingent upon compliance with this Section.

D. A successful organization 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 organization sells or awards the tag;
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 person to whom a special big game license-tag is to be issued within 60 days of the sale.

E. The Department and the successful organization 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.

F. 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.
1. A special license-tag shall not be issued until the Department receives all proceeds from the sale of tags.
2. The Department shall not refund proceeds.

G. A special big game license-tag is valid only for the person named on the tag, for the season dates on the tag, and for the species for which the tag was issued.
1. A hunting license is required for the tag to be valid.
2. Possession of a special big game license-tag shall not invalidate any other big game tag or application for any other big game tag.
3. Wildlife taken under the authority of a special big game license-tag shall not count towards the established bag limit for that species.

H. A person who wins the special big game license-tag through auction or raffle is prohibited from selling the special big game license-tag to another person.

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

Adopted effective September 22, 1983 (Supp. 83-5). Amended effective April 7, 1987 (Supp. 87-2). Correction, balance of language in subsection (I) is deleted as certified effective April 7, 1987 (Supp. 87-4). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

R12-4-121. Tag Transfer

A. For the purposes of this Section:

"Authorized nonprofit organization" means a nonprofit organization approved by the Department to receive donated unused tags.

"Unused tag" means a hunt permit-tag, limited-entry permit-tag, nonpermit-tag, or special license tag that has not been attached to any wildlife.

B. A parent, grandparent, or guardian issued a hunt permit-tag, limited-entry permit-tag, nonpermit-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 person's estate may transfer an unused tag to an eligible minor. The person acting as the personal representative shall present:
   a. The deceased person's death certificate, and

b. Proof of the person's authority to act as the personal representative of the deceased person'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. A person issued a tag or the person's legal representative may donate the unused tag to an authorized nonprofit organization for use by a minor child or a veteran of the Armed Forces of the United States as prescribed under A.R.S. § 17-332(D)(1).

1. The person or legal representative who donates the unused tag shall provide the authorized nonprofit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
2. An authorized nonprofit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child or veteran by contacting any Department office.
   a. To obtain a transfer, the nonprofit 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 or veteran's valid hunting license.
   b. To be eligible to receive a donated unused tag from an authorized nonprofit organization, a minor child shall meet the criteria established under subsection (D).
3. A person who donates an original, unused hunt permit-tag issued in a computer drawing to an authorized nonprofit organization may submit a request to the Department for the reinstatement of the bonus points expended for that unused tag, provided all of the following conditions are met:
   a. The person has a valid and active membership in the Department's membership program with at least one unredeemed tag surrender on the application deadline date, for the computer draw in which the hunt permit-tag being surrendered was drawn, and at the time of tag surrender.
   b. The person submits a completed application form as described under R12-4-118;
   c. The person provides acceptable proof to the Department that the tag was transferred to an authorized nonprofit organization; and
   d. The person submits the request to the Department:
      i. No later than 60 days after the date on which the tag was donated to an authorized nonprofit organization; and
      ii. No less than 30 days prior to the computer draw application deadline for that genus, as specified in the hunt permit-tag application schedule.

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,
2. Has not reached the applicable annual or lifetime bag limit for that genus, and
3. 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-sanctioned hunter education course before the beginning date of the hunt.

E. To receive an unused tag authorized under subsection (C), an eligible veteran of the Armed Forces of the United States with a service-connected disability shall meet the following criteria:

1. Possess a valid hunting license, and
2. Has not reached the applicable annual or lifetime bag limit for that genus.

F. A person who is eligible to receive an unused tag under this Section may receive any number of unused tags in a calendar year provided the person:

1. Has not reached the applicable annual or lifetime bag limit for that genus; and
2. Does not possess a valid permit tag for that genus.

G. A nonprofit organization is eligible to apply for authorization to receive a donated unused tag, provided the nonprofit organization:

1. Is qualified under section 501(c)(3) of the United States Internal Revenue Code, and
2. Affords opportunities and experiences to:
   a. Children with life-threatening medical conditions or physical disabilities;
   b. Children whose parent was killed in action while serving in the U.S. Armed Forces, in the course and scope of employment as a peace officer; or in the course and scope of employment as a professional firefighter who is a member of a state, federal, tribal, city, town, county, district or private fire department; or
   c. Veterans with service-connected disabilities.
3. This authorization shall remain in effect unless revoked by the Department for noncompliance with the requirements established under A.R.S. § 17-332 or this Section.

4. A nonprofit organization shall apply for authorization by submitting an application to any Department office. The application form is furnished by the Department and is available at any Department office. A nonprofit organization shall provide all of the following information on the application:
   a. Nonprofit organization's information:
      i. Name,
      ii. Physical address,
      iii. Telephone number;
   b. Contact information for the person responsible for ensuring compliance with this Section:
      i. Name,
      ii. Address,
      iii. Telephone number;
   c. Signature of the president and secretary-treasurer of the organization or their equivalents; and
   d. Date of signing.
5. In addition to the application, a nonprofit organization shall provide all of the following:
   a. A copy of the organization's articles of incorporation and evidence that the organization has tax-exempt status under Section 501(c)(3) of the Internal Revenue Code, unless a current and correct copy is already on file with the Department;
   b. Document identifying the organization's mission;
   c. A letter stating how the organization will participate in the Big Game Tag Transfer program; and
   d. A statement that the person or organization submitting the application agrees to the conditions established under A.R.S. § 17-332 and this Section.
6. An applicant who is denied authorization to receive donated tags under this Section 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)

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

Adopted effective October 10, 1986, filed September 25, 1986 (Supp. 86-5). Rule expired one year from effective date of October 10, 1986. Rule readopted without change for one year effective January 22, 1988, filed January 7, 1988 (Supp. 88-1). Rule expired effective January 22, 1989 (Supp. 89-1). New Section R12-4-121 adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Repealed effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). New Section made 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. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1195, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 29 A.A.R., effective September 1, 2023 (Supp. 23-3). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

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 wildlife killed in a collision with a motor vehicle or wildlife that died subsequent to immobilization by any chemical agent:
   1. Big game;
   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

Adopted effective August 6, 1991 (Supp. 91-3). Amended by final rulemaking at 12 A.A.R. 291, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

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)(6) 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. Proof of Domicile

A. An applicant may be required to present acceptable proof of domicile in Arizona to the Department upon request. For the purposes of this rule, "current address" means the address an applicant inhabits at the time of application for any license, permit, stamp, or tag offered by the Department.

B. Acceptable proof of domicile establishes a person's true, fixed, and permanent home and principal residence. Acceptable proof to aid in establishing a person's domicile in Arizona may include, but is not limited to, one or more of the following lawfully obtained documents:

1. Arizona Driver's License displaying a current address;
2. Arizona Resident State Income Tax Return filing;
3. Arizona school records containing satisfactory proof of identity and relationship of the parent or guardian to the minor child, when applicable;
4. Arizona Voter Registration Card displaying a current address;
5. Selective Service Registration Acknowledgement Card displaying a current address in Arizona;
6. Social Security Administration document indicating an address in Arizona; or
7. Current document or order issued by the U.S. military to an active-duty military service member identifying Arizona as state of legal residence or duty station.

C. In the event one of the documents listed under subsection (B) alone is not sufficient proof of domicile, additional documents may be required.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. § 17-101

Historical Note

New Section made by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1).

R12-4-125. Public Solicitation or Event on Department Property

A. All Department buildings, properties, and wildlife areas are designated non-public forums and are closed to all solicitations and events unless permitted by the Department.

B. A solicitation or event on Department property shall not:

1. Conflict with the Department's mission; or
2. Constitute partisan political activity, the activity of a political campaign, or influence in any way an election or the results thereof.

C. A request for permission to conduct a solicitation or event on Department property shall be directed to the responsible

Regional Supervisor or Branch Chief who shall initially determine whether an application is required for the solicitation or event.

D. If it is determined that an application is required, the person 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. The application form is furnished by the Department and available at all Department offices.

1. An applicant shall submit an application:
   a. Not more than six months prior to the solicitation or event; and
   b. Not less than 14 days prior to the desired date of the solicitation or event for solicitations other than the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials; or
   c. Not less than 10 days prior to the desired date of the solicitation or event for solicitations involving only the posting of advertising, handbills, leaflets, circulars, posters, or other printed materials.
2. An applicant shall provide all of the following information on the application:
   a. Sponsor's name, address, and telephone number;
   b. Sponsor's e-mail address, when available;
   c. Contact person's name and telephone number, when the sponsor 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;
   g. General description of the solicitation or event's purpose;
   h. Anticipated number of attendees, when applicable;
   i. Amount of fees to be charged to attendees, when applicable;
   j. Detailed description of any activity that will occur at the solicitation or event, including a detailed map of the solicitation or event and any equipment that will be used, e.g., tents, tables, etc.;
   k. Copies of any solicitation materials to be distributed to the public or to be posted on Department property;
   l. Copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control, required when the applicant intends to sell alcohol at the solicitation or event; and
   m. The contact person's signature and date. The person's signature on the application certifies that the sponsor:
      i. Assumes risk of injury to persons or property;
      ii. Agrees to hold harmless the state of Arizona, its officials, Departments, employees, and agents against all claims arising from the use of Department facilities;
      iii. Assumes responsibility for any damages or clean-up costs due to the solicitation or event, solicitation or event cleanup, or solicitation or event damage repair; and
      iv. Agrees to surrender the premises in a clean and orderly condition.

E. The Department may take any of the following actions to the extent necessary and in the best interest of the State:

1. Require the sponsor to furnish all necessary labor, material, and equipment for the solicitation or event;
2. Require the sponsor to post a deposit against damage and cleanup expense;
3. Require indemnification of the state of Arizona, its Departments, agencies, officers, and employees;
4. Require the sponsor to carry adequate insurance and provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
5. Require the sponsor to enter into written agreements with any vendors and subcontractors and require vendors and subcontractors to provide certificates of insurance to the Department not less than ten business days before the solicitation or event. A certificate of insurance for a solicitation or event shall name the state of Arizona, its Departments, agencies, boards, commissions, officers, agents, and employees as additional insureds;
6. Require the sponsor to provide medical support, security, and sanitary services, including public restrooms; and
7. Impose additional conditions not otherwise specified under this Section on the conduct of the solicitation or event.

F. The Department may consider the following criteria when determining whether any of the actions in subsection (E) are necessary and in the best interest of the state:

1. Previous experience with similar solicitations or events;
2. Deposits required for similar solicitations or events in Arizona;
3. Risk data; and
4. Medical, sanitary, and security services required for similar solicitations or events in Arizona and the cost of those services .

G. The Department shall designate the hours of use for Department property.

H. 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 sponsor shall be responsible for any cleanup or damage costs associated with the solicitation or event.

I. The sponsor shall not allow, without the express written permission of the Department, the possession, use, or consumption of alcoholic beverages at the solicitation or event site. When the Department provides written permission for the possession, use, or consumption of alcoholic beverages at the solicitation or event site, the sponsor shall provide to the Department:
1. A copy of a current and valid license issued by the Arizona Department of Liquor Licenses and Control to the sponsor and vendor, required when the applicant intends to sell alcohol at the solicitation or event; and
2. A liquor liability rider, included with the insurance certificate required under subsection (E)(4).

J. The sponsor shall not allow unlawful possession or use of drugs at the solicitation or event site.

K. The Department shall deny an application for any of the following reasons:
1. The solicitation or event interferes with the work of an employee or the daily business of the Department;
2. The solicitation or event conflicts with the time, place, manner, or duration of other approved or pending solicitations or events;
3. The content of the solicitation or event conflicts with or is unrelated to the Department's activities or its mission;
4. The solicitation or event presents a risk of injury or illness to persons or risk of damage to property;
5. The sponsor cannot demonstrate adequate compliance with applicable local, state, or federal laws, ordinances, codes, or regulations, or
6. The sponsor has not complied with the requirements of the application process or this Section.

L. At all times, the Department reserves the right to immediately remove or cause to be removed all obstructions or other hazards of the solicitation or event that could damage state property, inhibit egress, or poses a safety risk. The Department also reserves the right to immediately remove or cause to be removed any person damaging state property, inhibiting egress, or posing a threat to public health and safety.

M. The Department may revoke approval of a solicitation or event due to emergency circumstances or for failure to comply with this Section.

N. The Department shall send written notice of the denial or revocation of an approved permit. The notice shall contain the reason for the denial or revocation.

O. A sponsor:
1. Is liable to the Department for damage to Department property and any expense arising out of the sponsor's use of Department property.
2. Shall post solicitation material only in designated posting areas.
3. Shall ensure that a solicitation or event on Department property causes the minimum infringement of use to the public and government operation.
4. Shall modify or terminate a solicitation or event, upon request by the Department, if the Department determines that the solicitation or event unacceptably infringes on the Department's operations or causes an unacceptable risk of liability exposure to the State.

P. When conducting an event on Department property, a sponsor shall:
1. Park or direct 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 properly disposed of throughout the solicitation or event.

Q. The Department shall revoke or terminate the solicitation or event if a sponsor fails to comply with a Department request or any one of the following minimum safety requirements:
1. All solicitation or event activities shall comply with all applicable federal, state, and local laws, ordinances, codes, statues, rules, and regulations.
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.

R. 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), 17-231(B)(13), 17-231(B)(14), and 41-2752

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 (Supp. 05-2). New Section renumbered from R12-4-804 and amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

R12-4-126. Reward Payments

A. Subject to the restrictions prescribed under A.R.S. § 17-315, a person may claim a reward from the Department when the person provides information that leads to an arrest through the Operation Game Thief Program. The person who reports the unlawful activity will then become eligible to receive a reward as established under subsections (C) and (D), provided funds are available in the Wildlife Theft Prevention Fund and:
1. The person who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as established under subsection (B);
2. 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;
3. The person did not first provide information during a criminal investigation or judicial proceeding; and
4. The person who reports the violation is not:
   a. The person who committed the violation;
   b. A peace officer, including wildlife managers and game rangers;
   c. A Department employee; or
   d. An immediate family member of a Department employee.

B. The Department shall inform the person providing 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 person with the control number assigned to the reported violation.

C. Reward payments for information that results in an arrest for the reported violation are as follows:
1. For cases that involve eagles, bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, pronghorn, turkey, or endangered or threatened wildlife as defined under R12-4-401, $500, to be increased by an additional amount of at least $50, but not to exceed $500, when vandalism impacting recreational access or wildlife habitat is also involved;
2. For cases that involve wildlife that are not listed under subsection (C)(1), a minimum of $50, not to exceed $150, to be increased by an additional amount of at least $50, but not to exceed $500, when vandalism impacting recreational access or wildlife habitat is also involved; and
3. For cases that involve any wildlife and damage to wildlife habitat, 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 individuals taken;
   d. Whether or not the person who committed the unlawful act was arrested for commercialization of wildlife; and
   e. Whether or not the person who committed the unlawful act is a repeat offender.

D. If more than one person independently provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the persons who provided the information if the total amount of the reward payment does not exceed the maximum amount of a monetary reward established under subsections (C) or (E);

E. Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil damage value of the wildlife unlawfully taken, wounded or killed, or unlawfully possessed as prescribed under A.R.S. § 17-314, if the Department believes that an enhanced reward offer is merited due to the specific circumstances of the case.

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

New Section R12-4-126 renumbered from R12-4-116 and amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 20-1). Amended by final rulemaking at 31 A.A.R. 1442 (May 2, 2025), effective June 9, 2025 (Supp. 25-2).

R12-4-127. Civil Liability for Loss of Wildlife

A. In order to compensate the state for the value of lost or injured wildlife, the Commission may, pursuant to A.R.S. § 17-314, impose a civil penalty against any person for unlawfully taking, wounding, killing or possessing wildlife. Any civil penalties so imposed shall be equal to or greater than the applicable statutory-minimum sums found in A.R.S. § 17-314(A). The Commission may impose a civil penalty above the statutory-minimum sums where it has determined that the value of the lost or injured wildlife exceeds the statutory-minimum sums.

B. The Commission shall annually establish the value of lost or injured wildlife using objective and measurable economic criteria. When doing so, the Commission may consider objective economic criteria recommended by the Department or

any other person.

C. The Department shall recommend the value of lost or injured wildlife to the Commission by aggregating the following objective and measurable economic factors:

1. The average dollar amount spent by an individual hunter in pursuit of the same species. This amount shall be calculated using information from the most recent National Survey of Fishing, Hunting and Wildlife-Associated Recreation conducted by the U.S. Fish and Wildlife Service and measures hunting and fishing expenditures, in combination with hunter harvest data gathered by the Department. This information shall be available on the Department's website.
2. The average dollar amount spent by an individual in an effort to view wildlife. This amount shall be calculated using information from the most recent National Survey of Fishing, Hunting and Wildlife-Associated Recreation conducted by the U.S. Fish and Wildlife Service and measures wildlife viewing expenditures, in combination with hunter harvest data gathered by the Department. This information shall be available on the Department's website.
3. The average body weight in pounds of meat for the unlawfully taken or possessed species multiplied by the average price per pound of ground meat for that same species or a similar species. Average body weight in pounds of meat shall be calculated using the average body weight for the wildlife taken, minus 30% of the average weight to account for the weight of the head, hide, offal, and bone.
4. When new data is not available, the Department may use Consumer Price Index (CPI) calculations to update the above factors in terms of U.S. dollars.

D. The Department shall recommend the value of lost aquatic wildlife to the Commission by aggregating the following objective and measurable economic factors:

1. The average dollar amount spent by an individual angler in pursuit of the same species. This amount shall be calculated using information from the most recent Arizona Anglers' Expenditures and the Economic Impact of Fishing in the State which measures fishing expenditures, in combination with angler harvest data gathered by the Department. This information shall be available on the Department's website.
2. The average body weight in pounds of aquatic meat for the unlawfully taken or possessed species multiplied by the average price per pound of aquatic meat for that same species or a similar species. Average body weight in pounds of aquatic meat shall be calculated using the average body weight for the wildlife taken, minus 40% of the average weight to account for the weight of the head, entrails, and fins.
3. Recommended values based on current market to cover hatchery expenses per fish, which includes the cost to purchase, raise, feed, transport and release wildlife.

E. The most recent wildlife values established by the Commission shall be available on the Department's website.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(1), 17-231(B)(13), 17-231(B)(14), and 17-314

Historical Note

New Section made by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 20-1).

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. The pioneer license is only available at a Department office.

B. The pioneer license is a complimentary license and is valid for the license holder's lifetime. The license 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 required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
2. Limits established under R12-4-114 for nonresident hunt permit-tags and nonpermit-tags do not apply to a pioneer license holder.

C. A person who is age 70 or older and has been a resident of Arizona for at least 25 consecutive years immediately preceding application may apply for a pioneer license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and on the Department's website. A pioneer license applicant shall provide all of the following information on the application:

1. The applicant's personal information:
   a. Name;
   b. Date of birth;
   c. Physical description, to include the applicant's eye color, hair color, height, and weight;
   d. Customer 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;

2. Affirmation that:
   a. 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; and
   b. The information provided on the application is true and accurate.
3. Applicant's signature and date.

D. In addition to the requirements listed under subsection (C), an applicant for a pioneer license shall also submit a copy of any one of the following documents at the time of application:
1. Valid U.S. passport;
2. Applicant's birth certificate;
3. Valid government-issued driver's license; or
4. Valid government-issued identification card.

E. All information and documentation provided by the applicant is subject to Department verification.

F. The Department shall deny a pioneer license when the applicant:
1. Fails to meet the criteria prescribed under A.R.S. § 17-333(C)(1),
2. Fails to comply with this Section, or
3. Provides false information on the application.

G. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.

H. A pioneer license holder may request a no-fee duplicate of the paper license provided:
1. The license was lost or destroyed;
2. The license holder submits a written request to the Department for a no-fee duplicate paper license; and
3. The Department's records indicate a pioneer license was previously issued to that person.

I. A person issued a pioneer license prior to January 1, 2014 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 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 final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 3360, effective November 26, 2022. (Supp. 22-3). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-202. Complimentary and Reduced-fee Disabled Veteran's License; Reduced-fee Purple Heart Medal License

A. The complimentary and reduced-fee disabled veteran's licenses and Purple Heart Medal license grant all of the hunting and fishing privileges of a combination hunting and fishing license. The disabled veteran's and Purple Heart Medal license are only available at a Department office.

B. The Department offers three types of veteran's licenses:
1. A complimentary lifetime license to a disabled veteran who receives compensation from the U.S. government for a permanent service-connected disability rated as 100% disabling.
   a. The complimentary license is valid for either a three-year period from the issue date or the license holder's lifetime.
   b. If the certification or benefits letter required under subsection (D)(1) indicate the applicant's disability rating of 100% is permanent and:
      i. Will not be reevaluated, the disabled veteran's license shall be valid for the license holder's lifetime.
      ii. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of

issuance.

c. Eligibility for the complimentary disabled veteran's license is based on the disability rating, not on the compensation received by the veteran.

d. An applicant for a complimentary disabled veteran's license shall have been a resident of Arizona for at least one year immediately preceding application.

e. The lifetime disabled veteran's license remains valid if the licensee subsequently resides outside of this state.

i. A licensee who resides outside of Arizona shall submit the nonresident fee to purchase any required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.

ii. Limits established under R12-4-114 for nonresident hunt permit-tags and nonpermit-tags do not apply to a lifetime disabled veteran's license holder.

2. A reduced-fee license to a disabled veteran who is a resident as defined under A.R.S. § 17-101 and who is receiving compensation from the U.S. government for a service-connected disability.

a. The reduced-fee 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.

b. The applicant shall pay the fee required under R12-4-102.

3. A reduced-fee license to a person who submits satisfactory proof to the Department that the person is a bona fide Purple Heart Medal recipient.

a. The reduced-fee 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.

b. An applicant for a reduced-fee Purple Heart Medal license shall have been a resident of Arizona for at least one year immediately preceding application.

C. A person applying for a disabled veteran's or Purple Heart Medal license shall submit an application to the Department. The application form is furnished by the Department and available at any Department office and on the Department's website. The applicant shall provide all of the following information on the application:

1. The applicant's personal information:

a. Name;

b. Date of birth;

c. Physical description, to include the applicant's eye color, hair color, height, and weight;

d. Customer 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;

2. Affirmation that:

a. The applicant meets the eligibility requirements prescribed under A.R.S. § 17-333(C)(2), (C)(3), or (C)(4),

b. The applicant has been a resident of this state for at least one year immediately preceding application for the license,

c. The information provided on the application is true and accurate.

3. Applicant's signature and date.

D. In addition to the requirements established under subsection (B), an applicant for a veteran's license shall, at the time of application, certify eligibility for the license by submitting:

1. For a complimentary or reduced-fee disabled veterans license issued under A.R.S. § 17-333(C)(2) or (C)(3) respectively, an original or facsimile DD-214, certification form, or a benefits letter issued by the U.S. Department of Veteran's Affairs (DVA) or obtained from the DVA website that meets the requirements specified in subsections (B)(1) and (B)(2). The certification form is furnished by the Department and is available at any Department office and on the Department's website. The certification shall be completed and signed by an agent of the U.S. Department of Veteran's Affairs.

2. For a Purple Heart Medal license issued under A.R.S. § 17-333(C)(4), an original or facsimile DD-214 or DD-215, service records showing the award, military orders of the award, or other military discharge document such as WD AGO Form. The actual Purple Heart Medal or a certificate of award will not suffice alone for verification purposes.

E. All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.

F. The Department shall deny a disabled veteran's or Purple Heart Medal license when the applicant:

1. Fails to meet the criteria prescribed under A.R.S. § 17-333(C)(2), (C)(3), or (C)(4),

2. Fails to comply with the requirements of this Section, or

3. Provides false information during the application process.

G. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

H. A complimentary disabled veteran's license holder may request a no-fee duplicate paper license provided:
1. The license was lost or destroyed,
2. The license holder submits a written request to the Department for a duplicate license, and
3. The Department's records indicate a disabled veteran's license was previously issued to that person.

I. A person issued a disabled veteran's license prior to January 1, 2014 shall be entitled to the privileges established under subsection (A).

J. For the purposes of this Section:
1. "Disabled veteran" means a veteran of the armed forces of the U.S. with a service connected disability.
2. "Veteran" means a person who has served in the U.S. armed forces.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333 and 41-1005

Historical Note

Former Section R12-4-66 renumbered, then repealed and readopted 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 December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 18 A.A.R. 1199, effective June 30, 2012 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 21 A.A.R. 2550, effective January 5, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 27 A.A.R. 1076, effective August 21, 2021 (Supp. 21-2). Amended by final exempt rulemaking, effective September 26, 2022. (Supp. 22-3). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

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 or electronic stamp. The migratory bird stamp and authorization number are required to take band-tailed pigeons, gallinules, 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,
   d. Information on past and anticipated hunting activity, and
   e. If applicable, the election of the Tier I or Tier II bag limit for the entirety of the waterfowl season
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. When authorized by the U.S. Fish and Wildlife Service and Commission Order, persons 16 years of age and older who purchase a state migratory bird stamp and indicate they will hunt waterfowl will be prompted to select a tier and are bound to that bag limit for the entire season.
1. Tier I Bag Limit: a traditional seven-duck bag limit with species and sex restrictions. Persons 16 years of age and younger are exempt from the state waterfowl stamp requirement only when choosing the Tier I bag limit.
2. Tier II Bag Limit: a reduced bag limit for ducks with no species or sex restrictions. All persons regardless of age must purchase a state waterfowl stamp when choosing the Tier II bag limit.

3. The tiers do not apply to goose, coots, gallinules, or snipe, which have their own bag limit.

D. 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)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(B)(7), 17-235, 17-333, 17-333.03, and 41-1005

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. 80-6). 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). New Section adopted effective July 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 6 A.A.R. 1146, effective July 1, 2000 (Supp. 00-1). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 13 A.A.R. 462, effective February 6, 2007 (Supp. 07-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-204. Taxidermy Registration; Register

A. A person shall register with the Department before engaging in the business of taxidermy for hire. A taxidermy registration authorizes a person to mount, refurbish, maintain, restore, or preserve wildlife as defined under A.R.S. § 17-101.

B. A taxidermy registration expires on December 31 of each year.

C. The Department shall deny a taxidermy registration when the applicant:
1. Fails to meet the requirements established under this Section;
2. Provides false information during the application process; or
3. Provides false information in the register required under A.R.S. § 17-363(B).

D. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

E. A person may apply for a taxidermy registration by paying the applicable fee and submitting an application to the Department. The application form is available on the Department's website. A taxidermy registration applicant shall provide all of the following information:
1. The applicant's information:
   a. Name;
   b. Date of birth;
   c. Customer identification number, when applicable;
   d. Mailing address, when applicable;
   e. Physical address;
   f. Telephone number, when available;
   g. Email address, when available; and
2. The applicant's business information:
   a. Name;
   b. Mailing address;
   c. Email address;
   d. Website URL address, if available;
   e. Business telephone number, when applicable;
   f. Calendar year for which the application is made; and
   g. Whether the applicant is seeking renewal of an existing taxidermy registration.
3. Affirmation that the information provided on the application is true and accurate; and
4. Applicant's signature and date.

F. A registered taxidermist may submit an application for renewal of a taxidermy registration after December 1 of the year it was issued.

G. A registered taxidermist shall maintain a register of all persons who furnish raw and unmounted wildlife specimens for taxidermy service using the form available on the Department's website.
1. This register shall be:
   a. Maintained for a period of five years after the date the raw and unmounted wildlife specimens were received;

b. Provided upon request to an employee of the Department; and
c. Filed with the Department on or before January 31 of each year.

2. This register shall contain all of the following information, as applicable:
   a. The registered taxidermist's information:
      i. Name;
      ii. Taxidermy registration number;
      iii. Email address, when available; and
   b. The customer's or potential customer's:
      i. Name;
      ii. Address;
      iii. Taker's tag or license number;
      iv. Species and number of wildlife received;
      v. Date wildlife received; and
   c. A signed affirmation from the registered taxidermist that the information provided in the register is true and accurate.
3. The taxidermy renewal registration becomes invalid if the register is not submitted to the Department by January 31 of the year following registration.

H. As authorized under A.R.S. § 17-363(C), the Commission may revoke or suspend the taxidermy registration of a person convicted of violating any provision of A.R.S. § 17-363 or requirement established under this Section.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-101, 17-102, 17-333, 17-335.01, 17-363, and 41-1005

Historical Note

Amended effective May 31, 1976 (Supp. 76-3). Correction, Historical Note Supp. 76-3 should read "Amended effective May 3, 1976" (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective March 20, 1981 (Supp. 81-2). Former Section R12-4-32 renumbered as Section R12-4-204 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). New Section made by final rulemaking at 25 A.A.R. 1854, effective July 2, 2019 (Supp. 19-3). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 261).

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,
2. Under 21 years of age, and
3. A member of Scouting BSA and has attained the rank of Eagle Scout, or
4. A member of the Girl Scouts of the USA 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. The applicant shall provide all of 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. Customer 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;
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 application, an eligible applicant shall present with the application:
1. For an applicant who is a member of the Scouting America, any one of the following original documents:
   a. A certification letter from the Scouting America stating that the applicant has attained the rank of Eagle Scout,
   b. A Scouting America Eagle Scout Award Certificate, or
   c. A Scouting America Eagle Scout wallet card.
2. For an applicant who is a member of the Girl Scouts of the United States of America, any one of the following original documents:
   a. A certification letter from the Girl Scouts of the USA stating that the applicant has completed the award,
   b. A Girl Scouts of the USA Gold Award Certificate, or
   c. A Girl Scouts Gold Award Certificate from the local council.

E. The Department shall deny a high achievement scout 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.

F. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333 and 41-1005

Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Editorial correction subsection (A) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective September 23, 1980 (Supp. 80-5). Former Section R12-4-33 renumbered as Section R12-4-205 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 17 A.A.R. 1472, effective July 12, 2011 (Supp. 11-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-206. General Hunting License; Exemption

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 on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. 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. Customer 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 provided on the online application 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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333 and 41-1005

Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-34 renumbered as Section R12-4-206 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

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 on the Department's website.
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 on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. 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. Customer 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 provided on the online application 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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333 and 41-1005

Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-35 renumbered as Section R12-4-207 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-208. Guide License

A. A guide, as defined under A.R.S. § 17-101, is a person who does any one of the following:
1. Advertises for guiding services.
2. Is presented to the public for hire as a guide.
3. Is employed by a commercial enterprise as a guide.
4. 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.
5. 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.

B. A person shall not act as a guide unless the person holds one of the following guide licenses:
1. A hunting guide license, which authorizes the license holder to act as a guide for the lawful taking of wildlife other than aquatic wildlife as defined under A.R.S. § 17-101.
2. A fishing guide license, which authorizes the license holder to act as a guide for the lawful taking of aquatic wildlife.
3. A hunting and fishing guide license, which authorizes the license holder to act as a guide for the lawful taking of wildlife.

C. A guide license shall expire on December 31 of each year.

D. A person is not eligible to apply for an original or renewal guide license when any one of the following conditions apply:
1. The applicant was convicted of a felony violation of any federal wildlife law, within five years immediately preceding the date of application;
2. The applicant was convicted of a violation listed under A.R.S. § 17-309(D), within five years immediately preceding the date of application;
3. The applicant was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended within five years immediately preceding the date of application; or
4. The applicant's privilege to take or possess wildlife or to guide or act as a guide is currently suspended or revoked anywhere in the U.S. for violation of a federal or state wildlife law.

E. Notwithstanding subsection (D), a person who was convicted of a misdemeanor violation of any wildlife law within one year preceding the date of application may apply for a guide license provided the person immediately and voluntarily reported the violation to the Department after committing the violation.

F. An applicant for a guide license shall:
1. Be 18 years of age or older, and
2. Possess the required Department-issued license, as applicable:
   a. A current Arizona hunting license when applying for a hunting guide license;
   b. A current Arizona fishing license when applying for a fishing guide license;
   c. A current Arizona combination hunting and fishing license when applying for a hunting and fishing guide license;

G. The guide license does not exempt the license holder from any applicable method of take or licensing requirement. The guide license holder shall comply with all applicable Commission rules, including, but not limited to, rules governing:
1. Lawful methods of take,
2. Lawful devices, and
3. License requirements.

H. Unless otherwise provided under this Section, a person shall successfully complete the Department administered

examination, and answer at least 80% of the questions correctly, prior to applying for a guide license. Guide examinations are:

1. Provided at a Department office.
2. Valid until December 31 of the year in which it was taken.
3. A person interested in taking the guide examination shall contact a Department office to obtain scheduling information.

I. The examination is based on the type of guide license the person is seeking.

1. Before taking the examination, the applicant shall provide their:
   a. Name;
   b. Date of birth; and
   c. Driver license number and issuing state.
2. The examination may include questions regarding any of the following topics:
   a. A.R.S. Title 17 Game and Fish statutes and Commission rules regarding the taking and handling of terrestrial and aquatic wildlife;
   b. A.R.S. Title 28, Ch 3, Article 20 Off-highway Vehicles statutes and rule regarding the use of off-highway vehicles;
   c. A.R.S. Title 5, Ch 3, Boating and Water Sports statutes and Commission rules on boating;
   d. Requirements for guiding on federal lands;
   e. Identification of aquatic wildlife species;
   f. Identification of wildlife;
   g. Special state and federal laws regarding certain species;
   h. General knowledge of fair chase, hunter ethics, and conservation in Arizona;
   i. General knowledge of species habitat and wildlife that may occur in the same habitat;
   j. General knowledge of the types of habitat within the State; and
   k. General knowledge of special or concurrent jurisdictions within the State.
3. An applicant who fails the examination may retake the examination as agreed upon by the applicant and the examination administrator.

J. In addition to the guide examination requirement under subsection (H), a guide license holder shall take the Department administered examination when:

1. The applicant currently holds a hunting or fishing guide license and is applying for a combination hunting and fishing guide license;
2. The applicant for a hunting guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of terrestrial wildlife within one year preceding the date of application;
3. The applicant for a fishing guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of aquatic wildlife within one year preceding the date of application;
4. The applicant failed to submit a renewal application postmarked before the expiration date of the guide license; or
5. The applicant failed to submit the annual report for the preceding license year by January 10 of the following license year.

K. A person may apply for a guide license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and on the Department's website. A guide license applicant shall provide all of the following information on the application:

1. The applicant's personal information:
   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;
   e. Current hunting, fishing, or combination hunting and fishing license number;
   f. Residency status;
   g. Mailing address, when applicable;
   h. Physical address;
   i. Telephone number, when available;
   j. E-mail address, when available;
   k. Type of guide license sought; and
   l. Calendar year for which the application is made;
2. The outfitting or guide:

a. Business name; and
b. Business address, as applicable;
3. Responses to questions relating to criminal violations;
4. Affirmation that:
a. The applicant meets the eligibility requirements prescribed under this Section; and
b. The information provided on the application is true and accurate;
5. Applicant's signature and date.

L. In addition to the requirements listed under subsection (K), an applicant for a guide license shall also submit a copy of any one of the following as proof of the applicant's identity:
1. Valid U.S. passport;
2. Applicant's birth certificate;
3. Valid government-issued driver's license; or
4. Valid government-issued identification card.

M. All information and documentation provided by the guide license applicant is subject to Department verification.

N. An applicant for a guide license shall pay all applicable fees required under R12-4-102 upon approval of an initial or renewal application for a guide license.

O. The Department shall deny a guide license when the applicant:
1. Fails to meet the criteria prescribed under A.R.S. § 17-362,
2. Fails to comply with the requirements of this Section,
3. Provides false information during the application process,
4. Fails to provide the annual report required under subsection (R) by January 10, or
5. Provides false information in the annual report required under subsection (R) within three years immediately preceding the date of application.

P. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

Q. A guide license holder may submit an application for renewal of a guide license after December 1 of the year it was issued. The Department shall not start the substantive review, as defined under A.R.S. § 41-1072, before January 10 of the following license year, unless the Department receives the annual report prior to the date established under subsection (R). The current guide license shall remain valid pending a Department decision on the application for renewal, provided:
1. The application for renewal is submitted to the Department by December 31, and
2. The Department receives the annual report submitted in compliance with subsection (R).

R. A guide license holder shall submit to the Department the annual report required under A.R.S. § 17-362(C) for the previous calendar year after January 1 but no later than January 10 of the following license year. The report form is furnished by the Department and is available at any Department office or on the Department's website.
1. A report is required whether or not the license holder performed any guiding activities.
2. The annual report shall include all of the following information, as applicable:
a. License holder's personal information:
i. Name;
ii. Guide license number; and
iii. E-mail address, when available; and
b. Client's personal information:
i. Name;
ii. Mailing address; and
iii. Arizona license, tag and permit numbers, and
c. Dates guiding activities were conducted;
d. Number and species of wildlife taken by the clients;
e. Game management unit or body of water where guiding activities took place;
f. Affirmation that the information provided in the annual report is true and accurate; and
g. License holder's signature and date.
3. The Department shall not renew a guide license if the annual report is not submitted to the Department by January 10 of the following license year.

S. The date of receipt for the items required under subsections (K), (L), (Q), and (R) shall be as follows:
1. The date a person presents the items to a Department office;
2. The date a private express mail carrier receives the package containing the items as indicated on the shipping package; or
3. The date of the United States Postal Service postmark stamped on the envelope containing the items.

T. A guide license holder shall:
1. Complete a Department-sanctioned continuing education course at least once every five-years.
2. While performing any activities or services as a guide as defined under A.R.S. § 17-101:
   a. Possess a valid guide license.
   b. Possess a valid Arizona hunting, fishing, or combination hunting and fishing license, as applicable under subsection (F)(2).
   c. Present the license for inspection upon the request of any peace officer, including wildlife managers and game rangers.
   d. Report any violation of a federal or state statute or regulation the guide license holder knew or should have known of that involves or relates to the take or possession of wildlife or involves or relates to another guide or guide license holder's legal obligations.

U. A guide license holder shall not:
1. Use, or allow another person to use, any method or device prohibited under any federal or state wildlife regulation, law, or rule while taking wildlife.
2. Aid, counsel, agree to aid, or attempt to aid another person in planning or engaging in conduct that results in a violation of any federal or state wildlife regulation, law, or rule while taking wildlife.
3. A guide license holder shall not aid, assist, serve as an agent to, represent, associate, or contract with a person whose privilege to take wildlife or guide is currently suspended or revoked pursuant to A.R.S. §§ 17-340, 17-362, or R12-4-606.
4. Pursue any wildlife or hold at bay any wildlife for a person unless that person is present during the pursuit to take the wildlife.
   a. The person shall be continuously present during the entire pursuit of that specific target animal.
   b. If dogs are used, the person shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit.
5. Hold wildlife at bay other than during daylight hours, unless a Commission Order authorizes the take of the species at night.

V. It is a violation for a licensed or unlicensed guide to employ, hire, direct, or authorize another person to provide guiding services for compensation, and the guide knew or should have known that person would likely commit a violation of A.R.S. Title 17 or Game and Fish Commission rules while the person is providing such guiding services on behalf of, or for the benefit of, the guide.

"Knew or should have known" means actual knowledge, or that a reasonably observant person under the same or similar circumstances would have had knowledge, or a person had a duty to inquire or investigate the facts and circumstances that person would commit a violation.

W. As authorized under A.R.S. § 17-362(A), the Commission may revoke or suspend a guide license when any one or more of the following actions occur:
1. The guide license holder failed to comply with the requirements of A.R.S. Title 17 or was convicted of violating any provision of A.R.S. Title 17;
2. The guide license holder was convicted of a felony violation of any federal wildlife law;
3. The guide license holder was convicted of a violation listed under A.R.S. § 17-309(D);
4. The guide license holder was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended; or
5. The guide license holder's privilege to take or possess wildlife is suspended or revoked by any jurisdiction for violation of a federal or state wildlife law.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-101, 17-245, 17-362, and 41-1005

Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-40 renumbered as Section R12-4-208 without change effective August 13, 1981 (Supp. 81-4). Former rule repealed, new Section R12-4-208 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). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-209. Repealed

Historical Note

Adopted effective March 20, 1981 (Supp. 81-2). Former Section R12-4-42 renumbered as Section R12-4-209 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

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 R12-4-101. 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 on the Department's website.
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 take 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 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.
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 on the Department's website. The application is furnished by the Department and is available at any Department office, License Dealer, and on the Department's website. 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. Customer 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 provided on the online application is true and accurate.

F. Exemptions authorized under R12-4-206(E) and R12-4-207(E) also apply to this Section, as applicable.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333 and 41-1005

Historical Note

Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective January 20, 1977 (Supp. 77-1). Editorial correction subsection (A), paragraph (2) (Supp. 78-5). Amended effective March 7, 1979 (Supp. 79-2). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-39 repealed, new Section R12-4-39 adopted effective March 17, 1981 (Supp. 81-2). Former Section R12-4-39 renumbered as Section R12-4-210 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 16, 1982 (Supp. 82-6). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-211. Lifetime License; Benefactor License

A. The Department offers the following lifetime licenses:

1. A lifetime hunting license includes the privileges established under R12-4-206(A).
2. A lifetime fishing license includes the privileges established under R12-4-207(A).
3. A lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).
4. A benefactor lifetime combination hunting and fishing license includes the privileges established under R12-4-210(A) and (B).

B. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate lifetime hunting or 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.

C. The lifetime licenses identified under subsection (A) do not expire and remain 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 required hunt permit-tag, nonpermit-tag, or stamp to hunt and fish in this state.
2. Limits established under R12-4-114 for nonresident hunt permit-tags and nonpermit-tags do not apply to a lifetime license holder.

D. A resident may apply for a lifetime license by submitting an application to the Department and paying the applicable fee required under subsection (E). The application is furnished by the Department and is available at any Department office and on the Department's website. A lifetime 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. Customer identification number, when applicable;
f. Residency status and number of years of residency 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.
4. In addition to the requirements listed under subsections (1) through (3), an applicant for a lifetime license shall also submit a copy of any one of the following documents at the time of application:
   a. Valid U.S. passport;
   b. Applicant's birth certificate;
   c. Valid government-issued driver's license; or
   d. Valid government-issued identification card.

E. The fees for resident lifetime licenses listed under (A)(1) through (A)(3) are determined by the age of the applicant as follows:
1. Age 0 through 13 years is 17 times the fee established under R12-4-102 for the equivalent one-year license.
2. Age 14 through 29 years is 18 times the fee established under R12-4-102 for the equivalent one-year license.
3. Age 30 through 44 years is 16 times the fee established under R12-4-102 for the equivalent one-year license.
4. Age 45 through 61 years is 15 times the fee established under R12-4-102 for the equivalent one-year license.
5. Age 62 and older is 8 times the fee established under R12-4-102 for the equivalent one-year license.
6. For the purposes of this subsection, when the applicant is under the age of 18, the fee for the lifetime license is based on the full priced license fee, not the youth license fee.

F. The fee for the benefactor license listed under (A)(4) is $1,500. The difference between $1,500 and the license fee for a resident lifetime combination hunting and fishing license established under subsection (E):
1. Is a donation to the State for continued management, 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 contributions to qualifying tax-exempt organizations.

G. A lifetime license may be denied or suspended pursuant to, and for the offenses described under, A.R.S. § 17-340.

H. 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), (A)(3), or (A)(4), 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

Amended effective March 7, 1979 (Supp. 79-2). Amended effective October 9, 1980 (Supp. 80-5). Former Section R12-4-36 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final exempt rulemaking at 28 A.A.R. 3360, effective November 26, 2022. (Supp. 22-3). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-212. Repealed

Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective January 1, 1977 (Supp. 76-5). Former Section R12-4-37 renumbered as Section R12-4-211 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4).

R12-4-213. Hunt Permit-tags and Nonpermit-tags

A. A valid hunt permit-tag or nonpermit-tag is required 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.

B. A person may apply for a hunt permit-tag in accordance with R12-4-104 and at the times, locations, and in the manner

established by the hunt permit-tag application schedule that the Department publishes and is available at any Department office, on the Department's website, or a License Dealer as defined under R12-4-101.

C. A person applying for a nonpermit-tag shall apply in accordance with R12-4-114 and pay the required fee established under R12-4-102.

D. Under A.R.S. § 17-332(C), the Department and its license dealers may issue a duplicate tag to a person whose tag was not used and is lost, destroyed, mutilated, or otherwise unusable; or placed on a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee as required under R12-4-112(B) and (C). The person shall complete and sign the affidavit furnished by the Department. The affidavit is available at any Department office or License Dealer. The person shall provide the following information on the affidavit:

1. The applicant's personal information:
   a. Name;
   b. Customer identification number, when applicable;
   c. Residency status and number of years of residency immediately preceding application, when applicable;
2. The original license or tag information:
   a. Type of license or tag;
   b. Place of purchase;
   c. Purchase date, when available;
3. Disposition of the original tag for which a duplicate is being purchased.
4. A person applying for a duplicate tag after a harvested animal that was subsequently condemned as described under subsection (D) shall also submit the condemned meat duplicate tag authorization form issued by the Department.

E. The person shall pay the applicable duplicate fee prescribed under R12-4-102.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-332, 17-333, 17-345, and 41-1005

Historical Note

Amended effective March 7, 1979 (Supp. 79-2). Amended effective December 4, 1980 (Supp. 80-6). Former Section R12-4-38 renumbered as Section R12-4-213 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 26 A.A.R. 3229, effective July 1, 2021 (Supp. 20-4). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-214. Repealed

Historical Note

Former Section R12-4-67 renumbered as Section R12-4-214 without change effective August 13, 1981 (Supp. 81-4). Repealed effective December 22, 1989 (Supp. 89-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Repealed by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4).

R12-4-215. Youth Group Two-day Fishing License

A. A youth group two-day fishing license authorizes a nonprofit organization or governmental entity as defined under subsection (C) that sponsors adult supervised activities for youth to take up to 25 youths fishing. The youth group two-day fishing license is only available from a Department office. 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).

B. 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. Customer 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.

C. For the purpose of this Section, "governmental entity" means any town, city, county, municipality, or other political subdivision of this state or any department, agency, board, commission, authority, division, office, public school, public charter school, 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

Adopted effective December 9, 1982 (Supp. 82-6). Section repealed, new Section adopted effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Section expired under A.R.S. § 41-1056(E) at 11 A.A.R. 4308, effective December 31, 2003 (Supp. 05-4). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026 (Supp. 26-1).

R12-4-216. Crossbow Permit

A. For the purposes of this Section, the following definitions apply:
"Qualified physician" means a currently licensed and board-certified medical or osteopathic physician (M.D. or D.O. only) who has an unrestricted license to practice medicine in any U.S. state or U.S. territory. Physician shall primarily practice or specialize in musculoskeletal or neuromuscular disorders, diseases or conditions that cause a physical impairment that substantially limits the use of a standard bow and arrow for hunting.
"Disability" means a physical impairment that substantially limits one or more life activities, but does not include typical or natural physiological conditions associated with age or gender that may affect physical abilities.

B. When authorized under R12-4-304 as lawful for the species hunted:

1. A person who possesses a valid crossbow permit may use any of the following during an archery-only season as prescribed under R12-4-318:
   a. A crossbow, as defined under R12-4-101, that is restricted to a single bowstring, capable of firing only a single arrow or single bolt with each loading and cocking action. The crossbow permit prohibits the following when using a crossbow:
      i. Magnifying or telescoping scope, magnifying red dot or other type of magnifying optic on a crossbow;
      ii. Attached accessories or built-in accessories that throw, cast or project an artificial light or electronically alter or intensify a light source for the purpose of visibly enhancing an animal image or placing a point of aim on an animal;
      iii. Any form of bipod, tripod or other device used to balance, rest or steady a crossbow when a crossbow is in use, except a permit holder with a missing upper body extremity as defined in subsection (E)(4)(a)(i) below, may use such a device. The use of illuminated reticles, illuminated sights or illuminated sight pins is not prohibited; or
   b. Any bow to be drawn and held with an assisting device.
2. A person who possesses both a valid crossbow permit and CHAMP, issued under R12-4-217, may use any of the following during an archery-only season as prescribed under R12-4-318:
   a. A crossbow, as defined under R12-4-101, that is restricted to a single bowstring, capable of firing only a single arrow or single bolt with each loading and cocking action, and subject to the same prohibitions on a the use of crossbow set forth in R12-4-216 (B)(1)(a)(i-iii), except that a person with a valid CHAMP may use external structures or devices to stabilize the crossbow when in use;
   b. Any bow to be drawn and held with an assisting device; or
   c. Pre-charged pneumatic weapon, as defined under R12-4-301, using arrows or bolts and capable of firing only a single arrow or bolt at a time.

C. The crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement. The permit holder shall be responsible for compliance with all applicable regulatory requirements.

D. The crossbow permit expires one year from the date the medical certification portion of the application was signed by a qualified physician. A crossbow permit also expires when:

1. The permit holder no longer meets the criteria for obtaining the crossbow permit, or
2. The Commission revokes the person's crossbow permit or hunting privileges under A.R.S. § 17-340. A person whose crossbow permit is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.

E. An applicant for a crossbow permit shall apply by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at www.azgfd.gov. A crossbow permit applicant shall provide all of 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. Customer identification number, when applicable;
   e. Residency status;
   f. Mailing address, when applicable;
   g. Physical address;
   h. Telephone number, when available; and
   i. E-mail address, when available;
2. Affirmation that:
   a. The applicant meets the requirements of this Section, and
   b. The information provided on the application is true and accurate, and
3. Applicant's signature and date.
4. The certification portion of the application shall be completed by a qualified physician. The qualified physician shall:
   a. Certify (1) the applicant has a disability; (2) the disability substantially limits the applicant's ability to use a standard bow and arrow for hunting; and (3) the applicant's physical limitations do not prevent the applicant from using a crossbow for hunting. The qualified physician must affirm on the certification that the applicant's substantial physical limitation that prohibits drawing and holding a bow at full draw is due to one or more of the following conditions:
      i. An amputation involving 3 or more fingers at the proximal interphalangeal joint, wrist, elbow, or shoulder that prevents stable function to use a bow;
      ii. Spinal cord injury affecting a hand, wrist, arm, or shoulder;
      iii. Weakness resulting from a disability of the muscles, nerves, joints or connective tissue in the shoulder, arm, wrist, hand, or back used in drawing and holding a bow at full draw. The weakness is confirmed and documented using a reliable and appropriate functional capacity evaluation, upper extremity performance test or manual muscle test (MMT) where the results correlate with a physical impairment substantially limiting the ability to use a conventional bow. Using a MMT requires a score of 3 or worse on a scale of 0 to 5 to qualify an applicant for a crossbow permit. Weakness that is appropriate for age or gender or deconditioning not due to a chronic medical problem shall not be considered a reason for a crossbow permit.
      iv. Restricted range of motion, where range of motion is assessed using a medically-accepted goniometric evaluation system and the score correlates with a physical impairment substantially limiting the ability to use a bow.
   b. The qualified physician shall assess the level of impairment on the applicant's ability to use a bow in relation to other people of same gender and age who have no physical limitations using a bow. An applicant should be assessed on whether the applicant's disability prevents the functional equivalent of holding a bow steady in a full draw position with a minimum of 30 pounds of resistance at full draw and holding a full draw for at least 4 seconds. The qualified physician must include in the medical certification a narrative statement in lay terms explaining how the applicant's impairment substantially limits the individual's use of a bow based on the criteria in this subsection.
   c. Provide the qualified physician's:
      i. Typed or printed name,
      ii. License number,
      iii. Business address,
      iv. Telephone number, and
      v. Signature and date;
      vi. Acknowledgement with signature that the attesting qualified physician understands that a knowingly false or fraudulent submission may result in a complaint of unprofessional conduct to the appropriate medical

board.

5. A person who holds a valid CHAMP and who is applying for a crossbow permit is exempt from the requirements of subsection (E)(4) and shall indicate "CHAMP" in the space provided for the medical certification on the crossbow permit application.

F. In addition to the requirements listed above, at the time of application an applicant who is applying for a crossbow permit shall pay the applicable fee required under R12-4-102.

G. The Applicant shall include with the application records from the qualified physician's evaluation of applicant's disability and physical limitations. All information and documentation provided by the applicant is subject to Department verification.

H. The Department shall deny a crossbow permit when the applicant:

1. Fails to meet the criteria prescribed under this Section,
2. Fails to comply with the requirements of this Section, or
3. Provides false information during the application process.

I. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

J. The applicant claiming a disability and requesting a crossbow permit is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.

K. When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and exhibit the permit upon request to any peace officer, including wildlife managers and game rangers.

L. A crossbow permit holder shall not:

1. Transfer the permit to another person, or
2. Allow another person to use or possess the permit.

M. This rule is effective July 1, 2026. Any valid crossbow permit issued prior to the effective date is void on or after the effective date.

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

Adopted effective April 7, 1983 (Supp. 83-2). Repealed effective January 1, 1993; filed December 18, 1993 (Supp. 92-4). 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 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024. (Supp. 24-2). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026; any valid crossbow permit issued prior to the effective date is void on or after the effective date (Supp. 26-1).

R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)

A. For the purposes of this Section, the following definitions apply:

"Qualified physician" means a currently licensed and board-certified medical or osteopathic physician (M.D. or D.O. only) who has an unrestricted license to practice medicine in any U.S. state or U.S. territory. Physician shall primarily practice or specialize in disorders, diseases or conditions that cause a severe permanent disability as that term is defined in this section.

"Severe permanent disability" means one or more permanent physical or mental disabilities resulting from amputation of both upper and lower limbs, permanent use of wheelchair, crutches, or a walker, arthritis, autism, blindness, extensive burn injury, cancer, cerebral palsy, cystic fibrosis, intellectual disability, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, pulmonary disorders, quadriplegia and other spinal cord conditions, sickle cell anemia, and end stage renal disease or a combination of permanent disabilities resulting in comparable substantial life function limitations.

B. The Challenged Hunter Access/Mobility Permit (CHAMP) allows a person with a severe permanent disability to perform one or more of the following activities:

1. Discharge a firearm or other legal hunting device from a motor vehicle if, under existing conditions:
   a. The discharge is otherwise lawful;
   b. The motor vehicle is not in motion;
   c. The motor vehicle is not on any road, as defined under A.R.S. § 17-101; and

d. The motor vehicle's engine is turned off.

2. Discharge a firearm or other legal hunting device from a watercraft, as defined under R12-4-501; provided the motor is turned off, the sail furled, or both; and progress has ceased.
   a. The watercraft may be drifting as a result of current or wind, beached, moored, resting at anchor, or propelled by paddle, oars, or pole.
   b. A person may use a watercraft under power to retrieve dead or wounded wildlife.
   c. For the purposes of this subsection, "watercraft" does not include a sinkbox.
3. Use off-road locations in a motor vehicle if use is not in conflict with federal or state statutes or regulations or local ordinances or regulations and the motor vehicle is used as a place to wait for game. A person shall not use a motor vehicle to chase or pursue game.
4. Use any of the following during an archery-only season as prescribed under R12-4-318:
   a. A crossbow, as defined under R12-4-101, using a single bowstring, capable of firing only a single arrow or single bolt with each loading and cocking action, and subject to the same prohibitions on the use of a crossbow set forth in R12-4-216 (B)(1)(a)(i-iii), except that a person possessing a valid CHAMP may use external structures or devices to stabilize the crossbow when in use; or
   b. Any bow to be drawn and held with an assisting device, or
   c. Pre-charged pneumatic weapon, as defined under R12-4-301, using arrows or bolts and capable of firing only a single arrow or bolt at a time.
5. Designate an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this Section

C. The CHAMP holder shall comply with all applicable regulatory requirements. A CHAMP does not exempt the permit holder from any other applicable method of take or licensing requirement.

D. The CHAMP does not expire, unless:
1. The permit holder no longer meets the criteria for obtaining the CHAMP, or
2. The Commission revokes the person's CHAMP or hunting privileges under A.R.S. § 17-340. A person whose CHAMP is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.

E. An applicant for a CHAMP shall apply by submitting an application to the Department. The application form is furnished by the Department and is available from any Department office and on the Department's website. The CHAMP applicant shall provide all of 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. Customer identification number, when applicable;
   e. Residency status;
   f. Mailing address, when applicable;
   g. Physical address;
   h. Telephone number, when available; and
   i. E-mail address, when available;
2. Affirmation that:
   a. The applicant meets the requirements of this Section, and
   b. The information provided on the application is true and accurate, and
3. Applicant's signature and date.
4. The certification portion of the application shall be completed by a qualified physician. The qualified physician shall:
   a. Certify the applicant is a person with a severe permanent disability as defined under subsection (A), and
   b. Provide the qualified physician's:
      i. Typed or printed name,
      ii. Business address,
      iii. Telephone number, and
      iv. Signature and date;
      v. Acknowledgement with signature that the attesting qualified physician understands that a knowingly false or fraudulent submission may result in a complaint of unprofessional conduct to the appropriate medical board.

F. In addition to the requirements listed above, at the time of application an applicant who is applying for a CHAMP shall pay the applicable fee required under R12-4-102.

G. The Applicant shall include with the application records from the qualified physician's evaluation of applicant's disability and physical limitations. All information and documentation provided by the applicant is subject to Department verification.

H. The applicant claiming a severe permanent disability and requesting a CHAMP is responsible for all costs associated with obtaining the medical certification and documentation, re-evaluation of the information, or a second medical opinion.

I. The Department shall deny a CHAMP when the applicant:
1. Fails to meet the criteria prescribed under this Section,
2. Fails to comply with the requirements of this Section, or
3. Provides false information during the application process.

J. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.

K. When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the permit upon request to any peace officer, including wildlife managers and game rangers.

L. The CHAMP holder shall ensure the CHAMP vehicle placard, issued with the CHAMP, is visibly displayed on the motor vehicle or watercraft when in use.

M. The Department shall provide a CHAMP holder with a dispatch permit that allows the CHAMP holder to designate a licensed hunter as an assistant to:
1. Dispatch and retrieve an animal wounded by the CHAMP holder, or
2. Retrieve wildlife killed by the CHAMP holder.

N. The CHAMP holder shall:
1. Designate an assistant only after the animal is wounded or killed.
2. Ensure the designation on the dispatch permit is in ink and includes:
   a. A description of the animal,
   b. The assistant's name and valid Arizona hunting license number,
   c. The date and time the animal was wounded or killed, and
3. Ensure compliance with all of the following requirements:
   a. The site where the animal is wounded and the location from which tracking begins are marked so they can be identified later.
   b. The assistant possesses the dispatch permit and a valid hunting license while tracking and dispatching the wounded animal. When acting under the authority of the dispatch permit, the assistant shall possess and exhibit the dispatch permit and hunting license upon request to any peace officer, including wildlife managers and game rangers.
   c. The CHAMP holder is in the field while the assistant is tracking and dispatching the wounded animal.
   d. The assistant does not transfer the dispatch permit to anyone except that the dispatch permit may be transferred back to the CHAMP holder.
   e. Dispatch is made by a method that is lawful for the take of the particular animal in the particular season in accordance with requirements established under R12-4-304 and R12-4-318.
   f. 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.
   g. If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP holder. The CHAMP holder shall strike the name and authorization of the assistant from the dispatch permit.

O. A dispatch permit may not be reused when all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass. The CHAMP holder may request another dispatch permit from the Department if:
1. All spaces for assistants are filled,
2. The dispatch permit is lost, or
3. When the CHAMP holder needs another dispatch permit for another big game hunt.

P. A CHAMP holder shall not:
1. Transfer the permit to another person, or
2. Allow another person to use or possess the permit.

Q. This rule is effective July 1, 2026. Any valid CHAMP issued prior to the effective date is void on or after the effective date.

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

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). 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 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 212, effective March 11, 2006 (Supp. 06-1). Amended by final rulemaking at 20 A.A.R. 3045, effective January 3, 2015 (Supp. 14-4). Amended by final rulemaking at 32 A.A.R. 560 (March 6, 2026, Issue 10), with a delayed effective date of July 1, 2026; any valid CHAMP issued prior to the effective date is void on or after the effective date (Supp. 26-1).

R12-4-218. Repealed

Historical Note

Adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective November 7, 1996 (Supp. 96-4).

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 15, 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 1, 1989, filed December 30, 1988" (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4).

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

R12-4-301. Definitions

In addition to the definitions provided under A.R.S. § 17-101 and R12-4-101, the following definitions apply to this Article unless otherwise specified:

"Administer" means to apply a drug directly 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, including unmanned aircraft systems also known as drones.

"Artificial flies and lures" means man-made devices intended as visual attractants to catch fish. Artificial flies and lures does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, or chemicals or organic materials intended to create a scent, flavor, or chemical stimulant to the device regardless of whether it is added or applied during or after the manufacturing process.

"Atlatl" means a rod or narrow board-like device used to launch, through a throwing motion of the arm, a dart.

"Audio location device" means any device that captures broad spectrum, high definition sound and airwaves that is not held or manually operated by a person and is used to identify and locate wildlife.

"Barbless hook" means any fish hook 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.

"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.

"Deadly weapon" has the same meaning as provided under A.R.S. § 13-3101.

"Device" has the same meaning as provided under A.R.S. § 17-101.

"Dip net" means any net, excluding the handle, that is no greater than three 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 person.

"Drug" means any chemical substance, other than food or mineral supplements, that affects the structure or biological function of wildlife.
"Edible portions of game meat" means, for:
Upland game birds, migratory game birds and wild turkey: breast.
Bear, bighorn sheep, bison, deer, elk, javelina, mountain lion, and pronghorn antelope: front quarters, hind quarters, loins (backstraps), neck meat, and tenderloins.
Game fish: fillets of the fish.
"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.
"Handgun" means a firearm designed and intended to be held, gripped, and fired by one or more hands, not intended to be fired from the shoulder, and that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a barrel for each single pull of the trigger.
"Harvest limit" means an identified limit or threshold on the number of any one species permitted to be taken, during a specified time period, in a management unit or portion of a management unit, which when met closes the season for the remainder of the specified time period.
"Hybrid device" means a device with a combination of components from two or more lawful devices and is used for the take of wildlife, such as but not limited to a firearm, pneumatic weapon, or slingshot that shoots arrows or bolts.
"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, and loaded 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 using black powder or synthetic black powder, and loaded through the muzzle with a single projectile.
"Muzzleloading shotgun" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single or double smooth barrel and using black powder or synthetic black powder, and loaded through the muzzle with ball shot as a projectile.
"Paste-type bait" means a partially liquefied substance used as a lure for animals.
"Pneumatic weapon" means a device that fires a projectile by means of air pressure or compressed gas. This does not include tools that are common in the construction and art trade such as, but not limited to, nail and rivet guns.
"Pre-charged pneumatic weapon" means an air gun or pneumatic weapon that is charged from a high compression source such as an air compressor, air tank, or internal or external hand pump.
"Prohibited possessor" has the same meaning as provided under A.R.S. § 13-3101.
"Prohibited weapon" has the same meaning as provided under A.R.S. § 13-3101.
"Rifle" means a firearm intended to be fired from the shoulder that uses the energy from an explosive in a fixed cartridge to fire a single projectile through a rifled bore for each single pull of the trigger. This does not include a pre-charged pneumatic weapon.
"Shotgun" means a firearm intended to be fired from the shoulder and that uses the energy from an explosive in a fixed shotgun shell to fire either ball shot or a single projectile through a smooth bore or rifled barrel for each pull of the trigger.
"Sight-exposed bait" means a carcass, or parts of a carcass, lying openly on the ground or suspended in a manner so that it can be seen from above by a bird. This does not include a trap flag, dried or bleached bone with no attached tissue, or less than two ounces of paste-type bait.
"Simultaneous fishing" means taking fish by using only two lines at one time and not more than two hooks or two artificial flies or lures per line.
"Single-point barbless hook" means a fishhook with a single point, manufactured without barbs, or on which the barbs have been completely closed or removed. This does not include a treble fishhook.
"Sinkbox" means a low-floating device with a depression that affords a hunter a means of concealment beneath the surface of the water.
"Smart device" means any device equipped with a target-tracking system or an electronically-controlled, electronically-assisted, or computer-linked trigger or release. This includes but is not limited to smart rifles.
"Trail Camera" means any device that is not held or manually operated by a person and is used to capture images, video,

or location, time, or date data of wildlife.

"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

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976, Amended effective June 7, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Editorial correction subsection (D) (Supp. 78-5). Amended effective June 4, 1979 (Supp. 79-3). Former Section R12-4-50 renumbered as Section R12-4-301 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (A) effective May 12, 1982 (Supp. 82-3). Amended effective July 3, 1984 (Supp. 84-4). 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 effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Former R12-4-301 renumbered to R12-4-321; new Section made by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-302. Use of Tags

A. In addition to meeting requirements prescribed under A.R.S. § 17-331, a person 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. A person 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. A person shall:

1. Take and tag only the wildlife identified on the tag.
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, a person shall not:

1. Allow their tag to be attached to wildlife killed by another person,
2. Allow their tag to be possessed by another person while taking wildlife,
3. Allow wildlife killed by that person to be tagged with another person's tag,
4. Attach their tag to wildlife killed by another person, or
5. Possess a tag issued to another person while taking wildlife.
6. Subsections (E)(2) and (5) do not apply to a tag issued to a person under 18 years of age.

F. Except as permitted under R12-4-217, immediately after a person kills wildlife, the person shall attach:

1. The tag to the wildlife carcass in the manner indicated on the tag, or
2. The validation code to the wildlife carcass in the manner indicated by the Department through the person's electronic device.

G. A person who authorizes another person to possess, transport, or ship a portion of their lawfully taken animal shall complete the transportation and shipping portion of the tag in the manner indicated on the tag or by the Department through the person's electronic device, as applicable.

H. A tag is no longer valid for the take of wildlife if:

1. The tag is mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, or
2. The validation code is attached to a carcass.

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(B)(8), 17-234, 17-301, 17-331, and 17-332(D)

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 (Supp. 13-2). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4).

R12-4-303. Unlawful Activities, Ammunition, Devices, and Methods

A. In addition to the prohibitions prescribed under A.R.S. §§ 17-301 and 17-309, the following activities, ammunition, devices, and methods are unlawful in this state:

1. A person shall not use any of the following to take wildlife:
   a. Fully automatic firearms, including firearms capable of selective automatic fire.
   b. Tracer or armor-piercing ammunition designed for military use.
   c. Any smart device as defined under R12-4-301.
   d. Any self-guided projectiles.
2. A person shall not take big game using full-jacketed or total-jacketed bullets that are not designed to expand upon impact,
3. A person shall not use or possess any of the following while taking wildlife:
   a. Poisoned projectiles or projectiles that contain explosives or a secondary propellant.
   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.
   d. Electronic night vision equipment, electronically enhanced light-gathering devices, thermal imaging devices or laser sights projecting a visible light; except for devices such as laser range finders projecting a non-visible light, 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.
4. A person shall not by any means:
   a. Hold wildlife at bay other than during daylight hours, unless authorized by Commission Order.
   b. Injure, confine, place, or use a tracking device in or on wildlife for the purpose of taking or aiding in the take of 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:
      i. 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.
      ii. Using electronically amplified bird calls or baits.
      iii. By means or aid of any motor driven land, water, or air conveyance, or any sailboat used for the purpose of or resulting in the concentrating, driving, rallying, or stirring up of any migratory bird.
      iv. Activities described under subsections (A)(4)(g)(i) through (A)(4)(g)(iii) are prohibited under 50 C.F.R. 20.21, revised October 1, 2015. The material incorporated by reference in this Section does not include any later amendments or editions. The incorporated material is available at any Department office, online from the Government Printing Office website www.gpoaccess.gov, or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
   h. Use or discharge any of the following devices while taking wildlife within one-fourth mile (440 yards) of an occupied farmhouse or other residence, cabin, lodge or building without permission of the owner or resident:
      i. Arrow or bolt;
      ii. Atlatl throwing dart;
      iii. Hybrid device;; or
      iv. Pneumatic weapon .35 caliber or larger.
   i. Participate in, organize, promote, sponsor, or solicit participation in a contest where a participant uses or intends

to use any device or implement to capture or kill predatory animals or fur-bearing animals as defined under A.R.S. § 17-101. For the purposes of this subsection, "contest" means a competition among participants where participants must register or record entry and pay a fee, and prizes or cash are awarded to winning or successful participants.

5. A person shall not place, maintain, or use a trail camera, or images, video, to include location, time, or data from a trail camera, for the purpose of taking or aiding in the take of wildlife or locating wildlife for the purpose of taking or aiding in the take of wildlife.
6. A person shall not use images of wildlife produced or transmitted from a satellite or other device that orbits the earth for the purpose of:
   a. Taking or aiding in the take of wildlife, or
   b. Locating wildlife for the purpose of taking or aiding in the take of wildlife.
   c. This subsection does not prohibit the use of mapping systems or programs.
7. A person shall not use edible or ingestible substances to aid in taking big game. The use of edible or ingestible substances to aid in taking big game is unlawful when:
   a. A person places edible or ingestible substances for the purpose of attracting or taking big game, or
   b. A person knowingly takes big game with the aid of edible or ingestible substances placed for the purpose of attracting wildlife to a specific location.
8. For the purposes of subsection (A)(7), edible or ingestible substances do not include any of the following:
   a. Water.
   b. Salt.
   c. Salt-based materials produced and manufactured for the livestock industry.
   d. Nutritional supplements produced and manufactured for the livestock industry and placed during the course of livestock or agricultural operations.
9. A person shall not place, maintain, or use an audio location device for the purpose of taking or aiding in the take of terrestrial wildlife or locating wildlife for the purpose of taking or aiding in the take of terrestrial wildlife.
10. A person shall not aid, assist, direct, lead or instruct a person in the field to locate or take wildlife, if the person's privilege to guide is currently revoked pursuant to A.R.S. §§ 17-340 or 17-362 and the original revocation period was for five or more years.

B. It is unlawful for a person who is a prohibited possessor to take wildlife with a deadly weapon or prohibited weapon.

C. Wildlife taken in violation of this Section is unlawfully taken.

D. This Section does not apply to any activity allowed under A.R.S. § 17-302, to a person acting within the scope of their official duties as an employee of the state or United States, or as authorized by the Department.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-251, 17-305, and 17-309

Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Amended effective April 29, 1977 (Supp. 77-2). Amended effective September 7, 1978 (Supp. 78-5). Former Section R12-4-52 renumbered as Section R12-4-303 without change effective August 13, 1981 (Supp. 81-4). Amended effective March 28, 1983 (Supp. 83-2). Amended subsections (A) and (C) effective October 31, 1984 (Supp. 84-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-303 repealed, new Section R12-4-303 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective February 9, 1998 (Supp. 98-1). 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 25 A.A.R. 2473, effective November 3, 2019 (Supp. 19-3). Amended by final rulemaking at 27 A.A.R. 1368 (September 3, 2021), effective January 1, 2022 (Supp. 21-4). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-304. Lawful Methods for Taking Wild Mammals, Birds, and Reptiles

A. A hybrid device is lawful for the take of wildlife provided all components of the device are authorized for the take of that species under this Section.

B. A person may only use the following methods to take big game when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318.

1. To take bear:
   a. Centerfire rifles;
   b. Muzzleloading rifles;
   c. All other rifles using black powder or synthetic black powder;

d. Centerfire handguns;
e. Muzzleloading handguns;
f. Shotguns shooting slugs, only;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(1)(i) to be drawn and held with an assisting device; and
k. Pursuit with dogs only between August 1 and December 31, provided the person 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 person removes the dogs from the area so the bear can escape on its own after it is treed, cornered, or held at bay.

2. 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. Muzzleloading handguns;
f. Shotguns shooting slugs, only;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(2)(i) to be drawn and held with an assisting device.

3. To take bison:
a. Centerfire rifles;
b. Muzzleloading rifles;
c. All other rifles using black powder or synthetic black powder;
d. Shotguns shooting slugs, only;
e. Centerfire handguns no less than .41 Magnum or centerfire handguns with an overall cartridge length of no less than two inches;
f. Pre-charged pneumatic weapons .40 caliber or larger and capable of firing a minimum of 500 foot pounds of energy;
g. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second; and
h. Bows with a standard pull of 40 or more pounds, using arrows with broadheads of no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
i. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(3)(h) to be drawn and held with an assisting device.

4. To take deer:
a. Centerfire rifles;
b. Muzzleloading rifles;
c. All other rifles using black powder or synthetic black powder;
d. Centerfire handguns;
e. Muzzleloading handguns;
f. Shotguns shooting slugs, only;
g. Pre-charged pneumatic weapons .35 caliber or larger;
h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;

i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(4)(i) to be drawn and held with an assisting device.

5. To take elk:
   a. Centerfire rifles;
   b. Muzzleloading rifles;
   c. All other rifles using black powder or synthetic black powder;
   d. Centerfire handguns;
   e. Muzzleloading handguns;
   f. Shotguns shooting slugs, only;
   g. Pre-charged pneumatic weapons .40 caliber or larger and capable of firing a minimum of 500 foot pounds of energy;
   h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
   i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
   j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(5)(i) to be drawn and held with an assisting device.
6. To take javelina:
   a. Centerfire rifles;
   b. Muzzleloading rifles;
   c. All other rifles using black powder or synthetic black powder;
   d. Centerfire handguns;
   e. Muzzleloading handguns;
   f. Shotguns shooting slugs, only;
   g. Pre-charged pneumatic weapons .35 caliber or larger;
   h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
   i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
   j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(6)(i) to be drawn and held with an assisting device;
   k. .22 rimfire magnum rifles; and
   l. 5 mm rimfire magnum rifles.
   m. Atlatl throwing dart no less than five feet in length and no more than eight feet in length, equipped with a sharpened head having a blade no less than 7/16 inch cutting radius from the center of the shaft with metal, ceramic-coated metal, or ceramic cutting edges.
7. 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. Muzzleloading handguns;
   f. Shotguns shooting slugs or shot;
   g. Pre-charged pneumatic weapons .35 caliber or larger;
   h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
   i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
   j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(7)(i) to be drawn and held with an assisting device;
   k. 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

l. Pursuit with dogs, provided the person 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 person removes the dogs from the area so the mountain lion can escape on its own after it is treed, cornered, or held at bay.

8. To take pronghorn antelope:
   a. Centerfire rifles;
   b. Muzzleloading rifles;
   c. All other rifles using black powder or synthetic black powder;
   d. Centerfire handguns;
   e. Muzzleloading handguns;
   f. Shotguns shooting slugs, only;
   g. Pre-charged pneumatic weapons .35 caliber or larger;
   h. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
   i. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
   j. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(8)(i) to be drawn and held with an assisting device.
9. To take turkey:
   a. Shotguns shooting shot;
   b. Bows with a standard pull of 30 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges;
   c. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as described in subsection (B)(9)(b) to be drawn and held with an assisting device;
   d. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second; and
   e. Atlatl throwing dart no less than five feet in length and no more than eight feet in length, equipped with a sharpened head having a blade no less than 7/16 inch cutting radius from the center of the shaft with metal, ceramic-coated metal, or ceramic cutting edges.

C. A person may only use the following methods to take small game when authorized by Commission Order and subject to the restrictions under R12-4-303, R12-4-318, and R12-4-422.

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-dove:
   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-dove:
   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, gallinules, 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, 2015. 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 website www.gpoaccess.gov, or may be ordered from the Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

D. A person may take waterfowl from any watercraft, except a sinkbox, subject to the following conditions:
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 person may only use the watercraft under power to retrieve dead or crippled waterfowl; shooting is prohibited while the watercraft is under power.

E. A person may only use the following methods to take predatory and fur-bearing animals 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.

F. A person may take nongame mammals and birds by any method authorized by Commission Order and not prohibited under R12-4-303, R12-4-318, and R12-4-422, subject to the following restrictions. A person:
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.

G. A person may only use the following methods to take hooved nongame mammals when authorized by Commission Order and subject to the restrictions under R12-4-303 and R12-4-318:
1. Centerfire rifles;
2. Muzzleloading rifles;
3. All other rifles using black powder or synthetic black powder;
4. Centerfire handguns;
5. Muzzleloading handguns;
6. Shotguns shooting slugs, only;
7. Pre-charged pneumatic weapons .40 caliber or larger and capable of firing a minimum of 500 foot pounds of energy;
8. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second;
9. Bows with a standard pull of 40 or more pounds, using arrows with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges; and
10. Crossbows with a minimum draw weight of 125 pounds, using bolts with a minimum length of 16 inches and broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges or bows as

described in subsection (G)(9) to be drawn and held with an assisting device.

H. A person may take reptiles by any method not prohibited under R12-4-303 or R12-4-318 subject to the following restrictions. A person:

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
3. May use artificial light while taking reptiles 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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-235, 17-251, 17-301, 17-302, and 17-305

Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective October 20, 1977 (Supp. 77-5). Amended effective January 11, 1978 (Supp. 78-1). Amended effective September 7, 1978 (Supp. 78-5). Amended effective November 14, 1979 (Supp. 79-6). Amended effective July 22, 1980 (Supp. 80-4). Former Section R12-4-53 renumbered as Section R12-4-304 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective April 7, 1983 (Supp. 83-2). Amended subsection (I) effective June 7, 1984 (Supp. 84-3). Amended effective February 28, 1985 (Supp. 85-1). Amended effective September 16, 1985 (Supp. 85-5). Amended effective June 4, 1987 (Supp. 87-2). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read “Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective January 1, 1989, filed December 30, 1988” (Supp. 89-2). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Former Section R12-4-304 repealed, new Section R12-4-304 adopted effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by exempt rulemaking at 17 A.A.R. 2629, effective December 9, 2011 (Supp. 11-4). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-305. Possessing, Transporting, Importing, Exporting, and Selling Carcasses or Parts of Wildlife

A. A person shall ensure that evidence of legality remains with the carcass or parts of a carcass of any wildlife that the person possesses, transports, or imports until arrival at the person’s permanent abode, a commercial processing plant, or the place where the wildlife is to be consumed.

B. In addition to the requirement under subsection (A), a person possessing or transporting the following wildlife shall ensure each:

1. Big game animal and sandhill crane has the required valid tag attached in the manner indicated on the tag, as indicated by the Department through the person’s electronic device, or as permitted under R12-4-302(E)(6), as applicable;
2. Migratory game bird, except sandhill cranes, has one fully feathered wing attached;
3. Sandhill crane and Eurasian-collared dove has either the fully feathered head or one fully feathered wing attached;
4. Quail has attached a fully feathered head, or a fully feathered wing, or a leg with foot attached; and
5. Freshwater fish has the head, tail, or skin attached so the species can be identified and the total number and required length determined.

C. A person 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 or as indicated by the Department through the person’s electronic device, as applicable, 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), a person may ship other lawfully taken wildlife by common carrier after obtaining a valid Transportation and Shipping Permit issued by the Department. The person shall provide the following information:

1. Number and description of the wildlife to be transported or shipped;
2. Name, address, license number, and license class of the person who took the wildlife;
3. Tag number;
4. Name and address of the person 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. A person who lawfully takes wildlife under a tag may authorize another individual to possess the head or carcass of the wildlife as prescribed under R12-4-302.

E. A person who receives a portion of the wildlife shall provide the identity of the person who took and gave the portion of the wildlife upon request to any peace officer, wildlife manager, or game ranger.

F. A person shall not possess the horns of a bighorn sheep, taken by a hunter in this state, unless the horns are marked or sealed as established under R12-4-308.

G. Except as provided under R12-4-307, before a person may sell, offer for sale, or export the raw pelt or unskinned carcass of a bobcat taken in this state, the person 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. A person who takes bear or mountain lion under A.R.S. § 17-302 may retain the carcass of the wildlife if the person has a valid hunting license and the carcass is immediately tagged with a nonpermit-tag, valid hunt permit-tag, or electronic tag as required under R12-4-114 and R12-4-302, provided the person has not reached the applicable bag limit for that big game animal. An animal retained under this subsection shall count toward the applicable bag limit for bear or mountain lion as authorized by Commission Order. The person shall comply with inspection and reporting requirements established under R12-4-308.

I. A person may possess, transport, or import only the following portions of a cervid lawfully taken in another state, country, or designated CWD Management Zone:

1. Boneless portions of meat, or meat that has been cut and packaged either personally or commercially.
2. Quarters or other portions of meat with no part of the head, brain tissue, or spinal column attached, except as required for proof of legality provided the cervid quarters and portions are being transported directly to a licensed meat processor located within this State.
3. Clean hides and capes with no head, brain tissue, or spinal column attached, except as required for proof of legality.
4. Clean skulls and skull plates with or without hard antlers with no brain tissue or spinal column attached. This includes antlers in the velvet stage, provided they are attached to a clean skull or skull plate with no brain or spinal tissue attached and are being transported directly to a licensed taxidermist located within this State.
5. Finished taxidermy mounts or products.
6. Upper canine teeth with no meat or tissue attached.
7. Edible organs, such as heart, liver, and kidneys, that have been removed from the cervid's body cavity.
8. For the purposes of this Section, "CWD Management Zone" means the geographic area that surrounds the area where CWD is initially detected. A CWD Management Zone is established to control access to and from the designated area to ensure the appropriate sanitary disposal of cervid carcasses or parts.

J. For a cervid taken in another state or country, or in a designated CWD Management Zone, the cervid parts identified in Subsection (I) may be transported in Arizona, however, a person is:

1. Prohibited from disposing of any remaining unused tissue that is a byproduct of processing on public or private property, and
2. Shall ensure the unused tissue is placed in a domestic or commercial trash receptacle designated for disposal at a commercial landfill or incinerator.

K. 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.

L. A person 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. Quarters or other portions of meat with no part of the head, brain tissue, or spinal column attached, except as required for proof of legality;
2. Clean hides and capes with no head, brain tissue, or spinal column attached, except as required for proof of legality;
3. Clean skulls and skull plates with antlers with no brain tissue or spinal column attached, including antlers in the velvet stage;
4. Finished taxidermy mounts or products;
5. Upper canine teeth with no meat or tissue attached; and
6. Edible organs, such as heart, liver, and kidneys, that have been removed from the cervid's body cavity.

M. A person who obtains bison meat as authorized under R12-4-306 may sell the meat.

N. Except for cervids, which are subject to requirements established under subsections (I) through (L), a person 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.

O. A person shall not transport live crayfish from the site where taken, except as permitted under R12-4-314.

P. A person in possession of a common carp (*Cyprinus carpio*), buffalofish (*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)

Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-231(B)(8), 17-302, 17-307, 17-331, and 17-371

Historical Note

Amended effective May 3, 1976 (Supp. 76-3). Former Section R12-4-54 renumbered as Section R12-4-305 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 12, 1982 (Supp. 82-3). Amended effective June 14, 1983 (Supp. 83-3). 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). Section repealed, new Section adopted effective April 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 2966 (December 24, 2021), effective February 7, 2022 (Supp. 21-4). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-306. Bison Hunt Requirements

A. When authorized by Commission Order, the Department shall conduct a hunt to harvest bison from the state's bison herds.

B. A hunter with a bison permit-tag, valid nonpermit-tag, or electronic tag for the House Rock Wildlife Area or Raymond Wildlife Area herd shall:

1. Attend a hunter orientation meeting, which may include requiring the hunter to:
   a. Hunt in the order scheduled.
   b. Hunt in the assigned hunt area.
2. Allow a Department employee to:
   a. Designate the bison to be harvested to achieve management objectives, and
   b. Assist in taking the bison if the hunter fails to dispatch a wounded bison within a reasonable period of time.
3. Provide a signed written acknowledgment that the hunter received, read, understands, and agrees to comply with the requirements of this Section.

C. Failure to comply with the requirements of subsection (B) shall result in the invalidation of the hunter's permit-tag, nonpermit-tag, or electronic tag, consistent with the written acknowledgment signed and agreed to by the hunter.

D. A hunter issued a bison permit-tag, valid nonpermit-tag, or electronic tag shall check out using the Department's online hunter questionnaire no more than three days after the end of the hunt, regardless of whether the hunter harvested a bison or did not participate in the bison hunt.

E. A hunter who harvests a bison may be required to submit a biological sample, such as teeth, blood samples, or parts of the carcass when required by Commission Order.

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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). The spelling of Bison was corrected in the Section heading (Supp. 21-4). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-307. Trapping Regulations, Licensing; Methods; Tagging of Bobcat Pelts

A. An Arizona trapping license permits a person to trap predatory and fur-bearing animals.

B. A trapping license is required for any person 10 years of age and older. A person under the age of 10 is not required to purchase a trapping license, but shall apply for and obtain a registration number. The trapper registration number is not transferable.

C. A person born on or after January 1, 1967 shall successfully complete a Department-approved trapping education course

before applying for a trapping license.

D. A person applying for a trapping registration number or trapping license shall pay the applicable fees established under R12-4-102.

E. A person 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 person shall provide all of the following information on the form:

1. The applicant's personal information:
   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;
   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;
2. Category of license:
   a. Resident,
   b. Nonresident, or
   c. Youth, and
3. The applicant's signature and date.

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 under 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 (880 yards) of any of the following areas developed for public use:
      i. Boat ramp or launching area,
      ii. Camping area,
      iii. Picnic area,
      iv. Roadside rest area, or
      v. Developed wildlife viewing platform.
   b. One-half mile of any occupied farmhouse or other residence, cabin, lodge 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-target 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 registration 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 carcass 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. Management unit where the bobcat was taken,
3. Sex of the bobcat, and
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 April 1 of each year.
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 carcass 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). The report form is available at any Department office and online at www.azgfd.gov.
1. The trapper shall submit the report to Arizona Game and Fish Department, Terrestrial Wildlife 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.
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)

Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-239, 17-301, 17-302, 17-333, 17-333.02, 17-361, and 17-371

Historical Note

Repealed effective May 3, 1976 (Supp. 76-3). New Section R12-4-56 adopted effective September 2, 1977 (Supp. 77-5). Amended effective December 27, 1979 (Supp. 79-6). Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981. New Section R12-4-307 amended effective August 31, 1981 (Supp. 81-4).

Amended effective August 4, 1982 (Supp. 82-4). Correction, Former Section R12-4-56 renumbered as Section R12-4-307 without change effective August 13, 1981 should read "effective August 31, 1981." Amended as an emergency effective March 29, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Amended subsections (B), (C)(6), (7), and (8) and added subsection (I)(5) as a permanent rule effective August 27, 1984 (Supp. 84-4). Amended subsection (C), paragraph (4), subsection (D), subsection (H), paragraph (1), subsection (I), paragraphs (3), (4) and (5) effective September 12, 1986 (Supp. 86-5). Amended effective March 1, 1994; filed in the Office of the Secretary of State November 23, 1993; Exhibit A - "Trapping Report" Form 2050, repealed from Section R12-4-307 (Supp. 93-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Corrected mislabeled subsection "C" to subsection "D" as per the Commission's request July 22, 1997 (Supp. 97-2). Amended effective February 9, 1998 (Supp. 98-1). Amended by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

R12-4-308. Wildlife Inspections; Check Stations; Roadblocks; Harvest Reporting; Hunt Surveys

A. 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 p.m. 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; and
      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. It is unlawful for any person to remove, alter, or obliterate the mark or seal.
2. A hunter who harvests a bear or mountain lion 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. Hunter's email address, when available;
      vi. Telephone number where the hunter can be reached for additional information; and
      vii. 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.

C. For seasons other than bear, bighorn sheep, or mountain lion, a hunter who harvests wildlife for which a harvest limit is established shall report information about the kill either in person, by telephone, or through the person's electronic device, as applicable, within 48 hours of taking the wildlife. The report shall include the information required under subsection (B)(2)(a).

D. When required by Commission Order:
1. A hunter who is issued a permit-tag, nonpermit-tag, or electronic tag shall submit to the Department a completed hunter survey within 30 days following the close of the season.
2. A hunter who harvests wildlife may be required to submit a biological sample, such as teeth or parts of the carcass, within 10 days of taking the wildlife.

E. 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 provide evidence of legality as defined under R12-4-301.

F. It is unlawful for any person to submit a false report under this Section.

G. 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)

Specific: A.R.S. §§ 17-102, 17-211(D), 17-211(E)(4), 17-231(A)(3), 17-231(A)(4), 17-250(A)(4), 17-301, 17-307, 17-331, and 17-333

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 repealed, new 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-309. Authorization for Use of Drugs on Wildlife

A. A person shall not administer any drug to any wildlife under the jurisdiction of the state, including but not limited to drugs used for fertility control, disease prevention or treatment, immobilization, or growth stimulation without written authorization from the Department or as otherwise provided under subsection (E). This authorization does not:
1. Exempt a person from any state or federal statute, rule, or regulation, or any municipal or county code or ordinance; or
2. Authorize a person to engage in any activity using federally protected wildlife.

B. A person requesting written authorization for the use of drugs on wildlife shall submit the request in writing to the Department at 5000 W. Carefree Highway, Phoenix, AZ 85086 and at least 120 days before the anticipated start date of the activity. The written request shall include 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 and any mandated labeling restrictions or limitations designed to reduce or minimize detrimental effects to wildlife and humans;
   d. 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;
   e. A description of the activity area;
   f. A description of the target species population and current status;
   g. 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 permission from landowners or lessees in all locations where the drug will be administered; and
4. Written endorsement from the agency or institution; required when the applicant is a government agency, university, or other institution. The person signing the written endorsement shall have the authority to execute the written endorsement on behalf of the agency or institution.

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, wildlife manager, or game ranger;
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 shall include the number of animals treated, the level of treatment effect obtained to date, and any problems including mortalities or morbidities of target animals. The person shall submit the annual report to the Department by January 31 of each year or as otherwise specified in the written authorization.
   b. The final report shall 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. The person shall submit the final report to the Department no later than 90 days after the completion of the project for which the permit was issued.
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(B)(2) and (8), R12-4-413(K)(5), R12-4-420(J)(3), activities as authorized under R12-4-418, R12-4-420, R12-4-421, and R12-4-423, a person 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 U.S. 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).

H. Require the person with authorization to indemnify the Department against any injury or damage resulting from the use of animal drugs.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), and 17-231(A)(3), 17-306, 17-331(A)

Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective March 7, 1979 (Supp. 79-2). Former Section R12-4-58 renumbered as Section R12-4-309 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective May 12, 1982 (Supp. 82-3). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-309 repealed, new Section R12-4-309 adopted effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1997; filed with the Office of the Secretary of State November 7, 1996 (Supp. 96-4). Amended effective January 1, 1999; filed with the Office of the Secretary of State December 4, 1998 (Supp. 98-4). Section repealed by final rulemaking at 8 A.A.R. 1702, effective March 11, 2002 (Supp. 02-1). New Section made by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3).

Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

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 whose primary purpose is to provide treatment and care for persons with physical, developmental, or mental disabilities.

B. The permit:
1. Is valid for any two days within a 30 day period;
2. Authorizes persons 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 persons 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 from 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 persons responsible for supervising the persons fishing under the authority of the permit;
   c. The total number of persons who will be fishing under the authority of the permit;
   d. The dates for which the permit will be used; 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:
   a. A 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, unless a current and correct copy is already on file with the Department; and
   b. Document identifying the organization's mission.

D. The Department shall either grant or deny the fishing permit within the applicable overall time-frame established under R12-4-106.

E. The fishing permit holder shall provide instruction on fish identification, fishing ethics, safety, and techniques to the persons who will be fishing under authority of the permit curriculum outline provided by the Department.

F. Each person fishing under the sole 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 bag limit.

G. The permit holder shall submit a report to the Department no 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 persons 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 required under subsection (G) until the permit holder complies with reporting requirements.

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 17-333

Historical Note

Adopted effective October 9, 1980 (Supp. 80-5). Former Section R12-4-59 renumbered as Section R12-4-310 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-310 renumbered as R12-4-217 and amended effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-310 renumbered as R12-4-217 and amended effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). New Section adopted November 7, 1996 (Supp. 96-4). 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

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), and R12-4-207(E) and provided the person's fishing, hunting, or trapping 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 from private property crayfish and other nonnative crustaceans and terrestrial mollusks considered to be garden pests, such as but not limited to brown garden snails (*Helix aspersa*) and decollate snails (*Rumina decollata*), pillbugs (*Armadillidium vulgare*), and woodlice (*Armadillidium nasatum*).
   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 jurisdiction 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, 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, or provided documentation of the person's application for a fingerprint clearance card, 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, fur-bearing, predator, and designated mammals during scheduled event hours, only. To hunt migratory game birds, the person 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, or provided documentation of the person's application for a fingerprint clearance card, and Department event best practices training. This subsection does not apply to any event that requires a participant 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

Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective May 26, 1978 (Supp. 78-3). Amended effective May 31, 1979. Amended effective June 4, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-60 renumbered as Section R12-4-311 without change effective August 13, 1981 (Supp. 81-4). Amended subsections (A), (B), and (D) and added subsections (F) and (G) effective December 17, 1981 (Supp. 81-6). Amended as an emergency effective May 12, 1982, pursuant to A.R.S. § 41-1003, valid for 90 days (Supp. 82-3). Emergency certification expired. Amended subsections (A) through (E) effective December 7, 1982 (Supp. 82-6). Amended subsections (C) and (D) effective February 9, 1984 (Supp. 84-1). Amended effective December 13, 1985 (Supp. 85-6). Amended subsections (A) and (D) effective December 16, 1986 (Supp. 86-6). Former Section R12-4-311 repealed, new Section R12-4-311 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-322 repealed, new Section R12-4-311 adopted effective January 1, 1989, filed effective 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 (Supp. 13-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

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). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3).

R12-4-313. Lawful Methods of Take and Season for Aquatic Wildlife

A. Subject to the restrictions of this Section, a person may take aquatic wildlife during the day or night using artificial light as prescribed under A.R.S. § 17-301. When a fish die-off is imminent or when otherwise deemed appropriate, the Commission may designate a special season 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.

B. A person who possesses a valid Arizona fishing license may take aquatic wildlife by angling or simultaneous fishing as defined under R12-4-301 with any bait, artificial fly, or lure subject to the following restrictions:

1. Except for sunfish of the genus *Lepomis*, the flesh of game fish may not be used as bait.
2. Live baitfish, as defined under R12-4-101, may only be used in designated areas prescribed by Commission Order and designated areas may subsequently be closed or restricted by Commission Order.
3. Waterdogs may not be used 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.
4. Shall not use more than two lines at any one time.
5. The Commission may further restrict the lawful methods of take on particular waters by designating one or more of the following special seasons by Commission Order:
   a. An “artificial flies and lures” season in which only artificial flies and lures may be used in designated areas,
   b. A “barbless hooks” season in which only the use of barbless or single-point barbless hooks may be used in designated areas,
   c. An “immediate kill or release” season in which a person must kill and retain the designated species as part of the person’s bag limit or immediately release the wildlife,
   d. A “catch and immediate release” in which a person must immediately release the designated species,
   e. An “immediate kill” season in which a person must immediately kill and retain the designated species as part of the person’s bag limit, or
   f. A “limited-entry” season in which a limited number of permits is made available to the public for a designated species, a particular water, or both.

C. In addition to angling, a person who possesses a valid Arizona fishing license may also take the following aquatic wildlife using the following methods:

1. A hybrid device is lawful for the take of aquatic wildlife provided all components of the device are authorized for the take of that species under this subsection.
2. Carp (*Cyprinus carpio*), buffalofish, 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.
3. A person shall not use any of the methods of take listed under subsection (C)(2) within 200 yards of a designated swimming area as indicated by way of posted signs or notices.
4. Except for snagging, a person shall not use any of the methods of take listed under subsection (C)(2) within 200 yards of any boat dock or fishing pier.
5. Striped bass may be taken by spear or spear gun in waters designated by Commission Order.
6. Catfish may be taken by bow and arrow or crossbow in waters designated by Commission Order.
7. Amphibians, soft-shelled turtles, mollusks, and crustaceans may be taken by minnow trap, crayfish net, hand, or with any hand-held, non-motorized implement that does not discharge a projectile, unless otherwise permitted under this Section.
8. In addition to the methods described under subsection (C)(7), bullfrogs may be taken by:
   a. Bow and arrow,
   b. Crossbow,
   c. Pneumatic weapon, or
   d. Slingshot.
9. Live baitfish may be taken for personal use as bait by:
   a. A cast net not to exceed a radius of 4 feet measured from the horn to the leadline;
   b. A minnow trap, as defined under R12-4-301;

c. A seine net not to exceed 10 feet in length and 4 feet in width; or
d. A dip net.

10. In addition to the methods described under subsection (C)(7), crayfish may be taken with the following devices:
    a. A trap not more than 3 feet in the greatest dimension,
    b. A dip net as defined under R12-4-301, or
    c. A seine net not larger than 10 feet in length and 4 feet in width.
11. The Commission may further specify the lawful methods of take on particular waters and for particular species by designating one or more of the following special seasons by Commission Order:
    a. A "snagging" season in which a person may use this method only at times and locations designated by Commission Order, or
    b. A "spear or spear gun" season in which a person may use this method only at times and locations designated by Commission Order.

D. Aquatic wildlife taken in violation of this Section is unlawfully taken.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. A.R.S. §§ 17-102, 17-231(A)(3), 17-231(B)(5), 17-232, and 17-301

Historical Note

Amended as an emergency effective April 10, 1975 (Supp. 75-1). Amended effective May 17, 1977 (Supp. 77-3). Amended effective June 29, 1978 (Supp. 78-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-62 renumbered as Section R12-4-313 without change effective August 13, 1981 (Supp. 81-4). Amended effective December 7, 1982 (Supp. 82-6). Amended subsection (A)(7) and added subsection (E)(3) effective November 27, 1984 (Supp. 84-6). Amended subsections (A) and (E) effective December 9, 1985 (Supp. 85-6). Amended subsections (A) and (E). effective December 16, 1986 (Supp. 86-6). Former Section R12-4-313 repealed, new Section R12-4-313 adopted effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Former Section R12-4-313 repealed, new Section R12-4-313 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 October 14, 1993 (Supp. 93-4). Amended by final rulemaking at 7 A.A.R. 2220, 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-314. Possession, Transportation, or Importation of Aquatic Wildlife

A. The Commission may prescribe legal sizes for possession of aquatic wildlife through Commission Order.

B. A person who possesses a valid Arizona fishing license may possess live aquatic wildlife lawfully taken on the waters where taken, but the person shall not transport the aquatic wildlife alive from the waters where taken except that:
1. A person may transport live baitfish listed in subsection (C)(1);
2. A person may transport live waterdogs 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; and
3. Any crayfish taken on waters within Yuma or La Paz Counties may be transported alive for use as live bait in that 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.

C. A person who possesses a valid Arizona fishing license may import, transport, or possess live baitfish, crayfish, or waterdogs for personal use as live bait only as follows:
1. A person may possess or transport only the following live baitfish for personal use as live bait:
    a. Fathead minnow (*Pimephales promelas*),
    b. Golden shiners (*Notemigonus crysoleucas*),
    c. Goldfish (*Carassius auratus*),
    d. Longfin Dace (*Agosia chrysogaster*),
    e. Sonora Sucker (*Catostomus insignis*),
    f. Speckled Dace (*Rhynicthys osculus*), and
    g. Desert Sucker (*Catostomus clarki*).
2. A person may import for personal use live baitfish listed in subsection (C)(1) from:
    a. California or Nevada, or
    b. From any other state with accompanying documentation certifying that the fish are free of Furunculosis.
3. A person may 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.

4. A person shall not import, transport, or move live crayfish between waters for personal use as live bait except as allowed in 12 A.A.C. 4, Article 4, or except as allowed in subsection (B)(3).

D. A person shall attach water-resistant identification to any unattended live boxes or stringers holding fish and ensure the identification bears the person's:

1. Name,
2. Address, and
3. Fishing license number.

E. A person who uses a crayfish net or a minnow trap shall raise and empty the trap daily and shall attach water-resistant identification to any unattended traps and ensure the identification bears the person's:

1. Name,
2. Address, and
3. Fishing license number.

F. A person shall not knowingly disturb the crayfish net, live box, minnow trap, or stringer of another unless authorized to do so by the owner.

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 May 3, 1976 (Supp. 76-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-63 renumbered as Section R12-4-314 without change effective August 13, 1981 (Supp. 81-4). Amended subsection (B) effective December 31, 1984 (Supp. 84-6). 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 effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Section repealed by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). New Section made by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

R12-4-315. Repealed

Historical Note

Former Section R12-4-64 renumbered as Section R12-4-315 without change effective August 13, 1981 (Supp. 81-4). 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 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

R12-4-316. Repealed

Historical Note

Amended effective May 3, 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 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

R12-4-317. Repealed

Historical Note

Renumbered, then repealed and readopted as Section R12-4-43 effective February 20, 1981 (Supp. 81-1). Former Section R12-4-66 renumbered as Section R12-4-317 without change effective August 13, 1981 (Supp. 81-4). Correction, Section R12-4-317 formerly shown as repealed should have read reserved. Former Historical Note erroneous, see R12-4-202. Section R12-4-317 adopted effective June 20, 1984 (Supp. 84-3). Repealed effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Repealed effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). 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 (Supp. 13-2). Repealed by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

R12-4-318. Seasons for Lawfully Taking Wild Mammals, Birds, and Reptiles

A. Methods of lawfully taking wild mammals, birds, and reptiles during seasons designated by Commission Order as "general" seasons are designated under R12-4-304.
1. Lawful devices are defined under R12-4-101 and R12-4-301.
2. Lawful devices are listed under this Section by the range of effectiveness, from greatest range to least range.
3. A hybrid device may be used in a general season, provided:
   a. All components of the hybrid device are designated as lawful for a given species under R12-4-304, and
   b. No components are prohibited under R12-4-303.

B. Methods of lawfully taking big game during seasons designated by Commission Order as "special" are designated under R12-4-304. "Special" seasons are open only to a person who possesses a special big game license tag authorized under A.R.S. § 17-346 and R12-4-120.

C. 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 established 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 "pioneer one-horned ram" season shall be a pioneer license holder as established under R12-4-201 and the legal animal defined under R12-4-101.
3. 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."
4. 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. 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 or pursuit-only permit for the wildlife pursued, even though there shall be no kill.
   b. Pursuit is allowed regardless of whether a person has met the bag limit established under R12-4-104(J) for that genus.
   c. A person does not commit an offense under A.R.S. § 17-309 where the person causes or allows a dog to pursue a bear, mountain lion, or raccoon when all of the following apply:
      i. A pursuit-only season for the wildlife pursued is authorized by Commission Order;
      ii. The person possesses a valid hunting license and tag;
      iii. The bear, mountain lion, or raccoon is not injured or killed in the course of the pursuit.
5. 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.
6. 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 of the following methods or devices if authorized under R12-4-304 as lawful for the species hunted:
   a. Bows and arrows;
   b. Falconry; and
   c. Atlatl throwing dart no less than five feet in length and no more than eight feet in length, equipped with a sharpened head having a blade no less than 7/16 inch cutting radius from the center of the shaft with metal, ceramic-coated metal, or ceramic cutting edges.
7. 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. Muzzleloading rifles;
   b. Handguns without a vertical foregrip or any form of fixed, detachable, or collapsible buttstock, or any apparatus or extension capable of being used to steady the handgun against the body while firing;
   c. Muzzleloading handguns;
   d. Bows and arrows;
   e. Crossbows or bows to be drawn and held with an assisting device;
   f. Pre-charged pneumatic weapons capable of holding and discharging a single projectile .35 caliber or larger;
   g. Pre-charged pneumatic weapons using arrows or bolts with broadheads no less than 7/8 inch in width with metal, ceramic-coated metal, or ceramic cutting edges and capable of firing a minimum of 250 feet per second; and
   h. Atlatl throwing dart no less than five feet in length and no more than eight feet in length, equipped with a

sharpened head having a blade no less than 7/16 inch cutting radius from the center of the shaft with metal, ceramic-coated metal, or ceramic cutting edges.

8. 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. Muzzleloading rifles or muzzleloading handguns,
   b. Bows and arrows, and
   c. Crossbows or bows to be drawn and held with an assisting device.
9. 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. Bows and arrows,
   b. Crossbows or bows to be drawn and held with an assisting device,
   c. Pneumatic weapons capable of holding and discharging a single projectile .25 caliber or smaller,
   d. Hand-propelled projectiles,
   e. Any trap except foothold traps,
   f. Slingshots,
   g. Dogs,
   h. Falconry,
   i. Nets, or
   j. Capture by hand.
10. 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. Catch-pole,
   b. Hand,
   c. Snake hook, or
   d. Snake tongs.
11. 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. Pneumatic weapons discharging a single projectile .25 caliber or smaller,
   b. Hand-propelled projectiles,
   c. Slingshots,
   d. Dogs,
   e. Falconry,
   f. Nets, or
   g. Capture by hand.
12. 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. Rifled firearms using rimfire cartridges,
   b. Shotgun shooting shot or slug,
   c. Bows and arrows,
   d. Crossbows or bows to be drawn and held with an assisting device,
   e. Pneumatic weapons,
   f. Hand-propelled projectiles,
   g. Any trap except foothold traps,
   h. Slingshots,
   i. Dogs,
   j. Falconry,
   k. Nets, or
   l. Capture by hand.
13. 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. Shotgun shooting shot or slug,
   b. Muzzleloading shotgun,
   c. Bows and arrows,
   d. Crossbows or bows to be drawn and held with an assisting device,
   e. Pneumatic weapons,
   f. Hand-propelled projectiles,
   g. Any trap except foothold traps,

h. Slingshots,
i. Dogs,
j. Falconry,
k. Nets, or
l. Capture by hand.

14. 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. Shotgun shooting shot,
    b. Muzzleloading shotgun shooting shot,
    c. Bows and arrows,
    d. Crossbows or bows to be drawn and held with an assisting device,
    e. Pneumatic weapons,
    f. Hand-propelled projectiles,
    g. Any trap except foothold traps,
    h. Slingshots,
    i. Dogs,
    j. Falconry,
    k. Nets, or
    l. Capture by hand.
15. 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.
16. A "raptor capture" season shall be a falconer licensed under R12-4-422 unless exempt under R12-4-407.
17. A "limited-entry" season means any hunting opportunity for which a limited number of permits is made available to the public.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), 17-234, 17-235, 17-251, 17-301, 17-305, 17-307, 17-333, 17-346, and 17-371(D)

Historical Note

Adopted 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). Amended effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended effective January 1, 1997; filed in the Office of the Secretary of State July 12, 1996 (Supp. 96-3). Amended effective January 1, 1998; filed in the Office of the Secretary of State November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended by final rulemaking at 10 A.A.R. 850, effective April 3, 2004 (Supp. 04-1). Amended by final rulemaking at 16 A.A.R. 1460, effective September 11, 2010 (Supp. 10-3). Amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 826, effective July 1, 2013 (Supp. 13-2). Amended by final exempt rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 283, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-319. Use of Aircraft to Take or Locate Wildlife

A. A person shall not take, or assist in taking wildlife from or with the aid of aircraft, including drones.

B. 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, a person shall not knowingly locate or assist in locating wildlife from or with the aid of an aircraft, including drones, 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.

C. A person who possesses a special big game license tag for a special season under R12-4-115 or R12-4-120 or a person who assists or will assist such a licensee shall not knowingly locate or assist in locating wildlife from or with the aid of an aircraft, including drones within 48 hours before and during a Commission-ordered special season.

D. This Section does not apply to any person 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.

E. For the purposes of this Section, **"**locate**"** means any act or activity that does not take or harass wildlife and is directed at finding wildlife in a hunt area.

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)(4), and 17-301(B)

Historical Note

Amended effective May 21, 1975 (Supp. 75-1). Amended effective May 3, 1976 (Supp. 76-3). Amended effective June 12, 1979 (Supp. 79-3). Amended effective April 22, 1980 (Supp. 80-2). Former Section R12-4-68 renumbered as Section R12-4-319 without change effective August 13, 1981 (Supp. 81-4). Repealed effective April 28, 1989 (Supp. 89-2). New Section R12-4-319 adopted an as emergency effective October 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-4). Emergency expired. New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

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, including drones, as defined under R12-4-301, or with or from any motorized terrestrial or aquatic vehicle.

B. This Section does not apply to person's 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)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), and 17-236

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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

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 and trapping, 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 person from hunting within one-fourth mile (440 yards) or trapping within one half mile (880 yards) of any:
   a. Developed picnic area,
   b. Developed campground,
   c. Developed trailhead,
   d. Developed wildlife viewing platform,
   e. Boat ramp,
   f. Shooting range,
   g. Occupied structure, or
   h. Golf course.
2. Require a person entering a city, county, or town park or preserve, for the purpose of hunting, to declare the person's intent to hunt within the park or preserve, if the park or preserve has a check in process established.
3. Allow a person to take wildlife in a city, county, or town park or preserve only during the posted park or preserve hours.

C. The requirements of subsection (B)(1) do not apply to a reptile and amphibian limited weapon hand or hand-held implement season established 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, 17-301(D), 13-3107, and 13-3108

Historical Note

New Section R12-4-321 renumbered from R12-4-301 and amended by final rulemaking at 18 A.A.R. 1458, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2).

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, a person 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 law enforcement officer.

C. Except for wildlife carcasses for which a big game salvage permit is issued under A.R.S. § 17-319, a person may only pick up and possess a fresh wildlife carcass or its parts under this Section if the person 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 person wanting to possess the carcass or its parts;
2. A Department law enforcement officer or an authorized Department employee or agent 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 person 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 person 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 person 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 (Supp. 13-2). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

ARTICLE 4. LIVE WILDLIFE

R12-4-401. Live Wildlife Definitions

In addition to definitions provided under A.R.S. § 17-101, and for the purposes of this Article, the following definitions apply:

"Adoption" means the transfer of custody of live wildlife to a member of the public, initiated by either the Department or its authorized agent, when no special license is required.

"Agent" means the person identified on a special license and who assists a special license holder in performing activities authorized by the special license to achieve the objectives for which the license was issued. "Agent" has the same meaning as "sublicensee" and "subpermittee" as these terms are used for the purpose of federal permits.

"Aquarium trade" means the commercial industry and its customers who lawfully trade in aquatic live wildlife.

"Aversion training" means behavioral training in which an aversive stimulus is paired with an undesirable behavior in order to reduce or eliminate that behavior.

"Captive live wildlife" means live wildlife held in captivity, physically restrained, confined, impaired, or deterred to prevent it from escaping to the wild or moving freely in the wild.

"Captive-reared" means wildlife born, bred, raised, or held in captivity.

"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.

"Commercial purpose" means the bartering, buying, leasing, loaning, offering to sell, selling, trading, exporting or importing of wildlife or their parts for monetary gain.

"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 who held them in captivity or individuals or populations that escaped from human captivity.

"Educational display" means a display of captive live wildlife to increase public understanding of wildlife biology, conservation, and management which may or may not include soliciting payment from an audience or an event sponsor with the intent to recover costs incurred in providing the educational display. For the purposes of this Article, "to display for educational purposes" refers to display as part of an educational display.
"Educational institution" means any entity that provides instructional services or education-related services to persons.
"Endangered or threatened wildlife" means wildlife listed under 50 CFR 17.11, revised October 1, 2019, which is incorporated by reference. A copy of the list is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.
"Evidence of lawful possession" means any license or permit authorizing possession of a specific live wildlife species or individual, or other documentation establishing lawful possession. Other forms of documentation may include, but are not limited to, a statement issued by the country or state of origin verifying a license or permit for that specific live wildlife species or individual is not required.
"Exhibit" means to display captive live wildlife in public or to allow photography of captive live wildlife for any commercial purpose.
"Exotic" means wildlife or offspring of wildlife not native to North America.
"Fish farm" means a commercial operation designed and operated for propagating, rearing, or selling aquatic wildlife for any purpose.
"Game farm" means a commercial operation designed and operated for the purpose of propagating, rearing, or selling wildlife for any purpose stated under R12-4-413.
"Health certificate" means a certificate of an inspection completed by a licensed veterinarian or federal- or state-certified inspector verifying the animal examined appears to be healthy and free of infectious, contagious, and communicable diseases.
"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 wildlife. This definition does not apply to bird hybrids as defined under the Migratory Bird Treaty Act, under 50 CFR 21.3, revised October 1, 2019.
"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 and R12-4-314.
"Live bait" means aquatic live wildlife used or intended for use in taking aquatic wildlife.
"Migratory birds" mean all species listed under 50 CFR 10.13 revised October 1, 2019, 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.
"Noncommercial purpose" means the use of products or services developed using wildlife for which no compensation or monetary value is received.
"Nonhuman primate" means any nonhuman member of the order Primate of mammals including prosimians, monkeys, and apes.
"Nonnative" means wildlife or its offspring that did not occur naturally within the present boundaries of Arizona before European settlement.
"Photography" means any process that creates durable images of wildlife or parts of wildlife by recording light or other electromagnetic radiation, either chemically by means of a light-sensitive material or electronically by means of an image sensor.
"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.
"Research facility" means any association, institution, organization, school, except an elementary or secondary school, or society that uses or intends to use live animals in research.
"Restricted live wildlife" means wildlife that cannot be imported, exported, or possessed without a special license or lawful exemption.
"Shooting preserve" means any operation where live wildlife is released for the purpose of hunting.
"Special license" means any license issued under this Article, including any additional stipulations placed on the license authorizing specific activities normally prohibited under A.R.S. § 17-306 and R12-4-402.
"Species of greatest conservation need" means any species listed in the Department's Arizona's State Wildlife Action Plan list Tier 1a and 1b published by the Arizona Game and Fish Department. The material is available for inspection at any Department office and on the Department's website.
"Stock" and "stocking" means to release live aquatic wildlife into public or private waters other than the waters where taken.
"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, genetic, or behavioral factors.
"Unique identifier" means a permanent marking made of alphanumeric characters that identifies an individual animal, which may include, but is not limited to, a tattoo or microchip.
"USFWS" means the United States Fish and Wildlife Service.
"Volunteer" means a person who:
Assists a special license holder in conducting activities authorized under the special license,
Is under the direct supervision of the license holder at the premises described on the license,
Is not designated as an agent, and
Receives no compensation.
"Wildlife disease" means any disease that poses a health risk to wildlife in Arizona.
"Zoo" means any facility licensed by the Arizona Game and Fish Department under R12-4-420 or, for facilities located outside of Arizona, licensed or recognized by the applicable governing agency.
"Zoonotic" means a disease that can be transmitted from animals to humans or, more specifically, a disease that normally exists in animals but that can infect humans.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-238, and 17-306

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 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 25 A.A.R. 1047, effective June 1, 2019 (Supp. 19-2). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

R12-4-402. Live Wildlife: Unlawful Acts

A. A person shall not perform any of the following activities with live wildlife unless authorized by a federal license or permit, 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. Conduct any of the following activities with live wildlife within the state:
   a. Display,
   b. Exhibit,
   c. Give away,
   d. Lease,
   e. Offer for sale,
   f. Possess,
   g. Propagate,
   h. Purchase,
   i. Release,
   j. Rent,
   k. Sell,
   l. Sell as live bait,
   m. Stock,
   n. Trade,
   o. Transport; or
4. Kill any captive live wildlife.

B. The Department may seize, quarantine, hold, require the surrender of, or euthanize any lawfully possessed wildlife held in a manner that poses an actual or potential threat to the wildlife, other wildlife, or the safety, health, or welfare of the public. The Department shall make reasonable efforts to find suitable placement for any animal prior to euthanizing it.

C. A person who does not lawfully possess wildlife in accordance with this Article shall be responsible for all costs associated with the care and keeping of the wildlife.

D. Performing activities authorized under a federal license or permit does not exempt a federal agency or its employees from complying with state permit requirements.

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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 492, effective April 8, 2017 (Supp. 20-3). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-403. Escaped or Released Live Wildlife

A. The Department may seize, quarantine, require the surrender of, or euthanize any live wildlife that has been released, has escaped, or is likely to escape if the wildlife poses an actual or potential threat to:
1. Native wildlife;
2. Wildlife habitat;
3. Public health, safety, or welfare; or
4. Property.

B. A person shall not release live wildlife, unless specifically directed to do so by the Department or authorized under this Article.

C. The person releasing or allowing the escape of wildlife shall be responsible for all costs incurred by the Department associated with seizing or quarantining the wildlife.

D. All special license holders shall be subject to the requirements of this Section.

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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-404. Possession of Live Wildlife Taken Under an Arizona Hunting or Fishing License

A. A person may take live wildlife from the wild under a valid Arizona hunting or fishing license provided the current Commission Order authorizes a live bag and possession limit for that wildlife and the person possesses the appropriate hunting or fishing license and special license, when applicable.

B. Except for live baitfish which may only be possessed and transported as established under R12-4-314, a person may conduct any of the following activities with wildlife taken under an Arizona hunting or fishing license provided the activity is for a noncommercial purpose:
1. Export,
2. Kill,
3. Place on educational display,
4. Possess,
5. Propagate, and
6. Transport.

C. A person possessing wildlife or offspring of wildlife taken under this Section shall dispose of the wildlife or offspring of wildlife using any one or more of the following methods:
1. Giving the wildlife as a gift,
2. Exporting the wildlife to another state or jurisdiction, or
3. Disposing of the wildlife as directed by the Department.

D. A person shall not use wildlife or offspring of wildlife taken under this Section for commercial purposes.

E. A person exporting live wildlife for a noncommercial purpose shall verify exported live wildlife and offspring of wildlife shall not be:
1. Bartered,
2. Leased,
3. Offered for sale,
4. Purchased,
5. Rented,
6. Sold, or
7. Used for any commercial purpose.

F. A person may temporarily hold and release live wildlife possessed under this Section into the wild, provided the person

did not remove the wildlife from the immediate area where it was taken.

G. A person shall not exceed the possession limit of live wildlife established by Commission Order for that species.
1. Offspring of wildlife possessed under this Section shall count towards the established possession limit.
2. A person may possess offspring of amphibians or reptiles in excess of the possession limit for no more than 12 months from the date of birth or hatching.
3. On or before the day the offspring reach 12 months of age, the person possessing them shall dispose of them as prescribed under subsection (C).
4. A person is prohibited from releasing offspring of propagated wildlife into the wild.

H. A person may use reptiles and amphibians taken under a valid Arizona hunting license for the purpose of providing aversion or avoidance training when the current Commission Order authorizes a live bag and possession limit for that reptile or amphibian.

I. A person may sell photographs of wildlife taken under a valid hunting or fishing license.

J. A person who possesses live wildlife or offspring of wildlife taken under this Section shall comply with the requirements prescribed under R12-4-425 if the wildlife becomes listed as restricted wildlife under R12-4-406.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(2), 17-231(A)(3), 17-231(B)(8), 17-234, 17-306, and 17-331

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 rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-405. Importing, Purchasing, and Transporting Live Wildlife Without an Arizona License or Permit

A. A person may import mammals, birds, amphibians, and reptiles not listed as restricted wildlife under R12-4-406 without a special license required under this Article, provided the animals are:
1. Lawfully possessed under a:
   a. Lawful exemption; or
   b. Valid license, permit, or other form of authorization from another state, the United States, or another country; and
2. Accompanied by the health certificate required under 3 A.A.C. 2, Article 6, and this Article, when applicable.

B. A person may import live aquatic wildlife not listed as restricted wildlife under R12-4-406 without a special license under the following conditions:
1. The aquatic wildlife is lawfully possessed under a lawful exemption, valid license, permit, or other form of authorization from another state, the United States, or another country; and
2. The aquatic wildlife is used only for restaurants or markets that are licensed to sell food to the public and 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; or
3. The aquatic wildlife is used only for the aquarium trade or a fish farm and is accompanied by a valid license or permit issued by another state or the United States that allows the wildlife to be transported into this state.
   a. A person in the aquarium trade shall:
      i. Only use aquatic wildlife used in the aquarium trade as a pet or in an educational display, and
      ii. Keep aquatic wildlife used in the aquarium trade in an aquarium or enclosed pond that does not allow the wildlife to leave the aquarium or pond and does not allow other live aquatic wildlife to enter the aquarium or pond.
   b. A person in the aquarium trade shall not use or possess aquatic wildlife listed as restricted live wildlife under R12-4-406.

C. A person shall obtain the appropriate special license listed under R12-4-409(A) before importing aquatic live wildlife for any purpose not stated under subsection (B), unless exempt under this Chapter.

D. A person 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).

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-238(B), and 17-306

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 rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

R12-4-406. Restricted Live Wildlife

A. In order to lawfully possess wildlife listed as restricted under this Section, for any activity prohibited under A.R.S. §§ 17-255.02, 17-306, R12-4-902, or this Article, a person shall possess:
1. All applicable federal licenses and permits; and
2. The appropriate special license listed under R12-4-409(A); or
3. Act under a lawful exemption authorized under A.R.S. § 17-255.04, R12-4-314, R12-4-404, R12-4-405, R12-4-407, R12-4-425, R12-4-427, and R12-4-430.

B. The Commission recognizes the online taxonomic classification from the Integrated Taxonomic Information System as the authority in determining the designations of restricted live mammals, birds, reptiles, amphibians, fish, crustaceans, and mollusks referenced under this Article. The Integrated Taxonomic Information System is available at any Department office and at www.itis.gov.

C. All of the following are considered restricted live wildlife and are subject to the requirements of this Article, unless otherwise specified:
1. Hybrid wildlife, as defined under R12-4-401, resulting from the interbreeding of at least one parent species of wildlife that is listed as restricted under this Section. Hybrid wildlife that is the progeny of a restricted wildlife species and a nonrestricted wildlife species is considered restricted wildlife.
2. Transgenic species, unless otherwise specified under this Article. 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 or individuals that have had their chromosome number altered to induce sterility. A transgenic animal is considered wildlife if the genetic material originated from a restricted wildlife species.

D. Domestic animals, as defined under R12-4-401, are not subject to restrictions under A.R.S. Title 17, 12 A.A.C. 4, or Commission Orders.

E. For subsections (F) through (M), the common names are provided as examples only and are not all-inclusive of the order, family, or genus.

F. Unless otherwise specified, all mammals listed below are considered restricted live wildlife:
1. All species of the order *Afrosoricida*. Common names include: golden moles and tenrecs.
2. All species of the following families of the order *Artiodactyla*. Common name: even-toed ungulates:
   a. The family *Antilocapridae*. Common name: pronghorns.
   b. The family *Bovidae*. Common names include: antelopes, bison, buffalo, cattle, duikers, gazelles, goats, oxen, and sheep. Except the following genera which are not restricted:
      i. The genus *Bubalus*. Common name: water buffalo.
      ii. The genus *Bison*. Common name: American bison, bison, or buffalo.
   c. The family *Cervidae*. Common names include: cervid, deer, elk, moose, red deer, and wapiti.
   d. The family *Tayassuidae*. Common name: peccaries.
3. All species of the order *Carnivora*. Common names include: bears, foxes, ocelot, raccoons, servals, skunks, wolves, and weasels.
4. All species of the order *Chiroptera*. Common name: bats.
5. All species of the genus *Didelphis*. Common name: American opossums.
6. All species of the order *Erinaceomorpha*. Common names include: European hedgehogs, gymnures, and moonrats. Except members of the genus *Atelerix*, which are not restricted. Common name: longeared and pygmy hedgehogs.
7. All species of the order *Lagomorpha*. Common names include: hares, pikas, and rabbits. Except for members of the genus *Oryctolagus* containing domestic rabbits, which are not wildlife and are not restricted.
8. All nonhuman primates. Common names include: chimpanzees, gorillas, macaques, orangutans, and spider monkeys.
9. All species of the following families of the order *Rodentia*. Common name: rodents:
   a. The family *Capromyidae*. Common name: hutias.
   b. The family *Castoridae*. Common name: beavers.
   c. The family *Dipodidae*. Common name: jumping mouse.
   d. The family *Echimyidae*. Common names include: coypus and nutrias.
   e. The family *Erethizontidae*. Common name: new world porcupines.
   f. The family *Geomyidae*. Common name: pocket gophers.
   g. The family *Sciuridae*. Common names include: chipmunks, marmots, prairie dogs, squirrels, and woodchucks.

10. All species of the order *Soricomorpha*. Common names include: desmans, moles, shrews, and shrew-moles.
11. All species of the order *Xenarthra*. Common names include: anteaters, armadillos, and edentates, or sloths.

G. Birds listed below are considered restricted live wildlife:
1. The following species within the family *Phasianidae*. Common names: grouse, pheasants, partridges, quail, and turkeys:
   a. *Alectoris chukar*. Common name: chukar.
   b. *Callipepla gambelii*. Common name: Gambel's quail.
   c. *Callipepla squamata*. Common name: scaled quail.
   d. *Colinus virginianus*. Common name: northern bobwhite.
   e. *Cyrtonyx montezumae*. Common name: harlequin, Mearn's, or Montezuma quail.
   f. *Dendragapus obscurus*. Common name: dusky grouse.
   g. *Mealagris gallopavo gallopavo, M. g. intermedia, M. g. merriami, M. g. mexicana, M. g. osceola, B. g. silvestris, and M. ocellata*. Common name: wild turkey.
2. All species listed under the Migratory Bird Treaty Act listed under 50 C.F.R. 10.13 revised October 1, 2023, 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.

H. Reptiles listed below are considered restricted live wildlife:
1. All species of the order *Crocodilia*. Common names include: alligators, caimans, crocodiles, and gavials.
2. All species of the following families or genera of the order *Squamata*:
   a. The family *Atractaspididae*. Common name: burrowing asps.
   b. The following species and genera of the family *Colubridae*:
      i. *Boiga irregularis*. Common name: brown tree snake.
      ii. *Dispholidus typus*. Common name: boomslang.
      iii. *Rhabdophis*. Common name: keelback.
      iv. *Thelotornis kirtlandii*. Common names include: bird snake or twig snake.
   c. The family *Elapidae*. Common names include: Australian elapids, cobras, coral snakes, kraits, mambas, and sea snakes.
   d. The family *Helodermatidae*. Common names include: Gila monster and Mexican beaded lizard.
   e. The family *Viperidae*. Common names include: pit and true vipers, including rattlesnakes.
3. The following species of the order *Testudines*:
   a. All species of the family *Chelydridae*. Common name: snapping turtles.
   b. All species of the genus *Gopherus*. Common names include: gopher tortoises, including the desert tortoise.

I. Amphibians listed below are considered restricted live wildlife. The following species within the order *Anura*, common names frogs and toads:
1. The species *Bufo horribilis*, *Bufo marinus*, *Bufo schneideri*. Common names include: giant or marine toads.
2. All species of the genus *Rana*. Common names include: bullfrogs and leopard frogs. Except bullfrogs possessed under A.R.S. § 17-102.
3. All species of the genus *Xenopus*. Common name: clawed frogs.

J. Fish listed below are considered restricted live wildlife:
1. All species of the family *Acipenseridae*. Common name: sturgeon.
2. The species *Amia calva*. Common name: bowfin.
3. The species *Aplodinotus grunniens*. Common name: freshwater drum.
4. All species of the genus *Astyanax*. Common name: tetra.
5. The species *Belonesox belizanus*. Common name: pike topminnow.
6. All species, both marine and freshwater, of the orders *Carcharhiniformes, Heterodontiformes, Hexanchiformes, Lamniformes, Orectolobiformes, Pristiophoriformes, Squaliformes, Squatiniformes,* and except for all species of the families *Brachaeluridae, Hemiscylliidae, Orectolobidae*, and *Triakidae*; genera of the family *Scyliorhinidae*, including *Aulohalaelusrus, Halaelurus, Haploblepharus, Poroderma*, and *Scyliorhinus*; and genera of the family *Parascylliidae*, including *Cirrhoscyllium* and *Parascyllium*. Common name: sharks.
7. All species of the family *Centrarchidae*. Common name: sunfish.
8. All species of the family Cetopsidae and *Trichomycteridae*. Common name: South American catfish.
9. All species of the family *Channidae*. Common name: snakehead.
10. All of the species *Cirrhinus mrigala, Gibelion catla*, and *Labeo rohita*. Common name: Indian carp.
11. All species of the family *Clariidae*. Common names include: airbreathing catfish or labyrinth.
12. All species of the family *Clupeidae* except threadfin shad, species *Dorosoma petenense*. Common names include: herring and shad.
13. The species *Ctenopharyngodon idella*. Common names include: white amur or grass carp.

14. The species *Cyprinella lutrensis*. Common name: red shiner.
15. The species *Electrophorus electricus*. Common name: electric eel.
16. All species of the family *Esocidae*. Common names include: pickerels and pike.
17. All species of the family *Hiodontidae*. Common names include: goldeye and mooneye.
18. The species *Hoplias malabaricus*. Common name: tiger fish.
19. The species *Hypophthalmichthys molitrix*. Common name: silver carp.
20. The species *Hypophthalmichthys nobilis*. Common name: bighead carp.
21. All species of the family *Ictaluridae*. Common name: catfish.
22. All species of the genus *Lates* and *Luciolates*. Common name: nile perch.
23. All species of the family *Lepisosteidae*. Common name: gar.
24. The species *Leuciscus idus*. Common names include: ide and whitefish.
25. The species *Malapterurus electricus*. Common name: electric catfish.
26. All species of the family *Moronidae*. Common name: temperate bass.
27. The species *Mylopharyngodon piceus*. Common name: black carp.
28. All species of the genera Arapaima. Common names include: arapaima and pirarucu.
29. All species of the family *Percidae*. Common names include: pike and walleye perches.
30. All species of the family *Petromyzontidae*. Common name: lamprey.
31. All species of the genera Brachyplatystoma. Common name: goliath catfish.
32. The species *Polyodon spathula*. Common name: American Paddlefish.
33. All species of the family *Potamotrygonidae*. Common name: stingray.
34. All species of the genera *Pygocentrus, Pygopristis*, and *Serrasalmus*. Common name: piranha.
35. All species of the family *Salmonidae*. Common names include: salmon and trout.
36. The species *Scardinius erythrophthalmus*. Common name: rudd.
37. All species of the family *Serranidae*. Common name: bass.
38. All species of the genera Silurus and Wallago. Common names include: wels catfish and helicopter catfish.
39. All species of the family *Sisoridae*; Common name: goonch catfish.
40. The following species, and hybrid forms, of the Genus *Tilapia*: O. *aureus*, O. *mossambica*; O. *niloticus*, O. *urolepis hornorumand T. zilli*. Common name: tilapia.
41. The species *Thymallus arcticus*. Common name: Arctic grayling.

K. Crustaceans listed below are considered restricted live wildlife:
1. All freshwater species within the families *Astacidae*, *Cambaridae*, and *Parastacidae*. Common name: crayfish.
2. The species *Eriocheir* sinensis. Common name: Chinese mitten crab.
3. All species of the family *Mysidae.* Common names: mysid shrimp and opossum shrimp.

L. Mollusks listed below are considered restricted live wildlife:
1. All species of the family *Ampullariidae*. Common name: apple snail.
2. The species *Corbicula fluminea*. Common name: Asian clam.
3. All species of the genus *Cipangopaludina*. Common name: Chinese mystery snail.
4. All species of the family *Dreissenidae*. Common names include: quagga and zebra mussel.
5. The species *Euglandina rosea*. Common name: rosy wolfsnail.
6. The species *Mytilopsis leucophaeata*. Common names include: Conrad's false dark mussel or false mussel.
7. The species *Potamopyrgus antipodarum*. Common name: New Zealand mud snail.

M. All wildlife listed within Aquatic Invasive Species Director's Order #1.

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

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 rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended 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). Amended by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-407. Exemptions from Special License Requirements for Restricted Live Wildlife

A. All live cervids may only be imported, possessed, or transported as authorized under R12-4-430.

B. A person is not required to possess a special license to lawfully possess restricted live wildlife under the following

circumstances:

1. All Sonoran desert tortoises (*Gopherus morafkai*) lawfully possessed prior to April 28, 1989 are the property of the possessor.
   a. All Sonoran desert tortoises or their progeny possessed on or after April 28, 1989 are the property of the State.
   b. An Arizona resident may lawfully possess a Sonoran desert tortoise by adopting it through a Department authorized adoption program, or by receiving a lawfully possessed Sonoran desert tortoise as a gift.
      i. Male and female Sonoran desert tortoises shall be kept separated and housed in separate enclosures.
      ii. All Sonoran desert tortoises in excess of the possession limit of one per person or four per household shall be surrendered to the Department.
   c. A person who receives a Sonoran desert tortoise as a gift is exempt from special license requirements.
   d. A person shall not:
      i. Possess Sonoran desert tortoises in excess of one per person, per household, not to exceed four tortoises per household unless authorized in writing by the Department.
      ii. Export a live Sonoran desert tortoise from this state unless authorized in writing by the Department's special license administrator. A person may only export a live desert tortoise to an education or research institution or zoo located in another state.
      iii. Propagate or allow the propagation of lawfully possessed Sonoran desert tortoises or their progeny unless authorized in writing by the Department's special license administrator. All Sonoran desert tortoises in excess of the household possession limit of four shall be surrendered to the Department.
      vi. Release a Sonoran desert tortoise into the wild.
   e. A person who possesses a desert tortoise and is moving out-of-state shall gift the Sonoran desert tortoise to an Arizona resident or to the Department's Tortoise Adoption Program.
2. A licensed veterinarian may possess restricted wildlife while providing medical care to the wildlife and may release rehabilitated wildlife as directed in writing by the Department, provided:
   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 the Department.
   b. The Department assumes no financial responsibility for any care the veterinarian provides, except care that is specifically authorized by the Department.
3. A person may transport restricted live wildlife through this state provided the person:
   a. Transports the wildlife through the state within 72 continuous and consecutive hours;
   b. Ensures at least one person is continually present with, and accountable for, the wildlife while in this state;
   c. Ensures the wildlife is neither transferred nor sold to another person;
   d. Ensures the wildlife is accompanied by evidence of lawful possession, as defined under R12-4-401;
   e. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable; and
   f. Ensures the carcasses of any wildlife that die while in transport through this state are disposed of only as directed by the Department.
4. A person may exhibit, export, import, possess, and transport restricted live wildlife for a circus, temporary animal exhibit, or government-authorized state or county fair, provided the person:
   a. Possesses evidence of lawful possession as defined under R12-4-401, for the wildlife;
   b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
   c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
   d. Ensures the wildlife does not come into physical contact with the public;
   e. Keeps the wildlife under complete control by safe and humane means; and
   f. Ensures the wildlife is not in this state for more than 60 consecutive days.
5. A person may export, import, possess, and transport restricted live wildlife for the purpose of commercial photography, provided the person:
   a. Possesses evidence of lawful possession as defined under R12-4-401 for the wildlife;
   b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
   c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
   d. Ensures the wildlife does not come into physical contact with the public;
   e. Keeps the wildlife under complete control by safe and humane means; and
   f. Ensures the wildlife is not in this state for more than 60 consecutive days.
6. A person may exhibit, import, possess, and transport restricted live wildlife for advertising purposes other than photography, provided the person:

a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
c. Ensures a health certificate required under this Article accompanies the wildlife described on the health certificate, when applicable;
d. Maintains the wildlife under complete control by safe and humane means;
e. Prevents the wildlife from coming into contact with the public or being photographed with the public;
f. Does not charge the public a fee to view the wildlife; and
g. Exports the wildlife from the state within 10 days of importation.

7. A person may export restricted live wildlife, provided the person:
a. Ensures the wildlife is accompanied by evidence of lawful possession as defined under R12-4-401;
b. Ensures the evidence of lawful possession accompanies the wildlife described on that evidence;
c. Maintains the wildlife under complete control by safe and humane means;
d. Prevents the wildlife from coming into contact with the public or being photographed with the public;
e. Does not charge the public a fee to view the wildlife; and
f. Exports the wildlife from the state within 10 days of importation.
8. A person may possess restricted live wildlife taken alive under R12-4-404, R12-4-405, and R12-4-427, provided the person possesses the wildlife in compliance with those Sections.
9. A person who holds a falconry license issued by another state or country is exempt from obtaining an Arizona Sport Falconry License under R12-4-422, unless remaining in this state for more than 180 consecutive days.
a. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
b. 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 in order to continue practicing sport falconry in this state.
10. A person may export, give away, import, kill, possess, propagate, purchase, trade, and transport restricted live wildlife provided the person is doing so for a medical or scientific research facility registered with the United States Department of Agriculture under 9 CFR Subpart C 2.30 revised January 1, 2019, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference contains no future editions or amendments.
11. A person may import and transport restricted live game fish, crayfish, and the following species, and hybrid forms, of the Genus Tilapia, O. *aureus* O. *mossambica*; O. *niloticus*, O. *urolepis hornorum and T. zilli* directly to restaurants or markets licensed to sell food to the public, when accompanied by a current valid transporter license issued under A.A.C. R3-2-1007.
12. A person operating a restaurant or market licensed to sell food to the public may exhibit, offer for sale, possess, and sell restricted live game fish or crayfish, provided the live game fish and crayfish are killed before being transported from the restaurant or market.
13. A person may export, giveaway, import, kill, possess, propagate, purchase, and trade transgenic animals provided the person is doing so for a medical or scientific research facility.

C. An exemption granted under this Section is not valid for any wildlife protected by federal law nor does it allow the take of wildlife from the wild.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(2), 17-231(A)(3), 17-231(B)(8), 17-234, 17-238(A), 17-306, and 17-371(D)

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 rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). The Commission requested an error be corrected in subsection R12-4-407(B)(1)(a)(ii) which was amended by final rulemaking in Supp. 21-1. Under Commission Order 43 *possession limits*, of a desert tortoise are established, not *bag limits* as submitted and published. Documentation of the Commission's intent to use the term *possession limits* is published at 21 A.A.R. 324; see also Commission Order 43, Note #4 (Supp. 21-2). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-408. Holding Wildlife for the Department

A. A game ranger may authorize a person 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, the Department has the authority to allow a person to possess and transport captive live wildlife for up to 72 hours or as otherwise directed by the Department.

C. The Director has the authority to allow a person to hold a live cervid on behalf of 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

Adopted effective April 28, 1989 (Supp. 89-2). Amended 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

R12-4-409. General Provisions and Penalties for Special Licenses

A. A special license is required when a person intends to conduct any activity using restricted live wildlife. Special licenses are listed as follows:

1. Aquatic Animal Aquaculture License;
2. Aquatic wildlife stocking license, established under R12-4-410;
3. Game bird license, established under R12-4-414;
4. Live bait dealer's license, established under R12-4-411;
5. Private game farm license, established under R12-4-413;
6. Scientific activity license, established under R12-4-418;
7. Sport falconry license, established under R12-4-422;
8. White amur stocking and restocking license, established under R12-4-424;
9. Wildlife holding license, established under R12-4-417;
10. Wildlife rehabilitation license, established under R12-4-423;
11. Wildlife service license, established under R12-4-421; and
12. Zoo license, established under R12-4-420.

B. An applicant for a special license listed under subsection (A) shall:

1. Submit an application to the Department meeting the specific application requirements established under the applicable governing Section.
    a. Applications for special licenses are furnished by the Department and are available at any Department office and on the Department's website.
    b. An application is required upon initial application for a special license and when renewing a special license. A renewal application is appropriate where there are no changes to the:
        i. Licensed facility location,
        ii. or license holder
2. Be at least 18 years of age, unless applying for a Game Bird Field Training or Sport Falconry license.
3. Pay all applicable fees required under R12-4-412.

C. At the time of application, the person shall certify:

1. The information provided on the application is true and correct to the applicant's knowledge;
2. The applicant shall comply with any municipal, county, state or federal code, ordinance, statute, regulation, or rule applicable to the license held; and
3. The applicant's live wildlife privileges are not currently suspended or revoked in this state, any other state or territory, or by the United States.

D. A special license obtained by fraud or misrepresentation is invalid from the date of issuance.

E. The Department shall either grant or deny a special license within the applicable overall time-frame established for that special license under R12-4-106.

F. In addition to the criteria prescribed under the applicable governing Section, the Department shall deny a special license when:

1. When it is in the best interest of public health or safety or the welfare of the wildlife;
2. The applicant's live wildlife privileges are revoked or suspended in this state, any other state, or by the United States;
3. The applicant was convicted of illegally holding or possessing live wildlife within five years preceding the date of application for the special license;
4. The applicant knowingly provides false information on an application;
5. The person fails to meet the requirements established under the applicable governing Section or this Section. The Department shall provide a written notice to the applicant stating the reason for the denial. The person may appeal

the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

G. A special license holder may only engage in activities using federally-protected wildlife when the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license. A special license issued by the Department does not:

1. Exempt the license holder from any municipal, county, state or federal code, ordinance, statute, regulation, or rule; or
2. Authorize the license holder to engage in any activity using wildlife that is protected by federal regulation.

H. The Department may place additional stipulations on a special license whenever it is determined necessary to:

1. Conserve wildlife populations,
2. Prevent the introduction and proliferation of wildlife diseases,
3. Prevent wildlife from escaping,
4. Protect public health or safety, or
5. Ensure humane care and treatment of wildlife.

I. A special license holder shall keep live wildlife in a facility according to the captivity standards prescribed under R12-4-428 and as otherwise required under this Article. The captivity standards prescribed under R12-4-428 are not applicable to a special license holder licensed under R12-4-410, R12-4-411, R12-4-422, and R12-4-424.

J. A special license holder shall keep records in compliance with the requirements established under the governing Section for a period of at least five years and shall make the records available for inspection to the Department upon request.

K. The Department may conduct an inspection of an applicant's or license holder's facility at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

L. Upon determining a disease or other emergency condition exists that poses an immediate threat to the public or the welfare of any wildlife, the Department may immediately order a cessation of operations under the special license and, if necessary, order the humane disposition or quarantine of any exposed, contaminated or affected wildlife.

1. When directed by the Department, a special license holder shall:
   a. Perform disease testing,
   b. Submit biological samples to the Department or its designee,
   c. Surrender the wildlife to the Department,
   d. Quarantine the wildlife, or
   e. Humanely euthanize the wildlife.
2. The license holder shall:
   a. Ensure any disease or other emergency condition under this subsection is diagnosed by a person professionally certified to make the diagnosis.
   b. Be responsible for all costs associated with the testing and treatment of the contaminated and affected wildlife.

M. If a condition exists, including disease or any violation of this Article, that poses a threat to the public or the welfare of any wildlife, but the threat does not constitute an emergency, the Department may issue a written notice of the condition to the special license holder specifying a reasonable period of time for the license holder to remedy the noticed condition. The notice of condition shall be delivered to the special license holder by certified mail or personal service. Failure of the license holder to remedy the noticed condition within the time specified by the Department is a violation under subsection (N).

N. A special license holder shall not:

1. Violate any provision of the governing Section or this Section;
2. Violate any provision of the special license that the person possesses, including any stipulations specified on the special license;
3. Violate A.R.S. § 13-2908, relating to criminal nuisance;
4. Violate A.R.S. § 13-2910, relating to cruelty to animals; or
5. Refuse to allow the inspection of facilities, wildlife, or required records .

O. The Department may take one or more of the following actions when a special license holder is convicted of a criminal offense involving cruelty to animals, violates subsection (N), or fails to comply with any requirement established under the governing Section or this Section:

1. File criminal charges,
2. Suspend or revoke a special license,
3. Humanely dispose of the wildlife,
4. Seize or seize in place any wildlife held under a special license.
5. A person may appeal to the Commission any Department action listed under this subsection as prescribed under A.R.S. Title 41, Chapter 6, Article 10, except the filing of criminal charges.

P. A special license holder who wishes to continue conducting activities authorized under the special license shall submit a renewal application to the Department on or before the special license expiration date.
1. The current license will remain valid until the Department grants or denies the new special license.
2. If the Department denies the renewal application and the license holder appeals the denial to the Commission as prescribed under subsection (F)(4), the license holder may continue to hold the wildlife until:
   a. The date on which the Commission makes its final decision on the appeal, or
   b. The final date on which a person may request judicial review of the decision.
3. A special license holder who fails to submit a renewal application to the Department before the date the license expires, cannot lawfully possess any live wildlife currently possessed under the license.

Q. A special license holder who no longer wishes to continue conducting activities authorized under the special license shall notify the Department in writing of this decision no less than 30 days prior to ceasing wildlife related activities. This notice shall include the proposed disposition of all wildlife held under the special license.

R. If required by the governing Section, a special license holder shall submit an annual report to the Department by January 31 of each year, but not earlier than January 1, for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The special license becomes invalid if the special license holder fails to submit the annual report by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. When the license holder is acting as a representative of an institution, organization, or agency for the purposes of the special license, the license holder shall submit the report required under subsection this Section:
   a. By January 31 of each year the license holder is affiliated with the institution, organization, or agency; or
   b. Within 30 days of the date of termination of the license holder's affiliation with the institution, organization, or agency.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(2), 17-231(A)(3), 17-231(B)(8), 17-238(A), 17-240(A), 17-250(A), 17-250(B), 17-306, and 41-1005

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 rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by exempt rulemaking at 31 A.A.R. 2836 (September 5, 2025), effective October 14, 2025 (Supp. 25-3). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-410. Aquatic Wildlife Stocking License; Restocking License

A. An aquatic wildlife stocking or restocking license allows a person to import, possess, purchase, stock, and transport any restricted species designated on the license at the location specified on the license.

B. The aquatic wildlife stocking or restocking license is valid for no more than 20 consecutive days, except that an aquatic wildlife stocking or restocking license is valid for one calendar year when issued to a political subdivision of the state for the purpose of vector control.

C. In addition to the requirements established under this Section, an aquatic wildlife stocking or restocking license holder shall comply with the special license requirements established under R12-4-409.

D. The aquatic wildlife stocking and restocking license holder shall be responsible for compliance with all applicable regulatory requirements. The licenses do not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

E. The Department shall deny an aquatic wildlife stocking or restocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria

established under R12-4-409(F)(1) through (4), the Department shall deny an aquatic wildlife stocking license when:

1. The Department determines that issuance of the license will result in a negative impact to native wildlife; or
2. The applicant proposes to use aquatic wildlife that is not compatible with, or poses a threat to, any wildlife within the river drainage or the area where the stocking is to occur.

F. An applicant for an aquatic wildlife stocking or restocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following on the application:

1. The applicant's information:
   a. Name;
   b. Mailing address; and
   c. Customer ID number, when applicable;
2. When the applicant proposes to use the aquatic wildlife for a commercial purpose the applicant's business:
   a. Name;
   b. Mailing address; and
   c. Telephone number;
3. Aquatic wildlife species information:
   a. Common name of the aquatic wildlife species;
   b. Number of animals for each species; and
   c. Approximate size of the aquatic wildlife that will be used under the license;
4. The purpose for introducing the aquatic wildlife species;
5. For each location where the aquatic wildlife will be stocked, the owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical address or general location of the stocking site, to include river drainage and the Global Positioning System location;
6. A detailed description or diagram of the facilities where the applicant will stock the aquatic wildlife, which includes:
   a. Size of waterbody proposed for stocking aquatic wildlife;
   b. Nearest river, stream, or other freshwater system;
   c. Points where water enters each waterbody, when applicable;
   d. Points where water leaves each waterbody, when applicable; and
   e. Location of fish containment barriers;
7. For each supplier from whom the applicant will obtain aquatic wildlife, the supplier's:
   a. Name;
   b. Mailing address; and
   c. Telephone number;
8. The dates on which the person will stock aquatic wildlife;
9. Any other information required by the Department; and
10. The certification required under R12-4-409(C).

G. In addition to the requirements listed under subsection (F), when an applicant wishes to stock an aquatic species in an area where that species has not yet been introduced, is not currently established, or there is potential for conflict with Department efforts to conserve wildlife, the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following information:

1. Anticipated benefits resulting from the introduction of the aquatic live wildlife species;
2. Potential adverse economic impacts;
3. Potential dangers the introduced aquatic species may possibly create for native aquatic species and game fish, to include all of the following:
   a. Determination of whether or not the introduced aquatic species is compatible with native aquatic species or game fish;
   b. Potential ecological problems created by the introduced aquatic species;
   c. Anticipated hybridization concerns with introducing the aquatic species; and,
   d. Future plans designed to evaluate the status and impact of the species after it is introduced.
4. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's Online Environmental Review Tool, which is available on the Department's website. The proposal must address each species listed.

H. An application for an aquatic restocking license is considered to be a renewal of the license when there are no changes to

the:

1. Aquatic wildlife species,
2. The purpose for introducing the aquatic wildlife species, and
3. The facilities where the applicant stocked the aquatic wildlife.

I. An applicant for an aquatic wildlife stocking or restocking license shall pay all applicable fees required under R12-4-412.

J. An aquatic wildlife stocking or restocking license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond certified to be free of diseases and causative agents through the following actions:
   a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
   b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
   c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
3. Maintain records associated with the license for a period of five years following the date of disposition.
4. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
5. Possess the license or legible copy of the license while conducting any activities authorized under the aquatic stocking license and present it for inspection upon the request of any Department employee or agent.
6. Dispose of wildlife only as authorized under this Section or as directed in writing by the Department.

K. An aquatic wildlife stocking or restocking license holder shall comply with the requirements established under R12-4-409.

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

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 rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-411. Live Bait Dealer's License

A. A live bait dealer's license allows a person to perform any of the following activities using the aquatic live wildlife listed under subsection (B): exhibit for sale, export, import, kill, offer for sale, possess, purchase, sell, trade, or transport.

B. A live bait dealer's license allows a person to perform any of the activities listed under subsection (A) with any or all of the following aquatic live wildlife:

1. Desert Sucker, *Catostomus clarkii*;
2. Fathead minnow, *Pimephales promelas*;
3. Golden shiner, *Notemigonus crysoleucas*;
4. Goldfish, *Carassius auratus*;
5. Longfin Dace, *Agosia chrysogaster*;
6. Speckled Dace, *Rhynichthys osculus*; and
7. Waterdogs, *Ambystoma tigrinum*, except 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.

C. A live bait dealer's license expires on the last day of the third December from the date of issuance.

D. In addition to the requirements established under this Section, a live bait dealer license holder shall comply with the special license requirements established under R12-4-409.

E. The live bait dealer's license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license

holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

F. The Department shall deny a live bait dealer's license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

G. An applicant for a live bait dealer's license shall submit an application to the Department. The application is available from any Department office and on the Department's website. An applicant shall provide the following information on the application:

1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Customer ID number, when applicable;
2. The applicant's business:
   a. Name;
   b. Mailing address; and
   c. Telephone number of the applicant's business;
3. Wildlife species information:
   a. Common name of all wildlife species; and
   b. The number of animals for each species that will be sold under the license.
4. For each location where the wildlife will be used, the owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
5. A detailed description or diagram of the facilities where the applicant will hold the wildlife;
6. For each supplier from whom the applicant will obtain wildlife, the supplier's:
   a. Name;
   b. Mailing address;
   c. Telephone number;
7. Any other information required by the Department; and
8. The certification required under R12-4-409(C).

H. An applicant for a live bait dealer's license shall pay all applicable fees required under R12-4-412.

I. A live bait dealer's license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Obtain live baitfish from a facility certified free of the diseases and causative agents through the following actions:
   a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the facility where the wildlife is held before it is shipped to the license holder.
   b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to shipping.
   c. The applicant shall submit a copy of the certification to the Department prior to conducting any activities authorized under the license.
   d. The live bait dealer's license holder shall include a copy of the certification in each shipment.
3. Maintain records associated with the license for a period of five years following the date of disposition.
4. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
5. Possess the license or legible copy of the license while conducting activities authorized under the live bait dealers license and presents it for inspection upon the request of any Department employee or agent.
6. Dispose of aquatic wildlife only as authorized under this Section or as directed by the Department.

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

Adopted effective April 28, 1989 (Supp. 89-2). Amended by final rulemaking at 7 A.A.R. 2220, effective May 25, 2001 (Supp. 01-2). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final

rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

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. The fees listed below include a $20 application processing fee.

B. An initial license fee is required upon initial application or when an applicant fails to renew a special license before the license expires.

C. A renewal license fee is required when an applicant submits an application to renew the special license before the license expires and provided there are no changes to any of the following:

1. Licensed facility location,
2. License holder

Short-term Special License Fees	Initial License	Valid For
Aquatic Wildlife Stocking License	$100	20-days
Aquatic Wildlife Restocking License	$20	20-days
Aquatic Wildlife Stocking License issued to a political subdivision of the state	no fee	365-days
Aquatic Wildlife Restocking License issued to a political subdivision of the state	no fee	365-days
Game Bird Field Trial License	$45	10-days
White Amur Stocking License	$270	20-days
White Amur Restocking License	$120	20-days

Three-year Special License Fees	Initial License	Renewal License
Aquatic Animal Aquaculture License	$500	$500
Game Bird Field Training License	$95	$45
Game Bird Hobby License	$80	$40
Game Bird Shooting Preserve License	$425	$155
Live Bait Dealer’s License	$125	$35
Private Game Farm License	$395	$145
Scientific Activity License	$70	$70
Sport Falconry License validates an Arizona hunting or combination hunting and fishing license for hunting or taking quarry with a trained raptor.	$145	$145
Wildlife Holding License	$20	$20
Wildlife Rehabilitation License	$20	$20
Wildlife Service License	$245	$95
Zoo License	$425	$155

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-333 and 41-1005

Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Repealed effective January 1, 1995; filed in the Office of the Secretary of State December 9, 1994 (Supp. 94-4). New Section adopted effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section repealed by final rulemaking at 9 A.A.R. 3186, effective August 30, 2003 (Supp. 03-3). New Section made by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final exempt rulemaking at 27 A.A.R. 400, effective July 1, 2021 (Supp. 21-1). Amended by exempt rulemaking at 31 A.A.R. 2836 (September 5, 2025), effective October 14, 2025 (Supp. 25-3). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-413. Private Game Farm License

A. A private game farm license authorizes a person to commercially farm and sell captive pen-reared game birds as specified on the license at the location designated on the license.
1. A private game farm license allows the license holder to display for sale, give away, import, offer for sale, possess, propagate and rear, purchase, rent or lease, sell, trade, or transport captive pen-reared game birds carcasses or parts.
2. The Private Game Farm License expires on the last day of the third December from the date of issuance.

B. Private game farm captive pen-reared game birds may be killed or slaughtered only by the private game farm license holder. A private game farm license holder shall not allow captive pen-reared game birds to be killed by hunting or in a manner that could be perceived as hunting or recreational sport harvest while the captive pen-reared game birds are under the care and control of the private game farm license holder, except as authorized under R12-4-414.

C.

D. A private game farm licenses authorizes the use of only the following captive-reared game birds:
1. *Alectoris chukar*, Chukar;
2. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2019, which is incorporated by reference;
3. *Callipepla californica*, California or valley quail;
4. *Callipepla gambelii*, Gambel's quail;
5. *Callipepla squamata*, Scaled quail;
6. *Colinus virginianus*, Northern bobwhite;
7. *Cyrtonyx montezumae*, Montezuma or Mearns' quail;
8. *Dendragapus obscurus*, Dusky grouse;
9. *Oreortyx pictus*, Mountain Quail; and
10. Phasianus colchicus, Ringneck and whitewing pheasant;
11. For subsection (D)(2), the incorporated by material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

E. The Department shall deny an application for:
1. A new private game farm license for mammals. The Department may accept a renewal application for a private game farm license holder currently permitted to possess mammals, provided the license holder is in compliance with all applicable requirements under R12-4-409, R12-4-428, R12-4-430, and this Section.
2. A private game farm license for Northern bobwhite, *Colinus virginianus*, in game management units 36A, 36B, and 36C, as prescribed under R12-4-108.

F. In addition to the requirements established under this Section, a private game farm holder shall comply with the special license requirements established under R12-4-409.

G. The private game farm license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

H. The Department shall deny a private game farm license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission. An applicant applying for a private game farm license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use captive pen-reared game birds. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Customer ID number, when applicable;
2. The applicant's business:
   a. Name;
   b. Mailing address; and

c. Telephone number;

3. For captive pen-reared game birds to be used under the license:
   a. Common name of the captive pen-reared game birds species;
   b. Number of birds for each species; and
   c. When the applicant is renewing the private game farm license, the species and number of captive pen-reared game birds for each species currently held in captivity under the license;
4. For each location where the applicant proposes to use the captive pen-reared game birds will be used, the land owner's:
   a. Name;
   b. Mailing address;
   d. Telephone number; and
   e. Physical address or general location description and Global Positioning System location;
5. A detailed description or diagram of the facilities where the applicant will hold the captive pen-reared game birds, and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
6. For each wildlife supplier from whom the special license applicant will obtain wildlife, the supplier's;
   a. Name;
   b. Mailing address; and
   c. Telephone number;
7. Any other information required by the Department; and
8. The certification required under R12-4-409(C).

J. An applicant for a private game farm license shall pay all applicable fees required under R12-4-412.

K. A private game farm license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Ensure each shipment of live captive pen-reared game birds imported into the state is accompanied by a health certificate or other similar form that indicates the captive pen-reared game birds identified on the form appears to be healthy and free of infectious, contagious, and communicable diseases.
   a. The certificate or other similar form shall be issued no more than 30 days prior to the date on which the captive pen-reared game birds shipped.
   b. A copy of the certificate shall be submitted to the Department prior to importation.
3. Ensure the following documentation accompanies each shipment of captive pen-reared game birds made by the game farm:
   a. Name of the private game farm license holder,
   b. Private game farm license number,
   c. Date captive pen-reared game birds were shipped,
   d. Number of captive pen-reared game birds, by species, included in the shipment,
   e. Name of the person or common carrier transporting the shipment, and
   f. Name of the person receiving the shipment.
4. Provide each person who transports a captive pen-reared game birds carcass from the site of the game farm with a receipt that includes all of the following:
   a. Date the captive pen-reared game birds were purchased, traded, or given as a gift;
   b. Name of the game farm; and
   c. Number of captive pen-reared game birds carcasses, by species, being transported.
5. Ensure each facility is inspected by the attending veterinarian at least once every year.
6. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
7. Maintain records of all captive pen-reared game birds possessed under the license for a period of three years. In addition to the information required under subsections (M)(4)(a) through (M)(4)(e), the records shall also include:
   a. The private game farm license holder's:
      i. Name;
      ii. Mailing address;
      iii. Telephone number; and
      iv. Special license number;
   b. Copies of all federal, state, and local licenses, permits, and authorizations required for the lawful operation of the private game farm;
   c. Copies of the annual report required under subsection (M);

d. Number of all captive pen-reared game birds, by species and the date it was obtained;
e. Source of all captive pen-reared game birds and the date it was obtained;
f. Number of offspring propagated by all captive pen-reared game birds; and
g. For all captive pen-reared game birds disposed of by the license holder:
i. Number, species, and date of disposition; and
ii. Manner of disposition to include the names and addresses of persons to whom the captive pen-reared game birds were bartered, given, or sold, when authorized.

8. Immediately report to the Department any mortality event that results in the loss of 10% or more of the adult captive pen-reared game birds held on the facility within any seven day period and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.

L. A private game farm license holder shall not:
1. Propagate hybrid wildlife or domestic birds with captive pen-reared game birds; or
2. Possess domestic species under the special license.

M. A private game farm license holder shall submit an annual report to the Department January 31 of each year, but not earlier than January 1, for activities performed under the license for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The private game farm license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall include all of the following information, as applicable:
a. Number of captive pen-reared game birds, by species;
b. Source of all captive pen-reared game birds that the license holder obtained or propagated;
c. Date on which the captive pen-reared game birds was obtained or propagated;
d. Date on which the captive pen-reared game birds was disposed of and the manner of disposition; and
e. Name of person who received captive pen-reared game birds disposed of by barter, given as a gift, or sale.

N. Except for cervids which shall be disposed of only as established under R12-4-430, a private game farm license holder who no longer uses the captive pen-reared game birds for a commercial purpose shall dispose of the captive pen-reared game birds as follows:
1. Export,
2. Transfer to another private game farm licensed under this Section,
3. Transfer to a zoo licensed under R12-4-420,
4. Transfer to a medical or scientific research facility exempt under R12-4-407,
5. As directed by the Department, or
6. As otherwise authorized under this Section.

O. A private game farm license holder shall comply with the requirements established under R12-4-428 and R12-4-430.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 3-1205, 17-231(B)(8), 17-238(A), 17-240(A), 17-306,17-307(C), 17-333, and 41-1005

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 rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-414. Game Bird License

A. A game bird license authorizes a person to conduct certain activities with the captive pen-reared game birds specified on the license and only at the location or locations specified on the license, as described below:
1. Game Bird Hobby:
a. Authorizes a license holder to:
i. Possess no more than 50 captive pen-reared game birds at any one time;
ii. Export, import, kill, possess, propagate, purchase, and transport the captive pen-reared game birds specified on the license for personal, noncommercial purposes only; and
iii. Gift a captive pen-reared game bird to another special license holder who is authorized to possess the game

bird species.

b. The following captive pen-reared game bird species may be possessed by a Game Bird Hobby license holder:
   i. *Alectoris chukar*, Chukar;
   ii. *Callipepla californica*, California or valley quail;
   iii. *Callipepla gambelii*, Gambel's quail;
   iv. *Callipepla squamata*, Scaled quail;
   v. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
   vi. *Cyrtonyx montezumae*, Montezuma or Mearn's quail; and
   vii. *Dendragapus obscurus*, Dusky grouse.
c. The license holder shall immediately report to the Department any mortality event that results in the loss of 10% or more of the adult game birds held on the facility and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
d. The Game Bird Hobby license expires on the last day of the third December from the date of issuance.

2. Game Bird Shooting Preserve:
   a. Authorizes a license holder to:
      i. Release captive pen-reared game birds for the purpose of hunting or shooting.
      ii. Export, display, gift, import, kill, offer for sale, possess, propagate, purchase, trade, and transport the captive pen-reared game birds specified on the license.
   b. The following captive pen-reared game bird species may be possessed by a Game Bird Shooting Preserve license holder:
      i. *Alectoris chukar*, Chukar;
      ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2023, which is incorporated by reference;
      iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D); and
      iv. *Phasianus colchicus*, Ringneck and Whitewing pheasant.
   c. The license holder shall:
      i. Restrict the release and take of the live captive pen-reared game birds on private lands to an area not more than 1,000 acres.
      ii. Immediately report to the Department any mortality event that results in the loss of 10% or more of the adult game birds held on the facility and allow the Department to collect samples from the affected game birds for disease testing purposes as prescribed under A.R.S. § 17-250.
   d. The license holder may charge a fee to allow persons to take captive pen-reared game birds on the shooting preserve.
   e. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
   f. A captive pen-reared game bird released under a Game Bird Shooting Preserve license may be taken with any method designated under R12-4-304.
   g. The Game Bird Shooting Preserve license expires on the last day of the third December from the date of issuance.

3. Game Bird Field Trial:
   a. Authorizes a license holder to:
      i. Release and take captive pen-reared game birds for the purpose of conducting a competition to test the performance of hunting dogs in one field trial event;
      ii. Import, kill, possess, purchase within the state, and transport the captive pen-reared game birds specified on the license for one field trial event; and
      iii. Export, gift, kill, or transport any captive pen-reared game bird held after the field trial event.
   b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Trial license holder:
      i. *Alectoris chukar*, Chukar;
      ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2023, which is incorporated by reference;
      iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D);
      iv. *Phasianus colchicus*, Ringneck and Whitewing pheasant.
   c. A person is not required to possess a hunting license in order to participate in a field trial event held under the provisions of this Section.
   d. A captive pen-reared game bird released under a Game Bird Field Trial license may be taken with any method designated under R12-4-304.

e. The Game Bird Field Trial license is valid for no more than ten consecutive days.

4. Game Bird Field Training:
   a. Authorizes a license holder to:
      i. Release and take released live captive pen-reared game birds specified on the license for the purpose of training a dog or raptor to hunt game birds; and
      ii. Import, possess, purchase within the state, and transport the captive pen-reared game birds specified on the license; and
      iii. Export, gift, kill, or transport any captive pen-reared game bird possessed under the license.
   b. The following captive pen-reared game bird species may be possessed by a Game Bird Field Training license holder:
      i. *Alectoris chukar*, Chukar;
      ii. *Anas platyrhynchos*, Mallard duck, provided all mallard ducks and progeny are physically marked as required under 50 CFR 21.13, revised October 1, 2023, which is incorporated by reference;
      iii. *Colinus virginianus*, Northern bobwhite, subject to the restriction specified under subsection (D)(2)(b);
      iv. *Phasianus colchicus*, Ringneck and Whitewing pheasant.
   c. A person is not required to possess a hunting license when taking a captive pen-reared game bird released under the provisions of this Section.
   d. A captive pen-reared game bird released under a Game Bird Field Training license may be taken with any method designated under R12-4-304.
   e. The Game Bird Field Training license expires on the last day of the third December from the date of issuance.
5. For subsections (A)(2)(b)(ii), (A)(3)(b)(ii), and (A)(4)(b)(ii), the incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This incorporation by reference does not include any later amendments or editions of the incorporated material.

B. In addition to the requirements established under this Section, a game bird license holder shall comply with the special license requirements established under R12-4-409.

C. The game bird license holder shall be responsible for compliance with all applicable regulatory requirements. The license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

D. The Department shall deny a game bird license to a person who fails to meet the requirements under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department may deny a game bird license when:
1. The applicant proposes to release captive pen-reared game birds:
   a. At a location where an established wild population of the same species exists.
   b. During nesting periods of upland game birds or waterfowl that nest in the area.
2. The applicant requests a license:
   a. For the sole purpose described under subsection (A)(1) and proposes to possess more than 50 captive pen-reared game birds at any one time.
   b. To possess Northern bobwhites, *Colinus virginianus*, in any one of the following game management units, as described under R12-4-108; 36A, 36B, and 36C.
3. The Department determines the:
   a. Authorized activity listed under this Section may pose a threat to native wildlife, wildlife habitat, or public health or safety.
   b. Escape of any species listed on the application may pose a threat to native wildlife or public health or safety.
   c. Release of captive pen-reared game birds may interfere with a wildlife or habitat restoration program.

E. An applicant for a game bird license shall submit an application to the Department. A person applying for multiple Game Bird Field Trial licenses shall submit a separate application for each date and location where a competition will occur. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
   a. Name;

b. Mailing address, when applicable;
c. Physical address;
d. Telephone number; and
e. Customer number, when applicable;

2. For captive pen-reared game birds to be used under the license:
   a. Common name of game bird species;
   b. Number of animals for each species; and
   c. When the applicant is renewing a Game Bird Hobby or Shooting Preserve license, the species and number of animals for each species currently held in captivity under the license;
3. The type of game bird license:
   a. Game Bird Hobby;
   b. Game Bird Shooting Preserve;
   c. Game Bird Field Trial; or
   d. Game Bird Field Training;
4. For each location where captive pen-reared game birds will be held, the owner's:
   a. Name;
   b. Mailing address, when applicable;
   c. Telephone number; and
   d. Physical address or general location description and Global Positioning System location, when available;
5. For each location where captive pen-reared game birds will be released, the land owner's or agency's:
   a. Name;
   b. Mailing address, when applicable;
   c. Telephone number; and
   d. Physical address or general location description and Global Positioning System location, when available; and
6. For each captive pen-reared game bird supplier from whom the applicant will obtain game birds, the supplier's:
   a. Name;
   b. Mailing address; and
   c. Telephone number;
7. An applicant who is applying for a Game Bird Shooting Preserve or Field Trial license and intends to use the captive pen-reared game birds for a commercial purpose shall also provide the applicant's business:
   a. Name;
   b. Mailing address; and
   c. Telephone number;
8. An applicant who intends to use the captive pen-reared game birds for an activity affiliated with a sponsoring organization shall also provide the organization's:
   a. Name;
   b. Mailing address; and
   c. Telephone number of the organization chair or local chapter;
9. An applicant who is applying for a Game Bird Field Trial license shall also specify the range of dates within which the field trial event will take place, not to exceed a 10-day period;
10. An applicant who is applying for a Game Bird Hobby or Game Bird Shooting Preserve license shall also provide a detailed description or diagram of the facilities where the applicant will hold captive pen-reared game birds and a description of how the facilities comply with the requirements established under R12-4-428 and any other captivity standards established under this Section;
11. Any other information required by the Department; and
12. The certification required under R12-4-409(B).

F. An applicant for a game bird license shall pay all applicable fees required under R12-4-412.

G. A game bird license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
3. Possess the license or legible copy of the license while conducting any activity authorized under the game bird license and present it for inspection upon the request of any Department employee or agent.
4. Ensure each shipment of captive pen-reared game birds imported into the state is accompanied by a health certificate.
   a. The certificate shall be issued no more than 30 days prior to the date on which the game birds are shipped.

b. A copy of the certificate shall be submitted to the Department prior to importation.

5. Provide each person who transports captive pen-reared game birds taken under the game bird license with documentation that includes all of the following:
   a. Name of the game bird license holder;
   b. Game bird license number;
   c. Date the captive pen-reared game bird was obtained;
   d. Number of captive pen-reared game birds, by species; and
   e. When the captive pen-reared game birds are being shipped:
      i. Name of the person or common carrier transporting the shipment, and
      ii. Name of the person receiving the shipment.
6. Maintain records of all captive pen-reared game birds possessed under the license for a period of five years. In addition to the information required under subsections (G)(5)(a) through (G)(5)(b), the records shall also include:
   a. The game bird license holder's:
      i. Name;
      ii. Mailing address;
      iii. Telephone number; and
      iv. Special license number;
   b. Copies of the annual report required under subsection (H);
7. Dispose of captive pen-reared game birds only as authorized under this Section or as directed by the Department.
8. Conduct license activities solely at the locations and within the timeframes approved by the Department. A Game Bird License holder may request permission to amend the license to conduct activities authorized under the license at an additional location by submitting the application required under subsection (E) to the Department.

H. A game bird license holder shall submit an annual report to the Department January 31 of each year, but not earlier than January 1, for the previous calendar year. The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The game bird license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department shall not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall include all of the following information, as applicable:
   a. Number of all captive pen-reared game birds, by species and the date obtained;
   b. Source of all captive pen-reared game birds and the date obtained;
   c. Number of offspring propagated by all captive pen-reared game birds; and
   d. For all captive pen-reared game birds disposed of by the license holder:
      i. Number, species, and date of disposition; and
      ii. Manner of disposition to include the names and addresses of persons to whom the wildlife was bartered, given, or sold, when authorized.

I. A game bird license holder shall comply with the requirements established under R12-4-428.

J. A game bird released under a game bird license and found outside of the location specified on the license shall become property of the state and is subject to the requirements prescribed under A.R.S. Title 17 and 12 A.A.C. 4, Article 3.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(3), 17-231(B)(8), 17-238(A), 17-240(A), 17-306, 17-307(C), 17-333, and 41-1005

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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 23 A.A.R. 2557, effective September 6, 2017 (Supp. 17-3). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-415. Repealed

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). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

R12-4-416. Aquatic Animal Aquaculture License

A. An aquatic animal aquaculture license authorizes a person or company to import an approved live fish, amphibian, shellfish, mollusk, and crustacean species classified as restricted live wildlife per R12-4-406 for the purposes of an aquaculture operation at the location and facility specified on the license.
B. The aquatic animal aquaculture license further authorizes the licensee to grow and process the approved aquatic animal species at the designated aquaculture facility and to sell the slaughtered species on ice to seafood processors and to wholesale and retail outlets for sale or consumption.
C. The aquatic animal aquaculture license authorizes the sale and transport of the approved species from the Licensee's aquaculture facility to locations outside of the State of Arizona.
D. The sale, transport or export of the approved species from the licensed aquaculture facility to any location within the State of Arizona is not permitted unless specifically authorized by the Department by stipulation to the aquatic animal aquaculture license and the identified receiving location is separately licensed by the Department to receive, grow, process or sell the restricted live wildlife species.
E. This Rule does not apply to the importation and transportation of restricted live game fish, crayfish or tilapia directly to restaurants or markets licensed to sell food to the public per R12-4-407(B)(11).
F. An aquatic animal aquaculture license is good for a three-year term, expiring on the last day of the third December from the date of issuance.
G. In addition to the requirements established under this Section, an aquatic animal aquaculture licensee shall comply with the special license requirements established under R12-4-403, R12-4-409, and with all stipulations of the license. Aquatic animal aquaculture licensees are not required to obtain individual aquatic stocking licenses under R12-4-410.
H. The aquatic animal aquaculture licensee shall be responsible for compliance with all applicable regulatory requirements. The license does not:
1. Exempt the licensee from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the licensee to engage in authorized activities using federally-protected wildlife, unless the licensee possesses a valid license, permit, or other form of documentation issued by the United States authorizing the licensee to use that wildlife in a manner consistent with the special license.

I. An applicant for an aquatic animal aquaculture license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to import, possess or process the restricted live wildlife species. The application is furnished by the Department and is available at any Department office and on the Department's website. An applicant shall provide the following on the application:
1. The applicant's information:
    a. Name;
    b. Mailing address; and
    c. Department ID number, when applicable
2. The name of the applicant's business
    a. Mailing address; and
    b. Telephone number;
3. The name of the aquatic species, the approximate size, length and weight.
4. For each aquaculture facility where the approved live species will be held, the applicant's:
    a. Name;
    b. Mailing address; and
    c. Telephone number; and
    d. Physical address and general location of the aquaculture site, to include the nearest river, stream, or other freshwater system and the Global Positioning System location;
    e. The owner of the real property where the aquaculture facility will be located.
5. A detailed description and diagram of the aquaculture facility, including site security protocols;
6. For each supplier from whom the applicant will obtain live aquatic species, the supplier's:
    a. Name;
    b. Mailing address; and
    c. Telephone number; and
    a. Any other information required by the Department.
7. The certification required under R12-4-409(C).

J. Each application for an aquatic animal aquaculture license shall be evaluated by the Arizona Game and Fish Department to determine the risk to Arizona waterways based on aquaculture management, escapement potential, and the potential for risks to native aquatic wildlife or game fish.
K. The Department shall deny an application for an aquatic animal aquaculture license when:
1. The applicant has failed to meet the criteria prescribed under R12-4-409(F) or this Section;
2. The applicant has not complied with the requirements of the application process of this Section;

3. The applicant cannot demonstrate adequate compliance with applicable local, state or federal laws, ordinances, codes or regulations;
4. The Department determines that the proposed aquaculture facility, its site security or its proposed business operation poses a risk of escapement potential or risks to native aquatic wildlife and game fish.
5. The Department determines that issuance of the license will pose a threat to any native aquatic wildlife or game fish within a river drainage or water body adjacent to an aquaculture facility.

L. The Department shall provide written notice stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

M. The Licensee must notify the Department in writing of the importation and out-of-state exportation of the approved live species for each transport event, to include:

1. Date, purpose, source of the approved live species, number of species, and average length and weight of imported species not less than thirty (30) days prior to each transport event.

N. Importation of each shipment of the live approved species to licensed facility must be certified free of diseases and causative agents and free of aquatic invasive organisms.

O. To prevent the spread of diseases and causative agents listed in R3-2-1009, the Department may inspect and take samples from any facility or shipment being transported. A licensee shall notify the Department within 72 hours of becoming aware of the presence of any disease or causative agent listed in R3-2-1009. Aquatic animals found to be infected with a disease or causative agent listed in R3-2-1009 are prohibited from interstate or intrastate movement without prior written Department approval.

P. The Department shall quarantine or seize aquatic animals, alive or dead, plants, or products for examination or diagnostic study when there is a potential for spread of a disease or causative agent listed in R3-2-1009, or any other disease or causative agent that could constitute a threat to aquatic animals or plants of the state. The Department shall issue a written notice to the licensee specifying:

1. The reason for the Department's action; and
2. The licensee's right to request a hearing as prescribed in A.R.S. § 3-2906.

Q. The licensee shall submit an annual report to the Department summarizing all shipments conducted in the prior calendar year before January 31 of each year for the previous calendar year. The summary will include the number of annual shipments, shipment destinations, number of live approved species shipped, and the average size of species shipped. The summary shall also include a description of any disease outbreaks experienced at the licensed facility during the year.

R. An applicant for an aquatic animal aquaculture license shall pay all applicable fees required under R12-4-412.

S. A licensee shall:

1. Comply with all stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Allow Arizona Game and Fish Department staff access to the aquaculture facility before and during the license period during normal business hours to examine equipment, water filtration systems, and business records to determine compliance with license requirements in accordance with A.R.S. § 41-1009 and A.A.C. R12-4-410(J). The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a licensee's facility.
3. Comply with all site security requirements set forth in stipulations to the license.

T. The licensee shall not import or possess any other live aquatic species at the licensed aquaculture facility not identified on the license as an approved live species for the aquaculture facility.

U. A licensee is responsible for all costs incurred by the Department associated with the seizing or quarantining of any approved live species that escape from the licensed aquaculture facility in accordance with R12-4-403.

V. The Department may require the licensee to procure and maintain insurance naming the State of Arizona as an additional insured as a stipulation to the license.

W. In the event the primary purpose for which the license was issued no longer exists, the licensee shall immediately submit the annual report to the Department and provide the Department with written notice of licensee's intent to cancel the license. The Parties shall promptly meet and confer regarding the licensee's plans for the disposal of any approved live species remaining at the licensed aquaculture facility.

X. The Department may suspend or revoke an aquatic animal aquaculture license for non-compliance with R12-4-403, R12-4-409, or for non-compliance with any license requirement or this Article. Any such action by the Department may be appealed pursuant to A.R.S. Title 41, Chapter 6, Article 10.

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 rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). New Section made by exempt rulemaking at 31 A.A.R. 2836 (September 5, 2025), effective October 14, 2025 (Supp. 25-3).

R12-4-417. Wildlife Holding License

A. A wildlife holding license authorizes a person to display for educational purposes, euthanize, export, give away, import, photograph for commercial purposes, possess, propagate, purchase, or transport, restricted and nonrestricted live wildlife lawfully:
1. Held under a valid hunting or fishing license for a purpose listed under subsection (C),
2. Collected under a valid scientific activity license issued under R12-4-418,
3. Obtained under a valid wildlife rehabilitation license issued under R12-4-423,
4. Or as otherwise authorized by the Department.

B. A wildlife holding license expires on the last day of the third December from the date of issuance, or, if the license holder is a representative of an institution, organization, or agency described under subsection (C)(4), upon termination of the license holder's affiliation with that entity, whichever comes first.

C. A wildlife holding license is valid for the following purposes, only:
1. Advancement of science;
2. Lawfully possess restricted or nonrestricted live wildlife when it is:
   a. Necessary to give humane treatment to live wildlife that is declared unsuitable for release by a licensed veterinarian, and is therefore unable to meet its own needs in the wild; or
   b. Previously possessed under another special license and the primary purpose for that special license no longer exists;
3. Promotion of public health or welfare;
4. Provide education under the following conditions:
   a. The applicant is an educator affiliated or partnered with an educational institution; and
   b. The educational institution permits the use of live wildlife.
5. Photograph for a commercial purpose live wildlife provided:
   a. The wildlife will be photographed without posing a threat to other wildlife or the public, and
   b. The photography will not adversely impact other affected wildlife in this state, or
6. Wildlife management.

D. The Department shall deny an application for a wildlife holding license for the possession of cervids.

E. In addition to the requirements established under this Section, a wildlife holding license holder shall comply with the special license requirements established under R12-4-409.

F. The license holder shall be responsible for compliance with all applicable regulatory requirements. The wildlife holding license does not:
1. Exempt the license holder or their agent from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder or their agent to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

G. The Department shall deny a wildlife holding license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's wildlife holding privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a wildlife holding when:
1. It is in the best interest of public health or safety or the welfare of the wildlife; or
2. The issuance of the license will adversely impact other wildlife or their habitat in the state.

H. An applicant for a wildlife holding license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to use wildlife. The application is furnished by the Department and is available at any Department office and on the Department's website. The applicant shall provide the following information:
1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Customer ID number, when applicable;
2. If the applicant will use the wildlife for a commercial purpose, the applicant's business:
   a. Name;
   b. Mailing address; and

c. Telephone number;

3. If the applicant will use wildlife for activities authorized by a scientific institution that employs, contracts, or is similarly affiliated with the applicant, the institution's:
   a. Name;
   b. Mailing address; and
   c. Telephone number;
4. For wildlife to be used under the license:
   a. Common name of the wildlife species;
   b. Number of animals for each species;
   c. When the application is for the use of multiple species, the applicant shall list each species and the number of animals for each species; and
   d. When the applicant is renewing the wildlife holding license, the species and number of animals for each species currently held in captivity under the license;
5. For wildlife to be used for educational purposes:
   a. The affiliated educational institution's:
      i. Name;
      ii. Mailing address; and
      iii. Telephone number of the educational institution;
   b. A copy of the established curriculum utilizing sound educational objectives; and
   c. A plan for how the applicant will address any safety concerns associated with the use of live wildlife in a public setting.
6. For each location where the applicant proposes to hold the wildlife, the owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical address or general location description and Global Positioning System location;
7. A detailed description and diagram, or photographs, of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
8. The dates that the applicant will begin and end holding wildlife;
9. A clear description of how the applicant intends to dispose of the wildlife once the proposed activity for which the license was issued ends;
10. Any other information required by the Department; and
11. The certification required under R12-4-409(C).
12. For subsection (H)(7), the Department may, at its discretion, accept documented current certification or approval by the applicant's institutional animal care and use committee or similar committee in lieu of the description, diagram, and photographs of the facilities.

I. In addition to the requirements listed under subsection (H), at the time of application, an applicant for a wildlife holding license shall also submit:
1. Evidence of lawful possession, as defined under R12-4-401;
2. A statement of the applicant's experience in handling and providing care for the wildlife to be held or experience relevant to handling or providing care for wildlife;
3. A written proposal that contains all of the following information:
   a. A detailed description of the activity the applicant intends to perform under the license;
   b. Purpose for the proposed activity;
   c. The contribution the proposed activity will make to one or more of the primary purposes listed under subsection (C).
   d. For an applicant who wishes to possess restricted or nonrestricted live wildlife for the purpose of providing humane treatment, a written explanation stating why the wildlife is unable to meet its own needs in the wild and the following information for the licensed veterinarian who will provide care for the wildlife:
      i. Name;
      ii. Mailing address; and
      iii. Telephone number;

J. An applicant for a wildlife holding license shall pay all applicable fees required under R12-4-412.

K. A wildlife holding license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Maintain records associated with the license for a period of five years following the date of disposition.

3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
4. Possess the license or legible copy of the license while conducting any activity authorized under the wildlife holding license and present it for inspection upon the request of any Department employee or agent.
5. Permanently mark any restricted live wildlife used for lawful activities under the authority of the license, when required by the Department.
6. Ensure that a copy of the license accompanies any transportation or shipment of wildlife made under the authority of the license.
7. Surrender wildlife held under the license to the Department upon request.

L. A wildlife holding license holder shall submit an annual report to the Department January 31 of each year, but not earlier than January 1, for the previous calendar year or as indicated under subsection (O). The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife holding license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall include all of the following information, as applicable:
   a. A list of animals held during the year, the list shall be by species and include the source and date on which the wildlife was acquired.
   b. The permanent mark or identifier of the wildlife, such as name, number, or another identifier for each animal held during the year, when required by the Department. This designation or identifier shall be provided with other relevant reported details for the holding or disposition of the individual animal;
   c. Whether the wildlife is alive or dead.
   d. The current location of the wildlife.
   e. A list of all educational displays where the wildlife was utilized to include the date, location, institution or audience, approximate attendance, and wildlife used.

M. A wildlife holding license holder may authorize an agent to assist the license holder in conducting activities authorized under the wildlife holding license, provided the agent's wildlife privileges are not suspended or revoked in any state.
1. The license holder shall obtain written authorization from the Department before allowing a person to act as an agent.
2. The license holder shall notify the Department in writing within 10 calendar days of terminating any agent.
3. The Department may suspend or revoke the license holder's license if an agent violates any requirement of this Section or Article or any stipulations placed upon the license.
4. An agent may possess wildlife for the purposes outlined under subsection (C), under the following conditions;
   a. The agent shall possess evidence of lawful possession, as defined under R12-4-401, for all wildlife possessed by the agent;
   b. The agent shall return the wildlife to the primary license holder's facility within two days of receiving the wildlife.

N. A wildlife holding license holder or their agent shall not barter, give as a gift, loan for commercial activities, offer for sale, sell, trade, or dispose of any restricted or nonrestricted live wildlife, offspring of restricted or nonrestricted live wildlife, or their parts except as stipulated on the wildlife holding license or as directed in writing by the Department.

O. A wildlife holding license is no longer valid once the primary purpose for which the license was issued, as prescribed in subsection (C), no longer exists. When this occurs, the wildlife holding license holder shall immediately submit the annual report required under (L) to the Department.

P. A wildlife license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-231(B)(8), 17-238(A), 17-240(A), 17-306, and 41-1005

Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Section repealed; new Section adopted by final rulemaking at 6 A.A.R. 211, effective January 1, 2000 (Supp. 99-4). Amended 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-418. Scientific Activity License

A. A scientific activity license allows a person to conduct any of the following activities with wildlife when specified on the license:
1. Capture, hold, and release wildlife as directed by the Department,
2. Collection of dead wildlife,
3. Display,
4. Photograph or record for noncommercial purposes,
5. Possess,
6. Propagate,
7. Take of live wildlife,
8. Transport, and
9. Use for educational purposes.

B. The Department issues five types of scientific collecting licenses:
1. Academic institution,
2. Government agency,
3. Non-governmental organization,
4. Nonprofit organization, and
5. Personal.

C. A person may apply for a scientific activity license only when the license is requested for:
1. 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. 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; and
3. A purpose that does not unnecessarily duplicate previously documented projects.

D. A scientific activity license expires on December 31 of each year.

E. For the protection of wildlife or public safety, the Department has the authority to take any one or more of the following actions:
1. Rescind or modify any method of take authorized by the license;
2. Restrict the number of animals for each species or other taxa the license holder may take under the license;
3. Restrict the age, condition, or location of wildlife the license holder may take under the license; or
4. Deny or substitute the number of specimens and taxa requested on an application.

F. The license holder shall be responsible for compliance with all applicable regulatory requirements. The scientific activity license does not:
1. Exempt the license holder or their agent from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder or their agent to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

G. The Department may deny a scientific activity license to a person who fails to meet the requirements established under R12-4-409 or this Section, or when the person's scientific activity privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a scientific activity license when:
1. It is in the best interest of the wildlife.
2. The issuance of the license will adversely impact other wildlife or their habitat in the state; or
3. It is in the best interest of public health or safety.

H. An applicant for a scientific activity license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office, and on the Department's website. A person applying for a scientific activity license shall provide the following information on the application:
1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Customer ID number; when applicable;
2. If the applicant will use wildlife for activities supported by a scientific, educational, or government institution,

nonprofit organization, or agency that employs, contracts, or is similarly affiliated with the applicant, the applicant shall provide the institution's:
   a. Name;
   b. Mailing address;
   c. Telephone number of the institution; and
   d. The applicant's title or a description of the nature of affiliation with the institution or nonprofit organization;
3. When the applicant is renewing the scientific activity license, the species and number of animals for each species currently held in captivity;
4. For each location where the live wildlife will be held, the land owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical address or general location description and Global Positioning System location;
5. A detailed description and diagram, photographs, or documented current certification or approval by the applicant's institutional animal care and use committee or similar committee of the facilities of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428, and any other captivity standards that may be established under this Section;
6. List of activities the applicant intends to perform under the license;
7. Purpose and justification for the use of wildlife as established under subsection (B);
8. When the applicant intends to use wildlife for educational purposes, the proposal shall also include the:
   a. Minimum number of presentations the applicant anticipates to provide under the license;
   b. Name, title, address, and telephone number of persons whom the applicant has contacted to offer educational presentations; and
   c. Number of specimens the applicant already possesses for any species requested on the application;
9. Applicant's relevant qualifications and experience in handling and, when applicable, providing care for the wildlife to be held under the license;
10. Methods of take that the applicant will use, to include:
   a. Justification for using the method, and
   b. Proposed method of disposing wildlife taken under the license and any subsequent offspring, when applicable;
11. Any other information required by the Department; and
12. The certification required under R12-4-409(C).

J. An applicant for a scientific activity license shall pay all applicable fees required under R12-4-412.

K. A scientific activity license holder shall:
1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Possess the license or legible copy of the license while conducting any activity authorized under the scientific activity license and present it for inspection upon the request of any Department employee or agent.
3. Notify the Department in writing within 10 calendar days of terminating any agent.
4. Use the most humane and practical method possible prescribed under R12-4-304, R12-4-313, or as directed by the Department in writing.
5. Conduct activities authorized under the scientific activity license only at the locations and time periods specified on the scientific activity license.
6. Dispose of wildlife, wildlife parts, or offspring, only as directed by the Department.
7. Maintain records associated with the license for a period of five years following the date of disposition.

L. A scientific activity license holder shall not:
1. Exhibit any wildlife held under the license, unless the person also possesses a zoo license authorized under R12-4-420.
2. Administer any drug to any wildlife during the term of the scientific activity license without advance written authorization from the Department, unless the drug is administered in the course of treatment by a licensed veterinarian.

M. A scientific activity license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the scientific activity license by submitting a written request to the Department.
1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
   a. An employment or supervisory relationship exists between the applicant and the agent, and
   b. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
3. The license holder is liable for all acts the agent performs under the authority of this Section.
4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section

by an agent.

5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the scientific activity license and present it for inspection upon the request of any Department employee or agent.

N. A scientific activity license holder may submit to the Department a written request to amend the license to add or delete an agent, location, project, or other component documented on the license at any time during the license period.

O. A scientific activity license holder shall submit an annual report to the Department January 31 of each year, but not rearlier than January 1, for the previous calendar year, except as noted below in subsection (5).. The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The scientific activity license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The Department may stipulate submission of additional interim reports upon license application or renewal.
5. The person shall submit the final report to the Department not later than 90 days after the completion of the project for which the scientific activity license was issued.

P. A scientific activity license holder who wishes to permanently hold wildlife species collected under the license in Arizona that will no longer be used for activities authorized under the license shall apply for and obtain a wildlife holding license in compliance with R12-4-417 or another appropriate special license.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(3), 17-231(B)(8), 17-234, 17-238(B), 17-240(A), 17-306, and 41-1005

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 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-419. Repealed

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). Repealed by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

R12-4-420. Zoo License

A. A zoo license allows a person to exhibit, export, euthanize, display for educational purposes, give away, import, offer for sale, possess, propagate, purchase, sell, or transport any lawfully possessed restricted and nonrestricted live wildlife.

B. A person may apply for a zoo license only for a commercial facility open to the public where the principal business is holding wildlife in captivity for exhibition purposes and for one or more of the following purposes:

1. Advancement of science or wildlife management;
2. Promotion of public health or welfare;
3. Public education; or
4. Wildlife conservation.

C. A zoo license expires on the last day of the third December from the date of issuance.

D. In addition to the requirements established under this Section, a zoo license holder shall comply with the special license requirements established under R12-4-409.

E. The zoo license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

F. The Department shall deny a zoo license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating

the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a zoo license when:

1. It is in the best interest of the wildlife; or
2. The issuance of the license will adversely impact other wildlife or their habitat in the state;

G. An applicant for a zoo license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office, and on the Department's website. An applicant shall provide the following information on the application:

1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Customer ID number, when applicable;
2. If the applicant is employed by, contracted with, or affiliated with an educational or scientific institution, the applicant shall provide the institution's:
   a. Name;
   b. Mailing address;
   c. Telephone number;
3. Wildlife species to be held under the license;
   a. Common and current scientific name of the wildlife species; and
   b. Number of individuals for each species;
4. If the applicant is renewing the zoo license, the number of animals of each species that are currently in captivity, and evidence of lawful possession as defined under R12-4-401;
5. For each location where the wildlife will be exhibited, the land owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical address or general location description and Global Positioning System location;
6. A detailed description and diagram of the facilities where the applicant will hold the wildlife and a description of how the facilities comply with the requirements established under R12-4-428;
7. A description of how the facility or operation meets the definition of a zoo, as defined under A.R.S. § 17-101(A)(26);
8. The purpose of the license, as described under subsection (B);
9. Any other information required by the Department; and
10. The certification required under R12-4-409(C).

H. In addition to the requirements listed under subsection (G), an applicant for a zoo license shall also submit at the time of application:

1. Proof of current licensing by the United States Department of Agriculture under 9 CFR Subpart A, Animal Welfare;
2. Photographs of the facility when the zoo is not accredited by the Association of Zoos and Aquariums or Zoological Association of America.
3. For subsection, (H)(1), 9 CFR Subpart A, Animal Welfare revised January 1, 2024, and no later amendments or editions, which is incorporated by reference. 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.

I. An applicant for a zoo license shall pay all applicable fees required under R12-4-412.

J. A zoo license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
3. Ensure each facility is inspected by the attending veterinarian at least once every year.
4. Hold all wildlife in such a manner designed to prevent wildlife from escaping from the facility specified on the license.
5. Hold all wildlife in a manner designed to prevent the entry of unauthorized persons or other wildlife.
6. Hold all wildlife lawfully possessed under the zoo license in the facility specified on the license, except when transporting the wildlife:
   a. To or from a temporary exhibit;

b. For medical treatment; or
c. Other activities approved by the Department in writing.

7. Ensure a temporary exhibit shall not exceed 60 consecutive days at any one location, unless approved by the Department in writing.
8. Clearly display a sign at the facility's main entrance that states the days of the week and hours when the facility is open for viewing by the general public.
9. Ensure all wildlife held under the license that has the potential to come into contact with the public is tested for zoonotic diseases appropriate to the species no more than 12 months prior to importation or display. Any wildlife that tests positive for a zoonotic disease shall not be imported into this state without review and approval by the Department in writing.
10. Dispose of the following wildlife only as directed by the Department:
    a. Wildlife obtained under a scientific activity license; or
    b. Wildlife loaned to the zoo by the Department.
11. Maintain records of all wildlife possessed under the license for a period of five years following the date of disposition. In addition to the information required under subsections (H)(1) through (H)(3), the records shall also include:
    a. Number of all restricted live wildlife, by species and the date it was obtained;
    b. Source of all restricted live wildlife and the date it was obtained;
    c. Number of offspring propagated by all restricted live wildlife; and
    d. For all restricted live wildlife disposed of by the license holder:
        i. Number, species, and date of disposition; and
        ii. Method of disposition.

K. A zoo license holder shall not:
1. Accept any wildlife that is donated, purchased, or otherwise obtained without accompanying evidence of lawful possession.
2. Import into this state any wildlife that may come into contact with the public and tests positive for zoonotic disease, as established under subsection (J)(9).

L. A zoo license holder shall dispose of restricted live wildlife in this state by:
1. Giving, selling, or trading the wildlife to:
    a. Another zoo licensed under this Section;
    b. An appropriate special license holder or appropriately licensed or permitted facility in another state or country authorized to possess the wildlife being disposed;
2. Giving selling, or donating the wildlife to a medical or scientific research facility exempt from special license requirements under R12-4-407;
3. Exporting the wildlife to a zoo certified by the Association of Zoos and Aquariums or Zoological Association of America; or
4. As otherwise directed by the Department.

M. A zoo license holder shall submit an annual report to the Department January 31 of each year, but not earlier than January 1, for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The zoo license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The report shall summarize the current species inventory, and acquisition and disposition of all wildlife held under the license.

N. A zoo license holder shall request the authority to possess a new species of restricted live wildlife by submitting a written request to the Department prior to acquisition, unless the wildlife was:
1. Held under the previous year's zoo license and included in the previous annual report, or
2. Authorized in advance by the Department in writing.

O. A zoo license holder shall comply with the requirements established under R12-4-409, R12-4-426, R12-4-428, and R12-4-430, as applicable.

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(B)(8), 17-234, 17-238(A), 17-240(A), 17-250(A), 17-250(B), 17-306, and 17-333

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 rulemaking at 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Subsections (J) through (O) omitted in supplement 15-4; errors corrected at the request of the Commission at R18-91 (Supp. 18-1). Subsections (A) through (I) amendments omitted in supplement 15-4; full text has been included as submitted at 21 A.A.R. 2813, File No. R15-155, effective December 5, 2015 (Supp. 19-1). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-421. Wildlife Service License

A. A wildlife service license authorizes a person to provide, advertise, or offer assistance in removing the live wildlife listed below to the general public. For the purposes of this Section, the following wildlife, as defined under A.R.S. § 17-101(B), are designated live wildlife:
1. Furbearing animals;
2. Javelina (*Pecari tajacu*);
3. Nongame animals;
4. Predatory animals; and
5. Small game.

B. A wildlife service license is not required when conducting pest control removal services authorized under A.R.S. § Title 3, Chapter 20 for the following wildlife not protected under federal regulation:
1. Rodents, except beaver, porcupine, and tree squirrels;
2. European starlings (*Sturnus vulgaris*);
3. Rosy-faced lovebirds (*Agapornis roseicollis*);
4. House sparrows (*Passer domesticus*);
5. Eurasian collared-doves (*Streptopelia decaocto*);
6. Rock pigeons (*Columba livia*); and
7. Any other non-native wildlife species.

C. A wildlife service license allows a person to conduct activities that facilitate the removal and relocation of live wildlife listed under subsection (A) when the wildlife causes 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. Authorized activities include, but are not limited to, capture, removal, transportation, and relocation.

D. The wildlife service license expires on the last day of the third December from the date of issuance.

E. An employee of a governmental public safety agency is not required to possess a wildlife service license when the employee is acting within the scope of the employee's official duties.

F. In addition to the requirements established under this Section, a wildlife service license holder shall comply with the special license requirements established under R12-4-409.

G. The wildlife service license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

H. The Department shall deny a wildlife service license to a person who fails to meet the requirements established under R12-4-409 or this Section or when the person's wildlife service privileges are suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

I. An applicant for a wildlife service license shall submit an application to the Department. The application is furnished by the Department and is available from any Department office and on the Department's website. An applicant shall provide the following information on the application:
1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number;
   d. Physical description, to include the applicant's eye color, hair color, height, and weight; and
   e. Customer ID number, when applicable;
2. If the applicant will perform license activities for a commercial purpose, the applicant's business:

a. Name;
b. Mailing address;
c. Telephone number; and
d. Hours and days of the week the applicant will be available for service;

3. The designated wildlife species or groups of species listed under subsection (A) that will be removed under the license;
4. The methods that the wildlife license holder will use to perform authorized activities;
5. The general geographic area where services will be performed;
6. Any other information required by the Department; and
7. The certification required under R12-4-409(C).

J. In addition to the requirements listed under subsection (I), at the time of application, an applicant for a wildlife service license shall also submit:

1. Proof the applicant has a minimum of six months full-time employment or volunteer experience handling wildlife of the species or groups designated on the application; and
2. A written proposal that contains all of the following information:
   a. Applicant's experience in the capture, handling, and removal of wildlife;
   b. Specific species the applicant has experience capturing, handling, or removing;
   c. General location and dates when the activities were performed;
   d. Methods used to carry out the activities;
   e. The methods used to dispose of the wildlife.

K. When renewing a license without change to the species or species groups authorized under the current license, the wildlife service license holder may reference supporting materials previously submitted in compliance with subsection (J).

L. An applicant for a wildlife service license shall pay all applicable fees required under R12-4-412.

M. A wildlife service license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Facilitate the removal and relocation of designated wildlife in a manner that:
   a. Is least likely to cause injury to the wildlife; and
   b. Will prevent the wildlife from coming into contact with the general public.
3. Inspect traps daily.
4. Obtain special authorization from the Department regional office that has jurisdiction over the area where the activities will be conducted when performing any activities involving javelina.
5. Release captured designated wildlife only as follows:
   a. Without immediate threat to the animal or potentially injurious contact with humans;
   b. During an ecologically appropriate time of year;
   c. Into a suitable habitat;
   d. 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; and
   e. In an area designated by the Department regional office that has jurisdiction over the area where it was captured.
6. Euthanize the wildlife using the safest, quickest, and most humane method available.
7. Dispose of all wildlife that is euthanized or that otherwise dies while possessed under the license by burial or incineration within 30 days of death, unless otherwise directed by the Department.
8. Possess the license or legible copy of the license while conducting any wildlife service activity and present it for inspection upon the request of any Department employee or agent.
9. Inform the Department in writing within five working days of any change in telephone number, area of service, or business hours or days.
10. Maintain records associated with the license for a period of five years following the date of disposition.

N. A wildlife service license holder may submit to the Department a written request to amend the license to add or delete authority to control and release designated species of wildlife, provided the request meets the requirements of this Section.

O. A wildlife service license holder shall not:

1. Exhibit wildlife or parts of wildlife possessed under the license.
2. Possess designated wildlife beyond the period necessary to transport and relocate or euthanize the wildlife.
3. Retain any parts of wildlife.

P. A wildlife service license holder may:

1. Euthanize designated wildlife only when authorized by the Department.

2. Give injured or orphaned wildlife to a wildlife rehabilitation license holder.

Q. A wildlife service license holder shall submit an annual report to the Department January 31 of each year, but not earlier than January 1, on activities performed under the license for the previous calendar year. The report form is furnished by the Department.

1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife service license becomes invalid if the annual report is not submitted to the Department by January 31 of each year.
3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall provide a list of all services performed under the license to include:
   a. The date and location of service;
   b. The number and species of wildlife removed, and
   c. The method of disposition for each animal removed, including the location and date of release.

R. A wildlife service license holder shall comply with the requirements established under 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(A)(2), 17-231(A)(3), 17-231(B)(8), 17-238(A), 17-239(D), 17-240(A), 17-306, and 41-1005

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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

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" means the use of a trained raptor to scare, flush, or haze wildlife to manage depredation or other damage, including threats to human health and safety, caused by the wildlife.

"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.

"Hybrid" has the same meaning as prescribed under 50 CFR 21.3, revised October 1, 2023. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

"Imping" means using a molted feather to replace or repair a damaged or broken feather.

"Imprint" has the same meaning as prescribed under 50 CFR 21.3, revised October 1, 2023. This incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

"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.

"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.

B. An Arizona Sport Falconry license permits a person to capture, possess, train, and transport a raptor for the purpose of sport falconry in compliance with the Migratory Bird Treaty Act and the Endangered Species Act of 1973.

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.

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 CFR Part 10.13, revised October 1, 2023, 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. The sport falconry license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:

1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
3. 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 land owner or land management agency.

G. The Department shall deny a sport falconry license to a person who fails to meet the requirements established under R12-4-409, or this Section. The Department shall provide a written notice to an applicant stating the reason for the denial. The person may appeal the denial to the Commission 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 person:

1. Apprentice level license:
   a. An Apprentice falconer shall:
      i. Be at least 12 years of age; and
      ii. Have a written statement from a sponsor who is a licensed Master Falconer or a General Falconer while practicing falconry as an apprentice. The written statement shall meet the requirements established under subsection (K)(3)(a)(vi). 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)(vi).
   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. Species listed under 50 CFR 17.11, revised October 1, 2023, and subspecies,
      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*).
      viii. For the purposes of subsection (H)(1)(c)(i), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.
2. General level license:
   a. A General falconer shall:
      i. Be at least 16 years of age; and
      ii. Have submit a written statement provided by the Apprentice Falconer's sponsor, stating that the General falconer 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 program or education to shorten the two-year Apprentice period.
   b. A General falconer may possess:
      i. Up to three raptors at a time for use in falconry; and
      ii. Up to the total number of federally permitted or sub-permitted raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
   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;
      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; and
      iv. Up to the total number of federally permitted abatement or propagation raptors as indicated on the Master falconer's respective federal abatement or propagation permit.
   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. Proof the licensed falconer has experience in handling large raptors such as, but not limited to, ferruginous hawks (*Buteo regalis*) and goshawks (*Accipter gentilis*);
      ii. Information regarding the raptor species, to include the type and duration of the activity in which the experience was gained; and
      iii. Written statements of reference from two persons who have experience handling or flying large raptors such as, but not limited to, eagles, ferruginous hawks, and goshawks. Each written statement shall contain a concise history of the author's experience with large raptors, and an assessment of the applicant's ability to care for and fly an eagle in falconry.

I. A sponsor shall:
1. Be at least 18 years of age.
2. Have practiced falconry as a Master or General falconer for at least two years.
3. Sponsor no more than three apprentices at any one time.
4. Notify the Department within 30 consecutive days after a sponsorship is terminated.
5. Determine the appropriate species of raptor for possession by an apprentice.
6. Provide instruction to the Apprentice falconer pertaining to:
   a. Husbandry, training, and trapping of raptors held for falconry;
   b. Hunting with a raptor; and
   c. Relevant wildlife laws and regulations.

J. A falconer licensed in another state or country is exempt from obtaining an Arizona Sport Falconry license under R12-4-407(B)(9), unless the falconer remains 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 in order to continue practicing sport falconry in this state. The falconer licensed in another state or country shall present a copy of the out-of-state or out-of-country falconry license, or its equivalent, to the Department upon request.
1. A falconer licensed in another state shall:
   a. Comply with all applicable state and federal falconry regulations,
   b. Possess only those raptors authorized under the out-of-state sport falconry license, and
   c. Provide a health certificate for each raptor possessed under the out-of-state sport falconry license when the raptor is present in this state for more than 30 consecutive days see subsection (O)(5).
2. A falconer licensed in another country may possess, train, and use for falconry only those raptors authorized under the out-of-country sport falconry license, provided the import of that species into the United States 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 pass the examination required under subsection (N), ensure their raptor housing facility is inspected and meets the requirements established under subsection (M), and submit an application to the Department. The application is furnished by the Department and is available at any Department office and on the Department's website.
1. An applicant shall provide the following information on the application:
a. Falconry level desired;
b. Name;
c. Date of birth;
d. Mailing address;
e. Telephone number, when available;
f. Department I.D. number;
g. Applicant's physical description, to include the applicant's eye color, hair color, height, and weight;
h. Arizona hunting license number, when available;
i. Number of years of experience as a falconer;
j. Current Falconry license level;
k. Physical address of a housing facility when the raptor is kept at another location, when applicable;
l. 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
m. The certification required under R12-4-409(C);
n. Parent or legal guardian's signature, when the applicant is under the age of 18;
o. Date of application; and
p. Any other information required by the Department.
2. An applicant shall certify that the applicant has read and is familiar with applicable state laws, rules, and 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), a person 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,
v. Telephone number, and
vi. 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 with his or her own raptors for at least five years.

L. An applicant for any level Sport Falconry license shall pay all applicable fees required under R12-4-412.

M. The Department shall inspect the applicant's raptor housing facilities, materials, and equipment to verify compliance with 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 housing facility are present at the time of inspection.
1. The Department may inspect a housing facility, equipment, raptors, or records:

a. At any time before or during the license period to determine compliance with this Section,
b. After a change of location, when the Department cannot verify the housing facility is the same facility as the one approved by a previous inspection, or
c. Prior to the acquisition of a new species or addition of another raptor when the previous inspection does not indicate the housing facilities can accommodate a new species or additional raptor.
d. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.

2. A licensed falconer shall notify the Department no more than five business days after changing the location of a housing facility.
3. When a housing 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 housing facility at any reasonable time of day and in the presence of the licensed falconer.
4. A licensed falconer shall ensure the housing facility:
   a. Provides a healthy and safe environment,
   b. Is designed to keep predators and domestic animals 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(I):
   a. A licensed falconer shall ensure housing facilities where raptors are held:
      i. Has a suitable perch that is protected from extreme temperatures, wind, and excessive disturbance for each raptor;
      ii. Has at least one opening for sunlight; and
      iii. Has 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. A nestling may be kept in any suitable container or enclosure until it is capable of flight.
   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 housing 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;
      v. Suitable equipment that protects the raptor from extreme temperatures, wind, and excessive disturbance while transporting or housing a raptor when away from the permanent housing facility where the raptor is kept; and
      vi. 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 nestlings, 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 housing 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 housing 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 housing facility prior to the end of the 30-day period. The Department may inspect a temporary housing facility as established under R12-4-409(J).

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. A person 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. A person 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.
   c. Examinations are provided by appointment only.
   d. An applicant may request a verbal or written examination.
   e. An applicant who fails the examination must wait at least 15 days before retaking it. If the applicant fails a second time, they must wait 30 days before a third attempt. All exam dates must be scheduled in agreement with the exam administrator.
   f. Each examination may only be taken a maximum of three times during each calendar year.
   g. The examination shall not be returned to the applicant at any time.

O. A licensed falconer shall:
1. Submit a paper copy of the 3-186A form to report 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.
2. Submit a copy of the falconer's federal propagation report, when applicable.
3. Submit a copy of the falconer's federal abatement report, when applicable.
4. Upon discovering the theft of a raptor, the falconer shall immediately report the theft of a raptor to the Department and USFWS by:
   a. Contacting the Department's regional office within 48 hours; and
   b. Submitting the electronic 3-186A form within 10 days.
5. When importing a raptor into Arizona that will remain in Arizona for 30 or more days, provide a health certificate issued not more than 30 consecutive days:
   a. Prior to the international importation, or
   b. Prior to or after the inter-state importation.

P. A licensed falconer shall print and maintain copies of all required 3-186A form and associated documents for each abatement, falconry, and propagation raptor possessed by the falconer, as applicable. The falconer shall retain copies of all required documents for a period of five years from the date on which the raptor left the falconer's possession.

Q. A licensed falconer or a person 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 short-term combination hunting and fishing 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 nestling 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 capturing falconer shall return the recaptured raptor to the falconer of record. The raptor shall not count towards the capturing falconer's take or possession limits, provided the capturing 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 requirement 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 and the Department:
    a. Species,
    b. Band or tag number,
    c. Location of the capture, and
    d. Date of capture.
    e. A person can report the capture of a raptor wearing a research band or tag to BBL by submitting information regarding the capture online at the BBL website.
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 Parts 21 and 22. The Master falconer may:

a. Capture a golden eagle or an immature or sub-adult golden eagle during the time a livestock depredation area and associated depredation permit or depredation control order are in effect as declared by USDA Wildlife Services and permitted under 50 CFR 22.23, or upon the request of the Arizona Governor pursuant to 50 CFR 22.31 and 22.32.
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 or by the biologist and transferred to a person 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 et seq., 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 seamless metal band furnished by USFWS, as prescribed under 50 CFR 21.30.
5. 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).

1. The falconer shall submit a written request to the Department.
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 and any other falconry equipment 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 abatement conducted with a falconry raptor or federally permitted abatement raptor. The falconer shall apply for and obtain all required federal permits prior to conducting any abatement activities. The falconer shall comply with the reporting requirement under subsection (O). A General falconer may conduct abatement activities 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 and a copy of USFWS form 3-186A that shows that the licensed falconer is the possessor of each raptor. The statement shall also include the temporary possession period and activities the caretaker may conduct with the raptor. a The raptor under temporary care shall not count toward the caretakers 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 General or Master falconer may assist any federally licensed wildlife rehabilitator in conditioning a raptor the licensed falconer is authorized to possess 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 R12-4-423(T), 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(U), 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 education program presented in a public venue. An Apprentice falconer, under the direct supervision of a General or Master falconer, may use a lawfully possessed raptor in a conservation education program presented in a public venue. The primary use for a raptor is falconry; a licensed falconer shall not possess a raptor solely for the purpose of providing a conservation education program. 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 providing the program. As a condition of the Sport Falconry License, the licensed falconer agrees to indemnify the Department, its officers, and employees. The falconer is liable for any damages associated with the conservation education activities.

CC. A licensed falconer may allow the photography, filming, or similar uses of a falconry raptor possessed by the licensed falconer, provided:

1. The falconer is not compensated for these activities; 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 related to falconry; or
    d. Is used in scientific research or science publications.

DD. A licensed falconer may use or dispose of lawfully possessed falconry raptor feathers. A falconer shall not buy, sell, or barter falconry raptor feathers. A falconer may possess feathers for imping from each species of raptor that the falconer currently possesses or has 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 United States.

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 permit requirement under 50 CFR 21.12, or
   c. A non-eagle feather repository. The Department may provide information regarding the submittal of falconry raptor feathers to a non-eagle feather repository.
3. A licensed falconer shall gather primary and secondary flight feathers or retrices that are molted 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 Arsenal, 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. A licensed falconer may conduct any of the following activities with any captive-bred raptor provided the raptor is wearing a seamless band and the person receiving the raptor possesses an appropriate special license:
1. Barter,
2. Offer for barter,
3. Gift,
4. Purchase,
5. Sell,
6. Offer for sale, or
7. Transfer.

FF. 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.

GG. A licensed falconer may transfer:
1. Any wild-caught falconry raptor lawfully captured in Arizona 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 (*Accipiter 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 transfer.
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, to another permit type at any time. The licensed falconer shall provide a copy of the documentation from the veterinarian stating that the raptor is not useable in falconry to the Federal Migratory Bird Permits office that administers the other permit type.

HH. A licensed falconer shall not transfer a wild-caught raptor species to a licensed falconer in another state for at least one year from the date of capture if either resident or nonresident take is managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system. However, a licensed falconer may transfer a wild-caught raptor that is not managed through Commission Order by way of a permit-tag, nonpermit-tag, or annual harvest quota system to a licensed falconer in another state at any time.

II. A surviving spouse, executor, administrator, or other legal representative of a deceased or incapacitated licensed falconer shall transfer any raptor held by the licensed falconer to another licensed falconer no more than 90 consecutive days after the death of the falconer. The Department shall determine the disposition of any raptor not transferred prior to the end of the 90-day period.

JJ. 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. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.

2. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository;
3. 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;
4. 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.
5. A license holder submitting a carcass or parts of a carcass of any raptor that has been euthanized shall ensure a tag indicating the raptor was euthanized is attached to the carcass or parts of the carcass before submitting it to the National Eagle Repository or non-eagle repository, as applicable.

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(B)(8), 17-234, 17-235, 17-236(B), 17-238(A), 17-306, 17-307, 17-331, 17-333, 17-371(D), 25-320(P), and 41-1005

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 effective April 4, 1997 (Supp. 97-2). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 18 A.A.R. 958, effective January 1, 2013 (Supp. 12-2). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-423. Wildlife Rehabilitation License

A. For the purposes of this Section, "volunteer" means a person who:
1. Is not designated as an agent, as defined under R12-4-401,
2. Assists a wildlife rehabilitation license holder without compensation, and
3. Is under the direct supervision of the license holder at the location specified on the wildlife rehabilitation license.

B. A wildlife rehabilitation license is issued for the sole purpose of restoring and returning wildlife to the wild through rehabilitative services. The license allows a person 18 years of age or older to conduct any of the following activities with live injured, disabled, orphaned or otherwise debilitated wildlife specified on the rehabilitation license:
1. Capture;
2. Euthanize;
3. Export to a licensed zoo, when authorized by the Department;
4. Receive from the public;
5. Rehabilitate;
6. Release;
7. Temporarily possess;
8. Transport; or
9. Transfer to one of the following:
   a. Licensed veterinarian for treatment or euthanasia;
   b. Another appropriately licensed special license holder;
   c. Licensed zoo, when authorized by the Department; or
10. As otherwise directed in writing by the Department.

C. A wildlife rehabilitation license authorizes the possession of the following taxa or species:
1. Amphibians;
2. Reptiles;
3. Birds:
   a. Non-passerines, birds in any order other than those named in subsections (b) through (e);

b. Birds in the orders *Falconiformes* or *Strigiformes*, raptors;
c. Birds in the order, *Galliformes* quails and turkeys;
d. Birds in the order *Columbiformes*, doves;
e. Birds in the order *Trochiliformes*, hummingbirds; and
f. Birds in the order *Passeriformes*, passerines;

4. Mammals:
a. Nongame mammals;
b. Bats;
c. Big game mammals other than cervids: bighorn sheep, bison, black bear, javelina, mountain lion, pronghorn;
d. Carnivores: bobcat, coati, coyote, foxes, raccoons, ringtail, skunks, and weasels; and
e. Small game mammals.

D. A wildlife rehabilitation license authorizes the possession of the following taxa or species only when specifically requested at the time of application:
1. Eagles;
2. Species listed under 50 CFR 17.11, revised October 1, 2023; and
3. The Department's Tier 1 Species of Greatest Conservation Need, as defined under R12-4-401.
4. For the purposes of subsection (D)(2), this incorporation by reference contains no future editions or amendments. The incorporated material is available at any Department office, online at www.gpo.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000.

E. All wildlife held under the license is the property of the state and shall be surrendered to the Department upon request.

F. The wildlife rehabilitation license expires on the last day of the third December from the date of issuance.

G. In addition to the requirements established under this Section, a wildlife rehabilitation license holder shall comply with the special license requirements established under R12-4-409.

H. The Department shall deny a wildlife rehabilitation license to a person who fails to meet the requirements and criteria established under R12-4-409, R12-4-428, or this Section or when the person's wildlife rehabilitation license is suspended or revoked in any state. The Department shall provide the written notice established under R12-4-409 to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

I. The wildlife rehabilitation license holder shall be responsible for compliance with all applicable regulatory requirements; the license does not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations;
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license; or
3. Authorize the license holder to conduct any activities that constitutes the practice of veterinary medicine as prescribed under A.R.S. § 32-2231 whether or not a fee, compensation, or reward is directly or indirectly promised, offered, expected, received or accepted, unless the license holder is currently licensed to practice veterinary medicine in the state of Arizona.

J. Before applying for a wildlife rehabilitation license, a person shall correctly answer at least 80% of the questions on the Department administered written 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.
1. The examination shall include questions regarding:
a. Wildlife rehabilitation;
b. Safe handling of wildlife;
c. Transporting wildlife;
d. Humane treatment;
e. Nutritional requirements;
f. Behavioral requirements;
g. Developmental requirements;
h. Ecological requirements;
i. Habitat requirements;
j. Captivity standards established under R12-4-428;
k. Human and wildlife safety considerations;
l. State statutes, rules, and regulations regarding wildlife rehabilitation; and
m. Standards for Wildlife Rehabilitation, National Wildlife Rehabilitation Association and International Wildlife Rehabilitation Council's minimum standards for wildlife rehabilitation.

2. Examinations are provided by appointment only.
3. An applicant may request a verbal or written examination.
4. An applicant who fails the examination must wait at least 15 days before retaking it. If the applicant fails a second time, they must wait 30 days before a third attempt. All exam dates must be scheduled in agreement with the exam administrator.
5. Each examination may only be taken a maximum of three times during each calendar year.
6. The examination shall not be returned to the applicant at any time.
7. The applicant must successfully complete the examination within three years prior to the date on which the initial application for the license is submitted to the Department.

K. An applicant for a wildlife rehabilitation license shall submit an application to the Department. The application is furnished by the Department and is available at any Department office and on the Department's website. The applicant shall provide the following information on the application:

1. The applicant's information:
   a. Name;
   b. Date of birth;
   c. Mailing address;
   d. Telephone number;
   e. Housing facility address, if different from mailing address;
   f. Physical address or general location description and Global Positioning System location; and
   g. Customer ID number, when applicable;
2. The wildlife taxa or species listed under subsection (C) that will be possessed under the license;
3. For each location where the applicant proposes to use wildlife, the land owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical address or general location description and Global Positioning System location;
4. A detailed description, diagram, and photographs of the housing facility where the applicant will hold the wildlife, and a description of how the housing facility complies with the captivity standards established under this Section;
5. Any other information required by the Department; and
6. The certification required under R12-4-409(C).

L. In addition to the requirements listed under subsection (K), at the time of application, an applicant for a wildlife rehabilitation license shall also submit:

1. Any one or more of the following:
   a. A valid, current license issued by a state veterinary medical examination authority that authorizes the applicant to practice as a veterinarian;
   b. Proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week for the taxa or species of animal listed on the application; or
   c. A current and valid license, permit, or other form of authorization issued by another state or the federal government that allows the applicant to perform wildlife rehabilitation;
2. Proof the applicant successfully completed the examination required under subsection (J) no more than three years prior to submitting the initial application;
3. An affidavit signed by the applicant affirming either of the following:
   a. The applicant is a licensed veterinarian; or
   b. A licensed veterinarian is reasonably available to provide veterinary services as necessary to facilitate rehabilitation of wildlife.
4. A written statement describing:
   a. The applicant's preferred method of disposing of non-releasable live wildlife as listed under subsection (B); and
   b. The applicant's training and experience in handling, capturing, rehabilitating, and caring for the taxa or species when the applicant is applying for a license to perform authorized activities with taxa or species of wildlife listed under subsection (C).

M. A wildlife rehabilitation license holder who wishes to continue activities authorized under the license shall renew the license before it expires.

1. When renewing a license without change to the species, location, or design of the facility where wildlife is held as authorized under the current license, the license holder may reference supporting materials previously submitted in compliance with subsection (K).
2. A license holder applying for a renewal of the license shall successfully complete the examination at the time of renewal when the annual report submitted under subsection (Z) indicates the license holder did not perform any

rehabilitative activities under the license.

3. A license holder applying for a renewal of the license shall submit proof the license holder has completed the continuing education requirement established under subsection (N).

N. During the license period a wildlife rehabilitation license holder shall complete eight or more hours of continuing education sessions on wildlife rehabilitation or veterinary medicine. Acceptable continuing education sessions may be obtained from:

1. An accredited university or college;
2. The National Wildlife Rehabilitators Association, 8400 Normandale Lake Blvd. Suite 920, St. Cloud, MN 55347;
3. The International Wildlife Rehabilitation Council, PO Box 3197, Eugene, OR 97403; or
4. Other applicable training opportunities approved by the Department in writing. A license holder who wishes to use other applicable training to meet the eight hour continuing education requirement shall request approval of the other applicable training prior to participating in the education session.

O. At the time of application, a wildlife rehabilitation license holder may request authorization to allow an agent to assist the license holder in carrying out activities authorized under the wildlife rehabilitation license by submitting a written request to the Department.

1. An applicant may request the ability to allow a person to act as an agent on the applicant's behalf, provided:
   a. An employment or supervisory relationship exists between the applicant and the agent,
   b. The agent submits proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week, and
   c. The agent's privilege to take or possess live wildlife is not suspended or revoked in any state.
   d. An agent shall allow the Department to conduct inspections of an agent's facility when the agent intends to possess wildlife for more than 48 hours. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
2. The license holder shall obtain approval from the Department prior to allowing the agent assist in any activities.
3. The license holder is liable for all acts the agent performs under the authority of this Section.
4. The Department, acting on behalf of the Commission, may suspend or revoke a license for violation of this Section by an agent.
5. The license holder shall ensure the agent possesses a legible copy of the license while conducting any activity authorized under the wildlife rehabilitation license and presents it for inspection upon the request of any Department employee or agent.

P. At any time during the license period, a wildlife rehabilitation license holder may request permission to amend the license to add or delete an agent or a location where wildlife is held; or to obtain authority to rehabilitate additional taxa of wildlife. To request an amendment, the license holder shall submit the following information to the Department, as applicable:

1. To add or delete an agent, the information stated in subsections (K)(1) through (K)(4) as applicable to the agent, and proof of at least six months of experience performing wildlife rehabilitative work with an average of at least eight hours each week;
2. To add or delete a location, the information stated in subsection (K)(1) through (K)(5); and
3. To obtain authority to rehabilitate additional taxa or wildlife, the information stated in subsection (K)(1) through (K)(5) and (L)(1) through (L)(4).

Q. A wildlife rehabilitation license holder authorized to rehabilitate wildlife species listed under subsection (C)(3)(c), (C)(4)(c) and (C)(4)(d) or (D) shall contact the Department within 24 hours of receiving the individual animal to obtain instructions in handling or transferring that animal. While awaiting instructions, the license holder shall ensure that emergency veterinary care is provided as necessary.

R. A wildlife rehabilitation license holder shall:

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Maintain records associated with the license for a period of five years following the date of disposition.
3. Allow the Department to conduct inspections of an applicant's or license holder's facility and records at any time before or during the license period to determine compliance with the requirements of this Article. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
4. Ensure each facility is inspected by the attending veterinarian at least once every year.
5. Capture, remove, transport, and release wildlife held under the requirements of this Section in a manner that is least likely to cause injury to the affected wildlife.
6. Conduct rehabilitation only at the location listed on the license.
7. Be responsible for all expenses incurred, including veterinary expenses, and all actions taken under the license, including all actions or omissions of all agents and volunteers when performing activities under the license.
8. Immediately surrender wildlife held under the license to the Department upon request.

9. Dispose of all wildlife that is euthanized or that otherwise dies within 30 days of death either by burial, incineration, or transfer to a scientific research institution, except that the license holder shall transfer all carcasses of endangered or threatened species, species listed under the Department's Tier 1 Species of Greatest Conservation Need, or eagles as directed by the Department.
10. Maintain a current log that records the information specified under subsection (Z).
11. Possess the license or legible copy of the license at each authorized location and while conducting any rehabilitation activities and present it for inspection upon the request of any Department employee or agent.
12. Ensure a copy of the wildlife rehabilitation license accompanies each transfer or shipment of wildlife.
13. Dispose of any raptor suspected or confirmed with West Nile Virus or poisoning, except for lead poisoning, by incineration.
14. Except as specified under subsection (R)(12), transfer the carcass or parts of the carcass of a deceased raptor as follows:
    a. For a bald or golden eagle, send the entire body, including all feathers, talons, and other parts, to the National Eagle Repository, see https://www.fws.gov/eaglerepository/factsheets.php;
    b. For any euthanized non-eagle raptor, to prevent secondary poisoning of other wildlife, either submit the carcass to a non-eagle repository or burn, bury, or otherwise destroy the carcass;
    c. For all other species:
        i. Submit the carcass to a non-eagle repository;
        ii. Submit the carcass to the Department for submission to a non-eagle repository.

S. A wildlife rehabilitation license holder shall not:
1. Display for educational purposes any wildlife held under the license.
2. Exhibit any wildlife held under the license.
3. Permanently possess any wildlife held under the license.

T. A wildlife rehabilitation license holder may possess all wildlife for no more than 90 days. Except a bird may be possessed for no more than 180 days, unless the Department has authorized possession for a longer period of time.

U. A license holder may request permission to possess wildlife for a longer period of time than specified in subsection (T) by submitting a written request to the Department.
1. The Department shall approve or deny the request within ten days of receiving the request.
2. For requests made due to a medical necessity, the Department may require the license holder to provide a written statement listing the medical reasons for the extension, signed by a licensed veterinarian.
3. The license holder may continue to hold the specified wildlife while the Department considers the request.
4. If the request is denied, the Department shall send a written notice to the license holder which shall include specific, time-dated directions for the surrender or disposition of the animal.

V. A wildlife rehabilitation license holder who also possesses a federal rehabilitator license may allow a licensed falconer to assist in conditioning a raptor in preparation for the raptor's release to the wild.
1. The license holder may allow the licensed falconer to temporarily remove the raptor from the license holder's facility while conditioning the raptor.
2. The license holder shall provide the licensed falconer with a written statement authorizing the falconer to assist the license holder.
3. The written statement shall identify the raptor by species, type of injury, and band number, when available.
4. The license holder shall ensure the licensed falconer returns the raptor to the license holder within the 180-day period established under subsection (T).

W. 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 prepare the wildlife for release. Rehabilitated wildlife shall be released:
1. In an area without immediate threat to the wildlife or contact with humans;
2. During an ecologically appropriate time of year and time of day; and
3. Into a suitable habitat in the same geographic area where the animal was originally obtained; or
4. In an area designated by the Department.

X. Wildlife that is not releasable after the time-frames specified in subsection (T) shall be transferred, disposed of, or euthanized as determined by the Department.

Y. To permanently hold rehabilitated wildlife declared unsuitable for release by a licensed veterinarian, a wildlife rehabilitation license holder shall apply for and obtain a wildlife holding license in compliance with under R12-4-417.

Z. A wildlife rehabilitation license holder shall submit an annual report to the Department by January 31 of each year, but not earlier than January 1, for the previous calendar year. The report form is furnished by the Department.
1. A report is required regardless of whether or not activities were performed during the previous year.
2. The wildlife rehabilitation license becomes invalid if the annual report is not submitted to the Department by

January 31 of each year.

3. The Department will not process the special license holder's renewal application until the annual report is received by the Department.
4. The annual report shall contain the following information:
   a. The license holder's:
      i. Name;
      ii. Mailing address; and
      iii. Telephone number;
   b. Each agent's:
      i. Name;
      ii. Mailing address; and
      iii. Telephone number;
   c. The permit or license number of any federal permits or licenses that relate to any rehabilitative function performed by the license holder;
   d. For activities related to federally-protected wildlife, a copy of the rehabilitator's federal permit report of activities related to federally-protected wildlife; and
   e. 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:
      i. Species;
      ii. Condition that required rehabilitation;
      iii. Date of acquisition;
      iv. Source of acquisition;
      v. Location of acquisition;
      vi. Age class at acquisition, when reasonably determinable;
      vii. Status at disposition or end-of-year in relation to the condition requiring rehabilitation;
      viii. Method of disposition;
      ix. Location of disposition; and
      x. Date of disposition.

AA. A wildlife rehabilitation license holder shall comply with the requirements established under R12-4-409, R12-4-428, and R12-4-430, as applicable.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), 17-238(A), 17-240(A), 17-306, and 41-1005

Historical Note

Adopted effective January 4, 1990 (Supp. 90-1). 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 7 A.A.R. 2732, effective July 1, 2001 (Supp. 01-2). Amended 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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-424. White Amur Stocking License; Restocking License

A. For the purposes of this Section:
"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 entering or exiting the system by any natural or man-made barrier, as determined by the Department.
"Triploid" means a species having three homologous sets of chromosomes that renders the individuals sterile.

B. A white amur stocking or restocking license allows a person to import, possess, stock in a closed aquatic system, and transport triploid white amur (*Ctenopharyngodon idella*).

C. The white amur stocking or restocking license is valid for no more than 20 consecutive days.

D. In addition to the requirements established under this Section, a white amur stocking or restocking license holder shall comply with the special license requirements established under R12-4-409.

E. The white amur stocking or restocking license holder shall be responsible for compliance with all applicable regulatory requirements; the licenses do not:
1. Exempt the license holder from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the license holder to engage in authorized activities using federally-protected wildlife, unless the license

holder possesses a valid license, permit, or other form of documentation issued by the United States authorizing the license holder to use that wildlife in a manner consistent with the special license.

F. The Department shall deny a white amur stocking or restocking license to a person who fails to meet the requirements established under R12-4-409 or this Section. The Department shall provide the written notice established under R12-4-409(F)(4) to the applicant stating the reason for the denial. The person may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10. In addition to the requirements and criteria established under R12-4-409(F)(1) through (4), the Department shall deny a white amur stocking or restocking license when it determines the issuance of the license may result in a negative impact on native wildlife.

G. An applicant for a white amur stocking or restocking license shall submit an application to the Department. A separate application is required for each location where the applicant proposes to stock white amur. The application is furnished by the Department and is available from any Department office and on the Department's website. The applicant shall provide the following information on the application:

1. The applicant's information:
   a. Name;
   b. Mailing address;
   c. Telephone number; and;
   d. Customer ID number, when applicable;
2. For each location where the white amur will be held, stocked, or restocked, the land owner's:
   a. Name;
   b. Mailing address;
   c. Telephone number; and
   d. Physical address or general location description and Global Positioning System location;
   e. For the purposes of this subsection, the following systems may qualify as separate locations, as determined by the Department:
      i. Each closed aquatic system;
      ii. Each separately managed portion of a closed aquatic system; or
      iii. Multiple separate closed aquatic systems owned, controlled, or legally held by the same applicant where stocking is to occur;
3. A detailed description and diagram of each enclosed aquatic system where the applicant will stock and hold the white amur, as prescribed under A.R.S. § 17-317, which shall include the following information, as applicable:
   a. A description of how the system meets the definition of a "closed aquatic system" in subsection (A);
   b. Size of waterbody proposed for stocking;
   c. Nearest river, stream, or other freshwater system;
   d. Points where water enters into each water body;
   e. Points where water leaves each water body; and
   f. Location of fish containment barriers;
4. For each wildlife supplier from whom the applicant will obtain white amur, the supplier's:
   a. Name;
   b. Mailing address; and
   c. Telephone number;
5. The number and average length of white amur to be stocked;
6. The dates white amur will be stocked, or restocked;
7. Any other information required by the Department; and
8. The certification required under R12-4-409(C).

H. When the Department determines an applicant proposes to stock white amur in a watershed in a manner that conflicts with the Department's efforts to conserve wildlife, in addition to the requirements listed under subsection (G), the applicant shall also submit a written proposal to the Department at the time of application. The written proposal shall contain all of the following:

1. Anticipated benefits from introducing white amur;
2. Potential risks introducing white amur may create for wildlife, including:
   a. Whether white amur are compatible with native aquatic species or game fish; and
   b. Method for evaluating the potential impact introducing white amur will have on wildlife;
3. Assessment of probable impacts to sensitive species in the area using the list generated by the Department's Online Environmental Review Tool, which is available on the Department's website. The proposal must address each species listed.

I. A person may apply for a white amur restocking license provided there are no changes to the closed aquatic system. The restocking application license application must include the inspection certification from the supplier of white amur as

required under subsection (K)(2).

J. A person applying for a white amur stocking or restocking license shall pay all applicable fees as prescribed under R12-4-412.

K. A white amur stocking and restocking license holder shall comply with the requirements established under R12-4-409.

1. Comply with all additional stipulations placed on the license by the Department, as authorized under R12-4-409(H).
2. Obtain all aquatic wildlife, live eggs, fertilized eggs, and milt from a licensed fish farm operator or a private noncommercial fish pond certified free of the diseases and causative agents through the following actions:
   a. An inspection shall be performed by a qualified fish health inspector or fish pathologist at the fish farm or pond where the aquatic wildlife or biological material is held before it is shipped to the license holder.
   b. The inspection shall be conducted no more than 12 months prior to the date on which the aquatic wildlife or biological material is shipped to the license holder. The Department may require additional inspections at any time prior to stocking.
   c. The applicant shall submit a copy of the certification to the Department prior to conducting any stocking activities.
3. Maintain records associated with the license for a period of five years following the date of disposition.
4. Allow the Department to conduct inspections of an applicant's or license holder's facility, records, and any waters proposed for stocking at any time before or during the license period to determine compliance with the requirements of this Article and to determine the appropriate number of white amur to be stocked. The Department shall comply with A.R.S. § 41-1009 when conducting inspections at a license holder's facility.
5. Ensure all shipments of white amur are accompanied by a USFWS, or similar agent, certificate confirming the white amur are triploid.
6. Possess the license or legible copy of the license while conducting any activities authorized under the white amur stocking or restocking license and present it for inspection upon the request of any Department employee or agent.

L. A white amur stocking or restocking license holder shall comply with the requirements established under R12-4-409.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-102, 17-231(A)(2), 17-231(A)(3), 17-238(A), 17-240(A), 17-306, and 41-1005

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 15, 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 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). 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 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). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-425. Restricted Live Wildlife Lawfully Possessed without License or Permit Before the Effective Date of Article 4 or Any Subsequent Amendments

A. A person 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 R12-4-406, this Section, or this Article may continue to possess the wildlife and to use it for any purpose that was lawful, except propagation, before the effective date of R12-4-406, this Section, or this Article or any subsequent amendments, provided the person complies with the requirements established under subsections (A)(1) or (A)(2).

1. The person submits written notification to the Department's regional office in which the restricted live wildlife is held. The person shall submit the written notification to the regional office within 30 calendar days of the effective date of any subsequent amendments to this Section, R12-4-406, or this Article. The written notification shall include all of the following information:
   a. The number of individuals of each species,
   b. The purpose for which it is possessed, and
   c. The unique identifier for each individual wildlife possessed by the person, as established under subsection (F); or
2. The person maintains documentation of the restricted live wildlife held. The documentation shall include:

a. The number of individuals of each species,
b. Proof the individuals were legally acquired before the effective date of the amendment causing the wildlife to be restricted,
c. The purpose for which it is used, and
d. The unique identifier for each wildlife possessed by the person, as established under subsection (F).

3. The person shall report the birth or hatching of any progeny conceived before and born after the effective date of this Section, R12-4-406, or this Article to the Department and comply with the requirements established under subsection (F).

B. The person shall ensure the written notification described under subsection (A)(1) and (A)(2) includes the person's name, address, and the location where the wildlife is held. A person who maintains their own documentation under subsection (A)(2) shall make it available to the Department upon request.

C. The person shall retain the documentation required under subsections (A)(1) and (A)(2) until the person disposes of the wildlife as described under subsection (D).

D. A person who possesses wildlife under this Section shall dispose of it using any one of the following methods:
1. Exportation;
2. Euthanasia;
3. Transfer to an Arizona special license holder, provided the special license authorizes possession of the species involved; or
4. As otherwise directed by the Department in writing.

E. If a person transfers restricted live wildlife possessed under this Section to a special license holder:
1. The exemption for that wildlife under this Section expires, and
2. The special license holder shall use, possess, and report the wildlife in compliance with this Article and any stipulations applicable to that special license.

F. A person who exports wildlife held under this Section shall not import the wildlife back into this state unless the person obtains a special license prior to importing the wildlife back into this state.

G. A person who possesses wildlife under this Section shall permanently and uniquely mark the wildlife with a unique identifier as follows:
1. Within 30 calendar days of the effective date of this Section, R12-4-406, or this Article if the person has notified the Department as provided under subsection (A)(1); or
2. Within 30 calendar days of receiving written notice from the Department directing the person to permanently mark the wildlife.

H. A person possessing a Sonoran desert tortoise (*Gopherus morafkai*) is not subject to the requirements of this Section and shall comply with requirements established under R12-4-404 and R12-4-407.

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(B)(8), 17-234, 17-238(A), 17-240(A), and 17-306

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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

R12-4-426. Possession of Nonhuman Primates

A. A person is prohibited from possessing a nonhuman primate, unless authorized under a special license or lawful exemption.

B. A person shall not import a nonhuman primate into this state unless:
1. A person lawfully possessing a nonhuman primate shall ensure the primate is tested and reported to be free of any zoonotic disease 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;
c. Simian Immunodeficiency Virus;
d. Simian T Lymphotropic Virus; and
e. Gastrointestinal pathogens such as, but not limited to, Shigella, Salmonella, E. coli, and Giardia.
2. A qualified person, as determined by the Department, performs the test and provides the test results; and
3. The tests required under subsection (B)(1) are:
a. Conducted no more than 30 days before the person imports the nonhuman primate; and

b. The person submits the results to the Department prior to importation.

C. A person lawfully possessing the nonhuman primate shall contain the primate within the confines of the person's private property or licensed facility.

D. A person possessing a nonhuman primate may only transport the primate by way of a secure cage, crate, or carrier. A person possessing a primate shall only transport the primate to the following locations:
1. To or from a licensed veterinarian;
2. Into or out of the state for lawful purposes.

E. A person lawfully possessing a nonhuman primate that bit, scratched, or otherwise exposed a human to pathogenic organisms, as determined by the Department, shall ensure the primate is examined and laboratory tested for the presence of pathogens as follows:
1. The Department shall prescribe examinations and laboratory testing for the presence of pathogens.
2. The person shall have the nonhuman primate examined by a state licensed veterinarian who shall perform any examinations or laboratory tests as directed by the Department.
   a. The licensed veterinarian shall provide the laboratory results to the Department within 24 hours of receiving the results.
   b. The Department shall notify the exposed person and the Department of Health Services, Vector Borne and Zoonotic Disease Section within 10 days of receiving notice of the test results.
3. The person possessing the nonhuman primate shall pay all costs associated with the examination, laboratory testing, and maintenance of the primate.

F. A person lawfully possessing a nonhuman primate shall ensure 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, is maintained in captivity or disposed of as directed in writing by the Department.

G. A zoo license holder or a person using nonhuman primates at a research facility, as defined under R12-4-401, possessing a primate that bit, scratched, or otherwise exposed a human to pathogenic organisms shall quarantine and test the primate in accordance with procedures approved by the Department.

H. A person lawfully possessing a nonhuman primate is subject to the requirements established under R12-4-428.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(2), 17-231(A)(3), 17-231(B)(8), 17-234, 17-238(A), and 17-306

Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Rule expired December 31, 1989; text rescinded (Supp. 93-2). New Section adopted by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Amended by final rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Section R12-4-426(C) corrected to include subsection (C)(1), under A.R.S. § 41-1011 and A.A.C. R1-1-108, Office File No. M11-77, filed March 4, 2011 (Supp. 10-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4).

R12-4-427. Exemptions from Requirements to Possess a Wildlife Rehabilitation License

A. A person 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*: non-Migratory Bird Treaty Act listed passerine birds;
2. The order *Columbiformes*: non-Migratory Bird Treaty Act listed doves;
3. The family *Phasianidae*: quail, pheasant, and chukars;
4. The order *Rodentia*: rodents; and
5. The order *Lagomorpha*: hares and rabbits.

B. This Section does not:
1. Exempt the person from any municipal, county, state, or federal codes, ordinances, statutes, rules, or regulations; or
2. Authorize the person to engage in authorized activities using federally-protected wildlife, unless the person 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.

C. This Section does not authorize the possession of any of the following:
1. Eggs of wildlife;
2. Wildlife listed as Species of Greatest Conservation Need, as defined under R12-4-401;
3. Migratory birds, as defined under R12-4-101; or
4. More than 25 animals at the same time.

D. A person taking and caring for wildlife listed under this Section is not required to possess a hunting license.

E. A person shall only take wildlife listed under subsection (A) by hand or by a hand-held implement.

F. A person shall not possess wildlife lawfully held under this Section for more than 60 days.
G. The exemptions granted under this Section shall not apply to any person who, by their own action, has unlawfully injured, orphaned, or otherwise debilitated the wildlife.
H. If the wildlife is rehabilitated and suitable for release, the person who possesses the wildlife shall release it within the 60-day period established under subsection (C):
1. Into a habitat that is suitable to sustain the wildlife, or
2. As close as possible to the same geographic area from where it was taken.

I. If the wildlife is not rehabilitated within the 60-day period or the wildlife requires care normally provided by a veterinarian, the person who possesses it shall:
1. Transfer it to a wildlife rehabilitation license holder or veterinarian;
2. Euthanize it; or
3. Obtain a wildlife holding permit as established under R12-4-417.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-102, 17-231(A)(3), 17-231(B)(8), 17-234, 17-238(A), and 17-306

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 rulemaking at 12 A.A.R. 980, effective May 6, 2006 (Supp. 06-1). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

R12-4-428. Captivity Standards

A. For the purposes of this Section, "animal" means any wildlife possessed under a special license, unless otherwise indicated.
B. A person possessing wildlife under a special license authorized under this Article shall comply with the minimum standards for the humane treatment of animals established under this Section.
C. A person possessing wildlife under an authority granted under this Article shall ensure all facilities meet the following minimum standards:
1. The facility shall be:
   a. Constructed of material of sufficient strength to resist any force the animal may be capable of exerting against it.
   b. Constructed in a manner designed to reasonably prevent the animal's escape or the entry of unauthorized persons, wildlife, or domestic animals.
   c. Constructed and maintained in good condition to protect animals from injury, disease, or death and to enable the humane practices established under this Section.
2. If electricity is required to comply with related requirements established under this Section, each facility shall be equipped with safe, reliable and adequate electric power.
   a. All electric wiring shall be constructed and maintained in accordance with all applicable governmental building codes.
   b. Electrical construction and maintenance shall be sufficient to ensure that no animal has direct contact with any electrical wiring or electrical apparatus, and the animal is fully protected from any possibility of injury, shock, or electrocution.
3. Each animal shall be supplied with sufficient potable water to meet its needs.
   a. All water receptacles shall be kept in clean and sanitary condition.
   b. Water shall be readily available and monitored at least once daily or more often when the needs of the animal or environmental conditions dictate.
   c. 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.
4. Food shall be suitable, wholesome, palatable, free from contamination, and of sufficient appeal, quantity, and nutritive value to maintain the good health of each animal held in the facility.
   a. Each animal's diet shall be prepared based upon the nutritional needs and preferences of the animal with consideration for the animal's age, species, condition, size, and all veterinary directions or recommendations in regard to diet.
   b. Each animal shall be fed as often as its needs dictate, taking into consideration behavioral adaptations, veterinary treatment or recommendations, normal fasts, or other professionally accepted humane practices.
   c. The amount of available food for each animal shall be monitored at least once daily, except for those periods of time when species specific fasting protocols dictate that the animal should not consume any food during the

entire day.

d. Food and food receptacles, when used, shall be sufficient in quantity and accessible to all animals in the facility and shall be placed to minimize potential contamination and conflict between animals using the receptacles.
e. Food receptacles shall be kept clean and sanitary at all times.
f. Any self-feeding food receptacles shall function properly and the food they provide shall be monitored at least once daily and shall not be subject to deterioration, contamination, molding, caking, or any other process that would render the food unsafe or unpalatable for the animal.
g. An 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:
   a. 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.
   b. The facility shall be maintained to minimize the potential of parasite, pest, and vermin infestation, disease, and unseemly odors.
   c. Excreta shall be removed from the primary enclosure facility as often as necessary to prevent contamination, minimize hazard of disease, and reduce unseemly odors.
   d. The sanitary condition of the facility shall be monitored at least once daily.
   e. 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:
   a. Properly constructed.
   b. Kept in good condition to avoid foul odors or parasite, pest, or vermin infestation.
   c. Installed in a manner that prevents the 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 or 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 pose any health threat or unnecessary stress to the animal.
9. Persons caring for the animals shall conduct themselves in a manner that prevents the spread of disease, minimizes stress, and does not threaten the health of the animal.
10. 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 subsection shall not apply to live animals utilized as food items in the enclosures.
11. 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.
    a. 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 needs.
    b. Facilities for digging or burrowing animals shall have secure safe floors below materials supplied for digging or burrowing activity.
    c. Animals that naturally climb or perch shall be provided with safe and adequate climbing or perching apparatus.
    d. 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.
    e. The facility and holding environment shall be structured to reasonably promote the physical and psychological well-being of any animal held in the facility.
12. A special license holder shall ensure that a sufficient number of properly trained personnel are utilized to meet all the humane husbandry practices established under this Section. The license holder shall be responsible for the actions of all animal care personnel and all other persons that come in contact with the animals.
13. The special license holder shall designate a veterinarian licensed to practice in this state as the primary treating veterinarian for each species of animal to be held.
    a. 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.
    b. Each animal held for more than one year shall be inspected by the attending veterinarian at least once every year. The inspection report shall demonstrate the veterinarian inspected the health of the animal and the condition of its enclosure.
    c. Every animal shall promptly receive licensed veterinary care whenever it appears that the animal is injured, sick, wounded, diseased, infected by parasites, or behaving in a substantially abnormal manner, including but

not limited to exhibiting loss of appetite, abnormal weight loss or lethargy.

d. All medications, treatments and other directions prescribed by the attending veterinarian shall be properly administered by the license holder, authorized agent, or volunteer. A license holder, authorized agent, or volunteer shall not administer prescription medicine, 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.
    a. The isolated animal shall continue to be kept in a humane manner as required under this Section.
    b. 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 sanitized so as to reasonably eliminate the chance of other animals being exposed to infection. Sanitation procedures may include, but are not limited to:
        i. Washing facilities or animal-related materials with appropriate disinfectants, soaps or detergents;
        ii. Appropriate application of hot water or steam under pressure; and
        iii. Replacement of gravel, dirt, sand, water, or food.
        vi. 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.
    c. Parasites, pests, and vermin shall be controlled and eliminated so as to ensure the continued health and well-being of all animals.

D. In addition the standards established under subsection (C), a person shall ensure all indoor facilities meet the following minimum standards:
1. Heating and cooling equipment shall be sufficient to regulate the temperature of the facility to the optimal temperature zone of the species being held to provide a healthy, comfortable, and humane living environment.
2. Indoor facilities shall be adequately ventilated with fresh air to provide for the healthy, comfortable, and humane keeping of any animal and to minimize drafts, odors, and moisture condensation.
3. Indoor facilities shall have lighting of a quality, distribution, and duration as is appropriate for the biological needs of the animals held and to facilitate the inspection and maintenance of the facility.
    a. Artificial lighting, when used, shall be utilized in regular cycles as the animal's needs dictate.
    b. Lighting shall be designed to protect the animals from excessive or otherwise harmful aspects of illumination.

E. In addition the standards established under subsection (C), a person shall ensure that all outdoor facilities meet the following minimum standards:
1. Sufficient shade to prevent the overheating or discomfort of any animal shall be provided.
2. Sufficient shelter appropriate to protect animals from normal climatic conditions throughout the year.
3. Each animal shall be acclimated to outdoor climatic conditions before they are housed in any outdoor facility or otherwise exposed to the extremes of climate.

F. A person who handles an animal shall ensure the animal is handled in an expeditious and careful manner to ensure no unnecessary discomfort, behavioral stress, or physical harm to the animal.
1. An animal shall be transported in a secure, expeditious, careful, temperature appropriate, and humane manner. An animal shall not be transported in any manner that poses a substantial threat to the life, health, or behavioral well-being of the animal.
2. An animal placed on public exhibit or educational display shall be handled in a manner that minimizes the risk of harm to members of the public and to the animal, which includes but is not limited to providing and maintaining a sufficient distance or barrier between the animal and the viewing public.
3. Any restraint or equipment used on an animal shall not cause physical harm or unnecessary discomfort.

G. The Department may impose additional requirements on facilities that hold animals to meet the needs of the particular animal and ensure public health and safety.

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(B)(8), 17-234, 17-238(A), and 17-306

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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1).

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. The Department shall not issue a new special license authorizing the possession of a live cervid, except as provided under R12-4-418 and R12-4-420.

B. A person shall not import a live cervid into Arizona, except a zoo license holder may import any live nonnative cervid for exhibit, educational display, or propagation provided the nonnative cervid is quarantined for 30 days upon arrival and is procured from a facility that meets all of the following requirements:
1. The exporting facility has a disease surveillance program and no history of chronic wasting disease or other wildlife disease that pose a serious health risk to wildlife or humans and there is accompanying documentation from the facility certifying there is no history of disease at the facility or within 50 miles of the facility;
2. The nonnative cervid is accompanied by a health certificate, issued no more than 30 days prior to importation by a licensed veterinarian in the jurisdiction of origin; and
3. The nonnative cervid is accompanied by evidence of lawful possession, as defined under R12-4-401.

C. A person 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;
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 person; and
   c. The owner of the cervid has prior written approval from the Department; or
5. Transport the live nonnative cervid within Arizona for the purpose of procurement or propagation when all of the following apply:
   a. The nonnative cervid is transported to or from a zoo licensed under R12-4-420;
   b. The nonnative cervid is quarantined for 30 days upon arrival at its destination;
   c. The nonnative cervid is procured from a facility that meets all of the requirements established under subsection (B)(1) though (B)(3).

D. A person who lawfully possesses a live cervid, except any cervid held under a private game farm or zoo license, shall comply with the requirements established under R12-4-425.

E. A person shall comply with the requirements established under R12-4-305 when transporting a cervid carcass, or its parts, from a licensed private game farm.

F. In addition to the recordkeeping requirements of R12-4-413 and R12-4-420, a person who possesses a live cervid under a private game farm or zoo license shall:
1. Permanently mark each live cervid with either an individually identifiable microchip or tattoo within 30 days of acquisition or birth of the cervid and ensure each cervid is marked with an ear tag that identifies the farm of origin in a manner that is clearly visible from a distance of 100 feet;
2. Report the death of any cervid to the Department within seven calendar days of finding the cervid;
3. Include in the annual report submitted to the Department by January 31 of each year, but not earlier than January 1, the following for each native cervid in the license holder's possession:
   a. Name of the license holder,
   b. License holder's mailing address,
   c. License holder's telephone number,
   d. Number and species of live cervids held,
   e. The microchip or tattoo number of each live native cervid held,
   f. The disposition of all cervids that were moved or died during the current reporting period,
   g. The results of chronic wasting disease testing for all cervids one year of age and older that die during the current reporting period,
   h. The license holder shall also submit copies of all veterinary care records that occurred during the previous year, and
   i. Any other information required by the Department to ensure compliance with this Section.

G. The holder of a private game farm, scientific activity, zoo license, or a person possessing a cervid under R12-4-425, shall ensure that the retropharyngeal lymph nodes or obex from the head of a cervid over one year of age that dies while held under the special licenses is collected by either a licensed veterinarian or the Department and submitted within 72 hours of the time of death to an Animal and Plant Health Inspection Service certified veterinary diagnostic laboratory for chronic wasting disease analysis. A list of approved laboratories is available at any Department office and on the

Department's website or www.aphis.usda.gov. The license holder shall:

1. Ensure the shipment of the deceased animal's tissues is made by a common, private, or contract carrier that utilizes a tracking number system to track the shipment.
2. Include all of the following information with the shipment of the deceased animal's tissues, the license holder's:
   a. Name,
   b. Mailing address, and
   c. Telephone number.
3. Designate, on the sample submission form, test results shall be sent to the Department within 10 days of completing the analysis. The sample submission form is furnished by the diagnostic laboratory providing the test.
4. Be responsible for all costs associated with the laboratory analysis.
5. Notify the Department within 72 hours of receiving a suspect or positive result.

H. A person who possesses a cervid shall comply with all procedures for:

1. Tuberculosis control and eradication for cervids as prescribed under the United States Department of Agriculture publication "Bovine Tuberculosis Eradication: Uniform Methods and Rules" USDA APHIS 91-45-011, revised January 1, 2005, which is incorporated by reference in this Section.
2. Prevention, control, and eradication of Brucellosis in cervids as prescribed under the United States Department of Agriculture publication "Brucellosis in Cervidae: Uniform Methods and Rules" USDA. APHIS 91-45-16, effective September 30, 2003.
3. The incorporated material is available at any Department office, online at www.aphis.usda.gov, or may be ordered from the USDA APHIS Veterinary Services, Cattle Disease and Surveillance Staff, P.O. Box 96464, Washington D.C. 20090-6464.
4. The material incorporated by reference in this Section does not include any later amendments or editions.

I. A person who possesses a cervid shall maintain all records pertaining to the origin, disposition and those required under this Section for a period of five years after the disposition of the animal and shall make the records available for inspection to the Department upon request.

J. The Department has the authority to seize, euthanize, and dispose of any cervid possessed in violation of this Section, at the owner's expense.

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(B)(8), 17-234, 17-238(A), 17-240(A), 17-250(A), 17-250(B), 17-306, and 17-318

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). Amended by final rulemaking at 21 A.A.R. 2813, effective December 5, 2015 (Supp. 15-4). Amended by final rulemaking at 27 A.A.R. 321, effective July 1, 2021 (Supp. 21-1). Amended by final rulemaking at 32 A.A.R. 7 (January 2, 2026), effective February 1, 2026 (Supp. 25-4).

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, unless in a designated mooring or anchorage area.

"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.

"Authorized third-party provider" means an entity that has been awarded a written agreement with the Department, pursuant to a competitive bid process, to perform limited or specific services on behalf of the Department.

"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, an inflatable device, or similar 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. If a watercraft 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.

"Issuing authority" means either a State that has an approved numbering system or the U.S. Coast Guard when a State does not have an approved numbering system.

“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;
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 or lease watercraft with or without an operator for recreational, non-commercial use 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.

“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 wearable or 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 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 convey general information or indicate the presence of:

A danger, or
A restricted or controlled-use area.

“Release of interest” means a statement surrendering or abandoning unconditionally any claim or right of ownership or use in a watercraft.
"Secured party" means a lender, seller, or other person who holds a security interest in a watercraft under applicable law.
"Secured interest" means an interest that is reserved or created by an agreement under applicable law and that secures payment or the performance of an obligation.
“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.
“Throwable personal flotation device” means a U.S. Coast Guard approved Type IV device for use on any watercraft such as, but not limited to, a buoyant cushion, ring buoy, or horseshoe buoy.
"Titling authority" means a State whose vessel titling system has been certified by the Commandant under 33 C.F.R. 187.303 Subpart D.
“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.
“Wearable personal flotation device” means a U.S. Coast Guard approved Type I, Type II, Type III, or Type V device for use on any watercraft such as, but not limited to, an off-shore lifejacket, near-shore buoyant vest, special-use wearable device, or flotation aid.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 5-301 and 5-311(A)(1)

Historical Note

Editorial correction subsection (A) (Supp. 78-5). Former Section R12-4-83 renumbered as Section R12-4-501 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-501 renumbered to R12-4-515, new Section R12-4-501 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended 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). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 28 A.A.R. 2057, effective December 5, 2022.

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 on the Department’s website. The applicant shall provide the following information for registration of all motorized watercraft except homemade watercraft, which are addressed under subsection (C):

1. Arizona residency certification statement, signed by the watercraft owner;
2. Type of watercraft;
3. Propulsion type;
4. Engine drive type;
5. Overall length of watercraft;
6. Make and model of watercraft, if known;
7. Year built or model year, if known;
8. Hull identification number;
9. Hull material;
10. Fuel type;
11. Category of use;
12. Watercraft or AZ number previously issued for the watercraft, if any;
13. State of principal operation; and

14. For watercraft:
    a. Owned by a person:
        i. Legal name;
        ii. Mailing address;
        iii. Date of birth; and
        iv. Signature of each applicant.
    b. Owned by a business:
        i. Name of business:
        ii. Business address;
        iii. Tax Identification Number; and
        iv. Signature and title of authorized representative on behalf of the business.
    c. Held in a trust:
        i. Name of trust;
        ii. Primary trustee's address;
        iii. Tax Identification Number, required when the trust is held by two or more persons;
        iv. Date of trust; and
        iv. Signature of each trustee, unless the trust instrument authorizes the signature of one trustee to bind the trust.
15. When ownership of the watercraft is in more than one name, the applicant shall indicate 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 is 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)(15):
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 15 A.A.C. 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 notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.

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 watercraft 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 or exchange of interest in new watercraft, and 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. The watercraft dealer registration is subject to invalidation pursuant to R12-4-506 if a watercraft with displayed dealer registration is used for purposes other than those authorized under A.R.S. § 5-322(F) or this Section. 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 or more 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 any state;
5. Court order or other legal documentation establishing lawful transfer of ownership;
6. Certificate of documentation or letter of deletion issued by the U.S. Coast Guard;
7. 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)(6) 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.
8. 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.

G. If the watercraft is being transferred to a person other than the original listed owner, the applicant for a watercraft registration shall submit a release of interest. The Department may require the applicant to provide a release of interest that is acknowledged before a Notary Public or witnessed by a Department employee when the Department is unable to verify the signature on the release of interest.

H. If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:

1. The applicant shall provide the following information on the form:
    a. Applicant's name,
    b. Applicant's mailing address,

c. Make and model of watercraft, and
d. Watercraft hull identification number.

2. The applicant shall ensure the lien holder provides the following information on the form:
a. Lien holder's name,
b. Lien holder's mailing address,
c. Name of person completing the form on behalf of the lien holder,
d. Title of person completing the form on behalf of the lien holder, and
e. Signature of the person completing the form on behalf of the lien holder, acknowledged before a Notary Public or witnessed by a Department employee.

I. If the watercraft's original title or registration is lost, the Department shall register a watercraft upon receipt of one of the following:
1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft;
2. A printout of the Vessel Identification System for that specific watercraft 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;
3. A statement of facts by the applicant as described under subsection (F)(7) if the watercraft has not been registered, titled, or otherwise documented in the past five years; or
4. The abandoned or unreleased watercraft approval letter issued by the Department, as established under R12-4-507(I).

J. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and the documentation required under this Section from the applicant or a watercraft agent authorized under R12-4-509.

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 or the applicant is unable to provide the required information.

L. The Department shall deem an application invalid if the Department receives legal documentation of any legal action that may affect ownership of that 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. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, and 5-327

Historical Note

Former Section R12-4-84 renumbered as Section R12-4-502 without change effective August 13, 1981 (Supp. 81-4). Amended effective January 2, 1985 (Supp. 85-1). Former Section R12-4-502 repealed, new Section R12-4-502 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended 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). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 28 A.A.R. 2057, effective December 5, 2022.

R12-4-503. Renewal of Watercraft Registration; Duplicate Watercraft Registration or Decal

A. The owner of a registered watercraft shall renew the watercraft's registration no later than the day before the prior registration period expires.
1. To renew a watercraft's registration in person or by mail, an applicant shall pay the registration fee authorized under R12-4-504 and present any one of the following:
a. Current or prior certificate of number,
b. Valid driver's license,
c. Valid Arizona Motor Vehicle Division identification card,
d. Valid passport, or
e. Department-issued renewal notice.
2. The owner of a registered watercraft may renew a watercraft registration by accessing the Department's online system and paying the applicable watercraft registration fee authorized under R12-4-504.

B. The owner of a registered watercraft may obtain a duplicate watercraft registration or decal in person or by mail. To obtain a duplicate watercraft registration or decal in person or by mail, an applicant shall:

1. Complete and submit an application for a duplicate certificate and/or decal form to the Department or its authorized agent, available from any Department office and on the Department's website; and
2. Pay the duplicate watercraft registration fee authorized under R12-4-504.

C. If made available by the Department, the owner of a registered watercraft may obtain a duplicate watercraft registration or decal by accessing the Department's online system and paying the duplicate watercraft registration fee authorized under R12-4-504.

D. When a request for a watercraft registration renewal or duplicate watercraft registration or decal is submitted by mail or online, the Department shall mail the registration or decal, as applicable, to the address of record, unless the Department receives a notarized request from the registered owner instructing the Department to mail the duplicate registration or decal to another address.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, and 5-327

Historical Note

Former Section R12-4-85 renumbered as Section R12-4-503 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-503 renumbered to R12-4-519, new Section R12-4-503 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended 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). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

R12-4-504. Watercraft Fees; Penalty for Late Registration; Staggered Registration Schedule

A. The following fees are required, when applicable as authorized under A.R.S. §§ 5-321 and 5-322:

1. Motorized watercraft registration fees are assessed as follows:
   a. Twelve feet and less: $20
   b. Twelve feet one inch through sixteen feet: $22
   c. Sixteen feet one inch through twenty feet: $30
   d. Twenty feet one inch through twenty-six feet: $35
   e. Twenty-six feet one inch through thirty-nine feet: $39
   f. Thirty-nine feet one inch through sixty-four feet: $44
   g. Sixty-four feet one inch and over: $66
   h. 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).
2. Motorized watercraft transfer fee: $13.
3. Duplicate motorized watercraft registration: $8.
4. Duplicate decal: $8.
5. Watercraft dealer certificate of number: $20.
6. Abandoned or unreleased watercraft application fee: $100.
7. Unclaimed towed watercraft application fee: $100.

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). 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 the date of issue.

D. Resident and nonresident watercraft registration renewals:

1. Shall be valid for a period of 7 to 18 months depending on the expiration month.
   a. This provision applies to the initial renewal period only.
   b. The Department shall prorate fees accordingly.
2. May be renewed up to six months prior to the expiration month.
3. Shall 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:

Last two numeric digits of AZ number									Expiration month
00	12	24	36	48	60	72	84	96	December
01	13	25	37	49	61	73	85	97	January
02	14	26	38	50	62	74	86	98	February
03	15	27	39	51	63	75	87	99	March
04	16	28	40	52	64	76	88		April

05	17	29	41	53	65	77	89		May
06	18	30	42	54	66	78	90		June
07	19	31	43	55	67	79	91		July
08	20	32	44	56	68	80	92		August
09	21	33	45	57	69	81	93		September
10	22	34	46	58	70	82	94		October
11	23	35	47	59	71	83	95		November

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. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-321(H), 5-321(K), and 5-321.01

Historical Note

Amended effective December 5, 1978 (Supp. 78-6). Amended effective March 6, 1980 (Supp. 80-2). Former Section R12-4-86 renumbered as Section R12-4-504 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-504 repealed, new Section R12-4-504 adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Sup. 03-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by exempt rulemaking pursuant to A.R.S. § 41-1005(A)(2)(b) at 21 A.A.R. 1046, effective June 16, 2015 (Supp. 15-2). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 28 A.A.R. 2057, effective September 26, 2022.

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 intentionally or illegally removed or altered, unless the application is accompanied by an order of forfeiture, order of seizure, or other civil process;
2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction; or
3. 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 nonconforming hull identification number for registration purposes only when:

1. The hull identification number matches the nonconforming hull identification number on the watercraft;
2. Supporting evidence exists that the seller is the owner of the watercraft;
3. The watercraft is homemade and does not have a hull identification number; or
4. The watercraft was manufactured prior to November 1, 1972.

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. The certification statement is furnished by the Department when a 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. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5) and 5-321

Historical Note

Amended effective January 1, 1980 (Supp. 79-6). Former Section R12-4-87 renumbered as Section R12-4-505 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-505 repealed, new Section R12-4-505 adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended 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). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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 are invalid if any one 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(I);
7. The Department or its agent erroneously issued a certificate of number or any decals;
8. A watercraft bearing a dealer registration is used for any purpose not authorized under R12-4-502(E); or
9. A watercraft registered or used as a livery is operated in violation of A.R.S. § 5-371 or R12-4-514.

C. A person shall surrender the invalid certificate of number and decals to the Department within 15 calendar days of receiving written determination from the Department that the certificate of number or decals are invalid, unless the person appeals the Department's determination to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, 5-327, and 5-391(I)

Historical Note

Adopted effective December 4, 1984 (Supp. 84-6). Amended subsection (B) effective December 30, 1988 (Supp. 88-4). Correction, former Historical Note should read "Amended subsection (B) effective January 1, 1989, filed December 30, 1988" (Supp. 89-2). Former Section R12-4-506 repealed, new Section R12-4-506 adopted effective May 27, 1992 (Supp. 92-2). Amended 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). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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. A lienholder of foreclosed real property may assign an agent to act on its behalf.

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 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 and pay the fee established under R12-4-504. 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.

1. 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.
2. 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.
3. If the registered owner does not respond to the notice within 180 days from the date the Department sent 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.
4. 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 post a notice of intent on the Department's website within 45 days of the Department's notification to the applicant as provided in subsection (I)(2).

1. The notice shall include a statement of the Department's intent to transfer ownership of the watercraft ten days after the date of posting, unless the Department receives notice from the registered owner refusing to release interest in the watercraft within that ten-day period following posting.

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.

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 under 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 authorization to dispose of the junk watercraft to the government agency. The government agency may dispose of the abandoned watercraft and all indicia for that watercraft in any manner the agency determines expedient or convenient.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(1) and 5-311(A)(5)

Historical Note

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 8 A.A.R. 3025, effective July 10, 2002 (Supp. 02-3). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). 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 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 28 A.A.R. 2057, effective December 5, 2022.

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. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-321, and 5-322

Historical Note

Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1).

R12-4-509. Watercraft Dealers; Agents

A. The Department may 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 45 days for new or used watercraft, provided:

1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(I) has not been canceled by the Department within the preceding 24 months, and
2. The applicant is a business located and operating within this state and sells watercraft.

B. An applicant seeking watercraft agent 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 sold; 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. 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 boat show for the purpose of selling watercraft.

E. The watercraft agent shall:
1. Use the assigned watercraft agent number when issuing a temporary certificate of number,
2. Use the online application system and forms supplied by the Department; and
3. Collect the appropriate fee as prescribed under R12-4-504 and R12-4-527.

F. A watercraft agent is prohibited from issuing a temporary certificate of number for a watercraft when:
1. The watercraft is involved in legal proceedings such as, but not limited to, a marital dissolution, probate, or bankruptcy proceeding;
2. The watercraft is abandoned or unreleased;
3. The watercraft is homemade; or
4. The watercraft has a nonconforming HIN.

G. A watercraft agent issuing a temporary certificate of number to the purchaser of a watercraft shall comply with all the following:
1. The watercraft agent shall obtain a completed application that complies with the requirements established under R12-4-502.
2. The watercraft agent shall identify to the applicant the state registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.
3. The fees collected under subsection (E)(3) shall be submitted electronically to the Department prior to the submission of the documentation required under subsection (G)(4).
4. Within five business days of issuing a temporary certificate of number, a watercraft agent shall deliver or mail the following documentation to the Arizona Game and Fish Department, Watercraft Agent Representative, 5000 W. Carefree Highway, Phoenix, AZ 85086:
   a. For a new watercraft:
      i. Original application;
      ii. Original or copy of the bill of sale issued by the watercraft agent; and
      iii. Original certificate of origin;
   b. For a used watercraft:
      i. Original application;
      ii. Original or copy of the bill of sale issued by the watercraft agent;
      iii. Ownership document, such as but not limited to a title, bill of sale, letter of gift or U.S. Coast Guard certificate of documentation or letter of deletion issued by the U.S. Coast Guard; and
      iv. Lien release, when applicable.

H. The Department may cancel the watercraft agent's authorization if the agent does any one of the following:
1. Fails to comply with the requirements established under this Article;
2. Submits more than one 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 an application for a temporary certificate of number; or
4. Falsifies the application for authorization as a watercraft agent.

I. The Department shall provide a written notice to the person stating the reason for the denial or cancellation of watercraft agent status, as applicable. The person may appeal the denial or cancellation to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, and 5-327
Historical Note
Adopted effective May 27, 1992 (Supp. 92-2). Amended by final rulemaking at 9 A.A.R. 1613, effective July 5, 2003 (Supp. 03-2). 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 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 28 A.A.R. 2057, effective December 5, 2022.

R12-4-510. Refund of Fees Paid in Error

A. The Department shall issue a refund for watercraft registration fees paid 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 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:
1. A late registration penalty fee.
2. A fee collected by an authorized third-party provider. A person who paid their watercraft registration fee to a third-party provider shall request a refund of fees from that third-party provider.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 5-311(A)(5)
Historical Note
Adopted effective May 27, 1992 (Supp. 92-2). Amended effective November 7, 1996 (Supp. 96-4). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Amended by final exempt rulemaking at 28 A.A.R. 2057, effective December 5, 2022.

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 watercraft is equipped with at least one correctly-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the watercraft. The operator of any watercraft shall also ensure the wearable personal flotation devices on board the watercraft are readily accessible and available for immediate use.

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 throwable 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 a person twelve years of age or under on board a watercraft shall wear a U.S. Coast Guard approved wearable personal flotation device whenever the watercraft is underway.

E. The operator of a personal watercraft shall ensure each person 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.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-331, and 5-350(A)

Historical Note

Amended effective May 26, 1978 (Supp. 78-3). Former Section R12-4-80 renumbered as Section R12-4-511 without change effective August 13, 1981 (Supp. 81-4). Amended effective May 27, 1992 (Supp. 92-2). Amended effective January 1, 1996; filed in the Office of the Secretary of State December 18, 1995 (Supp. 95-4). Amended 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). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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 a:

1. Watercraft less than 26 feet in length shall carry one U.S. Coast Guard-approved B-I type fire extinguisher on board if the watercraft has one or more of the following:
   a. An inboard engine,
   b. Closed compartments where portable fuel tanks may be stored,
   c. Double bottoms not sealed to the hull or which are not completely filled with flotation materials,
   d. Closed living spaces,
   e. Closed stowage compartments in which combustible or flammable materials are stored,
   f. Permanently installed fuel tanks (fuel tanks that cannot be moved in case of a fire or other emergency are considered permanently installed), and
   g. A fixed fire extinguishing system installed in the engine compartment.
2. Watercraft 26 feet to less than 40 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
   a. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher, or
   b. At least one B-I type approved hand-portable fire extinguisher if a fixed fire extinguishing system is installed in the engine compartment.
3. Watercraft 40 feet to not more than 65 feet shall carry on board the following equipment as designated and approved by the U.S. Coast Guard:
   a. At least three B-I type hand-portable fire extinguishers or at least one B-I and one B-II type hand-portable fire extinguishers, or
   b. At least two B-I type hand-portable fire extinguishers or at least one B-II type hand-portable fire extinguisher when a fixed fire extinguishing system is installed in the engine compartment.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(2), 5-311(A)(5) and 5-332

Historical Note

Former Section R12-4-81 renumbered as Section R12-4-512 without change effective August 13, 1981 (Supp. 81-4). Amended effective June 14, 1990 (Supp. 90-2). Amended 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 (Supp. 13-1).

R12-4-513. Watercraft Incident and Casualty Reports

A. The operator or owner of a watercraft involved in any collision, incident or other casualty resulting in injury, death, or property damage exceeding $500 shall submit the report required under A.R.S. § 5-349 to the Department. The report shall be made on a form furnished by the Department or 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 all of the information required under 33 C.F.R. 173.57.

B. The person completing the form shall deliver, mail, or email the form to the Arizona Game and Fish Department, Law Enforcement Branch at 5000 W. Carefree Hwy, Phoenix, AZ 85086 or BoatAccidentReporting@azgfd.gov, as applicable.

C. The operator or owner of a watercraft involved in any collision, incident 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, incident 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. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-311(A)(7), and 5-349
Historical Note
Adopted effective May 27, 1992 (Supp. 92-2). Amended 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 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

R12-4-514. Liveries

A. A person who rents, leases, or offers any watercraft for compensation, with or without an operator, for recreational, non-commercial use shall register the watercraft as a livery as established under R12-4-502.

B. A watercraft owned by a boat livery that requires registration and does not have the certificate of number on board shall be identified while in use by means of a:
1. Placard or some other form of display that is affixed to the watercraft and is visible when the watercraft is underway. The placard or other form of display shall indicate the business name and current phone number of the livery.
2. Receipt provided by the livery to the person operating the rented watercraft. The receipt shall contain the following information:
   a. Business name and address of the livery as shown on the certificate of number,
   b. Watercraft registration number as issued by the Department,
   c. Beginning date and time of the rental period, and
   d. Written acknowledgment on the receipt of compliance with the requirements prescribed under A.R.S. § 5-371, signed by both the livery operator or their agent and the renter.

C. A person operating a rented or leased watercraft or operating a passenger for hire watercraft shall carry the registration or receipt onboard and produce it upon request to any peace officer.

D. Failure to comply with the requirements prescribed under A.R.S. § 5-371 and this Section may result in the invalidation of the watercraft registration and decals as provided under A.R.S. § 5-391(A) and R12-4-506.

Authorizing Statute
General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5) and 5-371
Historical Note
Adopted effective May 27, 1992 (Supp. 92-2). 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 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

R12-4-515. Display of AZ Numbers and Registration Decals

A. A person shall not use, operate, moor, anchor, or grant permission to use, operate, moor, or anchor a watercraft on the boundaries of this state unless such watercraft displays a valid number and current registration decal in the manner established under subsection (B). This Section does not apply to undocumented watercraft displaying a valid temporary numbering certificate authorized under R12-4-509 or exempt under A.R.S. § 5-322.

B. The owner of a watercraft shall display the AZ number and registration decals as follows:
1. The AZ numbers shall:
   a. Be clearly visible and painted on or attached to each exterior side of the forward half of a non-removable portion of the watercraft;
   b. Be in a color that contrasts with the watercraft's background color so as to be easily read from a distance;
   c. Include the letters "AZ" and the suffix, separated by a hyphen or equivalent space between the letters "AZ" and the suffix; and
   d. Read from left to right in well-proportioned block letters that are not less than three inches in height, excluding outline.
2. The registration decals shall be affixed three inches in front of "AZ" on both sides of the forward half of a non-removable portion of the watercraft.

C. On watercraft so constructed that it is impractical or impossible to display the AZ numbers in a prominent position on the forward half of the hull or permanent superstructure, the AZ numbers may be displayed on brackets or fixtures securely attached to the forward half of the watercraft.

D. Persons possessing a dealer watercraft certificate of number issued under A.R.S. § 5-322(F) shall visibly display 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. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-321(A), 5-322, 5-321, 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 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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 and 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 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. § 17-231(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 (Supp. 13-1).

R12-4-517. Watercraft Motor and Engine Restrictions

A. A person operating a motorized watercraft on the following waters shall only use an electric motor not exceeding 10 manufacturer-rated horsepower:

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 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. § 17-231(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 August 13, 1981 (Supp. 81-4). Amended subsections (A) and (C) effective December 17, 1981 (Supp. 81-6). Amended effective December 28, 1982 (Supp. 82-6). Amended subsections (A) through (C) effective December 4, 1984 (Supp. 84-6). Amended effective November 7, 1996 (Supp. 96-4). Amended 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). Amended by exempt rulemaking at 17 A.A.R. 1189, effective May 24, 2011 (Supp. 11-2). Subsection (A)(9) corrected clerical error (Supp. 11-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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 9.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-311(A)(6), 5-336(C), 5-350(G), and 17-255.01

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). Amended by final exempt rulemaking at 28 A.A.R. 2057, effective December 5, 2022.

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. § 17-231(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 (Supp. 13-1).

R12-4-520. Arizona Aids to Navigation System

A. The Arizona aids to navigation system is the same as that prescribed under 33 C.F.R. 62, revised July 1, 2014, which is incorporated by reference in this Section. The incorporated material is available at any Department office, online at www.gpoaccess.gov, or may be ordered from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197-9000. This Section does not include any later amendments or editions of the incorporated material.

B. A person shall not mark the waterways or their shorelines in this state with mooring buoys, regulatory markers, aids to navigation, lights, or other types of permitted waterway marking devices, without authorization from the governmental agency or the private interest having jurisdiction on such waters.

C. 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, except in the performance of authorized maintenance responsibilities or as authorized under R12-4-518 or this Section.

D. If a government agency or private interest has not exercised its authority to control watercraft within its jurisdiction 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 guidelines:

1. The Department may 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 restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.

E. A governmental agency, excluding federal agencies with jurisdiction over federal navigable waterways, has the authority to control watercraft within that jurisdiction in accordance with the following guidelines:

1. A government agency may 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 restrictions imposed are clearly communicated to the public by wording on the markers, such as those defined under R12-4-501.

F. Any person 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 government 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.

1. The Department shall either approve or deny the request within 60 days of receipt.
2. 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. § 17-231(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 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). Amended by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

R12-4-521. Repealed

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 (Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

R12-4-522. Repealed

Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended 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 (Supp. 13-1). Repealed by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

R12-4-523. Controlled Operation of Watercraft

A. A person shall not operate any watercraft, or use any watercraft to tow a person on water skis, a surfboard, inflatable device, or similar object, device or equipment in a manner contrary to the area restrictions imposed by lawfully placed controlled-use markers, except for:

1. Law enforcement officers acting within the scope of their lawful duties;
2. Persons involved in rescue operations;
3. Persons engaged in government-authorized activities; and
4. Persons participating in a regatta, during the time limits of the event only.

B. The exemptions listed under subsection (A) do not authorize any person to operate a watercraft in a careless, negligent, or reckless manner as prescribed under A.R.S. § 5-341.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(4), 5-311(A)(5), and 5-361

Historical Note

Section R12-4-520 adopted effective May 27, 1992 (Supp. 92-2). Amended 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 (Supp. 13-1).

R12-4-524. Towed Water Sports

A. An operator of a watercraft shall ensure an observer is on duty at all times when a person is being towed behind the watercraft or is surfing a wake created by the watercraft. The observer shall:
1. Be twelve years of age or older;
2. Be physically capable and mentally competent to act as an observer; and
3. Continually observe the person or persons being towed behind the watercraft or surfing a wake created by the watercraft.

B. The operator of a watercraft shall ensure a person being towed behind the watercraft or riding a wake created by the watercraft is wearing a wearable personal flotation device approved by the U.S. Coast Guard whenever the watercraft is underway. This subsection applies to any contrivance designed for or used to tow a person behind a watercraft or ride the wake created by a watercraft regardless of whether or not the contrivance is attached to the watercraft. This includes, but is not limited to, boards, discs, hydrofoils, kites, inflatables, and water skis.

C. A person shall not operate a watercraft while a person is holding onto or is physically attached to any transom structure of the watercraft, including but not limited to a swim platform, swim deck, swim step, and swim ladder. This subsection does not apply to a person who is:
1. Assisting with docking or departure activities,
2. Exiting or entering the watercraft, or
3. Engaging in law enforcement or emergency rescue activity.

Authorizing Statute

General: A.R.S. § 17-231(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). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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.

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. § 17-231(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 (Supp. 13-1).

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 waters are a special anchorage area as defined under A.R.S. § 5-301,
2. Authorized for private dock or moorage, or
3. Authorized by the government agency or private interest having jurisdiction over the waters.

B. A person shall remove an abandoned or submerged watercraft from public waters within 72 hours of notice by registered mail or personal service of notice to remove such watercraft.

C. The owner of any abandoned watercraft shall be responsible for all towing and storage fees resulting from the removal of the watercraft from public waters.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. § 5-311(A)(5)

Historical Note

New Section made 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 (Supp. 13-1). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

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 or is in the possession of a towing company located in this state.

B. Within 15 days of impounding a watercraft, a towing company shall submit a request to the Department for watercraft registration information as prescribed under A.R.S. § 5-324 and in compliance with A.R.S. § 5-399. 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. Within 15 days of receiving the watercraft registration information from the Department, the towing company shall provide written notification by certified mail return receipt requested to the owner and lienholder, if known, of the watercraft's location.

D. If a watercraft remains unclaimed after mailing the notice required under subsection (C) of this Section, the towing company shall submit all of the following to the Department within 15 days of sending the written notification to the owner and lienholder, when known:

1. Evidence of compliance with notification requirements prescribed under A.R.S. § 5-399 and subsection (C);
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;
   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;
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. The unclaimed towed watercraft application fee authorized under A.R.S. § 5-399.03(2) and established under R12-4-504.

E. The towing company shall notify the Department within 24 hours if the watercraft is released, returned to, redeemed, or repossessed by the owner, lienholder, or by a person identified in the Department's record as having an interest in the watercraft.

F. 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:
1. Follow the application procedures established under A.R.S. § 5-399.02(B), and
2. Apply for watercraft registration as established under R12-4-502.

G. A towing company that obtains ownership of a watercraft pursuant to A.R.S. § 5-399.02 and this Section shall maintain the following records for a period of three years from the date the Department transferred ownership of the towed watercraft:
1. The request made pursuant to A.R.S. § 5-324.
2. The notification provided pursuant to A.R.S. § 5-399.
3. The application for transfer of ownership pursuant to A.R.S. § 5-399.02.
4. Any other documents required by the Department.

Authorizing Statute

General: A.R.S. § 17-231(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 (Supp. 13-1). Amended by final exempt rulemaking at 23 A.A.R. 1034; amended by final rulemaking at 23 A.A.R. 1732, both effective August 5, 2017 (Supp. 17-2).

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. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5), 5-311(A)(7), 5-391(B), 5-391(C), and 5-393

Historical Note

New Section made 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 (Supp. 13-1).

R12-4-529. Nonresident Boating Safety Infrastructure Fees; Proof of Payment

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. §§ 5-326 and 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, or
3. A current Arizona Watercraft Registration Decal indicating the NBSIF was paid.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 5-311(A)(5), 5-321, 5-326, and 5-327

Historical Note

Adopted effective October 22, 1976 (Supp. 76-5). Former Section R12-4-90 renumbered as Section R12-4-529 without change effective August 13, 1981 (Supp. 81-4). Repealed effective May 27, 1992 (Supp. 92-2). New Section made by final rulemaking at 19 A.A.R. 597, effective July 1, 2013 (Supp. 13-1). Amended by final rulemaking at 19 A.A.R. 3225, effective January 1, 2014 (Supp. 13-3). Amended by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2).

R12-4-530. Authorized Third-party Providers; Agents

A. The Department may enter into a contract with a private entity to perform limited or specific services on behalf of the Department in accordance with state procurement laws and rules.

1. The Department may authorize a person to be a third-party provider. An authorized third-party provider shall meet the requirements established by the Department and shall be selected through a competitive bid process.
2. The Department may authorize a third-party provider to perform any one or more of the following services:
   a. Watercraft transfer.
   b. Watercraft registration renewal.
   c. Duplicate watercraft registration and decal.
   d. New watercraft registration.

B. A person shall not engage in any business pursuant to this Section unless the Department authorizes the person to engage in the business.

C. The Department shall establish minimum quality standards of service and a quality assurance program for authorized third-party providers to ensure that an authorized third-party provider is complying with the minimum standards.

D. The Department may:

1. Conduct investigations.
2. Conduct audits.
3. Make on-site inspections in compliance with A.R.S. § 41-1009.
4. Require an authorized third-party or employees or agents of an authorized third-party be certified to perform the services prescribed in this Article.

E. An authorized third-party provider shall remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.

1. An authorized third-party provider may collect and retain a reasonable and commensurate fee for its services.
2. Each authorized third-party provider that holds itself out as providing services to the public shall identify to the applicant the Department's registration fee and the nonresident boating safety infrastructure fee, when applicable, separately from any other costs.

F. A third-party who is authorized pursuant to this Section shall:

1. Maintain records in a form and manner prescribed by the Department.
2. Allow access to the records during regular business hours to authorized representatives of the Department or any law enforcement agency to ensure compliance with all applicable statutes and rules.

G. The Department may suspend or cancel an authorization or certification, or both, granted pursuant to this Section if the

Department determines that the third-party provider or certificate holder has done any of the following:

1. Made a material misrepresentation or misstatement in the application for authorization or certification.
2. Has been convicted of fraud or a watercraft related felony in any state or jurisdiction of the U.S. within the ten years immediately preceding the date a criminal records check is complete.
3. Has been convicted of a felony, other than a felony described in subsection (G)(2), in any state or jurisdiction of the U.S. within the five years immediately preceding the date a criminal records check is complete.
4. Violated a rule or policy adopted by the Department.
5. Failed to keep and maintain records required by this Section.
6. Failed to remit to the Department all fees established under R12-4-504 and R12-4-529 it collects.
7. Allowed an unauthorized person to engage in any business pursuant to this Section.

K. If the Department has reasonable grounds to believe that a certificate holder or other person employed by an authorized third-party provider has committed a serious violation, the Department may order a summary suspension of the third provider's authorization granted pursuant to this Section pending formal suspension or cancellation proceedings. For the purposes of this subsection, "serious violation" means:

1. Watercraft registration fraud.
2. Improper disclosure of personal information.
3. Bribery.
4. Theft.

L. On determining that grounds for suspension or cancellation of an authorization or certification, or both, exist, the Department shall give written notice to the third-party provider or certificate holder to appear at a hearing before the Department to show cause why the authorization or certification should not be suspended or canceled.

1. After consideration of the evidence presented at the hearing, the Department shall serve notice of the finding and order to the third-party or certificate holder.
2. If a third-party authorization or a certification is suspended or canceled, the third-party or certificate holder may appeal the decision pursuant to A.R.S. Title 41, Chapter 6, Article 10.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 5-311(A)(5) and 5-321

Historical Note

New Section made by final rulemaking at 23 A.A.R. 1732, effective August 5, 2017 (Supp. 17-2). Subsection reference in subsection (G)(3) corrected (Supp. 21-1).

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

Former Section R12-4-88 renumbered as Section R12-4-541 without change effective August 13, 1981 (Supp. 81-4). Amended effective April 5, 1985 (Supp. 85-2). Repealed effective May 27, 1992 (Supp. 92-2).

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

Adopted effective January 29, 1982 (Supp. 82-1). Amended effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended effective March 29, 1985 (Supp. 85-2). Correction,

subsection (A), paragraph (2) as certified effective March 29, 1985 (Supp. 86-3). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Amended as an emergency effective May, 15, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-2). Emergency expired. Amended and readopted as an emergency effective August 25, 1989, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 89-3). Emergency expired. Emergency amendments adopted with changes effective January 5, 1990 (Supp. 90-1). Repealed effective May 27, 1992 (Supp. 92-2).

R12-4-544. Repealed

Historical Note

Adopted effective August 19, 1983 (Supp. 83-4). Amended subsection (A) effective July 3, 1984 (Supp. 84-4). Amended subsection (A) effective June 18, 1987 (Supp. 87-2). Repealed effective May 27, 1992 (Supp. 92-2).

R12-4-545. Repealed

Historical Note

Adopted effective April 5, 1985 (Supp. 85-2). Amended by emergency effective May 18, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-2). Emergency amendments readopted effective August 28, 1990, pursuant to A.R.S. § 41-1026, valid for only 90 days (Supp. 90-3). Emergency expired. Repealed effective May 27, 1992 (Supp. 92-2).

ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

R12-4-601. Definitions

The following definitions apply to this Article unless otherwise specified:

"Appealable agency action" has the same meaning as provided under A.R.S. § 41-1092.

"Business day" means any day other than a furlough day, Saturday, Sunday, or holiday.

"Commission Chair" means the person who presides over the Arizona Game and Fish Commission.

"Contested case" has the same meaning as provided under A.R.S. § 41-1001.

"Ex parte communication" means any oral or written communication with a Commissioner by a party concerning a substantive issue in a contested proceeding that is not part of the public record.

"Party" has the same meaning as provided under A.R.S. § 41-1001.

"Respondent" means the person named as the respondent in a notice of hearing issued by the Department.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(1), 41-1001, and 41-1092

Historical Note

Adopted effective December 22, 1987 (Supp. 87-4). Amended 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). Section R12-4-601 renumbered to R12-4-602; new Section R12-4-601 made by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-602. Petition for Rule or Review of Practice or Policy

A. A person may petition the Commission under A.R.S. § 41-1033 for a:

1. Rulemaking action relating to a Commission rule, including making a new rule or amending or repealing an existing rule; or
2. Review of an existing Department practice or substantive policy statement alleged to constitute a rule.

B. To act under A.R.S. § 41-1033 and this Section, a person shall submit a petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The form is available at any Department office and on the Department's website.

C. A petitioner shall address only one rule, practice, or substantive policy in the petition.

D. A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. A petitioner shall provide all of the following information:

1. Petitioner identification:
   a. When the petition is submitted by a private person, the person's:
      i. Name;
      ii. Physical and mailing address, if different from the physical address;
      iii. Contact telephone number; and
      iv. Email, when available;
   b. When the petition is submitted by an organization or private group;
      i. Name of organization or group;

ii. Name and title of the organization's or group's representative;
iii. Physical and mailing address, if different from the physical address;
iv. Representative's contact telephone number; and
v. Email, when available;
c. When the petition is submitted by a public agency;
i. Name of the public agency;
ii. Name and title of the agency's representative;
iii. Physical and mailing address if different from the physical address;
iv. Representative's contact telephone number; and
v. Email, when available;
2. Type of request:
a. Adopt, amend, or repeal a rule, or
b. Review of a practice or substantive policy statement;
3. When the petition is for rulemaking action:
a. Statement of the rulemaking action sought, including the Arizona Administrative Code citation of all existing rules, and the specific language of a new rule or rule amendment; and
b. Reasons for the rulemaking action, including an explanation of why an existing rule is inadequate, unreasonable, unduly burdensome, or unlawful;
4. When the petition is for a review of an existing practice or substantive policy statement:
a. Subject matter of the existing practice or substantive policy statement, and
b. Reasons why the existing practice or substantive policy statement constitutes a rule;
5. When 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.
6. Any other information required by the Department;
7. Petitioner's signature; and
8. Date on which the petition was signed.

E. In addition to the requirements listed under subsection (D), a person may submit supporting information with a petition, including:
1. Statistical data; and
2. A list of other persons likely to be affected by the rulemaking action or the review, with an explanation of the likely effects.

F. When a petitioner submits a petition that addresses the same substantive issue considered by the Commission within the previous year, the petitioner shall also provide an additional written statement that includes rationale not previously considered by the Commission in making the previous decision.

G. The Department shall determine whether the petition complies with this Section within 15 business days after the date on which the petition was received.
1. If the petition complies with this Section:
a. The Department shall place the petition on a Commission open meeting agenda.
b. The petitioner may present oral testimony at that open meeting under R12-4-604.
c. The Commission shall render a final decision on the petition as prescribed under A.R.S. § 41-1033.
2. If a petition does not comply with this Section:
a. The Director shall return the petition to the petitioner, and
b. Indicate in writing why the petition does not comply with this Section. The petitioner shall be afforded the opportunity to resubmit a corrected petition.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-231(B)(1) and 41-1033

Historical Note

Adopted effective December 22, 1987 (Supp. 87-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-602 renumbered to R12-4-603; new Section R12-4-602 renumbered from R12-4-601 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-603. Written Comments on Proposed Rules

A. Under A.R.S. § 41-1023, a person may submit written statements, arguments, data, and views on a proposed rulemaking published by the Secretary of State in the Arizona Administrative Register.

B. A person submitting a written comment to the Commission for consideration in a final decision on the rulemaking may voluntarily provide their name and mailing address. The Commission may only consider written comments that:

1. Are received on or before the close of record date, as published by the Secretary of State in the Arizona Administrative Register; and
2. Are submitted to the agency contact identified in the Department's notice of proposed rulemaking as published by the Secretary of State in the Arizona Administrative Register.
3. In addition, a person submitting a comment submitted on behalf of a group or organization shall include a statement that the comment represents the official position of the group or organization. A comment submitted on behalf of a group or organization that does not contain this statement shall be considered the comment of the person submitting the comment, and not that of the group or organization.

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

Adopted effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-603 renumbered to R12-4-604; new Section R12-4-603 renumbered from R12-4-602 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-604. Oral Proceedings Before the Commission

A. The Commission may allow an oral proceeding on any matter on the Commission's agenda. At an oral proceeding, the Commission Chair:
1. Is responsible for conducting the proceeding.
2. May administer an oath to a witness before receiving testimony.
3. May order the removal of any person who is disrupting a proceeding.
4. May limit the number of presentations or the time for testimony regarding a particular issue.

B. A person desiring to speak at an oral proceeding shall first request permission to speak from the Commission Chair.

C. 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.

D. The Commission authorizes the Director to designate a hearing officer for oral proceedings to take public input on proposed rulemaking.

E. 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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(B)(1) 17-231(B)(12), 41-1003, and 41-1023

Historical Note

Adopted effective December 22, 1987 (Supp. 87-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-604 renumbered to R12-4-605; new Section R12-4-604 renumbered from R12-4-603 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-605. Ex Parte Communication

A. A party shall not communicate, either directly or indirectly, with a Commissioner about any substantive issue in a pending contested case or appealable agency action, unless:
1. All parties are present;
2. The communication occurs during the scheduled proceeding, where an absent party failed to appear after proper notice; or
3. It is by written motion with a copy provided to all parties.

B. A Commissioner who receives an ex parte communication shall place on the public record of the proceeding:
1. A copy of the written communication;
2. A summary of the oral communication; and
3. The Commissioner's response to any such ex parte communication.

C. The provisions of this Section apply from the date that a notice of hearing for a contested case or an appealable agency action is served on the parties.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(A)(2), 41-1001, 41-1033, and 41-1092

Historical Note

Adopted effective December 22, 1987 (Supp. 87-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-605 renumbered to R12-4-606; new Section R12-4-605 renumbered from R12-4-604 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-606. Standards for Revocation, Suspension, or Denial of a License

A. Under A.R.S. § 17-340, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke, suspend, or deny any hunting, fishing, or trapping license for a person convicted of any of the following offenses:

1. Killing or wounding a big game animal during a closed season.
2. Possessing a big game animal taken during a closed season.
3. Destroying, injuring, or molesting livestock while hunting, fishing, or trapping.
4. Damaging or destroying personal property, growing crops, notices or signboards, or other improvements while hunting, fishing, or trapping.
5. Bartering, selling, or offering to sell unlawfully taken wildlife or wildlife parts.
6. Careless use of a firearm while hunting, fishing, or trapping that results in the injury or death of any person.
7. Applying for or obtaining a license or permit by fraud or misrepresentation in violation of A.R.S. § 17-341.
8. Knowingly allowing another person to use the person's big game tag, except as provided under A.R.S. § 17-332(D).
9. 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.
10. Unlawfully posting state or federal lands in violation of A.R.S. § 17-304(B).
11. Unlawfully using aircraft to take, assist in taking, harass, chase, drive, locate, or assist in locating wildlife in violation of A.R.S. § 17-340(A)(8).
12. Unlawfully taking or possessing big game .
13. Unlawfully taking or possessing small game or fish .
14. Unlawfully taking or possessing wildlife species.
15. Unlawful take of any bird or the removal of its nest or eggs.
16. Littering a public hunting or fishing area while taking wildlife.
17. Waste of edible portions of a game species under A.R.S. § 17-309, in violation of A.R.S. § 17-309(A)(5).
18. Any violation for which a license can be revoked under A.R.S. § 17-340.
19. Any violation of A.R.S. § 17-306.

B. Under A.R.S. §§ 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364, when the Department makes a recommendation to the Commission for license revocation, the Commission shall hold a hearing and may revoke any fur dealer, guide, taxidermy, license dealers license, or special license (as defined under 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

Adopted effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-606 renumbered to R12-4-607; new Section R12-4-606 renumbered from R12-4-605 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-607. 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. §§ 17-236, 17-238, 17-334, 17-340, 17-362, 17-363, and 17-364. The Director may also commence a proceeding for the Commission to impose a civil penalty 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. In a proceeding conducted under A.R.S. § 17-340, 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 impose a civil penalty or order a civil action for the recovery of 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 shall be provided, unless a rehearing or review is granted under R12-4-608. 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. 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. 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 Commission hearing. No less than 10 calendar days before the hearing, 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. 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. The Commission may vote to use the services of the office of administrative hearings to conduct a hearing concerning revocation, suspension, or denial of the right to obtain a license and to make a recommendation to the Commission, which shall review and accept, reject or modify the recommendation and issue its decision in an open meeting. When the Department receives a recommendation from the administrative law judge at least 30 days prior to the next regularly scheduled Commission meeting, the Department shall place the recommendation on the agenda for that meeting. A recommendation from the administrative law judge received after this time shall be considered at the next regularly scheduled open meeting.

G. 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 exhausted. A denial of the right to obtain a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, beginning on the date of the hearing.

H. 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 exhausted. The suspension of a license is effective for a period determined by the Commission as authorized under A.R.S. § 17-340, 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, 41-1003, and 41-1023

Historical Note

Adopted effective June 13, 1977 (Supp. 77-3). Former Section R12-4-14 renumbered as Section R12-4-115 without change effective August 13, 1981 (Supp. 81-4). Former Section R12-4-115 renumbered without change as Section R12-4-607 effective December 22, 1987 (Supp. 87-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Section R12-4-607 renumbered to R12-4-608; new Section R12-4-607 renumbered from R12-4-606 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-608. Rehearing or Review of Commission Decisions

A. A party shall exhaust the party's administrative remedies by filing a motion for rehearing or review as provided in this Section. Failure to file a motion for rehearing or review within 30 days of service of the Commission's decision has the effect of prohibiting the party from seeking judicial review of the Commission's decision.

B. A party in a contested case or appealable agency action before the Commission may file a motion for rehearing or review of a Commission decision, specifying the grounds upon which the motion is based. The motion for rehearing or review shall be filed within 30 calendar days after service of the Commission's 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.

C. A party may amend a motion for rehearing or review at any time before the Commission rules upon the motion. A written response to a motion for rehearing or review may be filed and served within 15 days after service of the motion for rehearing or review. The Commission may require that the parties file supplemental memoranda 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 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 either deny the motion for rehearing or review or grant a rehearing or review for any of the reasons listed under subsection (E). The Commission's order granting a rehearing or review shall specify the grounds for the order, and any rehearing shall cover only those grounds upon which the rehearing or review was granted.

F. After giving the party notice and an opportunity to be heard, the Commission may grant a motion for a rehearing or review for a reason not stated in the motion.

G. Within the time-frame for filing the motion for rehearing or review, the Commission may grant a rehearing or review on its own initiative for any reason for which the Commission may have granted relief on motion of a party.

H. When the Commission grants a rehearing or review, the Commission shall hold the rehearing or review at its next regularly scheduled meeting or within 90 days of issuance of the order granting the rehearing or review. With the consent of the parties, the Commission may proceed to conduct the rehearing or review in the same meeting in which the Commission granted the rehearing or review.

I. The Commission may take additional testimony, amend findings of fact and conclusions of law, and affirm, modify or reverse the original decision.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(B)(1), 17-231(B)(12), 41-1001, 41-1092

Historical Note

Adopted effective April 28, 1989 (Supp. 89-2). Amended effective May 27, 1992 (Supp. 92-1). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 6 A.A.R. 211, effective December 14, 1999 (Supp. 99-4). Section expired under A.R.S. § 41-1056(E) at 8 A.A.R. 853, effective January 31, 2002 (Supp. 02-1). New Section R12-4-608 renumbered from R12-4-607 and amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-609. Commission Orders

A. Except as provided under subsection (B):

1. At least 14 calendar days before a meeting where the Commission will consider a Commission Order, the Department shall:
   a. Post a public meeting notice and agenda in accordance with A.R.S. § 38-431.02; and
   b. Issue a public notice of the recommended Commission Order in print and electronic media.
2. The Department shall ensure the public meeting notice and agenda includes:
   a. The date, time, and location of the Commission meeting where the Commission Order will be considered;
   b. A statement that the public may attend and present written comments at or before the meeting; and
   c. A statement that a copy of the proposed Commission Order shall be made available to the public 10 calendar days before the meeting. Copies are available for public inspection on the Department's website and at Department offices in Phoenix, Pinetop, Flagstaff, Kingman, Yuma, Tucson, and Mesa.
3. The Commission may make changes to the recommended Commission Order at the Commission meeting.

B. The requirements of subsection (A) do not apply to a Commission Order that establishes:

1. A supplemental hunt as authorized under R12-4-115;
2. A special season for persons who possess a special license tag issued under A.R.S. § 17-346 and R12-4-120,
3. A special season that allows fish to be taken by additional methods on waters where a fish die-off is imminent as established under R12-4-317(C), and
4. A limited-entry fishing or hunting season as established under R12-4-116.

C. The Department shall publish the content of all Commission orders and make them available to the public free of charge.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)

Specific: A.R.S. §§ 17-231(B)(1) and 17-234

Historical Note

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended effective November 10, 1997 (Supp. 97-4). Amended by final rulemaking at 9 A.A.R. 610, effective April 6, 2003 (Supp. 03-1). Amended by final rulemaking at 10 A.A.R. 2245, effective July 6, 2004 (Supp. 04-2). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1). Amended by final rulemaking at 30 A.A.R. 2308 (July 12, 2024), effective August 10, 2024.

R12-4-610. Petitions for the Closure of State or Federal Lands to Hunting, Fishing, Trapping, or Operation of Motor Vehicles

A. A person 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 petitioner shall not address more than one contiguous closure request in a petition.

C. A petitioner submitting a petition that addresses the same contiguous closure request previously considered and denied by the Commission shall provide an additional written statement that includes rationale not previously considered by the Commission.

D. A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:

1. Petitioner identification:
    a. When the petitioner is the leaseholder of the area proposed for closure:
        i. Name of person;
        ii. Lease number;
        iii. Physical and mailing address, if different from the physical address;
        iv. Contact telephone number; and
        v. Email, when available;
    b. When the petitioner is anyone other than the leaseholder of the area proposed for closure:
        i. Name of person;
        ii. Lease number;
        iii. Physical and mailing address, if different from the physical address;
        iv. Contact telephone number;
        v. Email, when available; and
        vi. Name of each group or organization or organizations that the petitioner represents; or
    c. When the petitioner is a public agency:
        i. Name of person;
        ii. Name of agency;
        iii. Petitioner's title;
        iv. Lease number;
        v. Agency's physical and mailing address, if different from the physical address;
        vi. Contact telephone number; and
        vii. Email, when available;
2. Type of closure requested:
    a. Hunting,
    b. Fishing,
    c. Trapping, or
    d. Operation of motor vehicles.
3. Reason for petition:
    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 person 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 written comments received by the petitioning agency; and
    e. A proposed alternate access route, under R12-4-110.
4. A concise map identifying the specific location of the proposed closure;

5. Petitioner's signature;
6. Date on which the petition was signed; and
7. Any other information required by the Department.

E. The Department shall determine whether the petition complies with the requirements established under A.R.S. § 17-452, R12-4-110, and this Section within 15 business days after receiving the petition.
1. If the petition meets these requirements, and provided the petitioner has not agreed to an alternative solution or withdrawn the petition, the Department, in accordance with the schedule in subsection (F), shall place the petition on the agenda for the Commission's next regularly scheduled open meeting and provide written notice to the petitioner of the meeting date.
2. If a petition does not comply with the requirements prescribed under A.R.S. § 17-452, R12-4-110, and this Section:
   a. The Department shall return the petition to the petitioner, and
   b. Indicate in writing why the petition does not comply with this Section.
3. If the Department returns a petition to a petitioner for a reason that cannot be corrected, the Department shall serve on the petitioner a notice of appealable agency action under A.R.S. § 41-1092.03.

F. When the Department receives a petition not less than 60 calendar days before a regularly scheduled Commission meeting, the Department shall place the petition on the agenda for that meeting. A petition received after this time will be considered at the next regularly scheduled open meeting.

G. The petitioner may:
1. Present oral testimony in support of the petition at the Commission meeting, in accordance with the provisions established under R12-4-604.
2. Withdraw the petition or request a continuance to a later regularly scheduled open meeting at any time.

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

Adopted effective March 1, 1991; filed February 28, 1991 (Supp. 91-1). Amended effective January 1, 1993; filed December 18, 1992 (Supp. 92-4). Amended 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). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1).

R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

A. A person may request a hearing before the Commission when an administrative remedy does not exist under statute, rule, or policy by submitting a petition as prescribed by this Section.

B. A petitioner shall submit the petition form to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086. The petition form is furnished by the Department and is available at any Department office and on the Department's website. The petition form shall contain all of the following information:
1. Petitioner identification:
   a. When the petitioner is a private person:
      i. Name of person;
      ii. Physical and mailing address, if different from the physical address;
      iii. Contact telephone number; and
      iv. Email, when available;
   b. When the petitioner is a private group or organization:
      i. Name of the person designated as the contact for the group or organization;
      ii. Physical and mailing address, if different from the physical address;
      iii. Contact telephone number;
      iv. Email, when available; or
   c. When the petitioner is a public agency:
      i. Name of person,
      ii. Name of agency,
      iii. Petitioner's title,
      iv. Agency's physical and mailing address, if different from the physical address,
      v. Contact telephone number, and
      vi. Email, when available;
2. Statement of Facts and Issues:
   a. Description of issue to be resolved, and
   b. Any facts relevant to resolving the issue;

3. Specific proposed remedy;
4. Petitioner's signature;
5. Date on which the petition was signed; and
6. Any other information required by the Department.

C. If a petition does not comply with this Section, the Department shall:
1. Return the petition to the petitioner, and
2. Indicate in writing why the petition does not comply with this Section.

D. After the Department receives a petition that complies with this Section, the Department shall place the petition on the agenda of a regularly scheduled Commission meeting.

E. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same issue, unless the petitioner presents new evidence or reasons for considering the subsequent petition.

F. This Section does not apply to the following:
1. An action related to a license revocation, suspension, denial, or civil penalty;
2. An unsuccessful hunt permit-tag draw application that did not involve an error on the part of the Department; or
3. The reinstatement of a bonus point, except as authorized under R12-4-102.02(E).

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. 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). Amended by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4). Amended by final expedited rulemaking at 24 A.A.R. 393, effective February 6, 2018 (Supp. 18-1). Amended by final rulemaking at 29 A.A.R., effective September 1, 2023

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:

Administrative department, but not an entire city government;
Field office or project office, but not an entire agency; or
School, but not an entire school district.

"Eligible applicant" means any public agency, non-governmental organization, or nonprofit organization that meets the applicable requirements of this Article.

"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 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, administrative subunits, 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.

"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)(1) and 17-231(A)(2)

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-702. General Provisions; Heritage Grant Fund Requirements

A. The Department, in its sole discretion, may make Heritage Fund Grants available for projects that:
1. Are located in Arizona or benefit Arizona wildlife or its habitat; and
2. Meet the criteria established in the Heritage Grant application materials.

B. 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.

C. An applicant seeking Heritage Grant funding shall submit to the Department a Heritage Fund Grant application according to a schedule of due dates determined by the Director. 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 application criterion established in the Heritage Grant application materials;
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; and
10. Any additional supporting information required by the Department.
11. Signature and date. 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.

D. A person applying for multiple projects shall submit a separate application for each project.

E. 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.

F. 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.

G. 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.

H. 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 archaeological properties and resources.

I. 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.

J. A participant shall:
1. Sign the Grant Agreement before the Department transfers any grant funds.
2. Deposit transferred Heritage Grant funds in a dedicated account carrying the name and number of the project. In the event the funds are deposited in an interest-bearing account, any interest earned shall be:
   a. Used for the purpose of furthering the project, with prior approval from the Department; or
   b. Remitted to the Department upon completion of the project.

3. Complete the project as specified under the terms and conditions of the Grant Agreement.
4. Use awarded Heritage Grant funds solely for the project described in the application and as approved by the Department.
5. Bear full responsibility for performance of its subcontractors to ensure compliance with the Grant Agreement.
6. 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.
7. Submit records that substantiate the expenditure of Heritage Grant funds. In addition, 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.
8. Allow Department employees or agents to conduct inspections and reviews:
   a. To ensure compliance with all terms and conditions established under the Grant Agreement.
   b. Before release of the final payment.
9. 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.

K. A participant shall not:
1. Begin a project described in the application until after the grant effective date.
2. Use Heritage Grant funds for the purpose of producing income unless authorized by the Department. A participant shall use all income generated to further the purpose of the approved project or surrender the income to the original funding source.
3. Comingle Heritage Grant funds with any other funds.
4. Use Heritage Grant funds to pay the salary of any public agency employee. A participant may use a public agency's employee's time as in-kind match for the project specified in the Grant Agreement.

L. The parties may amend the terms of the Grant Agreement by mutual written consent. The Department shall prepare any approved amendment in writing, and both the Department and the Grantee shall sign the amendment.

M. 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.

N. A participant shall submit project status reports, as required in the Grant Agreement. 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. 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.

O. 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.

P. Upon completion of approved project elements, if a balance of awarded Heritage Grant funds remains, the participant may:
1. Use the unexpended funds for an additional project consistent with the original scope of work, when approved by the Department; or
2. Surrender the unexpended funds to the Department.

Q. Upon completion of the project a participant shall:
1. Surrender equipment with an acquisition cost of more than $500 to the Department upon completion, or

2. Use equipment purchased with Heritage Grant funds in a manner consistent with the purposes of the Grant Agreement.

R. A participant may request an extension beyond the approved project period by writing to the Department.
1. Requests for an extension shall be submitted by the participant no later than 30 days before the end of the project period.
2. If approved, an extension shall be signed by both the participant and the Department.

S. A participant 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.

T. In addition, the Department may administratively extend the project period for good cause such as, but not limited to, inclement weather, internal personnel changes, or to complete the final closure documents.

U. A participant 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 participant's project is brought into compliance.

V. If a participant is not in compliance with 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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 17-297 and 17-298

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). Amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Amended by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-703. Repealed

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-703 renumbered to R12-4-705; new Section R12-4-703 made by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-704. Repealed

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-704 repealed; new Section R12-4-704 renumbered from R12-4-709 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-705. Repealed

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-705 repealed; new Section R12-4-705 renumbered from R12-4-703 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-706. Repealed

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-706 repealed; new Section R12-4-706 renumbered from R12-4-710 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-707. Repealed

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-707 repealed; new Section R12-4-707 renumbered from R12-4-711 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-708. Repealed

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-708 repealed; new Section R12-4-708 renumbered from R12-4-712 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Repealed by final rulemaking at 22 A.A.R. 2200, effective August 2, 2016 (Supp. 16-4).

R12-4-709. Renumbered

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-709 renumbered to R12-4-704 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

R12-4-710. Renumbered

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-710 renumbered to R12-4-706 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

R12-4-711. Renumbered

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-711 renumbered to R12-4-707 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

R12-4-712. Renumbered

Historical Note

Adopted effective July 12, 1996 (Supp. 96-3). Amended by final rulemaking at 8 A.A.R. 2692, effective June 6, 2002 (Supp. 02-2). Amended by final rulemaking at 13 A.A.R. 4587, effective February 2, 2008 (Supp. 07-4). R12-4-712 renumbered to R12-4-708 by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2).

ARTICLE 8. WILDLIFE AREAS AND DEPARTMENT PROPERTY

R12-4-801. General Provisions

A. Wildlife Areas:

1. Wildlife areas shall be established to:
   a. Provide protective measures for wildlife, habitat, or both;
   b. Allow for hunting, fishing, and other recreational activities that are compatible with wildlife habitat conservation and education;
   c. Allow for special management or research practices; and
   d. Enhance wildlife and habitat conservation.
2. Wildlife areas shall be:
   a. Lands owned, leased, or otherwise managed by the Commission;
   b. Federally-owned lands of unique wildlife habitat where cooperative agreements provide wildlife

management and research implementation; or

c. Any lands with property interest conveyed to the Commission by any entity, through an approved land use agreement, including but not limited to deeds, patents, leases, conservation easements, special use permits, licenses, management agreements, inter-agency agreements, letter agreements, and right-of-entry, where the property interest conveyed is sufficient for management of the lands consistent with the objectives of the wildlife area.

3. Land qualified for wildlife areas shall be:
   a. Lands with unique topographic or vegetative characteristics that contribute to wildlife,
   b. Lands where certain wildlife species are confined because of habitat demands,
   c. Lands that can be physically managed and modified to attract wildlife, or
   d. Lands that are identified as critical habitat for certain wildlife species during critical periods of their life cycles.
4. The Department may temporarily 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.
5. 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. Such restrictions will include restrictions on the timing, type, or duration of certain activities on a wildlife area, including a prohibition on access to a wildlife area or type of use. No person shall conduct an activity restricted by this Article or by such posting.

B. Commission-owned real property and -managed lands other than Wildlife Areas:

1. The Department may take action to manage public access and use of any Commission-owned real property or facilities. Such actions may include restrictions on the timing, type, or duration of certain activities, including a prohibition on access to Commission-owned real property and -managed lands or the type of use.
2. A person shall not access or use any Commission-owned real property, facilities, or -managed lands in violation of any Department actions authorized under subsection (B)(1), 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), 17-241, 17-452, 17-453, 17-454, 17-455, and 41-1005(A)

Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by Page 140 Supp. 26-1 exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1). Amended by exempt rulemaking at 32 A.A.R. 256 (January 23, 2026), effective April 1, 2026 (Supp. 25-4).

R12-4-802. Wildlife Area and Other Department Managed Property Restrictions and Allowable Activities.

A. The following general provisions apply to all wildlife areas unless specifically authorized, prohibited, modified or addressed in R12-4-802B, or if the wildlife area has posted signs authorizing or prohibiting the activity:
   1. Open to all hunting in season as permitted under R12-4-304 and R12-4-318.
   2. Motorized vehicle and electric bicycle travel permitted on designated roads or areas only, except for big game retrieval as permitted under R12-4-110(H). Motor vehicle travel restrictions in this rule do not apply to Department authorized vehicles or law enforcement, fire response, or other emergency vehicles.
   3. Overnight public camping allowed for no more than 14 days within a 30-day period.
   4. Wood gathering is limited to dead and down material, for onsite noncommercial use only.
   5. Campfires allowed. All fires must be extinguished when not being attended. Fires may be further restricted or prohibited with seasonal restrictions, as enacted by the Arizona Department of Forestry and Fire Management

(DFFM).

6. Wildlife areas are closed to the discharge of firearms, muzzleloaders, precharged pneumatic weapons or archery within a ¼ mile of any occupied structure, unless authorized by the Department.
7. Knowingly excavating or collecting any historic, archaeological or paleontological specimen or resource is prohibited under A.R.S.§ 41-841.

B. No person shall violate the following regulations on Wildlife Areas:

1. Alamo Wildlife Area (located in Units 16A and 44A):
   a. Posted portions closed to all public entry.
2. Allen Severson Wildlife Area (located in Unit 3B):
   a. The rules and regulations of the land management agency (Apache-Sitgreaves National Forest) apply to this wildlife area.
3. Aravaipa Canyon Wildlife Area (located in Units 31 and 32):
   a. Access through the Aravaipa Canyon Wildlife Area within the Aravaipa Canyon Wilderness Area is by permit only, available through the Safford Office of the Bureau of Land Management.
   b. This wildlife area is closed to the discharge of all firearms.
4. Arivaca Lake Wildlife Area (located in Unit 36B):
   a. No additional regulations apply to this wildlife area.
5. Arlington Wildlife Area (located in Unit 39):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. Motorized vehicle and electric bicycle travel are prohibited within agriculture and crop production areas.
   e. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
   f. This wildlife area is closed to the discharge of centerfire rifled firearms.
6. Base and Meridian Wildlife Area (located in Units 39, 26M, and 47M):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   d. No target or clay bird shooting.
   e. Motorized vehicle and electric bicycle travel are prohibited, except for big game retrieval as permitted under R12-4-110(H).
   f. Posted portions closed to hunting.
   g. This wildlife area is closed to the discharge of centerfire rifled firearms.
7. Becker Lake Wildlife Area (located in Unit 1):
   a. No open fires.
   b. No firewood cutting or gathering.
   c. No overnight public camping.
   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 all public entry.
   f. Posted portions closed to hunting.
   g. This wildlife area is closed to the discharge of centerfire rifled firearms
8. Bog Hole Wildlife Area (located in Unit 35B):
   a. Motorized vehicle and electric bicycle travel are prohibited, except for big game retrieval as permitted under R12-4-110(H).
9. Chevelon Canyon Ranches Wildlife Area (located in Unit 4A):
   a. No additional regulations apply to this wildlife area.
10. Chevelon Creek Wildlife Area (located in Unit 4B):

a. No open fires.
b. No firewood cutting or gathering.
c. No overnight public camping.
d. Posted portions closed to all public entry.
e. No target or clay bird shooting.
f. Posted portions closed to waterfowl hunting from October 1 through February 15 annually.

11. 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 and electric bicycle travel are prohibited within agriculture and crop production areas.
    e. Posted portions closed to all public entry.
12. Clarence May and C.H.M. May Memorial Wildlife Area (located in Unit 29):
    a. Closed to hunting, except for predator hunts authorized by Commission Order.
13. Cluff Ranch Wildlife Area (located in Unit 31):
    a. Open fires allowed in designated areas only. All fires must be extinguished when not being attended. Fires may be further restricted or prohibited with seasonal restrictions, as enacted by the Arizona Department of Forestry and Fire Management (DFFM).
    b. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    c. Posted portions around Department housing and Pond Three are closed to discharge of all firearms.
    d. This wildlife area is closed to the discharge of centerfire rifled firearms.
14. Coal Mine Spring Wildlife Area (located in Unit 34A):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. Motorized vehicle and electric bicycle travel are prohibited, except for big game retrieval as permitted under R12-4-110(H).
15. 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 and electric bicycle travel permitted on designated roads or areas only.
    e. Closed to the discharge of firearms.
    f. Closed to hunting.
16. 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. 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.
    e. This wildlife area is closed to the discharge of centerfire rifled firearms.
17. House Rock Wildlife Area (located in Unit 12A):
    a. The rules and regulations of the land management agency (Kaibab National Forest) apply to this wildlife area.
    b. Members of the public shall remain in an enclosed vehicle at all times when within one-quarter mile of any bison, except when taking bison or accompanied by Department personnel.
18. Jacques Marsh Wildlife Area (located in Unit 3B):
    a. The rules and regulations of the land management agency (Apache-Sitgreaves National Forest) apply to this wildlife area.

19. Lamar Haines Wildlife Area (located in Unit 7):
    a. No open fires.
    b. Wood cutting by permit only and gathering limited to dead and down material, for noncommercial use only. Members of the public shall obtain a wood cutting permit from the Flagstaff Game and Fish Department regional office.
    c. No overnight public camping.
    d. Motorized vehicle and electric bicycle travel allowed for permitted wood cutting and big game retrieval as permitted under R12-4-110(H).
20. Lower San Pedro River Wildlife Area (located in Units 32 and 37B):
    a. Posted portions closed to all public entry.
    b. Posted portions closed to hunting.
21. Luna Lake Wildlife Area (located in Unit 1):
    a. The rules and regulations of the land management agency (Apache-Sitgreaves National Forest) apply to this wildlife area.
    b. Posted portions closed to all public entry from February 15 through July 31 annually.
22. Manhattan Claims Wildlife Area (located in Unit 29):
    a. No additional regulations apply to this wildlife area.
23. Mittry Lake Wildlife Area (located in Unit 43B):
    a. No Camping in posted day use only areas.
    b. Posted portions closed to all public entry.
    c. Mittry Lake is a "No Ski" waterway as defined under R12-4-501.
24. Planet Ranch Conservation and Wildlife Area (located in Units 16A and 44A):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. Overnight public camping allowed in designated areas only, for no more than 14 days within a 30-day period.
    d. The posted Lower Colorado River Multi-Species Conservation Program habitat area is closed to motor vehicle and electric bicycle use.
    e. Posted portions closed to public entry.
    f. Posted portions closed to hunting.
25. 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 and electric bicycle travel are prohibited within agriculture and crop production areas.
    e. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
    f. This wildlife area is closed to the discharge of centerfire rifled firearms.
26. Quigley-Achee Wildlife Area (located in Unit 41):
    a. No open fires.
    b. No overnight public camping.
    c. Motorized vehicle and electric bicycle travel are prohibited within agriculture and crop production areas.
    d. Posted portions closed to all public entry.
    e. Posted portions closed to hunting.
27. Raymond Wildlife Area (located in Unit 5B):
    a. Open fires allowed in designated campgrounds only. All fires must be extinguished when not being attended. Fires may be further restricted or prohibited with seasonal restrictions, as enacted by the Arizona Department of Forestry and Fire Management (DFFM).
    b. Overnight public camping permitted in designated ~~sites~~areas only, for no more than 14 days within a 30-day period.

c. All-terrain and utility type vehicles are prohibited as defined under A.R.S. 28-101.
d. Posted portions closed to all public entry from May 1 through July 29 annually.
e. Posted portions closed to hunting periodically during hunting seasons.
f. Members of the public shall remain in an enclosed vehicle at all times when within one-quarter mile of any bison, except when taking bison or accompanied by Department personnel.

28. Robbins Butte Wildlife Area (located in Unit 39):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. Parking in designated areas only.
    e. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.
    f. This wildlife area is closed to the discharge of centerfire rifled firearms.
29. Roosevelt Lake Wildlife Area (located in Units 22, 23, and 24B):
    a. Posted portions closed to hunting and all public entry from November 15 through February 15 annually.
30. Santa Rita Wildlife Area (located in Unit 34A):
    a. Open fires allowed in designated areas only. All fires must be extinguished when not being attended. Fires may be further restricted or prohibited with seasonal restrictions, as enacted by the Arizona Department of Forestry and Fire Management (DFFM).
    b. Overnight public camping permitted in designated areas only, for no more than 14 days within a 30-day period.
    c. Posted portions closed to all public entry.
31. Sipe White Mountain Wildlife Area (located in Unit 1):
    a. No firewood cutting or gathering.
32. Springerville Marsh Wildlife Area (located in Unit 2B):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping.
    d. This wildlife area is closed to the discharge of all firearms.
33. Sunflower Flat Wildlife Area (located in Unit 8):
    a. Walk-in overnight public camping allowed for no more than 14 days within a 30-day period.
    b. Motorized vehicle and electric bicycle travel are prohibited, except for big game retrieval as permitted under R12-4-110(H).
34. Three Bar Wildlife Area (located in Unit 22):
    a. Motorized vehicle and electric bicycle travel are prohibited within the Three Bar Wildlife and Habitat Study Area (within the Forest Road 647 loop).
35. Tucson Mountain Wildlife Area (located in Unit 38M):
    a. Posted portions and those portions identified on the online check-in system wildlife area map are closed to hunting.
    b. Firearms and pre-charged pneumatic weapons are prohibited for the take of wildlife.
    c. Archery hunters must check-in online with the Arizona Game and Fish Department prior to going afield.
36. Upper Verde River Wildlife Area (located in Unit 8 and 19A):
    a. No open fires.
    b. No firewood cutting or gathering.
    c. No overnight public camping allowed.
    d. Motorized vehicle and electric bicycle travel are prohibited, except for big game retrieval as permitted under R12-4-110(H).
37. Wenima Wildlife Area (located in Unit 2B):
    a. No open fires.
    b. No firewood cutting or gathering.

c. No overnight public camping.
d. No target or clay bird shooting.

38. White Mountain Grasslands Wildlife Area (located in Unit 1):
a. Posted portions closed to all public entry.
b. If conducted during an event approved under R12-4-125, target or clay bird shooting is permitted in designated areas only.

39. Whitewater Draw Wildlife Area (located in Unit 30B):
a. No open fires except as authorized by the Department.
b. Posted portions closed to all public entry from October 15 through March 15 annually.
c. This wildlife area is closed to the discharge of centerfire rifled firearms.

40. Willcox Playa Wildlife Area (located in Unit 30A):
a. Posted portions closed to hunting and all public entry from October 15 through March 15 annually.

C. 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 a healthy, productive, and balanced fish community; 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) 17-241, 17-452, 17-453, 17-454, 17-455, and 41-1005(A)

Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 8 A.A.R. 2107, effective May 1, 2002 (Supp. 02-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 10 A.A.R. 1976, effective May 14, 2004 (Supp. 04-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 12 A.A.R. 1698, effective May 19, 2006 (Supp. 06-2). Amended by exempt rulemaking at 13 A.A.R. 1741, effective May 18, 2007 (Supp. 07-2). Amended by exempt rulemaking at 14 A.A.R. 1841, effective April 22, 2008 (Supp. 08-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp. 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp. 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1). Amended by exempt rulemaking at 32 A.A.R. 256 (January 23, 2026), effective April 1, 2026 (Supp. 25-4).

R12-4-803. Wildlife Area and Other Department Managed Property Boundary Descriptions

A. For the purposes of this Section:
"B.C." means brass cap.
"B.C.F." means brass cap flush.
"G&SRB&M" means Gila and Salt River Base and Meridian.
"M&B" means metes and bounds.
"R" means Range line.
"T" means Township line.

B. Wildlife Areas are described as follows:

1. Alamo Wildlife Area: The Alamo Wildlife Area shall be those areas described as follows:
T10N, R13W; Section 3 N1/2, SW1/4, SE1/4 Mohave County only; Section 4, E1/2SW1/4, SE1/4; Section 9, NE1/4, E1/2NW1/4; Section 10, NW1/4NW1/4, NE1/4NW1/4 within designated Wilderness Area. 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 29, 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; Section 35 W1/2, W1/2NE1/4; T12N, R12W; Section 19, E1/2, SE1/4SW1/4; Section 20, NW1/4NW1/4, SW1/4SW1/4; Section 28, W1/2SW1/4; Section 29, W1/2NW1/4, S1/2, SE1/4NW1/4; Section 30, E1/2, E1/2NW1/4, NE1/4SW1/4; Section 31, NE1/4NE1/4; Section 32, N1/2, N1/2SE1/4, SE1/4SE1/4; Section 33, W1/2E1/2, W1/2; all in G&SRB&M, Mohave and La Paz Counties, Arizona.

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, N1/2NW1/4; T10N, R22E; Section 4: the posted portion of the NW1/4SW1/4; all in G&SRB&M, Navajo County, Arizona, consisting of approximately 300 acres.
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 (BLM), Graham and Pinal Counties, Arizona.
4. Arivaca Lake Wildlife Area: The Arivaca Lake Wildlife Area shall be those areas described as:
   A parcel or land located in Sections 6, 7 and 8 all of which being situated in T22S, R11E of the G&SRB&M, Pima County, Arizona described as follows: Commencing at the N1/4 corner of said Section 7 run thence S 43°42'30" E (assumed bearing) a distance of 742.14 feet to point 1, the point of Beginning: thence N 81°26'32" E a distance of 705.76 feet to point 2; thence N 09°54'25" E a distance of 305.96 feet to point 3; thence N 21°43'49" E a distance of 872.20 feet to point 4; thence S 84°14'14" E a distance of 471.36 feet to point 5; thence N 28°12'16" E a distance of 357.98 feet to point 6: thence N 85°30'7" E a distance of 110.05 feet to point 7; thence S 02°03'27" W a distance of 417.50 feet to point 8; thence N 88°20'00" E a distance of 141.99 feet to point 9; thence S 27°29'57" W a distance of 341.84 feet to point 10; thence N 60°20'59" W a distance of 297.87 feet to point 11; thence S 38°10'38" W a distance of 363.79 feet to point 12; thence S 03°36'24" E a distance of 222.07 feet to Point 13; thence S 59°52'05" E a distance of 133.71 feet to point 14 from which the northeast corner of said Section 7 bears N 76°07'51" E a distance of 689.94 feet, said northeast corner also being the common Section corner of Sections 5, 6, 7 and 8 of said Township and Range; thence S 59°18'56" W a distance of 225.86 feet to point 15; thence S 14°38'09" W a distance of 184.94 feet to point 16; thence N 73°08'58" E a distance of 282.60 feet to point 17; thence S 33°21'50" W a distance of 275.24 feet to point 18; thence S 16°37'03" E a distance of 294.45 feet to point 19; thence S 60°13'45" E a distance of 187.22 feet to point 20; thence N 09°21'57" E a distance of 502.65 feet to point 21; thence S 57°19'17" E a distance of 175.82 feet to point 22; thence S 06°20'39" W a distance of 405.88 feet to point 23: thence S 73°13'57" E a distance of 307.36 feet to point 24; thence N 72°27'59" E a distance of 108.77 feet to point 25; thence N 13°07'02" E a distance of 316.07 foot to point 26; thence N 15°41'38" E a distance of 292.54 feet to point 27; thence S 16°25'12" E a distance of 338.44 feet to point 28; thence N 60°53'52" E a distance of 349.03 feet to point 29; thence N 68°30'49" E a distance of 286.09 feet to point 30; thence S 09°14'22" W a distance of 396.67 feet to point 31; thence S 42°27'47" W a distance of 265.50 feet to point 32; thence N 86°09'01" W a distance of 253.50 feet to point 33; thence S 34°29'33" W a distance of 500.53 feet to point 34; thence S 59°56'05" W a distance of 120.42 feet to point 35; thence N 71°17'44" W a distance of 228.54 feet to point 36; thence S 69°42'17" W a distance of 120.88 feet to point 37; thence S 12°12'05" E a distance of 146.20 feet to point 38; thence S 83°22'20" E a distance of 339.63 feet to point 39; thence N 34°26'45" E a distance of 345.01 feet to point 40; thence N 88°14'41" E a distance of 272.60 feet to point 41; thence S 54°11'52" E a distance of 246.09 feet to point 42; thence S 76°42'33" W a distance of 304.58 feet to point 43; thence S 25°02'30" W a distance of 515.24 feet to point 44; thence N 54°58'47" W a distance of 330.22 feet to point 45; thence S 59°01'38" W a distance of 443.06 feet to point 46; thence S 28° 40' 19" E a distance of 381.98 feet to point 47; thence S 42°18'41" E a distance of 436.71 feet to point 48 from which the E1/4 corner of said Section 7 and common to the W1/4 corner of said Section 8 bears N 04°23'16" E a distance of 126.73 feet; thence N 87°40'07" E a distance of 385.96 feet to point 49; thence S 46°57'39" E a distance of 243.05 feet to point 50; thence S 13°06'06" W a distance of 183.34 feet to point 51; thence N 55°28'27" W a distance of 228.94 feet to point 52; thence S 55°08'41" W a distance of 330.40 feet to point 53; thence S 48°10'36" E a distance of 218.70 feet to point 54; thence S 06°38'09" E a distance of 140.86 feet to point 55; thence S 28° 04'14" E a distance of 892.21 feet to point 56; thence S 12°20'35" W a distance of 181.98 feet to point 58; thence S 63°52'33" E a distance of 230.70 feet to point 59; thence S 72°30'09" E a distance of 335.12 feet to point 60; thence S 41°39'07" W a distance of 498.00 feet to point 61; thence N 86°49'30" W a distance of 330.81 feet to point 62; thence N 34°09'15" W a distance of 1380.92 foot to point 63; thence S 86°14'38" W a distance of 310.49 feet to point 64; thence N 04°22'03" W a distance of 206.30 feet to point 65; thence N 70°41'46" E a distance of 226.45 feet to point 66; thence N 10°01'58" E a distance of 468.22 feet to point 67; thence N 67°59'02" W a

distance of 220.56 feet to point 68; thence N 36°50'14" W a distance of 360.36 feet to point 69; thence N 04°31'00" E a distance of 187.56 feet to point 69A; thence N 53°13'11" W a distance of 85.56 feet to point 69B; thence S 31°01'48" W a distance of 322.05 feet to point 70; thence S 16°55'20" W a distance of 1033.42 feet to point 71; thence S 32°45'38" E a distance of 209.12 feet to point 72; thence S 64°28'24" W a distance of 319.54 feet to point 73; thence S 24°35'49" W a distance of 264.49 feet to point 74; thence S 42°38'39" W a distance of 428.36 feet to point 75; thence N 88°49'40" W a distance of 549.92 feet to point 76 from which the S1/4 corner of said Section 7 bears S 28°36'15" W a distance of 730.77 feet; thence N 27°38'55" W a distance of 456.55 feet to point 76A; thence N 21°18'02" E a distance of 2170.03 feet to point 78; thence N 00°01'17" E a distance of 958.28 feet to point 79; thence S 89°36'36" W a distance of 624.49 feet to point 80; thence N 00°05'06" E a distance of 553.06 feet to point 81 from which the N1/4 corner of said Section 7 bears N 14°02'18" W a distance of 734.38 feet; thence N 62°15'48" E a distance of 378.12 feet to the point of beginning; consisting of approximately 195.04 acres.

5. Arlington Wildlife Area: The Arlington Wildlife Area shall be those areas described as follows:
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 B.C. stamped "T1S R5W S32 S33 S5 S4 1968", bears N 00°09'36" E (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, N 00°09'36" E a distance of 16.65 feet; thence leaving said west line, S 89°48'28" E a distance of 986.79 feet; thence N 00°47'35" E a distance of 2002.16 feet; thence N 01°07'35" E a distance of 2102.65 feet to the north line of said Section; thence along said north line S 89°18'45" E a distance of 1603.61 feet to the N1/4 corner of said Section, a 1/2-inch metal rod; thence leaving said north line, along the north-south midsection line of said Section, S 00°08'44" E a distance of 4608.75 feet to the S1/4 corner of said Section, a 3-inch B.C.F. stamped "T2S R5W 1/4S4 S9 RLS 46118 2008"; thence leaving said north-south midsection line, along the south line of said Section, N 79°10'54" W 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 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; NW1/4 and SW1/4; Section 3; LOT 4 SW1/4NW1/4, W1/2SW1/4 NE1/4SE1/4; Section 3; M&B in LOT 1 SE1/4NE1/4E1/2SE1/4; Section 9; M&B in NE1/4NE1/4; Section 10; SW1/4NW1/4; Section 15; those portions of S1/2W1/4 and N1/2SW1/4 lying west of the primary through road; Section 16; W1/2 M&B in E1/2E1/2 W1/2E1/2; Section 21; NE1/4NW1/4 and Parcel 401-61-008D as described by the Maricopa County Assessor's Office, more particularly described as follows: commencing at the BLM B.C. marking the northeast corner of said Section 21, from which the BLM B.C. marking the northwest corner of said Section 21 bears N 82°26'05" W a distance of 5423.64 feet; thence N 82°26'05" W along the north line of Section 21 a distance of 2711.82 feet to the NW1/4 corner of said Section 21; thence S 00°33'45" W along the north-southerly midsection line of said Section 21 a distance of 33.25 feet to the True Point of Beginning; thence continuing S 00° 33'45" W along said north-south midsection line a distance of 958.00 feet to a point on a line which is parallel with and 983.85 feet southerly, as measured at right angles from the north line of said Section 21; thence N 82°26'05" W along said parallel line a distance of 925.54 feet; thence N 26°12'18" W a distance of 153.32 feet; thence N 13°26'18" W a distance of 303.93 feet; thence N 34°15'49" W a distance of 189.27 feet; thence N 21°32'45" W a distance of 215.60 feet; thence N 89°25'47" W a distance of 95.37 feet to a point on the west line of the NE1/4N1/4 of said Section 21; thence N 00°34'13" E, along said west line a distance of 223.54 feet to a point on a line which is parallel with and 33.00 feet southerly, as measured at right angles from the north line of said Section 21; thence S 82°26'05" E along said parallel line, a distance of 1355.91 feet to the True Point of Beginning; all in G&SRB&M, Maricopa County, Arizona.

6. Base and Meridian Wildlife Area: The Base and Meridian Wildlife Area shall be those areas described as follows:
T1N, R1E, Section 31; Maricopa County APN 101-44-023, also known as Lots 3, 5, 6, 7, 8 and NE1/4SW1/4, and Maricopa County APN 101-44-003J, also known as the S1/2S1/2SW1/4NW1/4 except the west 55 feet thereof; and 101-44-003K, also known as the S1/2S1/2SW1/4NW1/4 except the west 887.26 feet thereof; and Maricopa County APN 104-44-002S, also known as that portion of the N1/2SE1/4, described as follows: commencing at the aluminum cap set at the E1/4 corner of said Section 31, from which the 3" iron pipe set at the southeast corner of said Section 31, S 00°20'56" W a distance of 2768.49 feet; thence S 00°20'56" W along the east line of said SE1/4 of Section 31 a distance of 1384.25 feet to the southeast corner of said N1/2SE1/4; thence S 89"25'13" W along the south line of said N1/2SE1/4 a distance of 2644.35 feet to the southwest corner of said N1/2SE1/4 and the point of

beginning; thence N 00°03'37" W along the west line of said SE1/4 a distance of 746.86 feet to the south line of the north 607.00 feet of said N1/2SE1/4; thence N 88°46'12" E along said south line of the north 607.00 feet of the N1/2SE1/4 a distance of 656.09 feet; thence S 00°03'37" E parallel with said west line of the SE1/4 a distance of 754.31 feet to said south line of the N1/2SE1/4; Thence S 89"25' 13" W along said south line of the N1/2SE1/4 a distance of 655.98 feet to the point of beginning. T1N, R1W, Section 34, N1/2SE1/4; Section 35, S1/2; Section 36. The Maricopa County APN 500-69-099; the W1/2SE1/4NE1/4. APN 500-69-099, 500-69-100, also known as that portion of the SE1/4SE1/4NE1/4. 500-69-010C, also known as that portion of 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 1: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°10' E a distance of 846.16 feet to the point of beginning; thence continuing S 00°18' E a distance of 141.17 feet; thence S 87°51'15" W a distance of 570.53 feet; thence S 00°29' E a distance of 310.00 feet to the south line of said W1/2SE1/4NE1/4 of Section 36; thence N 89°29' W along the west line of said W1/2SE1/4NE1/4 of Section 36 a distance of 425.93 feet; said point bears S 00°29' E a distance of 895.93 feet from the northwest corner of said W1/2SE1/4NE1/4 of Section 36; thence N 85°54C33" E a distance of 647.01 feet to the point of beginning. Exception 2: commencing at the northeast corner of said W1/2SE1/4NE1/4 of Section 36; thence along the east line thereof S 00°18' E 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 84-26119, Maricopa County Records; thence S 85°54'33" W a distance of 647.01 feet to the west line of said W1/2SE1/4NE1/4 of Section 36; thence N 00°29' W along said west line a distance of 30 feet; thence N 84°23'15" E a distance of 228.19 feet; thence N 87°17'06" E a distance of 418.85 feet to the east line of the W1/2SE1/4NE1/4 of Section 36; thence S 00°18' E along said east line a distance of 26.00 feet to the point of beginning. Exception 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 4: that part of the 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 S 00°18'00" E 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 S 87°17'06" W a distance of 418.85 feet; thence S 84°23'15" W 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 500-69-001L and 500-69-001M, also known as the N1/2SE1/4, except the south 892.62 feet thereof. 500-69-001N, 500-69-001P, 500-69-001Q, 500-69-001R, 500-69-001T, 500-69-001X, 500-69-001Y, also known as that portion of the south 892.62 feet of the N1/2SE1/4. The 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 84-026119, Maricopa County Records, said southerly line being described as follows: beginning at the NE1/4S1/2NE1/4SE1/4NE1/4 of said Section 36; thence S 00°07' E along the east line of Section 36, a distance of 50.70 feet; thence S 89°53' W a distance of 55.00 feet to a point on the west line of the east 55.00 feet of said Section 36; thence S 00°07' E along said line, a distance of 510.00 feet; thence S 81°4'43" W 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 E1/4 corner of said Section 36; thence N 89°37'23" W along the south line of said SE1/4SE1/4NE1/4 of Section 36, a distance of 241.25 feet; thence N 18°53'04" E a distance of 39.65 feet to the point of beginning; thence continuing N 18°53'04" E a distance of 408.90 feet; thence S 81°04'43" W a distance of 222.55 feet; thence S 18°53'04" W a distance of 370.98 feet; thence S 89°37'23" E a distance of 207.58 feet to the point of beginning. That portion of land lying within the SE1/4SE1/4NE1/4 of Section 36, T1N, R1W, and the S1/2SW1/4NW1/4 of Section 31, T1N, R1E, as described in Document Number 99-1109246. Except the west 22 feet of the property described in Recorder Number 97-0425420, also known as APN 101-44-003G; and except the west 22 feet of the property described in Recorder Number 97-566498, also known as APN 101-44-013; all in G&SRB&M, Maricopa County, Arizona.

7. 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, SE1/4SE1/4 also known as APN. 105-07-001; Section 20, SW1/4SW1/4; beginning at a point 1012 feet north of the southwest corner of the SE1/4SW1/4 of Section 20, T9N, R29E; thence north 1285 feet; thence east a distance of 462 feet; thence south a distance of 2122 feet, more or less to the center of U.S. Highway 60; thence in a northwesterly direction along the center of U.S. Highway 60 a distance of 944 feet, more or less; thence west a distance of 30 feet, more or less to the point of beginning, also known as APN 105-08-002); Section 29, W1/2NW1/4, NW1/4SW1/4, also known as APN 105-15-003; beginning at the S1/4 corner of said Section 29,

said point being the True Point of Beginning; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29, a distance of 1329.15 feet to the center-south 1/16 corner of said Section 29; thence S 89°53'01" W along the southern boundary of the NE1/4SW1/4 of said Section 29, a distance of 99.69 feet; thence N 00°43'20" E a distance of 417.54 feet; thence S 89°31'37" E a distance of 99.69 feet; thence N 00°43'20" E along the western boundary of the SE1/4 of said Section 29 a distance of 374.40 feet; thence N 88°49'48" E a distance of 474.94 feet; thence N 27°35' 15" E a distance of 99.21 feet; thence N 04°13'26" W a distance of 160.59 feet; thence N 37°38'44" E a distance of 12.27 feet; thence S 26°22'25" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet; thence S 26°22'27" E a distance of 1203.23 feet; thence S 63°58'58" W a distance of 200.00 feet; thence S 36°24'36" E a distance of 375.11 feet; thence S 00°24'06" W a distance of 490.79 feet; thence S 01°22'24" E a distance of 110.21 feet; thence S 22°27'23" E a distance of 44.27 feet; thence N 89°48'03" W a distance of 1331.98 feet to the True Point of Beginning, also known as APN 105-15-014E; beginning at the corner of Sections 28, 29, 32 and 33, T9N, R29E of G&SRB&M, Apache County, Arizona; thence N 54°21'09" W a distance of 1623.90 feet; thence N 26°00'59" W a distance of 100.00 feet; thence N 26°22'14" W a distance of 1203.23 feet to the True Point of Beginning; thence N 26°22'27" W a distance of 351.19 feet; thence S 55°14'10" W a distance of 38.42 feet; thence S 37°38'44" W a distance of 12.38 feet; thence S 26°22'14" E a distance of 371.13 feet; thence N 31°21'35" E a distance of 58.00 feet to the True Point of Beginning, also known as APN 105-15-014C. S1/2SW1/4, except the following described parcel: commencing at a 2-inch aluminum cap monument stamped LS 8906 located at the Section corner common to Sections 29, 30, 31 and 32 of said Township and Range; thence bear S 89°46'16" E along the Section line common to Sections 29 and 32, a distance of 1038.05 feet to the True Point of Beginning; thence N 35°17'33" E along the northwest boundary of the Springerville Municipal Airport a distance of 328.32 feet; thence S 39°31'26" E a distance of 349.55 feet to a point on the Section line common to Sections 29 and 32; thence N 89°46'44" W a distance of 131.96 feet to the W1/16 corner of Sections 29 and 32; thence N 89°46'16" W a distance of 280.18 feet to the True Point of Beginning. Section 30, NE1/4SE1/4, E1/2NE1/4 also known as APN 105-16-001; W1/2NE1/4, W1/2NE1/4 also known as APN 105-16-002; Section 32, beginning at the N1/4 corner of said Section 32, said point being the True Point of Beginning; thence S 89°48'03" E along the north line of said Section 32 a distance of 1331.98 feet; thence S 21°49'15" E a distance of 198.07 feet; thence S 20°56'35" W a distance of 191.75 feet; thence S 19°53'23" W a distance of 24.65 feet; thence S 39°17'55" W a distance of 86.61 feet; thence S 01°41'36" E a distance of 13.60 feet; thence S 50°13'33" W a distance of 1.29 feet; thence S 02°24'23" E a distance of 906.39 feet; thence S 00°44'11" W a distance of 466.82 feet; thence S 35°26'56" W a distance of 218.51 feet; thence S 89°57'05" W a distance of 1141.87 feet; thence N 07°57'52" E a distance of 328.83 feet; thence N 77°39'30" W a distance of 68.79 feet; thence N 00°30'56" W a distance of 334.16 feet to a 1/16th section corner; thence N 00°30'56" W a distance of 1349.10 feet to the True Point of Beginning. Except therefrom any portion lying in the S1/2SW1/4NE1/4 of said Section 32 also known as APN 105-18-008A; all that portion of the NE1/4NW1/4 of Section 32, T9N, R29E of G&SRB&M, Apache County, Arizona, lying east of the Becker Lake Roadway; except for the following described parcel: from the NW1/16 corner of said Section 32; thence S 89°45'28" E along the 1/16 line a distance of 736.55 feet to the True Point of Beginning, said point being in the west rights-of-way limits of Becker Lake Rd.; thence N 06°09'00" W along the west line of said right-of-way a distance of 266.70 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 263.42 feet to a 1/2-inch rebar with a tag marked LS 13014; thence N 06°21'43" W a distance of 198.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence N 78°43'10" E a distance of 158.40 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 47°05'42" E a distance of 65.65 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 29°24'20" E a distance of 202.48 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 48°03'17" W a distance of 146.19 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 19°36'10" W a distance of 115.75 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence South 00°38'05" East a distance of 74.66 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 14°52' 53" E a distance of 125.09 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 15°08'20" E a distance of 136.60 feet to a 5/8-inch rebar with a plastic cap marked LS 13014; thence S 89°58'07" W a distance of 144.13 feet to the True Point of Beginning, also known as APN 105-18-012G.

8. 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, T22S, R17E, G&SRB&M, Santa Cruz County, Arizona; thence N 21°42'20" W a distance of 1394.86 feet to the True Point of Beginning; thence N 9°15'26" W a distance of 1014.82 feet; thence N 14°30'58" W a distance of 1088.82 feet; thence N 36°12'57" W a distance of 20.93 feet; thence N 50°16'38" W a distance of 1341.30 feet; thence N 57°51'08" W a distance of 1320.68 feet; thence N 39°03'53" E a distance of 1044.90 feet; thence N 39°07'43" E a distance of 1232.32 feet; thence S 36°38'48" E a distance of 1322.93 feet; thence S 43°03'17" E a distance of 1312.11 feet; thence S 38°19'38" E a distance of 1315.69 feet; thence S 13°11'59" W a distance of 2083.31 feet; thence S 69°42'45" W a distance of 920.49 feet to the True Point of Beginning.

9. Chevelon Canyon Ranches Wildlife Area: The Chevelon Canyon Ranches Wildlife Area shall be those areas described as follows:
   Duran Ranch: T12N, R14E; Sections 6 and 7, more particularly bounded and described as follows: beginning at Corner 1, from which the Standard Corner to Section 31 in T13N, R14E and Section 36 T13N, R13E, bears N 11°41' W 21.53 chains distant; thence S 26°5' E 6.80 chains to Corner 2; thence S 66° W 12.74 chains to Corner 3; thence S 19°16' W 13.72 chains to Corner 4; thence S 29°1' W 50.02 chains to Corner 5; thence N 64°15' W five chains to Corner 6; thence N 28°54' E 67.97 chains to Corner 7; thence N 55°36' E 11.02 to Corner 1; the place of beginning,; all in G&SRB&M, Coconino County, Arizona. Dye Ranch: T12N, R14E Sections 9 and 16, more particularly described as follows: beginning at Corner 1 from which the Standard corner to Sections 32 and 33 in T13N, R14E, bears N 2° 24' E 127.19 chains distant; thence S 50°20' E 4.96 chains to corner 2; thence S 29°48' W 21.97 chains to Corner 3; thence S 14°45' W 21.00 chains to Corner 4; thence N 76°23' W 3.49 chains to Corner 5; thence N 10°13' W 14.02 chains to Corner 6; thence N 19°41' E 8.92 chains to Corner 7; thence N 38°2' E 24.79 chains to Corner 1, the place of beginning; all in G&SRB&M, Coconino County, Arizona. Tillman Ranch: T12N, R14E land included in H.E. Survey 200 embracing a portion of approximately Sections 9 and 10 in T12N, R14E of G&SRB&M; all in G&SRB&M, Coconino County, Arizona. Vincent Ranch: T12N, R13E; Sections 3 and 4, more particularly described as follows: beginning at Corner 1, from which the south corner to Section 33, T13N, R13E, bears N 40°53' W 16.94 chains distance; thence S 53° 08' E 2.98 chains to Corner 2; thence S 11°26' W 6.19 chains to Corner 3; thence S 49°43' W 22.41 chains to Corner 4; thence S 22°45' W 30.03 chains to Corner 5; thence N 67°35' W 6.00 chains to Corner 6; thence N 23° E 30.03 chains to Corner 7; thence N 42°18' E 21.19 chains to Corner 8; thence N 57°52' E 8.40 chains to Corner 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 1, from which the U.S. Location Monument 184 H. E. S. bears S 88°53' E 4.41 chains distant; thence S 34°4' E 11.19 chains to Corner 2; thence S 40°31' W 31.7 chains to Corner 3; thence S 63°3' W 7.97 chains to Corner 4; thence S 23°15' W 10.69 chains to Corner 5; thence N 59° W 2.60 chains to Corner 6; thence N 18°45' E 10.80 chains to Corner 7; thence N 51°26' E 8.95 chains to Corner 8; thence N 30°19' E 34.37 chains to Corner 1; the place of beginning; all in G&SRB&M, Coconino County, Arizona.
10. Chevelon Creek Wildlife Area: The Chevelon Creek Wildlife Area shall be those areas described as follows:
    Parcel 1: The S1/2S1/2NW1/4SW1/4 of Section 23, T18N, R17E of G&SRB&M; Parcel 2: Lots 1, 2, 3 and 4 of Section 26, T18N, R17E of G&SRB&M; Parcel 1: That portion of the NE1/4 of Section 26 lying northerly of Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona, all in T18N, R17E of G&SRB&M, Navajo County, Arizona. Parcel 2: That part of Tract A, Chevelon Creek Estates East Side 1 Amended, according to the plat of record in Book 5 of Plats, page 35, records of Navajo County, Arizona lying northerly of the following described line: beginning at the southwest corner of Lot 3 of said subdivision; thence southwesterly in a straight line to the southwest corner of Lot 6 of said subdivision.
11. Cibola Valley Conservation and Wildlife Area: The Cibola Valley Conservation and Wildlife Area shall be those areas described as follows:
    Parcel 1: this parcel is located in the NW1/4 of Section 36, T1N, R24W of G&SRB&M, 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 NW1/4 of said Section 36; thence south and along the east line of the NW1/4 of said Section 36, a distance of 2646.00 feet to a point being the southeast corner of the NW1/4 of said Section 36; thence westerly and along the south line of the NW1/4 a distance of 1711.87 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 2657.20 feet along a curve concave easterly, having a radius of 9260.00 feet to a point of intersection with the north line of the NW1/4 of said Section 36; thence easterly and along the north line of the NW1/4 of said Section 36, a distance of 1919.74 feet to the point of beginning. Parcel 2: this parcel is located in the U.S. Government Survey of Lot 1 and the E1/2SW1/4 of Section 36, T1N, R24W of G&SRB&M, 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 S1/4 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 southwesterly, having a radius of 17350.00 feet, a distance of 125.12 feet; thence continuing along said right of way line and along a reverse curve having a radius of 9260.00 feet, a distance of 2697.10 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 1711.87 feet to a point being the center of said Section 36; thence south and along the

north-south midsection line, a distance of 2640.00 feet to the point of beginning. Parcel 3: this parcel is located in the E1/2NE1/4 of Section 36, T1N, R24W of G&SRB&M, La Paz County, Arizona. Parcel 4: this parcel is located in the E1/2NW1/4SW1/4 of Section 21, T1N, R23W of G&SRB&M, 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 N1/2E1/2NW1/4SW1/4. Parcel 5: this parcel is located in the S1/2SW1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Except the west 33.00 feet thereof; and further excepting that portion more particularly described as follows: the N1/2NW1/4SW1/4SW1/4 of said Section, excepting the north 33.00 feet and the east 33.00 feet thereof. Parcel 6: this parcel is located in the SW1/4SE1/4 of Section 21, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 7: this parcel is located in Sections 24 and 25, T1N, R24W of G&SRB&M, 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 W1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River. Except that portion in condemnation suit Civil 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 N1/2NE1/4SE1/4; and the W1/2SW1/4NE1/4SE1/4; and that portion of the SE1/4NE1/4 of Section 20, T1N, R23W of G&SRB&M, 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 SE1/4 of said Section 20; thence S 0º24'00" E along the east line, a distance of 380.27 feet; thence S 89º36'00" W a distance of 50.00 feet to the True Point of Beginning; thence continuing S 89º36'00" W a distance of 193.00 feet; thence N 0º24'00" W a distance of 261.25 feet; thence S 70º11'00" E a distance of 205.67 feet to the west line of the east 50.00 feet of said SE1/4 of Section 20; thence S 0º24'00" E a distance of 190.18 feet to the True Point of Beginning; 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 10: this parcel is located in the S1/2SE1/4 Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona; except the east 33.00 feet thereof. Parcel 11: This parcel is located in the SW1/4NE1/4; and the NW1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, 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 SE1/4NE1/4SE1/4; and the E1/2SW1/4NE1/4SE1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona. Parcel 13: this parcel is located in the E1/2 of Section 19, T1N, R23W of G&SRB&M, La Paz County, Arizona, lying south of the Colorado River; except the W1/2W1/2SE1/4SW1/4SE1/4; except the E1/2E1/2SW1/4SW1/4SE1/4; except the SW1/4SW1/4NE1/4; except the W1/2SE1/4SW1/4NE1/4; 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 SW1/4SW1/4NE1/4; and the W1/2SE1/4SW1/4NE1/4 of Section 19, T1N, R23W of G&SRB&M, 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 W1/2 of Section 20, T1N, R23W of G&SRB&M, 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 U.S. for Levee purposes or related works; and except the SE1/4SE1/4SW1/4 of said Section 20. Parcel 16: this parcel is located in the SE1/4SE1/4SW1/4 of Section 20, T1N, R23W of G&SRB&M, La Paz County, Arizona.

12. Clarence May and C.M.H. May Memorial Wildlife Area: The 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, T17S, R31E, and the W1/2SE1/4, S1/2NW1/4, and SW1/4 of Section 9, T17S, R31E, G&SRB&M, Cochise County, Arizona, consisting of approximately 560 acres.
13. 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.
14. Coal Mine Spring Wildlife Area: The Coal Mine Spring Wildlife Area shall be those areas described as:
    Phase I: That portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float No. 3 in Santa Cruz County, Arizona according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now

filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows: Beginning at the southeast corner of Lot 128, as shown on the record of survey of Salero Ranch Unit 7, recorded in Book 2 of Records of Survey, page 455, records of Santa Cruz County, Arizona. Thence the following 13 courses and distances upon the boundary line of said Salero Ranch Unit 7; N 29°42'21" E a distance of 2605.96 feet; S 58°19'30" E a distance of 1154.77 feet; thence N 19°14'52" E a distance of 1039.92 feet; thence N 56°11'38" E a distance of 1160.51 feet; thence N 26°24'15" W a distance of 1201.99 feet; thence N 12°43'46" W a distance of 1774.13 feet; thence N 60°37'49" W a distance of 1403.00 feet; thence S 87°25'09" W a distance of 2733.59 feet; thence S 69°40'43" W a distance of 1437.62 feet; thence S 90°00'00" W a distance of 640.89 feet; thence N 5°17'55" E a distance of 1274.34 feet; thence N 11°18'44" E a distance of 2193.00 feet; thence N 2°31'52" W a distance of 1109.93 feet to the northeast corner of Lot 110 of said Salero Ranch Unit 7, on the southerly boundary line of Salero Ranch Unit 4, as shown on the record of survey recorded in Book 2 of Records of Survey, page 454, records of Santa Cruz County, Arizona; thence S 77°20'10" E a distance of 1403.77 feet upon said southerly boundary line; thence N 85°19'15" E a distance of 415.73 feet upon said southerly boundary line; thence N 83°19'40" E a distance of 1332.97 feet upon said southerly boundary line; thence S 53°17'58" E a distance of 2353.56 feet; thence S 79°45'10" E a distance of 2127.16 feet; thence N 78°08'19" E a distance of 1754.99 feet; thence S 76°40'30" E a distance of 645.76 feet; thence N 8°06'04" E a distance of 2439.25 feet; thence N 83°38'56" E a distance of 2626.58 feet; thence S 4°32'48" E a distance of 1300.66 feet; thence S 22°28'06" E a distance of 1289.33 feet; thence S 41°28'30" E a distance of 693.93 feet; thence N 64°37'22" E a distance of 1137.61 feet; thence S 22°10'49" E a distance of 2355.11 feet; thence S 27°36'21" W a distance of 931.18 feet; thence S 42°06'28" E a distance of 800.14 feet; thence S 23°50'04" W a distance of 5166.49 feet; thence S 0°00'00" W a distance of 853.11 feet to the easterly projection of the south line of said Salero Ranch Unit 7; thence S 90°00'00" W 6 a distance of 239.35 feet upon said easterly projection; thence S 0°00'00" E a distance of 376.92 feet to a 1/2-inch rebar at the northeast corner of the abandonment and reversion to acreage plat, recorded in Book 4 of Maps and Plats at page 35, records of Santa Cruz County, Arizona, also being the northeast corner of the Sonoita Creek State Natural Area, recorded in Book 2 of Records of Survey at page 68, records of Santa Cruz County, Arizona; thence N 89°36'12" W a distance of 4547.83 feet upon the north line of said abandonment and reversion to acreage plat and said Sonoita Creek Natural State Area; thence N 29°42'21" E a distance of 397.69 feet to the point of beginning.

Phase II: Portions of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel 1: Beginning at “PT 17", as shown in the record of survey Coal Mine Canyon, recorded in Book 2 of Records of Survey, page 651, records of Santa Cruz County, Arizona, also being the southwest corner of Lot 102 of Salero Ranch Unit 4, as shown on the record of survey recorded in Book 2 of Records of Survey, page 454, records of Santa Cruz County, Arizona; thence N 58°47'17" E a distance of 1817.43 feet upon the boundary line of said Salero Ranch Unit 4; thence N 34°12'25" E a distance of 2213.94 feet upon said boundary line; thence N 62°07'32" E a distance of 792.65 feet upon said boundary line; thence departing said boundary line, N 80°16'25" E a distance of 2588.25 feet; thence S 66°29'16" E a distance of 913.97 feet; thence S 48°56'10" E a distance of 3171.87 feet to “PT 23” of said record of survey of Coal Mine Canyon; thence the following 6 courses upon said boundary line of said record of survey; thence S 83°38'56" W a distance of 2626.58 feet; thence S 8°06'04" W a distance of 2439.25 feet; thence N 76°40'30" W a distance of 645.76 feet; thence S 78°08'19" W a distance of 1754.99 feet; thence N 79°45'10" W a distance of 2127.16 feet; thence N 53°17'58" W a distance of 2353.56 feet to the point of beginning. Containing approximately 634.858 acres.

Parcel 2: Beginning at “PT 23”, as shown in the record of survey Coal Mine Canyon; thence S 42°44'49" E a distance of 6724.97 feet; thence S 23°50'04" W a distance of 4984.18 feet; thence S 58°24'44" W a distance of 1555.88 feet to the easterly boundary line of said record of survey; thence N 23°50'04" E a distance of 4583.50 feet upon said easterly line to “PT 30”; thence following 7 courses upon the boundary line of said record of survey; thence N 42°06'28" W a distance of 800.14 feet; thence N H 27°36'21" E a distance of 931.18 feet; thence N 22°10'49" W a distance of 2355.11 feet; thence S 64°37'22" W a distance of 1137.61 feet; thence N 41°28'30" W a distance of 693.93 feet; thence N 22°28'06" W a distance of 1289.33 feet; thence N 4°32'48" W a distance of 1300.66 feet to the point of beginning. Containing approximately 238.928 acres, with both parcels containing approximately 873.8 acres.

Phase III: A portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel l: Beginning at “PT 32”, as shown in the record of survey Coal Mine Canyon, recorded in Book 2 of Records

of Survey, page 651, records of Santa Cruz County, Arizona, thence N 00°00'0" E a distance of 853.11 feet upon the east line of said Coal Mine Canyon; thence N 23°50'04" E a distance of 582.99 feet upon said east line; thence departing said east line, N 58°24'44" E a distance of 1555.88 feet; thence N H 23°50'04" E a distance of 4984.07 feet; thence N 42°44'46" W a distance of 6725.01 feet to "PT 23" of said record of survey; thence N 48°56'1 0" W a distance of 248.35 feet to the most southerly corner of Lot 167 of Salero Ranch Amended Unit 5, a record of survey recorded in Book 2 of Surveys at page 890, records of Santa Cruz County, Arizona; thence N 64°11'14" E a distance of 1596.01 feet upon the southerly line of said lot 167; thence departing said southerly line, N 05°09'36" E a distance of 1369.85 feet: thence N 53°17'18" E a distance of 65.27 feet; thence N 35°52'16" E a distance of 125.74 feet; thence N 74°11'01" E a distance of 169.04 feet; thence N 55°03'38" E a distance of 178.31 feet; thence N 85°27'03" E a distance of 214.56 feet; thence N 69°11'45" E a distance of 152.18 feet; thence N 38°28'18" E a distance of 21.66 feet; thence N 85°02'24" E a distance of 41.31 feet; thence N 38°28'18" E a distance of 586.88 feet; thence N 50°53'07" E a distance of 190.20 feet; thence S 18°53'17" E a distance of 63.40 feet; thence S 08°07'48" E a distance of 102.38 feet to a tangent curve concave northeasterly; thence southeasterly upon said arc of said curve to the left, having a radius of 380.00 feet and a central angle of 77°14'41", for an arc distance of 512.31 feet to a tangent line; thence S 85°22'29" E a distance of 279.02 feet; thence S 70°54'30" E a distance of 129.90 feet; thence N 83°37'47" E a distance of 142.49 feet; thence S 62°23'38" E a distance of 198.13 feet; thence S 36°56'10" E a distance of 113.72 feet; thence S 58°09'14" E a distance of 170.59 feet; thence N 87°32'08" E a distance of 64.89 feet T to a tangent curve concave southerly; thence easterly upon the arc of said curve to the right, having a radius of 700.00 feet and a central angle of 23°48'20", for an arc distance of 290.84 feet to a compound curve concave southwesterly; thence southeasterly upon the arc of said curve to the right, having a radius of 100.00 feet and a central angle of 55°43'08", for an arc distance of 97.25 feet to a reverse curve concave northerly; thence easterly upon said arc of said curve to the left, having a radius of I 00.00 feet and a central angle of 176°30'32", for an arc distance of 308.07 feet to a non-tangent line; thence N 80°33'04" E a distance of 772.85 feet; thence S 00°31 '59" W a distance of 1378.17 feet; thence S 57°01'50" E a distance of 565.37 feet; thence S 11 °27'08" E a distance of 1517.29 feet; thence S 61°34'44" W a distance of 493.92 feet to the south line of Lot 162 of said Salero Ranch Amended Unit 5; thence continue S 61°34'44" W a distance of 125.58 feet; thence S 90°00'00" W a distance of 333.31 feet; thence S 00°00'00" W a distance of 807.64 feet; thence S 48°51'24" W a distance of 807.64 feet; thence S 12°09'23" E a distance of 879.27 feet; thence S 04°52'34" W a distance of 1219.26 feet; thence S 08°58'33" E a distance of 630.90 feet; thence S 02°41'39" W a distance of 683.84 feet; thence S 38°57'06" W a distance of 883.05 feet; thence S 00°36'34" W a distance of 695.56 feet; thence S 33°38'55" W a distance of 695.56 feet; thence S 39°38'10" E a distance of 521.88 feet; thence S 00°28'11" E a distance of 521.88 feet; thence S 89°31'49" W a distance of 980.46 feet; thence S 20°25'57" W a distance of 836.32 feet; thence S 36°28'11" E a distance of 2307.36 feet; thence S 00°00'00" W a distance of 611.63 feet to the south line of the N1/2 of said Baca Float No. 3; thence N 89°52'37" W a distance of 3334.98 feet upon said south line; thence N 00°00'00" W a distance of 200.46 feet to the point of beginning.

Phase IV: Portions of APN: l12-43-002B. A portion of the N1/2 of the Baca Location No. 3, also known as the Baca Float Location No. 3 in Santa Cruz County, Arizona, according to the survey by Philip Contzen under Contract No. 133, dated June 17, 1905 and now filed and approved in the Office of the Commissioner of the General Land Office, Washington, D. C., described as follows:

Parcel A: Beginning at the southwest corner of lot 161 of Salero Ranch 2nd Amended Unit 5 recorded as document No. 2008-01905, said records of the Santa Cruz County Recorder, said corner also being labeled as "PT 57" on the record of survey for trust for public land Phase II, recorded as document No. 2008-04365, said records of the Santa Cruz County Recorder; thence S 04°52'34"W a distance of 1219.26 feet upon the east line of Parcel 1, as shown on said survey for trust for public land Phase II, to the corner labeled "PT 56" on said record of survey; thence S 08°58'33" E a distance of 630.90 feet upon said east line to the corner labeled "PT 55"; thence S 02°41 '39" W a distance of 683.84 feet upon said east line to the corner labeled "PT 54"; thence S 38°57'06" W a distance of 450.07 feet upon said east line; thence departing said east line, N 72°31'14" E a distance of 380.13 feet; thence N 42°04'28" E a distance of 168.63 feet; thence N 06°07'23" E a distance of 458.79 feet; thence N 09°13'50" W a distance of 428.46 feet; thence N 16°07'21" W a distance of 689.05 feet; thence N 10°00'14" E a distance of 341.00 feet; thence N 00°15'23" W a distance of 754.93 feet to the point of beginning.

Parcel B: Commencing at said above noted corner labeled "PT 54" on said east line as shown on said record of survey of the trust for public land Phase III, thence S 38°57'06" W a distance of 883.05 feet upon said east line to the corner labeled "PT 53", the point of beginning; thence S 00°36'34" W a distance of 695.56 feet upon said east line to the corner labeled "PT 52"; thence N 30°38'23" E a distance of 217.38 feet; thence N 03°24'47" W a distance of 299.47 feet; thence N 22° 12'34" W a distance of 226.35 feet to the point of beginning.

15. Colorado River Nature Center Wildlife Area: The Colorado River Nature Center Wildlife Area is Section 10 of T19N, R22W, 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.

16. Fool Hollow Lake Wildlife Area: The Fool Hollow Lake Wildlife Area shall be that area lying in those portions of the S1/2 of Section 7 and of the N1/2N1/2 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 W1/4 corner thereof; thence S 86°12' E a distance of 2533.9 feet; thence S 41°02' E a distance of 634.7 feet; thence east a distance of 800 feet; thence south a distance of 837.5 feet, more or less to the south line of the said Section 7; thence S 89°53' W along the south line of Section 7 a distance of 660 feet; thence S 0°07' E a distance of 164.3 feet; thence N 89°32' W a distance of 804.2 feet; thence N 20°46' W a distance of 670 feet; thence S 88°12' W a distance of 400 feet; thence N 68°04' W a distance of 692 feet; thence S 2°50' W a distance of 581 feet; thence N 89°32' W a distance of 400 feet; thence N 12°40' W a distance of 370.1 feet, more or less, the north line of the SW1/4SW1/4SW1/4 of said Section 7; thence west a distance of 483.2 feet, more or less, along said line to the west line of Section 7; thence north to the point of beginning.
17. House Rock Wildlife Area: The House Rock Wildlife Area is that area described as follows: beginning at the common 1/4 corner of Sections 17 and 20, T36N, R4E; thence east along the south Section lines of Sections 17, 16, 15, 14, 13 T36N, R4E, and Section 18, T36N, R5E, to the intersection with the top of the southerly escarpment of Bedrock Canyon; thence southeasterly along the top of said escarpment to the top of the northerly escarpment of Fence Canyon; thence along the top of said north escarpment to its intersection with the top of the southerly escarpment of Fence Canyon; thence northeasterly along the top of said southerly escarpment to its intersection with the top of the escarpment of the Colorado River; thence southerly along top of said Colorado River escarpment to its intersection with Boundary Ridge in Section 29, T34N, R5E; thence westerly along Boundary Ridge to its intersection with the top of the escarpment at the head of Saddle Canyon; thence northerly along the top of the westerly escarpment to its intersection with a line beginning approximately at the intersection of the Cockscomb and the east fork of South Canyon extending southeast to a point approximately midway between Buck Farm Canyon and Saddle Canyon; thence northwest to the bottom of the east fork of South Canyon in the SW1/4SW1/4 of Section 16, T34N, R4E; thence northerly along the west side of the Cockscomb to the bottom of North Canyon in the SE1/4 of Section 12, T35N, R3E; thence northeasterly along the bottom of North Canyon to a point where the slope of the land becomes nearly flat; thence northerly along the westerly edge of House Rock Valley to the point of beginning; all in G&SRB&M, Coconino County, Arizona.
18 Jacques Marsh Wildlife Area: The Jacques Marsh Wildlife Area is that area within the fenced and posted portions of the SE1/4, SW1/4SW1/4NE1/4, SE1/4NW1/4, SW1/4NW1/4, Section 11; and NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, Section 14; T9N, R22E, G&SRB&M, Navajo County, Arizona.
19. 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.
20. Lower San Pedro River Wildlife Area: The Lower San Pedro River Wildlife Area shall be those areas described as follows:

    For the Triangle Bar Ranch Property: Parcel 1: that portion of the SE1/4 of Section 22, T7S, R16E, G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the southeast corner of Section 22, to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence N 00°38'57" W along the east line of the SE1/4 of Section 22 a distance of 2626.86 feet to a point being the E1/4 corner of Section 22 a 2.5" Aluminum Cap stamped PLS 35235; thence S 89°00'32" W along the north line of the SE1/4 of Section 22 a distance of 1060.80 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 12°30'55" E a distance of 673.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 36°31'44" E a distance of 491.55 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 689 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 00°31'09" W a distance of 400.00 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°00'32" W a distance of 1320.00 feet to a point on the west line of the SE1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°31'09" E a distance of 1454.09 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E a distance of 1387.86 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 53°14'11" E a distance of 322.56 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'49" W a distance of 321.71 feet to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°51'39" E along said South line of Section 22 a distance of 1011.31 feet to the point of beginning; containing 110.65 acres, more or less. Parcel 2: that portion of Sections 23 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at the point on the south line of Section 23, which point is 720 feet east of the southwest corner of Section 23, said point being a 1/2" Iron Pin tagged PLS 35235; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 on the west line of Section 23; thence S 00°38'57" E a distance of 1691.03 feet (south, record) to the southwest corner of Section 23 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence along the south line of Section 23 N 89°02'45" E a distance of 720.00 feet (east, a distance of 720.00 feet, recorded) to the point of beginning; containing 13.98 acres,

more or less. Parcel 3: lots 2 and 3, and the NE1/4NW1/4, SE1/4NW1/4, and NE1/4SW1/4 of Sections 18 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: commencing at the northwest corner of Section 18, said point being a GLO B.C. stamped Sec 18 CC; thence S 89°47'17" E along the north line of Section 18, a distance of 1271.33 feet to a point being a 1/2" Iron Pin tagged PLS 35235, and being the point of beginning, said point is the northwest corner of the NE1/4NW1/4; thence S 89°47'17" E a distance of 1320.00 feet to a point being the N1/4 corner of Section 18, to a point being a found stone marked 1/4; thence S 01°35'23" E a distance of 4020.67 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 to a point being the southeast corner or the NE1/4SW1/4 of Section 18; thence N 89°37'16" W a distance of 2610.28 feet to a point on the west line of Section 18 to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the southwest corner of Lot 3; thence N 01°17 '05" W along the west line of Section 18, a distance of 1360.825 feet to a point being the W1/4 corner of Section 18, to a point being a found stone marked 1/4; thence N 01°20'34" W along the west line of Section 18 a distance of 1325.845 feet to a point being a 1/2" Iron Pin tagged PLS 35235, to a point being the northwest corner of Lot 2; thence S 89°32'47" E a distance of 1279.09 feet to a point being a found 1/2" Iron Pin with added tag of PLS 35235 approximately 0.8 feet down from natural grade, to a point being the northeast corner of Lot 2; thence N 01°40'11" W along the west line of the NE1/4NW1/4 of Section 18, a distance of 1331.47 feet to a point on the north line of Section 18 and the point of beginning; containing 200.78 acres, more or less. Parcel 4: lots 3, 4, 5, 6, and 7 of Section 9, T7S, R16E, of G&SRB&M, Pinal County, Arizona more particularly described as follows: beginning at the S1/4 corner of said Section 9, to a point being a 1.5" Open Iron Pipe with added tag PLS 35235; thence N 00°00'03" E along the north-south midsection line a distance of 2641.16 feet (N 00°38'48" E a distance of 2641.20 feet, record) to the center section of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence continuing N 00°00'03" E along the north-south midsection line, a distance of 1349.83 feet (N 00°38'48" E a distance of 1349.83 feet, record) to the northeast corner of Lot 5 to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence S 89°09'38" W along the north line of Lot 5 a distance of 1346.80 feet (S 89°44'19" W a distance of 1347.21 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, and the northwest corner of Lot 5 and the southeast corner of Lot 3; thence N 00°58'35" E along the east line of Lot 3 a distance of 1357.74 feet (N 00°37'27" E a distance of 1357.74 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the northeast corner of Lot 3; thence N 89°24'33" W along the north line of Lot 3 a distance of 1323.90 feet (N 89°56'37" W a distance of 1323.945 feet, record) to the northwest corner of Section 9 to a point being a found Drill Steel with added tag PLS 35235; thence S 01°56'29" W along the west line of Section 9 a distance of 712.90 feet to a point on the west boundary line of Old Camp Grant and to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 23°03'26" E along said west boundary line of Old Camp Grant, a distance of 5011.05 feet to a point on the south line of Section 9 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°13'21" E along the south line of Section 9 a distance of 709.50 feet (N 89°51'39" E a distance of 709.50 feet, record) to the point of beginning; containing 181.71 acres, more or less. Together with those parts of Sections 15 and 22, T7S, R16E, of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point being a 1/2" Iron Pin tagged PLS 35235, N 89°00'32" E along the south line of the NE1/4 of Section 22, a distance of 2251.00 feet (east a distance of 2251 feet, record) of the center section corner of Section 22; thence N 47°16'51" W a distance of 1275.05 feet (N 46°47'00" W a distance of 1275.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 79°57'00" W a distance of 1344.00 feet (N 7°27'00" W a distance of 1344.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 65°05'02" W a distance of 399.00 feet (N 59°46'00" W a distance of 399.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 17°49'24" W a distance of 1382.47 feet (N 17°34'00" W a distance of 1385.00 feet, record) to a point on the Section line between Sections 15 and 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 21°43'45" W a distance of 1408.97 feet (N 20°49'00" W a distance of 1412.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235 and the Center corner of the SW1/4 of Section 15; thence S 01°06'32" W along the west line of the SE1/4SW1/4 of Section 15, a distance of 1317.07 feet (south, record) to a point on the south line of Section 15 and the southwest corner of the SE1/4SW1/4 of Section 15 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 00°27'15" E along the west line of the E1/2NW1/4 of Section 22, a distance of 2637.50 feet (south, record) to a point on the south line of the NW1/4 of Section 22 and the southwest corner of the E1/2NW1/4 of Section 22 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 89°00'56" E along said south line of the NW1/4 of Section 22 a distance of 1320.895 feet (east, record) to the center section corner of Section 22 to a point being a found 2.5" Aluminum Cap stamped C1/4 PLS 35235; thence N 89°00'32" E along the south line of the NE1/4 of Section 22 a distance of 2251.00 feet (east, record) to the point of beginning; containing 110.28 acres, more or less. Parcel 5: those parts of Sections 26 and 35 T7S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 89°31'56" E a distance of 571.74 feet (record 572 a distance of feet east) of the center section of Section 35 said point being a 1/2" Iron Pin tagged PE 9626; thence N 16°07'19" W a distance of 1369.92 feet (N 15°44'00" W a distance of 1371 feet, record) to a point being a Power Pole tagged PLS 35235; thence N 46°55'33" W a distance of

279.77 feet (N 45°00'00" W a distance of 283.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 79°45'23" W a distance of 500.00 feet (N 80°00'00" W a distance of 500.00 feet, record) to the center of a 6" hollow iron fence post filled with concrete approximately 6 feet tall, tagged PLS 35235; thence N 21°10'05" W a distance of 1104.18 feet (N 20°38 '00" W a distance of 1104.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being a distance of 3.55 feet south of the north line of Section 35; thence N 07°46'25" E a distance of 1334.00 feet (N 08°08'00" E a distance of 1334.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 89°37'04" W a distance of 630.00 feet to a point being a found 1/2" Iron Pin with added tag PLS 35235; thence N 01°11'34" W a distance of 1314.34 feet (north a distance of 1320.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the north line of the SW1/4; thence along the north line of the SW1/4 N 89°18'34" E a distance of 282.00 feet (east a distance of 282.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being S 89°18'34" W a distance of 992.74 from the center section corner of Section 26; thence N 13°48'15" W a distance of 1351.04 feet (N 13°40'00" W a distance of 1358.00 feet, record) to a point on the north line of the SE1/4NW1/4 of Section 26 to a point being a 1/2" Iron Pin tagged PLS 35235, said point being N 89°10'39" E a distance of 26.52 feet from the northwest corner of the SE1/4NW1/4 of Section 26; thence N 26°31'53" W a distance of 1458.00 feet (N 23°43'00" W a distance of 1442.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, that is on the north line of Section 26 said point being N 89°02'45" E along the north line of Section 26, a distance of 720.00 feet from the northwest corner of Section 26; thence N 23°45'32" W a distance of 1833.68 feet (N 22°28'00" W a distance of 1834.00 feet, record) to a point being a 1/2" Iron Pin tagged PLS 35235, said point being on the west line of Section 23; thence S 00°38'57" E along the west line of Section 23, a distance of 1690.37 feet (south, record) to the southwest corner of Section 23 and northwest corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°16'16" E along the west line of Section 26 a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the W1/4 corner of Section 26 to a point being a 2.5" Aluminum Cap stamped PLS 35235; thence S 01°16'16" E along the west line of Section 26, a distance of 2625.56 feet (south a distance of 2640.00 feet, record) to the southwest corner of Section 26 and northwest corner of Section 35 to a point being a 2.25" Capped Iron Pipe stamped with added tag PLS 35235; thence S 00°45'30" E along the west line of Section 35, a distance of 1317.94 feet (south a distance of 1320.00 feet, record) to a point being a 2.5" Capped Iron Pipe stamped with added tag PLS 35235, said point being the southwest corner of the N1/2NW1/4 of Section 35; thence N 89°41'45" E along the south line of the N1/2NW1/4 of Section 35, a distance of 2630.87 feet (east a distance of 2644.00 feet, record) to a point being an Oblong Iron Pin with added tag PLS 35235 said point being the southeast corner of the N1/2NW1/4 of Section 35; thence S 01°11'23" E a distance of 1319.08 (south a distance of 1320.00 feet, record) to a point being an Oblong Iron Pin, with added tag PLS 35235, said point being the center section corner of Section 35; thence N 89°31'56" E along the south line of the NE1/4 of Section 35 a distance of 571.74 feet (east a distance of 572.00 feet, record) to the point of beginning; excepting therefrom any portion of said lands lying and within Section 23, T7S, R16E, G&SRB&M; CONTAINING containing 249.46 acres, more or less. Parcel 6: that portion of Section 1, T8S, R16E of G&SRB&M, Pinal County, Arizona, more particularly described as follows: beginning at a point N 88°25'39" E a distance of 507.07 feet (east a distance of 510 feet record) of the southwest corner of the SE1/4SW1/4 of Section 1 said point being a 1/2" Iron Pin tagged RLS 10046; thence N 18°38'44" E a distance of 1399.18 feet (record N 19°41' E a distance of 1402 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 03°51'10" W a distance of 1314.74 feet (record N 02°44' W a distance of 1321 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence S 88°45'59" W a distance of 918.71 feet (record west, a distance of 919 feet) to a point being a 1/2" Iron Pin tagged RLS 10046; thence N 01°02'04" W a distance of 977.00 feet (record north a distance of 977 feet) to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 72°26'42" W a distance of 1384.43 feet (record N 71°22' W a distance of 1393 feet) to a point on the west line of Section 1 to a point being a 1/2" Iron Pin PLS 35235; thence S 01°07'43" E along the west line of Section 1, a distance of 1422.00 feet (record south a distance of 1412 feet) to the W1/4 corner of Section 1, said point being a 2.5" Aluminum Cap stamped PLS 35235; thence continuing S 01°07'43" E along the west line of Section 1, a distance of 1320.00 feet (record south a distance of 1320 feet) to the southwest corner of the NW1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°37'29" E a distance of 1311.56 feet (record east to the southwest corner of the NE1/4SW1/4) to the southwest corner of the NE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence S 01°05'24" E a distance of 1316.31 feet (record, south a distance of 1320 feet) to the southwest corner of the SE1/4SW1/4 of Section 1 to a point being a 1/2" Iron Pin tagged PLS 35235; thence N 88°25'39" E a distance of 507.07 feet (record, east a distance of 510 feet) to the point of beginning; containing 126.84 acres, more or less. For the ASARCO Property: Parcel 1: Section 15: the W1/2SE1/4 and E1/2SW1/4 of Section 15, T7S, R16E of G&SRB&M, Pinal county, Arizona; except that portion of land situated in Government Lot 9 lying west of the center line of the San Pedro River, said portion being APN 300-35-002. Section 22: That portion of the NE1/4NW1/4 and the NE1/4 of Section 22 T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San

Pedro River. Section 23: that portion of the SW1/4 of Section 23, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Section 26: that portion of the N1/2NW1/4 of Section 26, T7S, R16E of G&SRB&M, Pinal County, Arizona, lying east of the San Pedro River. Parcel 2: Section 15: Government Lots 1, 2, 3, 4, 5, 6, and 7 of Section 15, T7S, R16E of G&SRB&M, Pinal County, Arizona. Parcel 3: Section 4: Government Lots 5, 8, 9, 11, 12, and 13 of Section 4 except that portion of land situated in Government Lot 13 lying east of State Highway 77 right-of-way, said portion of land being APN 300-31-005B. Section 5: Government Lots 2, 3, 4 and 5, except that portion of land situated in Government Lot 2, more particularly described as follows: beginning at the northeast corner of said Lot 2; thence along the east boundary of said Lot 2 due south 599.94 feet; thence leaving said east boundary due west 283.27 feet to the County Rd. right-of-way (El Camino Rd.); thence along said County Rd. right-of-way N 04°18'56" E a distance of 95.16 feet; thence continuing along said County Rd. right-of-way N 16°30'21" E a distance of 384.05 feet; thence continuing along said County Rd. right-of-way N 14°33'05" E a distance of 141.35 feet to the north boundary of said County Rd. right-of-way due east a distance of 131.48 feet along the north boundary of Government Lot 1 to the point of beginning.

21. 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.
22. Manhattan Claims Wildlife Area: Manhattan Claims Wildlife Area: The Manhattan Claims Wildlife Area shall be those areas described as the following mines or mining claims, situated in the California Mining District, in Cochise County, State of Arizona, to-wit: being Sections 3, 4, 5, 9, 10, in T17S., R30E., G&SRB&M, being known as the “Manhattan Group," Cochise County, State of Arizona. Erion Cap: Fraction: Monarch: and Mogul Patented Mines, the United States patent to which is of record in the Recorder's Office in Book 23 of Deeds of Mines, at page 396; Copper trust' Smith No. 1' Iron Cap; wedge; Smith No. 2; Rodea; Standard Extension; Smith No. 4; Smith No. 3; JHU; Cottonwood; Tucson; Prince; Hidden Treasure; Joe Wheeler fraction; Bride of the West; Mackey; Sun Beam; Queen; Last Turn; Winner; and Winner Fraction; patented mines, in the U.S. Patent to which is of record in the Recorder’s Office in Book 23 Deeds of Mines, at page 368. Badger; Badger Fraction; patented mines, the U.S. Patent to which is of record in said Recorder’s Office, in Book 23 Deeds of Mines, at page 388; Standard patented mine, the U.S. Patent to which is of record in said Recorder’s Office in Book 23 Deeds of Mines at page 393; The following patented mining claims situated in said California Mining District, patent records of which are set out with name of claim as follows: Bull Dog, Docket No. 27, at page No. 558; Copper King, Docket No. 27, at page No. 555; Copper Bluff, Docket No. 27, at page No. 552; Copper Top, Docket No. 27, at page No. 558; Copper Glance, Docket No. 27, at page No. 558; and AETNA, Docket No. 27, at page No. 558.
23. Mittry Lake Wildlife Area: The Mittry Lake Wildlife Area shall be those areas described as follows:
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, W1/2E1/2, 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, 4, E1/2NW1/4, and that portion of NE1/4, E1/2SW1/4, NW1/4SE1/4 lying westerly of Gila Gravity Main Canal R/W; T6S, R22W; Section 36: all of Lot 1. 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 S1/2SE1/4 lying northerly of Gila Gravity Main Canal R/W; all in G&SRB&M, Yuma County, Arizona.
24. Planet Ranch Conservation and Wildlife Area: The Planet Ranch Wildlife Area shall be those areas described as follows: Mohave County (Parcels 1 through 5) Parcel No. 1: the S1/2S1/2 of Section 28, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 2: all of sections 32 and 34 T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. Parcel No. 3: the S1/2S1/2 of Section 27, T11N, R16W of the G&SRB&M, Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 4: all of Section 33 and 35, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except oil, gas, coal, and minerals as reserved in deed recorded in Book 64 of Deeds, Page 599, records of Mohave County, Arizona. Parcel No. 5: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in Mohave County, Arizona; except 1/16 of all oil, gases, and other hydrocarbon substances, coal, stone, metals, minerals, fossils and fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes. La Paz County (Parcels 6 through 9)

Parcel No. 6: that portion of the S1/2 of Lot 2, all of Lots 3, and 4, the S1/2SE1/4NW1/4 and the S1/2S1/2NE1/4 of Section 31, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57, of Dockets, Page 310. Parcel No. 7: all of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except any part of Section 32 lying within the Copper Hill Mining Claim as shown on the Plat of Mineral Survey Number 2675; except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona, described as follows: commencing at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet to the point of beginning; thence north 634.31 feet; thence S 76º41'15" W a distance of 94.09 feet to the southeasterly line of the Planet Ranch Road; thence along said line S 28º55'W a distance of 101.23 feet; thence southwesterly 250.25 feet through an angle of 54º22', along a tangent curve concave to the northwest, having a radius of 263.73 feet to a point of tangency, from which a radial line bears N 07º05' W; thence along said line S 82º55' W a distance of 96.52 feet; thence westerly 184.42 feet through an angle of 17º40'14" along a tangent curve concave to the north, having a radius of 597.96 feet to a point of tangency from which a radial line bears N 10º35'14" E; thence N 79º24'46" W a distance of 260.38 feet; thence leaving the southwesterly line of said Planet Ranch Road, south a distance of 429.61 feet to the south line of said Section 32; thence south along said south line east a distance of 874.42 feet more or less back to the point of beginning; and except that portion of the SW1/4 of Section 32, T11N, R16W of the G&SRB&M, La Paz County, Arizona, described as follows: beginning at the S1/4 corner of Section 32; thence west along the south line of Section 32, a distance of 1270.58 feet; thence north a distance of 634.31 feet; thence S 76º41'15" W a distance of 214.08 feet; thence N 13º18'45" W a distance of 25 feet; thence N 76º41'15" E a distance of 220 feet; thence east a distance of 1270.58 feet; thence south a distance of 660 feet back to the point of beginning. Parcel No. 8: those portions of Sections 33, 34, and 35, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record (Section 34); also except all oil, gas, coal, and minerals as set forth in instrument recorded in Book 57 of Dockets, Page 310 (Section 33 and 35). Parcel No. 9: the S1/2S1/2N1/2 and the S1/2 of Section 36, T11N, R16W of the G&SRB&M, lying in La Paz County, Arizona; except an undivided 1/16 of all oil, gases, and other hydrocarbon substances, coal or stone, metals, minerals, fossils and fertilizer of every name and description, together with all uranium, thorium, or any other material which is or may be determined by the laws of the production of fissionable materials, whether or not of commercial value, as reserved by the State of Arizona in Section 37-231, Arizona Revised Statutes, and in patent of record.

25. Powers Butte (Mumme Farm) Wildlife Area: The Powers Butte Wildlife Area shall be that area described as follows:
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, SE1/4SW1/4; Section 22, E1/2NW1/4, NW1/4NW1/4; all in G&SRB&M, Maricopa County, Arizona.
26. Quigley-Achee Wildlife Area: The Quigley-Achee Wildlife Area shall be those areas described as follows:
T8S, R17W; Section 13, W1/2SE1/4, SW1/4NE1/4, and a portion of land in the W1/2 of Section 13, more particularly described as follows: beginning at the S1/4 corner; thence S 89º17'09" W along the south line of said Section 13 a distance of 2627.50 feet to the southwest corner of said Section 13; thence N 41º49'46" E a distance of 3026.74 feet; thence N 0º13'30" W a distance of 1730.00 feet to a point on the north 1/16th line of said Section 13; thence N 89º17'36" E along said north 1/16th line a distance of 600.00 feet to the center of said Section 13; thence S 0º13'30" 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 S 0º10'19" E 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 S 89º29'58" W along said south line, a distance of 1309.64 feet; thence N 44º17'39" E a distance of 1869.58 feet to the point of beginning. Section 24, NW1/4, N1/2SW1/4, W1/2NE1/4, N1/2SE1/4NE1/4; all in G&SRB&M, Yuma County, Arizona.
27. Raymond Wildlife Area: The Raymond Wildlife Area is that area described as follows: 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 W1/4 corner of Section 33; thence northeasterly through the 1/4 corner common to Sections 28 and 33, 1/4 corner common to Sections 27 and 28 to the N1/4 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.
28. Robbins Butte Wildlife Area: The Robbins Butte Wildlife Area shall be those areas described as follows:
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 5, 6, 7, 8, NE1/4, SE1/4SE1/4; all in G&SRB&M, Maricopa County, Arizona.

29. Roosevelt Lake Wildlife Area: The Roosevelt Lake Wildlife Area is that area described as follows: beginning at the junction of A-Cross Rd. and Arizona Highway 188; south on Arizona Highway 188 to the main entrance of Roosevelt Lake Marina; northeast on this road towards the main marina launch; northeast across Roosevelt Lake to the south tip of Bass Point; northerly to Long Gulch Rd.; northeast on this road to the A-Cross Rd.; northwest on the A-Cross Rd. to the point of beginning; all in G&SRB&M, Gila County, Arizona.
30. Santa Rita Wildlife Area: The Santa Rita Experimental Range is that area described as follows: 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.
31. Sipe White Mountain Wildlife Area: The Sipe White Mountain Wildlife Area shall be those areas described as follows:
    T7N, R29E, Section 1, SE1/4, SE1/4NE1/4, S1/2NE1/4NE1/4, SE1/4SW1/4NE1/4, NE1/4SE1/4SW1/4, and the SE1/4NE1/4SW1/4. 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, S1/2NW1/4NE1/4SE1/4, N1/2SE1/4SE1/4, 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.
32. Springerville Marsh Wildlife Area: The Springerville Marsh Wildlife Area shall be those areas described as follows: S1/2 SE1/4 Section 27 and N1/2 NE1/4 Section 34, T9N, R29E, G&SRB&M, Apache County, Arizona.
33. Sunflower Flat Wildlife Area: The Sunflower Flat Wildlife Area shall be those areas described as follows:
    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, NW1/4SW1/4SW1/4, NW1/4NE1/4SW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4, W1/2SE1/4NW1/4SW1/4, SW1/4NE1/4NW1/4 SW1/4; all in the G&SRB&M, Coconino County, Arizona.
34. Three Bar Wildlife Area: The Three Bar Wildlife Area shall be that area described as follows: beginning at Roosevelt Dam, northwesterly on 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 drift fence at Ash Creek to Apache Lake; northeasterly along Apache Lake to Roosevelt Dam.
35. Tucson Mountain Wildlife Area: The Tucson Mountain Wildlife Area shall be that area described as follows: beginning at the northwest corner of Section 33; T13S, R11E on the Saguaro National Park boundary; due south approximately one mile to the El Paso Natural Gas Pipeline; southeast along this pipeline to Sandario Rd.; south on Sandario Rd. 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 Rd.; northwest along this road to Twin Peaks Rd.; west along this road to Sandario Rd.; south along this road to the Saguaro National Park boundary; west and south along the park boundary to the point of beginning, all in G&SRB&M, Pima County, Arizona.
36. 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 follows:
    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 Section 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: NE1/4NW1/4, NW1/4NE1/4, NE1/4NE1/4, SE1/4NW1/4, SW1/4NE1/4, SE1/4NE1/4, NE1/4SW1/4, NW1/4SE1/4, NE1/4SE1/4, NW1/4SW1/4, NE1/4SW1/4, and NW1/4SE1/4 in Section 7, T17N, R1W and SE1/4SE1/4 Section 12, T17N, R2W consisting of 315 acres. Tract 39 Parcel: the E1/2 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, and SW1/4SW1/4 of Section 5 and NW1/4NW1/4 of Section 8, T18N, R1W consisting of approximately 163 acres. Wells Parcels: Parcel 1 and Parcel 2: all that portion of Government Lots 9 and 10, Section 7, along with Lot 3 and the SW1/4NW1/4, Section 8, located in T17N, R1W, of G&SRB&M, Yavapai County, Arizona, also known as APN 306-39-004L and 306-39-004M. Parcel 3 and Parcel 4: all that portion of the NE1/4SW1/4, NW1/4SE1/4, SW1/4SW1/4, and E1/2SW1/4SW1/4 of Section 12 and the NW1/4NW1/4 of Section 13, T17N, R2W, of G&SRB&M, Yavapai County, Arizona.

37. Wenima Wildlife Area: The Wenima Wildlife Area shall be those areas described as follows:
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 1/4 corner of Sections 17 and 18, the True Point of Beginning; thence N 00°12'56" E a distance of 1302.64 feet along the Section line between Sections 17 and 18 to the N1/16 corner; thence N 89°24'24" W a distance of 1331.22 feet to the NE1/16 corner of Section 18; thence N 00°18'02" E a distance of 1310.57 feet to the E1/16 corner of Sections 7 and 18; thence S 89°03'51" E a distance of 1329.25 feet to the northeast Section corner of said Section 18; thence N 01°49'10" E a distance of 1520.28 feet to a point on the Section line between Sections 7 and 8; thence N 38°21'18" E a distance of 370.87 feet; thence N 22°04'51" E a distance of 590.96 feet; thence N 57°24'55" E a distance of 468.86 feet to a point on the east-west midsection line of said Section 8; thence N 89°38'03" E a distance of 525.43 feet along said midsection line to the center W1/16 corner; thence S 02°01'25" W a distance of 55.04 feet; thence S 87°27'17" E a distance of 231.65 feet; thence S 70°21'28" E a distance of 81.59 feet; thence N 89°28'36" E a distance of 111.27 feet; thence N 37°32'54" E a distance of 310.00 feet; thence N 43°58'37" W a distance of 550.00 feet; thence N 27°25'53" W a distance of 416.98 feet to the NS1/16 line of said Section 8; thence N 02°01'25" E a distance of 380.04 feet along said 1/16 line to the NW1/16 corner of said Section 8; thence N 89°45'28" E a distance of 1315.07 feet along the east-west middle 1/16 line; thence S 45°14'41" E a distance of 67.69 feet; thence S 49°28'18" E a distance of 1099.72 feet; thence S 08°04'43" W a distance of 810.00 feet; thence S 58°54'47" W a distance of 341.78 feet; thence 50°14'53" W a distance of 680.93 feet to a point in the center of that cul-de-sac at the end of Jeremy's Point Rd.; thence N 80°02'20" W a distance of 724.76 feet, said point lying N 42°15'10" W a distance of 220.12 feet from the northwest corner of Lot 72; thence N 34°19'23" E a distance of 80.64 feet; thence N 15°54'25" E a distance of 51.54 feet; thence N 29°09'53" E a distance of 45.37 feet; thence N 40°09'33" E a distance of 69.21 feet; thence N 25°48'58" E a distance of 43.28 feet; thence N 13°24'51" E a distance of 63.12 feet; thence N 16°03'10" W a distance of 30.98 feet; thence N 57°55'25" W a distance of 35.50 feet; thence N 80°47'38" W a distance of 48.08 feet; thence S 87°28'53" W a distance of 82.84 feet; thence S 72°07'06" W a distance of 131.85 feet; thence S 43°32'45" W a distance of 118.71 feet; thence S 02°37'48" E a distance of 59.34 feet; thence S 23°03'29" E a distance of 57.28 feet; thence S 28°30'39" E a distance of 54.75 feet; thence S 36°39'47" E a distance of 105.08 feet; thence S 24°55'07" W a distance of 394.78 feet; thence S 61°32'16" W a distance of 642.77 feet to the northwest corner of Lot 23; thence N 04°35'23" W a distance of 90.62 feet; thence S 85°24'37" W a distance of 26.00 feet; thence N 64°21'36" W a distance of 120.76 feet; thence S 61°07'57" W a distance of 44.52 feet; thence S 39°55'58" W a distance of 80.59 feet; thence S 11°33'07" W a distance of 47.21 feet; thence S 19°53'19" E a distance of 27.06 feet; thence S 54°26'36" E a distance of 62.82 feet; thence S 24°56'25" W a distance of 23.92 feet; thence S 48°10'38" W a distance of 542.79 feet; thence S 17°13'48" W a distance of 427.83 feet to the northwest corner of Lot 130; thence S 29°10'58" W a distance of 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 S 15°04'25" W a distance of 91.10 feet; thence S 04°29'15" W a distance of 109.17 feet; thence S 01°41'24" W a distance of 60.45 feet; thence S 29°16'05" W a distance of 187.12 feet; thence S 14°44'00" W a distance of 252.94 feet; thence S 15°42'24" E a distance of 290.09 feet; thence S 89°13'25" E a distance of 162.59 feet; thence S 37°19'54" E a distance of 123.03 feet to the southeast corner of Lot 169; thence S 20°36'30" E a distance of 706.78 feet to the northwest corner of Lot 189; thence S 04°07'31" W a distance of 147.32 feet; thence S 29°11'19" E a distance of 445.64 feet; thence S 00°31'40" E a distance of 169.24 feet to the east-west midsection line of Section 17 and the southwest corner of Lot 194; thence S 89°28'20" W a distance of 891.84 feet along said east-west midsection line to the True Point of Beginning; all in G&SRB&M, Apache County, Arizona.

38. White Mountain Grasslands Wildlife Area: The White Mountain Grasslands Wildlife Area shall be those areas described as follows:
Parcel 1 (CL1): the S1/2 of Section 24; the N1/2NW1/4 of Section 25; the NE1/4 and N1/2SE1/4 of Section 26; all in T9N, R27E of G&SRB&M, Apache County, Arizona; except all coal and other minerals as reserved to the U.S. in

the Patent of said land. Parcel 2 (CL2): the SE1/4 and the SE1/4SW1/4 of Section 31, T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 3 (CL3): the NW1/4SW1/4 of Section 28; and the SW1/4S1/2SE1/4 and NE1/4SE1/4 of T9N, R28E of G&SRB&M, Apache County, Arizona. Parcel 4 (CL4): the SW1/4SW1/4 of Section 5; the SE1/4SE1/4 of Section 6; the NE1/4NE1/4 of Section 7; the NW1/4NW1/4, E1/2SW1/4NW1/4, W1/2NE1/4, SE1/4NW1/4, and that portion of the S1/2 which lies North of Highway 260, except the W1/2SW1/4 of Section 8; all in T8N, R28E of G&SRB&M, Apache County, Arizona. Parcel 1 (O1): the S1/2N1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona; except that Parcel of land lying within the S1/2NE1/4 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona, more particularly described as follows: From the N1/16 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 N 89°44'54" W a distance of 1874.70 feet along the east-west 1/16 line to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 02°26'17" W a distance of 932.00 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014; thence S 89°44'54" E a distance of 1873.69 feet to a point monumented with a 1/2-inch rebar with a tag marked LS 13014, said point being on the east line of Section 10; thence N 02°30'00" E a distance of 932.00 feet along said Section line to the True Point of Beginning. Parcel 2 (O2): the N1/2S1/2 of Section 10, T8N, R28E, of G&SRB&M, Apache County, Arizona. Except for that portion lying South of State Highway 260. Parcel 3 (O3): the SE1/4 of Section 25, T9N, R27E, of G&SRB&M, Apache County, Arizona. Parcel 4 (O4): lots 3 and 4; the E1/2SW1/4; W1/2SE1/4; and NE1/4SE1/4 of Section 30, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 5 (O5): lots 1, 2 and 3; the S1/2NE1/4; NW1/4NE1/4; E1/2NW1/4; and NE1/4SW1/4 of Section 31, T9N, R28E, of G&SRB&M, Apache County, Arizona. Parcel 6 (O6): beginning at the northwest corner of the SE1/4 of Section 27, T9N, R28E, of G&SRB&M, Apache County, Arizona; thence east a distance of 1320.00 feet; thence south a distance of 925.00 feet: thence west a distance of 320.00 feet to the center of a stock watering tub; thence N 83° W a distance of 1000.00 feet; thence north a distance of 740.00 feet to the point of beginning. State Land Special Use Permit: SE1/4SW1/4 of Section 5; E1/2NE1/4 of Section 08; NE1/4NW1/4 of Section 8; M&B in N1/2NW1/4 north of Hwy 260 of Section 17, all in T8N, R28E of the G&SRB&M, Apache County, Arizona. S1/2NW1/4 and SW1/4 of Section 26; all of Section 36, all in T9N, R27E of the G&SRB&M, Apache County, Arizona. SE1/4 lying easterly of Carnero Creek in Section 18; Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4, lying southeasterly of Carnero Creek in Section 19; NW1/4SE1/4 of Section 29, Lots 1 and 2 and NE1/4 and E1/2NW1/4 and SE1/4SE1/4 of Section 30; and Lot 4, and the NE1/4NE1/4 of Section 31; all in T9N, R28E of the G&SRB&M, Apache County, Arizona. State Grazing Lease: Legal Description of the White Mountain Grassland State Land Grazing Lease. Lots 1 thru 4, and S1/2N1/2, SW1/4, N1/2N1/2SE1/4, S SW1/4NW1/4SE1/4, and W1/2SW1/4SE1/4 of Section 3; Lots 1 thru 4, and the S1/2N1/2 and S1/2 of Section 4; SE1/4SW1/4 of Section 5; E1/2NE1/4, NE1/4NW1/4 of Section 8; SE1/4NE1/4 and N1/2N1/2 of Section 9; S1/2NE1/4NE1/4, SE1/4NW1/4NE1/4, W1/2NW1/4NE1/4, N1/2NW1/4, all in Section 10; NE1/4NW1/4 lying north of the centerline of State Highway 260, in Section 17, T8N, R28E of the G&SRB&M, Apache County; NE1/4, S1/2NW1/4, and the SW1/4 of Section 25, and all of Section 36; in T9N, R27E of the G&SRB&M, Apache County; a portion of the SE1/4 of Section 18 lying southeasterly of Carnero Creek, Lots 3 and 4, E1/2SW1/4, SE1/4, NE1/4, and SE1/4NW1/4 lying southeast of Carnero Creek in Section 19; all of Section 20 and Section 21; SW1/4NE1/4, S1/2NW1/4, and M&B in N1/2SW1/4, of Section 27; N1/2E1/2SW1/4, SW1/4SW1/4 and SE1/4 of Section 28; Lots 1 and 2, and NE1/4, E1/2NW1/4, and SE1/4SE1/4 of Section 30; Lot 4 and NE1/4NE1/4 of Section 31; all of Section 32 and Section 33, in T9N, R28E, in the G&SRB&M, Apache County. SE1/4NE1/4SE1/4 of Section 31; T09N, R28E, G&SRB&M, Apache County, Arizona.

39. Whitewater Draw Wildlife Area: The Whitewater Draw Wildlife Area shall be those areas described as follows: 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.
40. 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 S 0°15'57" W a distance of 2645.53 feet to the east 1/4 corner of Section 10; thence S 89°47'15" W a distance of 2578.59 feet to the center 1/4 corner of Section 10; thence N 1°45'24" E a distance of 2647.85 feet to the center 1/4 corner of Section 3; thence N 1°02'42" W a distance of 2647.58 feet to the center 1/4 corner of said Section 3; thence N 89°41'37" E to the common 1/4 corner of Section 2 and Section 3; thence S 0°00'03" W a distance of 1323.68 feet to the south 1/16 corner of said Sections 2 and 3; thence S 44°46'30" E a distance of 1867.80 feet to a point on the common Section line of Section 2 and Section 11; thence S 44°41'13" E a distance of 1862.94 feet; thence S 44°42'35" E a distance of 1863.13 feet; thence N 0°13'23" E a distance of 1322.06 feet; thence S 89°54'40" E a distance of 1276.24 feet to a point on the west right-of-way fence line of Kansas Settlement Rd.; thence S 0°12'32" W a distance of 2643.71 feet along said fence line; thence N 89°55'43" W a distance of 2591.30 feet; thence N 0°14'14" E a distance of 661.13

feet; thence N 89°55'27" W a distance of 658.20 feet; thence N 0°14'39" E a distance of 1322.36 feet; thence N 44°41'19" W a distance of 931.44 feet; thence N 44°40'31" W a distance of 1862.85 feet to the point of beginning. Said wildlife area contains 543.10 acres approximately.

C. 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 S 35°33'23.43" W a distance of 2938.12 feet; to the point of true beginning; thence S 81°31'35.45" W a distance of 147.25 feet; thence S 45°46'21.90" W a distance of 552.25 feet; thence S 21°28'21.59" W a distance of 56.77 feet; thence S 16°19'49.19" E a distance of 384.44 feet; thence S 5°27'54.02" W a distance of 73.43 feet; thence S 89°50'44.45" E a distance of 431.99 feet; thence N 4°53'57.68" W a distance of 81.99 feet; thence N 46°49'53.27" W a distance of 47.22 feet; thence N 43°3'3.68" E a distance of 83.74 feet; thence S 47°30'40.79" E a distance of 47.71 feet; thence N 76°2'59.67" E a distance of 105.91 feet; thence N 15°45'0.24" W a distance of 95.87 feet; thence N 68°48'27.79" E a distance of 69.79 feet; thence N 8°31'53.39" W a distance of 69.79 feet; thence N 30°5'32.34" E a distance of 39.8 feet; thence N 46°17'32.32" E a distance of 63.77 feet; thence N 22°17'26.17" W a distance of 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), 17-241(A)(2), and 41-1005(A)

Historical Note

New Section adopted by exempt rulemaking at 6 A.A.R. 1731, effective May 1, 2000 (Supp. 00-2). Amended by exempt rulemaking at 9 A.A.R. 3141, effective August 23, 2003 (Supp. 03-2). Amended by exempt rulemaking at 11 A.A.R. 1927, effective May 20, 2005 (Supp. 05-2). Amended by exempt rulemaking at 16 A.A.R. 397, effective March 5, 2010 (Supp. 10-1). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Amended by exempt rulemaking at 18 A.A.R. 1070, effective June 15, 2012 (Supp. 12-2). Amended by exempt rulemaking at 19 A.A.R. 931, effective June 17, 2013 (Supp 13-2). Amended by exempt rulemaking at 20 A.A.R. 841, effective June 17, 2014 (Supp 14-1). Amended by exempt rulemaking at 22 A.A.R. 951, effective June 7, 2016 (Supp. 16-2). Amended by exempt rulemaking at 22 A.A.R. 2209, effective October 4, 2016 (Supp. 16-4). Amended by final exempt rulemaking at 27 A.A.R. 242, effective April 5, 2021 (Supp. 21-1).

R12-4-804. Renumbered

Historical Note

New Section made by exempt rulemaking at 9 A.A.R. 1424, effective June 14, 2003 (Supp. 03-2). Amended by exempt rulemaking at 17 A.A.R. 800, effective June 20, 2011 (Supp. 11-2). Section R12-4-804 renumbered to R12-4-125, by final rulemaking at 21 A.A.R. 3025, effective January 2, 2016 (Supp. 15-4).

ARTICLE 9. AQUATIC INVASIVE SPECIES

R12-4-901. 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 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 (Supp. 13-2). Section R12-4-901 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-901 renumbered from R12-4-1101 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

R12-4-902. 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 prior to transport, a person shall:
1. Remove all clinging materials such as plants, animals, and mud.
2. Remove all plugs and other valves or devices that prevent water drainage from all compartments that may retain water, such as ballast tanks, ballast bags, bilges, and ensure plugs or devices remain removed or open during transport.
3. If no plugs or barriers exist, take reasonable measures to drain or dry all compartments or spaces that may retain 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 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 a person to decontaminate or cause to be decontaminated such watercraft, vehicle, conveyance, or 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 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 (Supp. 13-2). Section R12-4-902 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2). New Section R12-4-902 renumbered from R12-4-1102 and amended by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

R12-4-903. Expired

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-903 renumbered to R12-4-904; new Section R12-4-903 renumbered from R12-4-904 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-903 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

R12-4-904. Expired

Historical Note

New Section made by final rulemaking at 11 A.A.R. 1109, effective April 30, 2005 (Supp. 05-1). R12-4-904 renumbered to R12-4-903; new Section R12-4-904 renumbered from R12-4-903 and amended by final rulemaking at 19 A.A.R. 768, effective June 1, 2013 (Supp. 13-2). Section R12-4-904 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

R12-4-905. Expired

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 (Supp. 13-2). Section R12-4-905 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

R12-4-906. Expired

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 (Supp. 13-2). Section R12-4-906 expired under A.R.S. § 41-1056(J) at 21 A.A.R. 757, effective March 31, 2015 (Supp. 15-2).

ARTICLE 10. OFF-HIGHWAY VEHICLES

R12-4-1001. Minimum Standards for an Approved Off-highway Vehicle Educational 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 examination or that demonstrates an equivalent proficiency.
   c. Provide proof of completion to the Department of Transportation or the Game and Fish Department (non-resident user indicia) as appropriate.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3). Amended by final rulemaking at 32 A.A.R. 959 (May 1, 2026, Issue 18), effective June 8, 2026 (Supp. 26-2).

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 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;
   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;

3. Any materials that will be provided to course participants; and
4. The examination required under R12-4-1001(2)(a).

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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3). Amended by final rulemaking at 32 A.A.R. 959 (May 1, 2026, Issue 18), effective June 8, 2026 (Supp. 26-2).

R12-4-1003. Fee for an Approved Course

Under A.R.S. § 28-1175(B), the provider of an approved educational course of instruction in basic off-highway vehicle safety and environmental ethics may collect a fee from each participant that:

1. Is reasonable and commensurate for the course, and
2. Does not exceed $300.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3).

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; and
2. Other OHV. International Organization for Standardization, ISO 5130:2019, Acoustics-Measurements of Sound Pressure Level Emitted by Stationary Road Vehicles, 2019,July Edition 3, 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.

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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. § 28-1175

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3). Amended by final rulemaking at 32 A.A.R. 959 (May 1, 2026, Issue 18), effective June 8, 2026 (Supp. 26-2).

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 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 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.
2. For two-wheeled vehicles, the indicia shall be displayed on top of the rear fender.

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.

Authorizing Statute

General: A.R.S. § 17-231(A)(1)
Specific: A.R.S. §§ 28-1177 and 28-1179

Historical Note

New Section made by final rulemaking at 25 A.A.R. 1860, August 31, 2019 (Supp. 19-3). Amended by final rulemaking at 32 A.A.R. 959 (May 1, 2026, Issue 18), effective June 8, 2026 (Supp. 26-2).

ARTICLE 11. RENUMBERED

R12-4-1101. Renumbered

Historical Note

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1101 renumbered to R12-4-901 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

R12-4-1102. Renumbered

Historical Note

New Section made by final rulemaking at 18 A.A.R. 196, effective January 10, 2012 (Supp. 12-1). Section R12-4-1102 renumbered to R12-4-902 by final expedited rulemaking at 24 A.A.R. 407, effective February 6, 2018 (Supp. 18-1).

R12-4-1103. Emergency Expired

Historical Note

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4). Emergency expired (Supp. 14-1).

R12-4-1104. Emergency Expired

Historical Note

New Section made by emergency rulemaking at 17 A.A.R. 1218, effective June 2, 2011 for 180 days (Supp. 11-2). Section renewed by emergency rulemaking at 17 A.A.R. 2376, effective November 3, 2011 (Supp. 11-4). Emergency expired (Supp. 14-1).

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2026 Commission Approved Civil Values

Species/Sex	Hunting Associated	Wildlife Viewing Value	Value of Meat (2)	Tag Costs	Animal Value Total 2025	Animal Value Total 2026	Change from 2025	Minimum Values in Statute	USE THESE AMOUNTS Civil Values for 2026
Bison	$1,343.35	$1,187.64	$17,051.13	$2,097.50	$21,993.45	$21,679.62	-$313.83	$8,000.00	**$21,679.62**
Elk	$1,044.70	$1,187.64	$7,345.10	$406.50	$9,892.11	$9,983.94	$91.83	$2,500.00	**$9,983.94**
Bear	$1,237.75	$1,187.64	$3,031.70	$102.00	$5,408.15	$5,559.09	$150.94	$1,500.00	**$5,559.09**
Bighorn	$872.77	$1,187.64	$1,844.28	$1,064.00	$4,954.04	$4,968.69	$14.65	$8,000.00	**$8,000.00**
Mtn Lion	$2,161.15	$1,187.64	$1,111.62	$45.00	$4,401.45	$4,505.41	$103.96	$1,500.00	**$4,505.41**
Mule Deer	$1,035.55	$1,187.64	$1,562.94	$187.00	$3,852.38	$3,973.13	$120.75	$1,500.00	**$3,973.13**
Pronghorn	$781.54	$1,187.64	$934.77	$334.00	$3,177.89	$3,237.95	$60.06	$1,500.00	**$3,237.95**
Whitetail	$1,035.55	$1,187.64	$956.43	$187.00	$3,245.87	$3,366.62	$120.75	$1,500.00	**$3,366.62**
Javelina	$636.19	$1,187.64	$581.08	$77.00	$2,456.08	$2,481.91	$25.83	$500.00	**$2,481.91**
Turkey	$631.19	$1,187.64	$56.05	$72.00	$1,925.92	$1,946.88	$20.96	$500.00	**$1,946.88**
Predator/Furbearer					$298.26	$307.21	$8.95	$250.00	**$307.21**
Small Game/ Aquatic					$60.68	$62.50	$1.82	$50.00	**$62.50**
T&E					Calculated per animal			$8,000	Calculated Per Animal

Explanation of values data sources:

(1) Hunting Associated Expenditures

Calculated from USFW, 2022 National Survey of Fishing, Hunting and Wildlife-Associated Recreation data; Calculated for Big Game
Using the national average of $179.26 spent per hunter day multiplied by the average number of days spent hunting according to species from the latest Hunt AZ data. adding 3.7% for the 2023 CPI, 2.9% for the 2024 CPI, and 3.0% for the last 12 months.

(2) Value of meat:

Calculated using typical body size, taken from the 1999 Arizona Wildlife Views Special Edition, minus 30% for the hide, head, etc.
https://www.exoticmeatmarkets.com/ used price per pound of ground meat for appropriate species. If no species was found used average of $14.44/lb and the most current turkey price of $2.95/lb

(3) Wildlife Viewing Value (based on 16 viewing days):

Calculated from USDW, 2022 National Survey of Fishing, Hunting and Wildlife-Associated Recreation data.
The average amount spent viewing of $67.73 per day multiplied by the average number of viewing days (16). adding 3.7% for the 2023 CPI, 2.9% for the 2024 CPI, and 3.0% for the last 12 months.

ARS TITLE 17

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FISHING

UNLAWFUL METHOD (3+POLES)	17-309A.13, R12-4-313B4
UNATTENDED LINE	17-301C
BAITFISH POSS/TRANS UNLAWFUL SPECIES	17-309A.2, R12-4-314C1
USE GAME FISH AS BAIT	17-309A.13, R12-4-313B1
BAITFISH UNLAWFUL USE IN CLOSED AREA	17-309A.13 R12-4-313B2
SLOT LIMIT (COM. ORDER #40)	17-309A.1, R12-4-314A
UNLAWFUL METHODS	17-309A.13, R12-4-313C
LIVE BAITFISH TAKE BY UNLAWFUL METHOD	17-309A.13, R12-4-313C9
OTHER THAN ARTIFICIAL LURES	17-309A.13, R12-4-313B5a
OTHER THAN BARBLESS HOOKS	17-309A.13, R12-4-313B5b
FAIL TO IMMEDIATELY KILL	17-309A.1, R12-4-313B5c
CATCH AND RELEASE ONLY	17-309A.1, R12-4-313B5d
POSS/TRANS FISH W/O HEAD/SKIN/TAIL	17-309A.19, R12-4-305B5
TRANSPORT LIVE FISH	17-309A.1, R12-4-314B

MISCELLANEOUS VIOLATIONS

UNLAWFUL LIVE WL POSS/TRANS/IMPORT	17-306, (specify rule)
UNLAWFUL POSSESSION OF GILA MONSTER	17-306, R12-4-406H2d
LIVE WILDLIFE PROHIBITED ACTS	17-306, R12-4-402A
CAMP WITHIN ¼ MILE OF WATER	17-308
COMMERCIALIZE LIVE WILDLIFE	17-309A.2, R12-4-402A
TAKE WL DISCHARGE FIREARM W/IN ¼ MILE	17-309A.4
TAKE WL DIS PNP/ARROW/BOLT W/IN ¼ MILE	17-309A.1, R12-4-303A4h
TAKE WL WHILE PROHIBITED POSSESSOR	17-309A.1, R12-4-303B
FAIL TO REPORT SHOOTING ACCIDENT	17-311
CARELESS MISUSE OF FIREARM	17-312A
VANDALISM WHILE HUNTING	17-309A.3
LITTER WHILE HUNTING/FISHING	17-309A.9
HARASS/INTENTIONALLY INTERFERE W/ HUNT	17-316A
REMAIN IN HUNT AREA TO INTERFERE/HARASS	17-316B
CHECK STATION REQUIRED CHECK-IN/OUT	17-309A.1, R12-4-308A3
FAILURE TO REPORT BEAR/LION HARVEST	17-309A.1, R12-4-308B2
FAILURE TO REPORT OTC DEER HARVEST	17-309A.1, R12-4-308C
VIOLATE WILDLIFE AREA REGULATORY SIGN	17-309A.1, R12-4-801A5
VIOLATE COMMISSION PROPERTY SIGNAGE	17-309A.1, R12-4-801B2

TRAP/GUIDE

TRAP ON PUBLIC W/ LEGHOLD/ KILL/ OTHER	17-301D
FAIL TO INSPECT TRAPS DAILY	17-361B, R12-4-307G1
FAIL TO IDENTIFY TRAP	17-361B, R12-4-307K
FAIL TO RELEASE NON-TARGET WILDLIFE	17-309A.1 R12-4-307G5
FAIL TO POSSESS RELEASE DEVICE	17-309A.1 R12-4-307G4
SET TRAP W/IN ½ MILE OF DEVELOPMENT	17-309A.1, R12-4-307H2a
SET TRAP W/IN ½ MILE OF BUILDING	17-309A.1, R12-4-307H2b
SET TRAP TOO CLOSE HWY/RD/TRL	17-309A.1, R12-4-307H2
SIGHT EXPOSED BAIT W/IN 30 FT. OF LEGHOLD	17-309A.1, R12-4-307H3
UNLAWFUL CONFINEMENT TRAP BAIT	17-309A.1, R12-4-307H1
ILLEGAL USE OF SNARE	17-309A.13, 12-4-307H4c
LAND SET OPEN JAW > 6 ½"	17-309A.13, 12-4-307H4d
LAND SET INSTANT KILL JAW > 5"	17-309A.13, 12-4-307H4a
NO OFFSET/ PADS/ SAFETY/ TENSION	17-309A.13, R12-4-307i
TRAP CHAIN W/O SWIVELS OR SPRNG	17-309A.13, R12-4-307J
DISTURB ANOTHER'S TRAP	17-361C
POSSESS BOBCAT W/O TRANSPORT PERMIT	17-309A.1, R12-4-307L
USE OF UNLAWFUL METHOD BY GUIDE	17-309A.1, R12-4-208U1
GUIDE AID IN ILLEGAL CONDUCT	17-309A.1, R12-4-208U2
GUIDE HOLD WILDLIFE AT BAY W/O HUNTER	17-309A.1, R12-4-208U4

TITLE 13

CRIMINAL TRESPASS	13-1502A.1
CRIMINAL DAMAGE	13-1602
PARK/DENY CATTLE ACCESS TO WATER	13-1602A.4
LITTERING (LESS THAN 100 LBS)	13-1603A.1
OBSTRUCT GOVERNMENT OPERATION	13-2402
REFUSE TO AID PEACE OFFICER	13-2403
OBSTRUCT INVESTIGATION	13-2409
RESIST ARREST	13-2508A
DISORDERLY CONDUCT	13-2904
RECKLESS DISCHARGE/ HANDLING FIREARM	13-2904A.6
FALSE REPORTING TO OFFICER	13-2907.01
POSSESS MARIJUANA	13-3405
POSSESS DRUG PARA.	13-3415A
CRUELTY TO ANIMALS	13-2910
VIOLATION OF FIRE RESTRICTION/CLOSURE	13-2913A
POSS/USE SILENCE DEVICE W/O ATF PERMIT	13-3102A.3
WEAPONS MISCONDUCT	13-3102
DEFACE PETRO/PICTO/CAVE/CAVERN	13-3702
UNLAWFUL FEEDING OF WILDLIFE	13-2927A*

**PETTY OFFENSES*

ARS TITLE 5

REGISTRATION/NUMBERING

IMPROPER DISPLAY NUMBER/DECALS	5-321E R12-4-515B*
CERTIFICATE ON BOARD	5-321E*
DISPLAY/ EXPIRED REGISTRATION	5-321F, R12-4-515A*
OPERATE UNREGISTERED WATERCRAFT	5-321F, R12-4-515A*
OWNER OPERATE W/O PROOF NR FEE DECAL	5-326C*
ALLOW OR OPERATE W/O NR FEE DECAL	5-327D*
APPLY W/ FALSE INFORMATION	5-321A, R12-4-502M*
KNOWINGLY DEFACE HIN (FELONY)	5-391G
KNOWINGLY DISPLAY FICTITIOUS REGIS	5-391H.1
KNOWINGLY PERMIT USE FRAUD REGIS	5-391H.2

REQUIRED EQUIPMENT

INSUFFIC/ACCESS/POOR COND. PFDS	5-331A, R12-4-511B*
NO THROWABLE (>16 FOOT BOAT)	5-331A, R12-4-511C*
<13 YOA W/O PFD	5-331C*
SKI W/O PFD/SKI BELT	5-331B*
NO FIRE EXTINGUISHER	5-332A, R12-4-512A*
INSUFFICIENT FIRE EXTINGUISHERS	5-332B, R12-4-512B*
OPERATE W/O PROPER LIGHTS	5-333B*
NO FLAME ARRESTER ON CARBURETOR	5-334*
NO MUFFLING DEVICE	5-336A*
EXCEED MEASURED SOUND LEVEL	5-311A, R12-4-516A*

OPERATION/SKIING

RECKLESS/NEGLIGENT OPERATION	5-341A
BOWRIDING ABOVE WAKELESS SPEED	5-341B
OPERATOR OBSTRUCTED VIEW	5-341C
CARELESS OPERATION OF WATER SKIS	5-341D
<12 YOA OPERATE WC W/O ADULT	5-341E*
ALLOW <12 YOA OPERATE WC	5-341F*
EXCEED WAKELESS/REASONABLE/PRUD	5-343*
FAILURE TO CONTROL WC	5-343*
OPERATE CONTRARY CONTROL MARK	5-311A, R12-4-523A*
OVERLOAD WC WITH PASS/CARGO	5-344A*
NAVIGATION RULE VIOLATION	5-345*
SKI WITHOUT OBSERVER	5-346A*
TOW SKIER TOO CLOSE TO HAZARDS	5-346B*
FAILURE TO DISPLAY SKI FLAG	5-346C*
SKI BEFORE SUNRISE/AFTER SUNSET	5-346D*
OBSERVER <12 YOA	5-311A, R12-4-524A*

OUI

IMPAIRED SLIGHTEST DEGREE	5-395A.1
EXCEED 0.08 BAC	5-395A.2
OUI EXTREME >0.15	5-397A.1
OUI SUPER EXTREME >0.20 BAC	5-397A.2
OPERATE IMPAIRED BY DRUG	5-395A.3
EXCEED 0.04 BAC (COMMERCIAL)	5-395A.4
AG. OUI 3rd OFF. W/I 84 MONTHS (FELONY)	5-396A.1
AG. OUI (W/<15 YOA) (FELONY)	5-396A.2
<21 YOA OPERATE WC W/ BAC	4-244.35

PERSONAL WATERCRAFT (JET SKI)

OPERATE/RIDE ON WITHOUT PFD	5-350A*
UNATTACHED KILL SWITCH LANYARD	5-350B*
NO KILL OR IDLE SWITCH	5-350D*
EXCEED CAPACITY/OVERLOAD	5-350E*
OWNER ALLOW USE IN VIOLATION	5-350F*
RECKLESS OPERATION (2 OR MORE)	5-350C

- W/IN 60' OF WC, ABOVE WAKELESS
- OBSTRUCT VISABILITY OF OPER
- JUMP WAKE >½ LENGTH OUT
- TURN QUICK/SHARP

MISCELLANEOUS WATERCRAFT

EXCEED LAKE ENGINE RESTRICTION	5-311A, R12-4-517*
TIE TO BUOY/MARKER	5-311A, R12-4-520C*
UNLAWFUL MOORING	5-311A, R12-4-526A*
INTERFERE W/ NAVIG./LAUNCH AREA	5-347A*
PARK/BLOCK LAUNCH RAMP	5-347B*
LITTER WATERWAY/ SHORELINE	5-348*
FAIL TO RPT WATERCRAFT ACCIDENT	5-349C, R12-4-513A
LEAVE SCENE OF ACCIDENT	5-349F
FAIL TO STOP/PERMIT OFC. ONBOARD	5-391C*
FAIL TO OBEY LAWFUL ORDER	5-391C*
REFUSE HIN INSPECTION	5-393C

ARS TITLE 3

DIG/POSS/REMOVE/TRANS PROTECTED PLANT	3-906A
DESTROY/MUTILATE PROTECTED PLANT	3-908A

ARS TITLE 4

<21 YOA POSSESS/CONSUME ALC	4-244.9
CONSUME ALCOHOL PUBLIC PLACE	4-244.20
CONSUME WHILE DRIVING VEHICLE	4-251.A1
CONSUME W/IN PASSENGER COMP.	4-251.A1
OPEN CONTAINER W/IN PASS COMP.	4-251.A2
<21 YOA DRIVE W/ BAC	4-244.34

ARS TITLE 28 OHV/ACCESS

OPERATE OHV W/O VALID DECAL	28-1177A**
FAIL DISPLAY LICENSE PLATE	28-2512 D.2**
NO REGISTRATION	28-2153A**
RIDE DOUBLE W/OUT SEAT FOR PASSENGER	28-892 C**
OPERATOR EYE PROTECTION (ATV ONLY)	28-964A**
Allow <18 YOA W/O DOT HELMET (ATV ONLY)	28-1179C**
NO REAR VIEW MIRROR	28-964B**
OHV W/O ADEQUATE BRAKES	28-1179A.1**
NO HEAD/TAILIGHT SUNSET TO SUNRISE	28-1179A.2**
NO USDA SPARK ARRESTOR	28-1179A.4**
NO SAFETY FLAG IN DESIGNATED AREA	28-1179A.5**
UNAUTHORIZED ORGANIZED EVENT	28-1180**
ALLOW TO OPERATE IN VIOLATION	28-1524
X-COUNTRY PRIVATE/PUBLIC	17-454
X-COUNTRY STL WHILE HUNT/FISH/TRAP RECKLESS	17-454, R12-4-110K9
DISREG FOR PERSON/PROPERTY OPERATE OFFROAD	28-1174A.1
& CAUSE DAMAGE	28-1174A.2
OPERATE CLOSED ROAD/TRAIL/AREA	28-1174A.3
OPERATE CONTRARY TO RULE	28-1174A.4
PROHIB DAMAGE BY RULE/REG/ORD/CODE PLACE/	28-1174C
REMOVE OHV REGULATORY SIGN UNLAWFUL	28-1174D
POSTING OF STL/ FEDERAL LANDS DENY LEGAL	17-304B
ACCESS STL	17-309A1, R12-4-110B

ARS TITLE 28 TRAFFIC/IMPAIRMENT

<5 YOA WITHOUT CARSEAT	28-907A
FAILURE TO OBEY TRAFFIC CONTROL DEVICE	28-644A.1**
FAIL TO STOP AT RED LIGHT	28-645A.3.A**
SPEED GREATER THAN R/P	28-701A**
SPEED LESS THAN R/P	28-701E**
EXCESSIVE SPEED (85+ Interstate, 20+ all other)	28-701.02A3
NO OPERATOR'S LICENSE	28-3151A**
DRIVE W/ SUSPENDED LICENSE	28-3473A
DRIVE W/ SUSPENDED LICENSE (FAIL TO APPEAR/PAY)	28-3482A**
NO PROOF INSURANCE	28-4135B**
EXPIRED REGISTRATION	28-2153A**
EXPIRED/NO AZ REGIST (RESIDENT)	28-2532A**
RESIDENT W/ OUT OF STATE PLATES (30 DAYS)	28-2533A**
KNOWING DISPLAY FICT/ REVOKED/ SUSP. PLATE	28-2531B.1
PASS IN NO PASSING ZONE	28-727**
DRIVE LEFT OF CENTER	28-721A**
PASS IN FACE OF TRAFFIC	28-725**
IMPEDE TRAFFIC/FAIL TO PULL OFF	28-704C**
FAIL TO KEEP RIGHT ON HILLS	28-894**
FAIL TO GIVE INFO AT ACCIDENT	28-663A.1
LITTER HIGHWAYS	28-7056A
RECKLESS DRIVING	28-693A
FAILURE TO OBEY PEACE OFFICER	28-622A
FLIGHT FROM PURS. LE VEHICLE (FELONY)	28-622.01
DUI IMPAIRED TO SLIGHTEST/ DUI DRUGS	28-1381A.1
DUI EXCEED 0.08 BAC	28-1381A.2
EXTREME DUI 0.15-0.20 BAC	28-1382A.1
SUPER EXTREME DUI >0.20 BAC	28-1382A.2
DUI >0.04 BAC (COMMERCIAL)	28-1381A.4

MISCELLANEOUS

POSSESSION OF FIREWORKS	36-1602A
FAILURE TO CLOSE GATE	28-7055A

***CIVIL TRAFFIC VIOLATION**

**PETTY OFFENSES*

Justice of the Peace Courts 2026

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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."

Judge, Mailing Address	Precinct, Code, Location	Phone, Fax, email	Date, Time, Instructions	Last Update
A P A C H E C O U N T Y				
CIMINSKI, Gary PO Box 1356 Springerville, AZ 85938	Round Valley 0101 130 S. Mountain Ave. Springerville, AZ 85938	(928) 333-4613 (928) 333-4205 (fax) rvjc@courts.az.gov	*Civil and Criminal* *Tuesday 10:00 AM*	**01/22/26**
GUNNELS, Butch L. PO Box 308 St Johns, AZ 85936	St Johns 0102 70 W. 3rd South St Johns, AZ 85936	(928) 337-7558 (928) 337-2683 (fax) SJJC@courts.az.gov	*Civil and Criminal* *Wednesday 9:00 AM* **JUV must bring parent**	**1/14/26**
YELLOWHORSE, Jay PO Box 610 Sanders, AZ 86512	Puerco/Chinle 0103 N County Rd 7080 I 40 Exit 339	(928) 688-2954 (928) 688-2729 (928) 674-5924 (928) 688-2244 (fax) PuercoJusticeCourt@courts.az.gov	*Civil and Criminal* *Tuesday* *10:30 AM* *Tuesday first option for citation, Thursday with attorney	**01/06/26**
C O C H I S E C O U N T Y				
POPPE, Janus 207 N. Judd Dr. Bisbee, AZ 85603	Cochise County #1 Bisbee 0201	(520) 432-9540 (520) 432-5271 (fax) bisbeejp@courts.az.gov	*Civil and Criminal* *Wednesday 9:00 AM*	**01/06/26**
VILDOSOLA, Alma 1012 N. G Ave. Ste 237 Douglas, AZ 85607	Cochise County #2 Douglas 0202	(520) 805-5640 (520) 364-3684 (fax) douglasjp@courts.az.gov	*Civil and Criminal* *Tuesday 9:00 AM* File complaints within 7-10 business days	**01/09/26**
JUDD, Randy 126 W. 5th St. Ste 1 Benson, AZ 85602	Cochise County #3 Benson 0203	(520) 586-8100 (520) 586-8109 Judges Number (520) 586-1263 (fax) bensonjusticecourt@courts.az.gov	*Civil* *Wednesday* *10:00AM* *Criminal* *Wednesday 9:00AM* **JUV Wednesday 10:00 AM, must bring parent**	**1/14/26**
WARD, Trevor J 450 S. Haskell Ave. Willcox, AZ 85643	Cochise County #4 Willcox 0204	(520) 384-7000 (520) 384-7019 (fax) willcoxjp4@courts.az.gov rarios@courts.az.gov (LE)	*Civil and Criminal* *Wednesday 9:00AM* File complaints within 7-10 business days	**01/23/26**

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CURFMAN, Kenneth 100 Colonia De Salud Ste 108 Sierra Vista, AZ 85635	Cochise County #5 Sierra Vista 0205	(520) 803-3800 (520) 439-9106 (fax) svjc@courts.az.gov	*Civil* *Tuesday 8:30AM* *Criminal* *Thursday 1:30 PM* **JUV Tuesday 3:00 PM**	**01/23/26**
ADAME, Ruben PO Box 317 Bowie, AZ 85605	Cochise County #6 Bowie 0206 201 N. Central Ave. Bowie, AZ 85605	(520) 847-2303 Opt. 3 (520) 847-2242 (fax) bowiejp@courts.az.gov	*Civil & Criminal* *Tuesday/ Wednesday 10AM* **JUV must bring parent** File all complaints prior to court date	**01/09/26**
C O C O N I N O C O U N T Y				
GRODMAN, Howard 200 N. San Francisco St. Flagstaff, AZ 86001	Flagstaff 0301	(928) 679-7650 (928) 679-7655 (Citation Clerk) (928) 679-7675 (Court Manager) (928) 679-7683 (fax) contactflagjustice@courts.az.gov	*Civil and Criminal* *Monday-Friday* *10:00 AM* *In-Custody;* *10:30 AM* *Out-of-Custody;* *Civil Traffic* *Tuesday 8:15 AM* File complaints within 7-14 business days	**01/28/26**
KROMBEEN, Robert 700 W. Railroad Ave. Williams, AZ 86046	Williams 0302	(928) 679-7698 (928) 635-1908 (fax) williamsjp@courts.az.gov	*Civil and Criminal* *Wednesday* *10:00AM* File complaints prior to court date	**01/23/26**
CUTCHEN, Serena PO Box 559 Fredonia, AZ. 86022	Fredonia 0303 112 N. Main St. Fredonia, AZ. 86022	(928) 643-7472 (928) 643-7491(fax) fredoniajc@courts.az.gov	*Civil* *Tuesday 1:00PM* *Criminal* *Wednesday 1:00 PM* **JUV must bring parent** File all complaints within 30 days or before court date	**01/23/26**
BARNES, Michael R PO Box 1565 Page, AZ 86040	Page 0305 547 Vista Ave. Page, AZ 86040	(928) 645-8871 (928) 645-1869 (fax) pagejp@courts.az.gov	*Civil and Criminal* *Wednesday 9:00 AM* **JUV must bring parent**	**01/23/26**
G I L A C O U N T Y				
REARDON, Jordan 1400 E. Ash St. Globe, AZ 85501	Globe Regional 0403	(928) 425-3231 ex7 (928) 425-4773 (fax) gjc@courts.az.gov	*Petty and Criminal* *Tuesday 1:30 PM* *Civil* *Tuesday 2:30 PM*	**01/06/26**

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GARVIN, Donald J. 714 S. Beeline Hwy. Ste 103 Payson, AZ 85541	Payson Regional 0404 100 N Tonto St Ste 100 Payson, AZ 85541	(928) 474-5267 ex8 (928) 474-6214 (fax) paysonrc@courts.az.gov	*Civil and Criminal* *Wednesday 9:00 AM*	**01/06/26**
G R A H A M C O U N T Y				
NEWTON, Stephanie 800 W. Main St. Safford, AZ 85546	Graham County Justice Court 0502	(928) 428-1210 (928) 428-3523 (fax) saffordjusticecourt@courts.az.gov	*Civil* *Tuesday 1:30 PM* *Criminal* *Tuesday 10:00 AM* *Felony* *Wednesday 9:00 AM* **JUV Traffic** **2nd & 4th Tues** **4:00 PM** File complaints prior to court date	**01/06/26**
G R E E N L E E C O U N T Y				
NABOR, Grace PO Box 517 Clifton, AZ 85533	Clifton/Morenci 0601 253 5th St. Clifton, AZ 85533	(928) 865-4312 (928) 865-5644 (fax) alguerra@courts.az.gov (leaving 2/2026?) ecabrera@courts.az.gov gbenitez@courts.az.gov	*Civil and Criminal* *Wednesdays 10:00 AM*	**01/06/26**
CLARIDGE, Mindy PO Box 208 Duncan, AZ 85534	Duncan 0602 1684 Fairgrounds Rd. Duncan, AZ 85534	(928) 359-2536 (928) 359-1936 (fax) duncanjusticecourt@courts.az.gov	*Civil* *Wed 9:30– 11:00 AM* *Criminal* *Thurs 9:00 - 11:00 AM* File complaints prior to court date	**01/06/26**
M A R I C O P A C O U N T Y				
SEND ALL MARICOPA COUNTY CITATIONS TO: **Justice Court Services** **222 N. Central Ave. STE # 210** **Phoenix, AZ 85004** **Phone: (602) 506-8530 Fax: (602) 506-8582**			**www.justicecourts.maricopa.gov**	
SAMA, Jennifer 620 W. Jackson St. Ste 1037 Phoenix, AZ 85003	El Centro 0701	(602) 372-6300 Opt. 5 (602) 372-6406 (fax) elcentrojusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Thursday 9:30 AM*	**01/06/26**
DRIGGS, Leonore 620 W. Jackson St. Ste 1046 Phoenix, AZ 85003	Arcadia Biltmore 0702	(602) 372-6300 Opt. 1 (602) 372-6412 (fax)	*Civil and Criminal* *Thursday* *1:30 PM - 2:30 PM*	**01/06/26**

		arcadiabiltmorejusticecourt@jbazmc.maricopa.gov	SPANISH INTERPRETER AVAIL	
OWENS, Heidi 10420 W. Van Buren St. Ste 103 Avondale, AZ 85323	White Tank 0703	(602) 372-8003 ex0 (602) 372-8205 (fax) whitetankjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Tuesday* *A-L 8:30 AM* *M-Z 10:30 AM* **JUV must bring parent** SPANISH INTERPRETER AVAIL	**01/06/26**
JERMAINE, Jennifer Ocotillo Regional Justice Center Attn: San Marcos Justice Court 201 E. Chicago St. Ste 103 Chandler, AZ 85225	San Marcos 0704	(602) 372-3400 Opt. 3 (602) 372-3468 (fax) sanmarcosjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Tuesday 9:00 AM* **JUV must bring parent** SPANISH INTERPRETER AVAIL	**01/06/26**
ARNETT, Fred East Mesa Justice Court 222 E. Javelina Ave. Ste C Mesa, AZ 85210	East Mesa 0705	(602) 506-8117 ex0 (602) 506-8130 (fax) eastmesajusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Wed 8:00- 10:30 AM* **JUV must bring parent**	**01/06/26**
GETZWILLER, Joe PO Box 648 Gila Bend, AZ 85337	Ironwood 0706 209 E. Pima St Gila Bend, AZ 85337	(928) 683-2651 Opt. 0 (928) 683-6412 (fax) ironwoodjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Tuesday 9:00 AM*	**01/06/26**
WATTS, Donald Maricopa County Northwest Regional Court Center Attn: Manistee Justice Court 14264 W. Tierra Buena Ln. Surprise, AZ 85374	Manistee 0707	(602) 372-2000 Opt. 3 (602) 372-2068 (fax) manisteejusticecourt@jbazmc.maricopa.gov Manisteejusticecourt@Mcjc.Maricopa.Gov	*Civil and Criminal* *Wednesday* *Adult 10:00 AM* **JUV 3:00 PM** SPANISH INTERPRETER AVAIL	**01/06/26**
FITZWILLIAM, Ashley Maricopa County Northeast Regional Court Center Attn: Dreamy Draw Justice Court 18380 N. 40th St. Phoenix, AZ 85032	Dreamy Draw 0708	(602) 372-7000 Opt. 1 (602) 372-7911 (fax) dreamydrawjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Monday 8:30 AM*	**01/06/26**
ARROYO, Mireya Maricopa County Northeast Regional Court Center Attn: Moon Valley Justice Court 18380 N. 40th St. Phoenix, AZ 85032	Moon Valley 0709	(602) 372-7000 Opt. 3 (602) 372-8025 (fax) moonvalleyjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Friday 8:30 AM* **JUV must bring parent (only for civil)** SPANISH INTERPRETER AVAIL	**1/07/26**

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WISMER, Craig Maricopa County Northwest Regional Court Center Attn: Arrowhead Justice Court 14264 W. Tierra Buena Ln. Surprise, AZ 85374	Arrowhead 0710	(602) 372-2000 Opt. 6 (602) 372-2620 arrowheadjusticecourt@jbazmc.maricopa.gov Not monitored, mail only best to call for validations (11/17/2025) Arrowheadjusticecourt@Mcjc.Maricopa.Gov	*Civil and Criminal* *Tuesday 2:00 PM* **JUV Tuesday 3:30 PM**	**1/07/26**
REAGAN, Michelle Maricopa County Northeast Regional Court Center Attn: McDowell Mountain Justice Court 18380 N. 40th St. Phoenix, AZ 85032	McDowell Mountain 0711	(602) 372-7000 Opt. 2 (602) 372-7910 (fax) mcdowellmountainjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Wednesday 8:30AM* SPANISH INTERPRETER AVAIL	**1/07/26**
RIOS, Rebecca 620 W. Jackson St. Ste 1044 Phoenix, AZ 85003	South Mountain 0712	(602) 372-6300 Opt. 3 (602) 372-6410 (fax) southmountainjustice@jbazmc.maricopa.gov	*Civil and Criminal* *Wednesday 9:00 AM* SPANISH INTERPRETER AVAIL	**1/07/26**
KISSELL, Tyler Ocotillo Regional Justice Center Attn: University Lakes Justice Court 201 E. Chicago St. Ste 101 Chandler, AZ 85225	University Lakes 0713	(602) 372-3400 Opt. 1, 5 (602) 372-3414 (fax) universitylakesjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Tuesday 1:30 PM* SPANISH INTERPRETER AVAIL	**1/13/26**
GUZMAN, Joe "Pep" 10420 W. Van Buren St. Ste 101 Avondale, AZ 85323	Agua Fria 0714	(602) 372-8001 (602) 372-8201 (fax) aguafriajusticecourt@jbazmc.maricopa.gov Aguafriajusticecourt@Mcjc.Maricopa.Gov	*Civil and Criminal* *Thursday 10:00 AM* SPANISH INTERPRETER AVAIL	**1/07/26**
SEARS, Elaissia West Mesa Justice Court 0715 222 E. Javelina Ave. Ste D Mesa, AZ 85210	West Mesa 0715	(602) 506-8100 (602) 506-8110 westmesajusticecourt@jbazmc.maricopa.gov Westmesajusticecourt@Mcjc.Maricopa.Gov	*Civil and Criminal* *Wednesday* *8:30 AM* SPANISH INTERPRETER AVAIL	**1/07/26**
LOPEZ, Theresa 620 W. Jackson St. Ste 1038 Phoenix, AZ 85003	West McDowell 0716	(602) 372-6300 Opt. 4 (602) 372-6408 (fax) westmcdowelljusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Wednesday* *A-L 1:30 PM* *M-Z 3:00 PM*	**1/07/26**

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			SPANISH INTERPRETER AVAIL Mondays	
MUELLER, CHRIS Maricopa County Northwest Regional Court Center Attn: Hassayampa Justice Court 14264 W. Tierra Buena Ln. Surprise, AZ 85374	Hassayampa 0717	(602) 372-2000 Opt. 5 (602) 372-2523 (fax) hassayampa@mcjc.maricopa.gov Hassayampajusticecourt@Mcjc.Maricopa.Gov	*Civil & Criminal* *Wednesday 9:00AM* **JUV must bring parent**	**1/07/26**
CHEUVRONT, Ken 620 W. Jackson St. Ste 1045 Phoenix, AZ 85003	Encanto 0718	(602) 372-6300 Opt. 2 (602) 372-6414 (fax) encantojusticecourt@jbazmc.maricopa.gov	*Civil* *Tuesday 8:30AM* *Criminal* *Thursday 1:30PM* SPANISH INTERPRETER AVAIL	**1/13/26**
GASTELUM, Andrew 10420 W. Van Buren St. Ste 102 Avondale, AZ 85323	Maryvale 0719	(602) 372-8002 (602) 372-8203 (fax) maryvalejusticecourt@jbazmc.maricopa.gov	*Civil & Criminal* *Wed 9:00 AM.* SPANISH INTERPRETER AVAIL	**1/13/26**
KING, Blake Ocotillo Regional Justice Center Attn: San Tan Justice Court 201 E. Chicago St. Ste 102 Chandler, AZ 85225	San Tan 0720	(602) 372-3400 Opt. 6 (602) 372-3441 (fax) santanjusticecourt@jbazmc.maricopa.gov Santanjusticecourt@Mcjc.Maricopa.Gov	*Civil and Criminal* *Tuesday 9:00 AM* SPANISH INTERPRETER AVAIL	**1/13/26**
JONES, Kyle North Mesa Justice Court 222 E. Javelina Ave. Ste B Mesa, AZ 85210	North Mesa 0721	(602) 372-4900 (602) 372-4910 (fax) northmesajusticecourt@JBAZMC.Maricopa.gov Northmesajusticecourt@Mcjc.Maricopa.Gov	*Civil and Criminal* *Thursday 1:00 PM* **JUV must bring parent** SPANISH INTERPRETER AVAIL	**1/13/26**
SAULS, Sharron Ocotillo Regional Justice Center Attn: Kyrene Justice Court 201 E. Chicago St. Ste 104 Chandler, AZ 85225	Kyrene 0723	(602) 372-3400 Opt. 4 (602) 372-3494 (fax) kyrenejusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Tuesday 1:30 PM* **JUV must bring parent** SPANISH INTERPRETER AVAIL	**1/13/26**
WILLIAMS, Gerald Maricopa County Northwest Regional Court Center	North Valley 0724	(602) 372-2000 Opt. 4 (602) 372-2066 (fax) northvalleyjusticeco@jbazmc.maricopa.gov	*Civil* *Wednesday 8:30 AM* *Criminal* *Tues 9:00 AM*	**1/13/26**

Attn: North Valley Justice Court 14264 W. Tierra Buena Ln. Surprise, AZ 85374		No Electronic-filing | Postal service ONLY	SPANISH INTERPRETER AVAIL	
RIGGS, Cathy 18380 N. 40th St. Ste 130 Phoenix, AZ 85032	Desert Ridge 0725	(602) 372-7100 (602) 372-7912 (fax) desertridgejusticecourt@jbazmc.maricopa.gov Desertridgejusticecourt@Mcjc.Maricopa.Gov	*Civil* *Monday,Wednesday 8:30AM* *Criminal* *Monday 8:30AM & 1:30PM OR Wednesday 8:30AM* **JUV must bring parent** SPANISH INTERPRETER AVAIL	**1/13/26**
RAY, Jordan Highland Justice Court 222 E. Javelina Ave. Ste A Mesa, AZ 85210	Highland 0726	(602) 372-8300 (602) 372-8301 (fax) highlandjusticecourt@jbazmc.maricopa.gov	*Civil and Criminal* *Thursday 8:30 AM* **JUV Civil Traffic Thurs 8:30 AM** **JUV must bring parent** SPANISH INTERPRETER AVAIL	**1/13/26**
HUBERMAN, Anna 10420 W. Van Buren St. Ste 100 Avondale, AZ 85323	Country Meadows 0727	(602) 372-8000 (602) 372-8024 (fax) countrymeadowsjustic@jbazmc.maricopa.gov	*Civil and Criminal* *Tuesday,Thursday 8:30 AM* . *Telephonic - defendants must call the court* **JUV must bring parent** SPANISH INTERPRETER AVAIL	**1/13/26**
M O H A V E C O U N T Y				
WAYT, David HUERTA, Dave PO Box 29 Kingman, AZ 86402 or 524 W Beale St Kingman, AZ 86401	Kingman/Cerbat 0801 524 W. Beale St. Kingman, AZ 86401	(928) 753-0710 Opt. 4 (928) 753-7840 (fax) (fax doesn't usually work) Kingmanjustice@mohavecourts.com	*Civil* *Tuesday 10:00AM* *Criminal* *Tues & Wed 10:00AM* **JUV 4:00 PM 1st Thursday of every month for minor consumption, tobacco possess,**	**01/07/26**

			curfew, truancy only	
MOSS, Jon 2225 Trane Rd. Bullhead City, AZ 86442	Bullhead City 0802	(928) 758-0709 (928) 758-2644 (fax) Bullheadcityjusticecourt@courts.az.gov (LE) bhcjustice@mohavecourts.com (public)	*Civil and Criminal* *Friday 8:30 AM* File complaints "promptly" with defendant to appear by the last Friday within 3 weeks.	**01/07/26**
BROWN, Barbara PO Box 3160 Colorado City, AZ 86021 (Formerly Moccasin)	North Canyon Consolidated Court 0803 2100 S. Hwy 389 Colorado City, AZ 86021	(928)875-8700 (928) 875-2497 LE Only (928) 875-2495 (fax) northcanyon@courts.az.gov	*Civil and Criminal* *Tuesday 9:00 AM* File complaints within 30 days **JUV – Refer to Superior Ct Juvenile Division if Chapter 13**	**01/23/26**
DAVIS, Jill 2001 College Dr. Ste 148 Lake Havasu City, AZ 86403	Lake Havasu City Justice Court 0804	(928) 453-0705 (928) 453-0705 #3098 LE only (928) 453-0711 (fax) lakehavasujusticecourt@courts.az.gov	*Civil and Criminal* *Tuesday 9:00AM* **JUV Tues 3:00 PM**	**01/23/26**
SINGER, Jeffrey (Magistrate) 219 N. 4th St. Kingman, AZ 86401	Kingman Municipal 0841	(928) 753-8193 No fax – email only kingmanmunict@mohavecourts.com	*Civil Traffic* *Tuesday 3:00 PM* *Criminal* *Tuesday 1:30 PM* **JUV Tues 4:00PM** 30 days	**01/07/26**
KALAULI, Mitchell 92 Acoma Blvd S Lake Havasu City, AZ 86403	Lake Havasu Municipal 0844	(928) 732-0024 (928) 680-0193 (fax) lakehavasumunicipalcourt@courts.az.gov	*Civil* *Wednesday 9:00 AM* *Criminal* *Monday 10:00 AM*	**01/23/26**
N A V A J O C O U N T Y				
Wilkinson, Krista PO Box 366 Holbrook, AZ 86025	Holbrook 0901 121 W. Buffalo Holbrook, AZ 86025	(928) 524-4720 Opt. 0 (928) 524-4725 (fax) holbrookjpedocument@courts.az.gov	*Civil and Criminal* *Tuesday 9:30 AM* File complaints before court date	**01/13/26**
LITTLE, BJ (Boyce) 605 E. 3rd St. Winslow, AZ 86047	Winslow J.C. 0902	(928) 289-6840 (928) 289-6847 (fax) winslowjpedocument@courts.az.gov	*Civil and Criminal* *Tuesday 9:00 AM* **JUV Tues 2:45-3:30 PM**	**01/13/26**

			JUV must bring parent	
LEWIS, Hunter T. 145 S. Main St. Ste D Snowflake, AZ 85937	Snowflake 0903	(928) 536-4141 (928) 536-3511 (fax) snowflakejpedocuments@courts.az.gov	*Civil and Criminal* *Monday 10:00 AM* **JUV Mon 3:00 PM** **JUV must bring parent**	**01/23/26**
TIPTON, W. Scott 550 N. 9th Pl. Show Low AZ 85901	Show Low 0905	(928) 532-6030 Opt. 2 (928) 532-6035 (fax) showlowjpedocuments@courts.az.gov	*Civil and Criminal* *Monday 9:00 AM* **JUV Mon 9:00 AM, must bring parent**	**01/13/26**
HIGGINS, Robert J 1630 E. White Mountain Blvd, Pinetop, AZ 85935 .	Pinetop/Lakeside 0907.	(928) 368-6200 Opt. 2 (928) 532-6254 (fax) pinetoplakesidejpedocuments@courts.az.gov	*Civil and Criminal* *Tuesday 10:30 AM* **JUV must bring parent**	**01/13/26**
NELSON, Susie PO Box 38 Kayenta, AZ 86033	Kayenta 0908 1 mile east of Hwy 160/163 Jct. Kayenta, AZ 86033	(928) 697-3522 (928) 697-3528 (fax) kayentajpdocuments@courts.az.gov	*Civil and Criminal* *Monday - Tuesday 10:00 AM* 30 days **JUV must bring parent**	**01/23/26**
P I M A C O U N T Y				
GARZA, Renee STEELE, Victoria (Animal Welfare) 240 N. Stone Ave. Tucson, AZ 85701	Tucson 1001	(520) 724-3171 (520) 724-3505 LE Only (520) 222-1842 (fax) judicaladministration@sc.pima.gov RR VALIDATIONS: JPCriminalandTrafficTeam@sc.pima.gov	**STARTING 4/6:** *Civil* *Monday - Friday* *@ 9:00 AM* *Criminal* *Tuesday* *@ 9:00 AM* *Animal Welfare Court Friday ONLY @ 9:30 AM* *At least 24 and no more than 30 days from the date of filing the citation.*	**03/20/26**
WILLIAMS, Sara Mae 111 La Mina Ave. Ajo, AZ 85321	Ajo 1003	(520) 387-7684 Opt. 3 (520) 387-6028 (fax) ajojp1003@courts.az.gov	*Civil and Criminal* *Monday/Tuesday* *13:30 PM / 9 AM* **JUV must bring parent**	**01/13/26**
CARROLL, Raymond 601 N. La Canada Dr. Green Valley, AZ 85614	Green Valley 1007	(520) 222-0200 No fax - email gvjc@courts.az.gov	*Civil and Criminal* *Thursdays 8:30 AM*	**01/13/26**

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			(3-4 weeks from violation date)	
P I N A L C O U N T Y				
WINSTON, Reginald 820 E. Cottonwood Ln. Bldg B County Complex Casa Grande, AZ 85122	Casa Grande 1102	(520) 866-7475 (520) 866-7404 (fax) cgjc@courts.az.gov	*Civil and Criminal* *Tuesday 9:00 AM*	**1/14/26**
TARANGO, Tino 119 W. Central Ave. Coolidge, AZ 85128	Central Pinal JC 1103	(520) 866-7900 (520) 866-7910 (fax) centralpinaljc@courts.az.gov rfgarcia@courts.az.gov (LE Only)	*Civil and Criminal* *Tuesday 9:00 AM*	**01/13/26**
BROWN, Ellie Main Office 60 E. Main St. Superior, AZ 85173 Pinal County Complex Satellite Office 1470 Justice Dr. Oracle, AZ 85623	Copper Corridor 1105	Main Office 520-866-6950 520-866-6769 (fax) Not currently working skjp@courts.az.gov Satellite Office (520) 896-9250 (520) 866-7812 (fax) Not currently working jp1105@courts.az.gov	*Main Office* *Civil and Criminal* *Wednesday* *10:00AM* **JUV must bring parent** *Satellite Office* *Civil and Criminal* *Tuesday 9:00 AM*	**01/13/26**
GREMMEL, Kelly 575 N. Idaho Rd. Ste 200 Apache Junction, AZ 85119	Apache Junction 1107	(480) 982-2921 (520) 866-6153 (fax) apachejunctionjc@courts.az.gov	*Civil and Criminal* *Mondays 9:00 AM*	**01/13/26**
GLOVER, Patricia PO Box 201 Maricopa, AZ 85139	Western Pinal JC 4 1108 19955 N. Wilson Ave. Maricopa, AZ 85139	(520) 866-3999 No fax wpjc@courts.az.gov	*Civil and Criminal* *Thursday 9:00 AM* **JUV must bring parent** File complaints within 30 days	**1/14/26**
BABEAU, Shaun 3675 E. Hunt Hwy. San Tan Valley, AZ 85143	Pioneer JC 1109	(480) 380-7312 (520) 866-8051 (fax) pioneerjc@courts.az.gov	*Civil* *Monday 10:00 AM* *Criminal* *Monday 9:00 AM* **JUV must bring parent**	**1/14/26**
S A N T A C R U Z C O U N T Y				

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OLAIZ, Adrina PO Box 1150 Nogales, AZ 85628	Santa Cruz County JC 1202 2160 N. Congress Dr. Ste 2100 Nogales, AZ 85628	(520) 375-7661 (520) 375-7652 (fax) Court Officer: ancruz@courts.az.gov	*Civil* *Monday 2:00 PM* *Criminal* *Mon, Wed 2:00 PM*	**01/13/26**
Y A V A P A I C O U N T Y				
RICHARDSON, Mark PO Box 245 Mayer, AZ 86333	Mayer 1301 12840 Central Ave. Mayer, AZ 86333	(928) 632-7342 (928) 771-3355 LE Only (928) 771-3356 (fax) mayerjc@courts.az.gov	*Civil* *Monday 10:00 AM* *MUST be filed within 10 days* *Criminal* *Tuesday 8:30 AM* **JUV must bring parent**	**1/14/26**
GORDON, David p. 10 S. Sixth St. Cottonwood, AZ 86326	Verde Valley 1302	(928) 639-5820 (928) 639-5828 (fax) yavapaiverdevalleyjusticecourt@courts.az.gov	*Civil* *Wed. 10:00AM* *Criminal* *Tuesday 9:00 AM*	**01/13/26**
SUITS, Douglas J 120 S. Cortez St. Room 103 Prescott, AZ 86303	Prescott 1303	(928) 771-3300 No fax pcc@courts.az.gov PRESCOTTJC@COURTS.AZ.GOV (11/03/2025)	*Civil* *Mon - Fri* *11;00 A.M.* *Criminal* *Mon, Tues, Wed* *9:00 AM*	**01/13/26**
SARNO, Dominick PO Box 56 Seligman, AZ 86337	Seligman 1304 54150 Floyd St. Seligman, AZ 86337	(928) 422-3281 (928) 771-3358 (alt number) (928) 442-5982 (fax) seligmanjusticecourt2@courts.az.gov	*Civil and Criminal* *Wednesday* *10:00AM*	**1/14/26**
DOWLING, Dennis PO Box 65 Yarnell, AZ 85362	Bagdad/Yarnell 1307 22591 Looka Way Yarnell, AZ 85362	(928) 771-3357 (928) 771-3362 (fax) yarnelljc@courts.az.gov	*Civil and Criminal* *Monday 9:00 AM*	**01/13/26**
Y U M A C O U N T Y				
STEWART, Gregory 168 S 2nd Ave Ste A Yuma, AZ 85364	Yuma 1401	(928) 817-4100 opt 0 (928) 817-4101 (fax) Chief Traffic Clerk: (928) 817-4113 Chief Criminal Clerk: (928) 817-4112 yumajp1@courts.az.gov	*Civil Traffic* *Wednesday 8:30 AM* *Criminal* *Monday – Friday* *1:00 PM* 30days/Mandatory appearance	**01/13/26**
HARPER, Scarlett	South County	(928) 314-5100 Opt. 0	*Civil and Criminal*	**01/13/26**

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PO Box 7650 San Luis, AZ 85349	1402 1358 E. Liberty St. San Luis, AZ 85349	(928) 314-5105 (fax) jp2staff@courts.az.gov	*Monday - Friday* *10:00 AM*	
JONES, Russ PO Box 384 Wellton, AZ 85356	Wellton 1403 10260 Dome St. Wellton, AZ 85356	(928) 785-3321 opt 0 (928) 785-4933 (fax) welltonjustice@courts.az.gov recuriel@courts.az.gov (LE)	*Civil and Criminal* *Monday – Friday* *11:00 AM* 30 days	**01/13/26**
Juvenile Hearing Officer **Judge R. Erin Farrar** **Judge Levi Gunderson** **Yuma County Juvenile Justice Center**	**2440 W. 28th St.** **Yuma, AZ 85364**	**(928) 314-1900 Opt. 1** **(928) 314-1986 (fax)** **(928) 726-4720 (fax)**	**Traffic** **Cases referred to Yuma Municipal Court**	**01/13/26**
L A P A Z C O U N T Y				
DYER, Tiffany 1105 W. Arizona Ave. Parker, AZ 85344	La Paz County Justice Court 1506	(928) 669-2504 No fax parkerjustice@courts.az.gov	*Civil and Criminal* *Mon, Wed, & Fri* *9:00AM* 30days/ Mandatory appearance	**01/13/26**

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