

State of Arizona  
House of Representatives  
Fiftieth Legislature  
Second Regular Session  
2012

# HOUSE BILL 2748

## AN ACT

AMENDING SECTIONS 32-101 AND 32-106, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-113; AMENDING SECTION 32-121, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-122.05, 32-122.06 AND 32-122.07; MAKING AN APPROPRIATION; RELATING TO THE REGULATION OF ALARM BUSINESSES AND AGENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 32-101, Arizona Revised Statutes, is amended to  
3 read:  
4 32-101. Purpose; definitions  
5 A. The purpose of this chapter is to provide for the safety, health  
6 and welfare of the public through the promulgation and enforcement of  
7 standards of qualification for those individuals registered or certified and  
8 seeking registration or certification pursuant to this chapter.  
9 B. In this chapter, unless the context otherwise requires:  
10 1. "Advertising" includes business cards, signs or letterhead provided  
11 by a person to the public.  
12 2. "ALARM" OR "ALARM SYSTEM":  
13 (a) MEANS ANY MECHANICAL OR ELECTRICAL DEVICE THAT IS DESIGNED TO EMIT  
14 AN AUDIBLE ALARM OR TRANSMIT A SIGNAL OR MESSAGE IF ACTIVATED AND THAT IS  
15 USED TO DETECT AN UNAUTHORIZED ENTRY INTO A BUILDING OR OTHER FACILITY OR  
16 ALERT OTHER PERSONS OF THE OCCURRENCE OF A MEDICAL EMERGENCY OR THE  
17 COMMISSION OF AN UNLAWFUL ACT AGAINST A PERSON OR IN A BUILDING OR OTHER  
18 FACILITY.  
19 (b) INCLUDES A SILENT, PANIC, HOLDUP, ROBBERY, DURESS, BURGLARY,  
20 MEDICAL ALERT OR PROPRIETOR ALARM THAT REQUIRES EMERGENCY PERSONNEL TO  
21 RESPOND.  
22 (c) DOES NOT INCLUDE A TELEPHONE CALL DIVERTER OR A SYSTEM THAT IS  
23 DESIGNED TO REPORT ENVIRONMENTAL AND OTHER OCCURRENCES AND THAT IS NOT  
24 DESIGNED OR USED TO ALERT OR CAUSE OTHER PERSONS TO ALERT PUBLIC SAFETY  
25 PERSONNEL.  
26 3. "ALARM AGENT" MEANS A PERSON, WHETHER AN EMPLOYEE, AN INDEPENDENT  
27 CONTRACTOR OR OTHERWISE, WHO ACTS ON BEHALF OF AN ALARM BUSINESS AND WHO  
28 TESTS, MAINTAINS, SERVICES, REPAIRS, SELLS, RENTS, LEASES OR INSTALLS ALARM  
29 SYSTEMS OTHER THAN AN ALARM SYSTEM LOCATED ON THE PERSON'S OWN PROPERTY OR  
30 THE PROPERTY OF THE PERSON'S EMPLOYER.  
31 4. "ALARM BUSINESS":  
32 (a) MEANS ANY PERSON WHO, EITHER ALONE OR THROUGH A THIRD PARTY,  
33 ENGAGES IN THE BUSINESS OF EITHER OF THE FOLLOWING:  
34 (i) PROVIDING ALARM MONITORING SERVICES.  
35 (ii) SELLING, LEASING, RENTING, MAINTAINING, REPAIRING OR INSTALLING A  
36 NONPROPRIETOR ALARM SYSTEM OR SERVICE.  
37 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:  
38 (i) A PERSON OR COMPANY THAT PURCHASES, RENTS OR USES AN ALARM THAT IS  
39 AFFIXED TO A MOTOR VEHICLE.  
40 (ii) A PERSON WHO OWNS OR CONDUCTS A BUSINESS OF SELLING, LEASING,  
41 RENTING, INSTALLING, MAINTAINING OR MONITORING AN ALARM THAT IS AFFIXED TO A  
42 MOTOR VEHICLE.  
43 (iii) A PERSON WHO INSTALLS A NONMONITORED PROPRIETOR ALARM FOR A  
44 BUSINESS THAT THE PERSON OWNS, IS EMPLOYED BY OR MANAGES.  
45 (iv) THE INSTALLATION OR MONITORING OF FIRE ALARM SYSTEMS.

1 (v) AN ALARM SYSTEM THAT IS OPERATED BY A CITY OR TOWN.  
2 5. "ALARM SUBSCRIBER" MEANS ANY PERSON WHO:  
3 (a) LEASES, RENTS OR PURCHASES ANY MONITORED ALARM SYSTEM OR SERVICE  
4 FROM AN ALARM BUSINESS.  
5 (b) LEASES OR RENTS AN ALARM SYSTEM.  
6 (c) CONTRACTS WITH AN ALARM BUSINESS FOR ALARM MONITORING,  
7 INSTALLATION, REPAIR OR MAINTENANCE SERVICES.  
8 ~~2-~~ 6. "Architect" means a person who, by reason of knowledge of the  
9 mathematical and physical sciences and the principles of architecture and  
10 architectural engineering acquired by professional education and practical  
11 experience, is qualified to engage in the practice of architecture as  
12 attested by registration as an architect.  
13 ~~3-~~ 7. "Architect-in-training" means a candidate for registration as a  
14 professional architect who is a graduate of a school approved by the board or  
15 who has five years or more of education or experience, or both, in  
16 architectural work which meets standards specified by the board in its rules.  
17 In addition, the candidate shall have passed the architect-in-training  
18 examination.  
19 ~~4-~~ 8. "Architectural practice" means any professional service or  
20 creative work requiring architectural education, training and experience, and  
21 the application of the mathematical and physical sciences and the principles  
22 of architecture and architectural engineering to such professional services  
23 or creative work as consultation, evaluation, design and review of  
24 construction for conformance with contract documents and design, in  
25 connection with any building, planning or site development. A person shall  
26 be deemed to practice or offer to practice architecture who in any manner  
27 represents that the person is an architect, or is able to perform any  
28 architectural service or other services recognized by educational authorities  
29 as architecture.  
30 ~~5-~~ 9. "Assayer" means a person who analyzes metals, ores, minerals,  
31 or alloys in order to ascertain the quantity of gold or silver or any other  
32 substance present in them. A person employed on a full-time basis as an  
33 assayer by an employer engaged in the business of developing, mining or  
34 treating ores or other minerals shall not be deemed to be engaged in assaying  
35 practice for the purposes of this chapter if the person engages in assaying  
36 practice exclusively for and as an employee of such employer and does not  
37 represent that the person is available and is not represented as being  
38 available to perform any assaying services for anyone other than the person's  
39 employer.  
40 ~~6-~~ 10. "Assayer-in-training" means a candidate for registration as a  
41 professional assayer who is a graduate of a school and curriculum approved by  
42 the board or who has four years or more of education or experience, or both,  
43 in assaying work which meets standards specified by the board in its rules.  
44 In addition, the candidate shall have passed the assayer-in-training  
45 examination.

1           ~~7-~~ 11. "Assaying practice" means any professional service or work  
2 requiring assaying education, training and experience and the application of  
3 special knowledge of the mineral sciences to such service or work as  
4 consultation and the evaluation of minerals. A person is deemed to practice  
5 or offer to practice assaying who in any manner represents that the person is  
6 an assayer or is able to perform any assaying service or other services  
7 recognized by educational authorities as assaying.

8           ~~8-~~ 12. "Board" means the state board of technical registration.

9           ~~9-~~ 13. "Certified remediation specialist" means a person who has been  
10 certified by the board to perform, supervise and review environmental  
11 remediations if the use of a certified remediation specialist is specifically  
12 authorized by title 49 and rules adopted pursuant to title 49.

13           14. "CONTROLLING PERSON":

14           (a) MEANS A PERSON WHO IS DESIGNATED BY AN ALARM BUSINESS.

15           (b) DOES NOT INCLUDE AN ALARM AGENT.

16           ~~10-~~ 15. "Drug laboratory site remediation firm" means a firm that is  
17 licensed by the registrar of contractors pursuant to chapter 10 of this title  
18 and that performs remediation of residual contamination from the manufacture  
19 of methamphetamine, ecstasy or LSD or the storage of chemicals or equipment  
20 used in manufacturing methamphetamine, ecstasy or LSD. For the purposes of  
21 this paragraph:

22           (a) "Ecstasy" has the same meaning prescribed in section 13-3401,  
23 paragraph 6 and includes any of the precursor chemicals, regulated chemicals,  
24 other substances or equipment used in the unlawful manufacture of the  
25 dangerous drug.

26           (b) "LSD" has the same meaning prescribed in section 13-3401,  
27 paragraph 6 and includes any of the precursor chemicals, regulated chemicals,  
28 other substances or equipment used in the unlawful manufacture of the  
29 dangerous drug.

30           (c) "Methamphetamine" has the same meaning prescribed in section  
31 13-3401, paragraph 6 and includes any of the precursor chemicals, regulated  
32 chemicals, other substances or equipment used in the unlawful manufacture of  
33 the dangerous drug.

34           ~~11-~~ 16. "Engineer" means a person who, by reason of special knowledge  
35 of the mathematical and physical sciences and the principles and methods of  
36 engineering analysis and design acquired by professional education and  
37 practical experience, is qualified to practice engineering as attested by  
38 registration as a professional engineer.

39           ~~12-~~ 17. "Engineering practice" means any professional service or  
40 creative work requiring engineering education, training and experience and  
41 the application of special knowledge of the mathematical, physical and  
42 engineering sciences to such professional services or creative work as  
43 consultation, research investigation, evaluation, planning, surveying as  
44 defined in paragraph ~~22~~ 27, subdivisions (d) and (e) OF THIS SUBSECTION,  
45 design, location, development, and review of construction for conformance

1 with contract documents and design, in connection with any public or private  
2 utility, structure, building, machine, equipment, process, work or project.  
3 Such services and work include plans and designs relating to the location,  
4 development, mining and treatment of ore and other minerals. A person shall  
5 be deemed to be practicing or offering to practice engineering if the person  
6 practices any branch of the profession of engineering, or by verbal claim,  
7 sign, advertisement, letterhead, card or any other manner represents that the  
8 person is a professional engineer, or is able to perform or does perform any  
9 engineering service or other service recognized by educational authorities as  
10 engineering. A person employed on a full-time basis as an engineer by an  
11 employer engaged in the business of developing, mining and treating ores and  
12 other minerals shall not be deemed to be practicing engineering for the  
13 purposes of this chapter if the person engages in the practice of engineering  
14 exclusively for and as an employee of such employer and does not represent  
15 that the person is available and is not represented as being available to  
16 perform any engineering services for persons other than the person's  
17 employer.

18 ~~13-~~ 18. "Engineer-in-training" means a candidate for registration as a  
19 professional engineer who is a graduate in an approved engineering curriculum  
20 of four years or more of a school approved by the board or who has had four  
21 years or more of education or experience, or both, in engineering work which  
22 meets standards specified by the board in its rules. In addition, the  
23 candidate shall have passed the engineer-in-training examination.

24 ~~14-~~ 19. "Firm" means any individual or partnership, corporation or  
25 other type of association, including the association of a nonregistrant and a  
26 registrant who offers to the public professional services regulated by the  
27 board.

28 ~~15-~~ 20. "Geological practice" means any professional service or work  
29 requiring geological education, training and experience, and the application  
30 of special knowledge of the earth sciences to such professional services as  
31 consultation, evaluation of mining properties, petroleum properties and  
32 groundwater resources, professional supervision of exploration for mineral  
33 natural resources including metallic and nonmetallic ores, petroleum and  
34 groundwater, and the geological phases of engineering investigations.

35 ~~16-~~ 21. "Geologist" means a person, not of necessity an engineer, who  
36 by reason of special knowledge of the earth sciences and the principles and  
37 methods of search for and appraisal of mineral or other natural resources  
38 acquired by professional education and practical experience is qualified to  
39 practice geology as attested by registration as a professional geologist. A  
40 person employed on a full-time basis as a geologist by an employer engaged in  
41 the business of developing, mining or treating ores and other minerals shall  
42 not be deemed to be engaged in geological practice for the purposes of this  
43 chapter if the person engages in geological practice exclusively for and as  
44 an employee of such employer and does not represent that the person is

1 available and is not represented as being available to perform any geological  
2 services for persons other than the person's employer.

3 ~~17-~~ 22. "Geologist-in-training" means a candidate for registration as  
4 a professional geologist who is a graduate of a school approved by the board  
5 or who has had four years or more of education or experience, or both, in  
6 geological work which meets standards specified by the board in its rules.  
7 In addition, the candidate shall have passed the geologist-in-training  
8 examination.

9 ~~18-~~ 23. "Home inspection" means a visual analysis for the purposes of  
10 providing a professional opinion of the building, any reasonably accessible  
11 installed components and the operation of the building's systems, including  
12 the controls normally operated by the owner, for the following components of  
13 a residential building of four units or less:

- 14 (a) Heating system.
- 15 (b) Cooling system.
- 16 (c) Plumbing system.
- 17 (d) Electrical system.
- 18 (e) Structural components.
- 19 (f) Foundation.
- 20 (g) Roof covering.
- 21 (h) Exterior and interior components.
- 22 (i) Site aspects as they affect the building.
- 23 (j) Pursuant to rules adopted by the board, swimming pool and spa.

24 ~~19-~~ 24. "Home inspection report" means a written report that is  
25 prepared for compensation, that is issued after a home inspection and that  
26 clearly describes and identifies the inspected systems, structures and  
27 components of a completed dwelling and any visible major defects found to be  
28 in need of immediate major repair and any recommendations for additional  
29 evaluation by appropriate persons.

30 ~~20-~~ 25. "Home inspector" means an individual who is certified pursuant  
31 to this chapter as a home inspector and who engages in the business of  
32 performing home inspections and writing home inspection reports.

33 ~~21-~~ 26. "Home inspector-in-training" means a candidate for  
34 certification as a home inspector who has completed a course of study  
35 approved by the board and who is participating in a training program that  
36 complies with standards recommended by the home inspector rules and standards  
37 committee and approved by the board.

38 ~~22-~~ 27. "Land surveying practice" means the performance of one or more  
39 of the following professional services:

- 40 (a) Measurement of land to determine the position of any monument or  
41 reference point which marks a property line, boundary or corner for the  
42 purpose of determining the area or description of the land.
- 43 (b) Location, relocation, establishment, reestablishment, setting,  
44 resetting or replacing of corner monuments or reference points which identify  
45 land boundaries, rights-of-way or easements.

1 (c) Platting or plotting of lands for the purpose of subdividing.

2 (d) Measurement by angles, distances and elevations of natural or  
3 artificial features in the air, on the surface and immediate subsurface of  
4 the earth, within underground workings and on the surface or within bodies of  
5 water for the purpose of determining or establishing their location, size,  
6 shape, topography, grades, contours or water surface and depths, and the  
7 preparation and perpetuation of field note records and maps depicting these  
8 features.

9 (e) Setting, resetting or replacing of points to guide the location of  
10 new construction.

11 ~~23-~~ 28. "Land surveyor" means a person who by reason of knowledge of  
12 the mathematical and physical sciences, principles of land surveying and  
13 evidence gathering acquired by professional education or practical  
14 experience, or both, is qualified to practice land surveying as attested by  
15 registration as a land surveyor. A person employed on a full-time basis as a  
16 land surveyor by an employer engaged in the business of developing, mining or  
17 treating ores or other minerals shall not be deemed to be engaged in land  
18 surveying practice for purposes of this chapter if the person engages in land  
19 surveying practice exclusively for and as an employee of such employer and  
20 does not represent that the person is available and is not represented as  
21 being available to perform any land surveying services for persons other than  
22 the person's employer.

23 ~~24-~~ 29. "Land surveyor-in-training" means a candidate for registration  
24 as a professional land surveyor who is a graduate of a school and curriculum  
25 approved by the board, or who has four years or more of education or  
26 experience, or both, in land surveying work which meets standards specified  
27 by the board in its rules. In addition, the candidate shall have passed the  
28 land surveyor-in-training examination.

29 ~~25-~~ 30. "Landscape architect" means a person who, by reason of  
30 professional education or practical experience, or both, is qualified to  
31 engage in the practice of landscape architecture as attested by registration  
32 as a landscape architect.

33 ~~26-~~ 31. "Landscape architect-in-training" means a candidate for  
34 registration as a professional landscape architect who is a graduate of a  
35 school approved by the board or who has had four years or more of education  
36 or experience, or both, in landscape architectural work which meets standards  
37 specified by the board in its rules. In addition, the candidate shall have  
38 passed the landscape architect-in-training examination.

39 ~~27-~~ 32. "Landscape architectural practice" means the performance of  
40 professional services such as consultations, investigation, reconnaissance,  
41 research, planning, design or responsible supervision in connection with the  
42 development of land and incidental water areas where, and to the extent that,  
43 the dominant purpose of such services is the preservation, enhancement or  
44 determination of proper land uses, natural land features, ground cover and  
45 planting, naturalistic and aesthetic values, the settings of and approaches

1 to buildings, structures, facilities or other improvements, natural drainage  
2 and the consideration and the determination of inherent problems of the land  
3 relating to erosion, wear and tear, light or other hazards. This practice  
4 shall include the location and arrangement of such tangible objects and  
5 features as are incidental and necessary to the purposes outlined in this  
6 paragraph but shall not include the making of cadastral surveys or final land  
7 plats for official recording or approval, nor mandatorily include planning  
8 for governmental subdivisions.

9 ~~33.~~ "MONITORED ALARM" MEANS A DEVICE THAT IS DESIGNED FOR THE DETECTION  
10 OF AN ENTRY ON ANY PREMISES AND THAT IF ACTIVATED GENERATES A NOTIFICATION  
11 SIGNAL.

12 ~~28.~~ 34. "On-site supervisor" means the employee of a drug laboratory  
13 site remediation firm who is authorized to oversee on-site workers in the  
14 performance of their duties.

15 ~~29.~~ 35. "On-site worker" means an employee of a drug laboratory site  
16 remediation firm who has on-site duties or who handles contaminated  
17 materials, chemicals or contaminated equipment.

18 ~~30.~~ 36. "Person" means any individual, firm, partnership, corporation,  
19 association or other organization.

20 ~~31.~~ 37. "Principal" means an individual who is an officer of the  
21 corporation or is designated by a firm as having full authority and  
22 responsible charge of the services offered by the firm.

23 ~~32.~~ 38. "PROPRIETOR ALARM" MEANS ANY ALARM OR ALARM SYSTEM THAT IS OWNED BY  
24 AN ALARM SUBSCRIBER WHO HAS NOT CONTRACTED WITH AN ALARM BUSINESS.

25 ~~32.~~ 39. "Registrant" means a person registered or certified by the  
26 board.

27 ~~33.~~ 40. "Registration" means a registration or certification issued by  
28 the board.

29 Sec. 2. Section 32-106, Arizona Revised Statutes, is amended to read:

30 ~~32-106.~~ Powers and duties

31 A. The board shall:

32 1. Adopt rules for the conduct of its meetings and performance of  
33 duties imposed upon it by law.

34 2. Adopt an official seal for attestation of certificates of  
35 registration and other official papers and documents.

36 3. Consider and pass upon applications for registration or  
37 certification.

38 4. Conduct examinations for in-training and professional registration  
39 EXCEPT FOR AN ALARM BUSINESS OR AN ALARM AGENT.

40 5. Hear and pass upon complaints or charges or direct an  
41 administrative law judge to hear and pass on complaints and charges.

42 6. Compel attendance of witnesses, administer oaths and take testimony  
43 concerning all matters coming within its jurisdiction. In exercising these  
44 powers, the board may issue subpoenas for the attendance of witnesses and the

1 production of books, records, documents and other evidence it deems relevant  
2 to an investigation or hearing.

3 7. Keep a record of its proceedings.

4 8. Keep a register which shall show the date of each application for  
5 registration or certification, the name of the applicant, the practice or  
6 branch of practice in which the applicant has applied for registration, if  
7 applicable, and the disposition of the application.

8 9. Do other things necessary to carry out the purposes of this  
9 chapter.

10 B. The board shall specify the proficiency designation in the branch  
11 of engineering in which the applicant has designated proficiency on the  
12 certificate of registration and renewal card issued to each registered  
13 engineer and shall authorize the engineer to use the title of registered  
14 professional engineer. The board shall decide what branches of engineering  
15 it shall recognize.

16 C. The board may hold membership in and be represented at national  
17 councils or organizations of proficiencies registered under this chapter and  
18 may pay the appropriate membership fees. The board may conduct standard  
19 examinations on behalf of national councils and may establish fees for those  
20 examinations.

21 D. The board may employ and pay on a fee basis persons, including  
22 full-time employees of a state institution, bureau or department, to prepare  
23 and grade examinations given to applicants for registration and may fix the  
24 fee to be paid for these services. These employees are authorized to  
25 prepare, grade and monitor examinations and perform other services the board  
26 authorizes, and to receive payment for these services from the technical  
27 registration fund. The board may contract with an organization to administer  
28 the registration examination, including selecting the test site, scheduling  
29 the examination, billing and collecting the fee directly from the applicant  
30 and grading the examination if a national council of which the board is a  
31 member or a professional association approved by the board does not provide  
32 these services. If a national council of which the board is a member or a  
33 professional association approved by the board does provide these services,  
34 the board shall enter into an agreement with the national council or  
35 professional association to administer the registration examination.

36 E. The board may rent necessary office space and pay the cost of this  
37 office space from the technical registration fund.

38 F. The board may adopt rules establishing rules of professional  
39 conduct for registrants.

40 G. The board may require evidence it deems necessary to establish the  
41 continuing competency of registrants as a condition of renewal of licenses.

42 H. The board may employ persons as it deems necessary.

43 I. The board shall issue a certificate and renewal card to each drug  
44 laboratory site remediation firm, remediation supervisor and on-site worker.

1 J. THE BOARD SHALL ISSUE OR MAY AUTHORIZE THE EXECUTIVE DIRECTOR TO  
2 ISSUE A CERTIFICATE OR RENEWAL CERTIFICATE TO EACH ALARM BUSINESS AND A  
3 CERTIFICATION OR RENEWAL CERTIFICATION CARD TO EACH ALARM AGENT IF THE  
4 QUALIFICATIONS PRESCRIBED BY THIS CHAPTER ARE MET.

5 Sec. 3. Title 32, chapter 1, article 1, Arizona Revised Statutes, is  
6 amended by adding section 32-113, to read:

7 32-113. Preemption; power of local authorities

8 A. THE STATE LEGISLATURE DETERMINES THAT THE LICENSURE, CERTIFICATION  
9 OR REGISTRATION OF ALARM BUSINESSES AND ALARM AGENTS IS A MATTER OF STATEWIDE  
10 CONCERN. THE POWER TO LICENSE, REGISTER OR CERTIFY AN ALARM BUSINESS OR  
11 ALARM AGENT IS PREEMPTED BY THIS STATE.

12 B. THE BOARD, A COUNTY, A CITY, INCLUDING A CHARTER CITY, OR A TOWN  
13 SHALL NOT REQUIRE AN ALARM BUSINESS TO PROVIDE ANY INFORMATION REGARDING THE  
14 ALARM SUBSCRIBERS OF THE ALARM BUSINESS WITHOUT A COURT ORDER.

15 C. A COUNTY, CITY, INCLUDING A CHARTER CITY, OR TOWN THAT VIOLATES  
16 THIS SECTION SHALL REIMBURSE A PREVAILING PARTY FOR FEES AND EXPENSES. A  
17 COURT MAY ASSESS CIVIL PENALTIES AGAINST THE COUNTY OR CITY.

18 Sec. 4. Section 32-121, Arizona Revised Statutes, is amended to read:

19 32-121. Certificate or registration required for practice

20 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, a person or firm desiring  
21 to practice any board regulated profession or occupation shall first secure a  
22 certificate or registration and shall comply with all the conditions  
23 prescribed in this chapter. AN ALARM BUSINESS OR AN ALARM AGENT MAY INSTALL  
24 ALARMS IF THE ALARM BUSINESS HAS SUBMITTED AN APPLICATION FOR CERTIFICATION  
25 PURSUANT TO SECTION 32-122.05 OR THE ALARM AGENT HAS SUBMITTED AN APPLICATION  
26 AND FINGERPRINTS TO THE BOARD PURSUANT TO SECTION 32-122.06.

27 Sec. 5. Title 32, chapter 1, article 2, Arizona Revised Statutes, is  
28 amended by adding sections 32-122.05, 32-122.06 and 32-122.07, to read:

29 32-122.05. Certification of alarm businesses; application; fee;  
30 renewal

31 A. BEGINNING MAY 1, 2013, THE BOARD SHALL ISSUE CERTIFICATES TO ALARM  
32 COMPANIES AND ALARM AGENTS. BEGINNING OCTOBER 1, 2013, A PERSON SHALL NOT  
33 OPERATE AN ALARM BUSINESS UNLESS THE PERSON OBTAINS AN ALARM BUSINESS  
34 CERTIFICATE FROM THE BOARD. A SEPARATE CERTIFICATE IS REQUIRED FOR EACH  
35 BUSINESS NAME UNDER WHICH AN ALARM BUSINESS CONDUCTS BUSINESS OR ADVERTISES  
36 EXCEPT THAT ONE CERTIFICATE MAY BE USED FOR TWO BUSINESSES WITH THE SAME  
37 OWNERSHIP. TO OBTAIN AN ALARM BUSINESS CERTIFICATE, EACH CONTROLLING PERSON  
38 OF THE ALARM BUSINESS SHALL SUBMIT A COMPLETED FINGERPRINT CARD AND A  
39 FINGERPRINT BACKGROUND CHECK FEE TO THE BOARD. THE BOARD SHALL CONDUCT A  
40 CRIMINAL BACKGROUND CHECK BEFORE CERTIFICATION AND AGAIN EVERY YEAR FOR THE  
41 CONTROLLING PERSON OF THE ALARM BUSINESS. THE BOARD SHALL KEEP AND MAINTAIN  
42 THE FINGERPRINT CARD FOR AS LONG AS THE PERSON IS THE CONTROLLING PERSON OF  
43 THE ALARM BUSINESS. ALL ALARM BUSINESS CERTIFICATES ISSUED PURSUANT TO THIS  
44 ARTICLE ARE VALID FOR TWO YEARS FROM THE DATE OF ISSUANCE.

1           B. A PERSON SHALL SUBMIT AN APPLICATION FOR AN ALARM BUSINESS  
2 CERTIFICATE OR RENEWAL OF THE CERTIFICATE TO THE BOARD. THE APPLICATION  
3 SHALL INCLUDE:

4           1. THE NAME, BUSINESS ADDRESS, MAILING ADDRESS AND TELEPHONE NUMBER OF  
5 THE ALARM BUSINESS. IF THE APPLICANT IS A CORPORATION, GENERAL OR LIMITED  
6 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER LEGAL ENTITY, THE APPLICANT  
7 SHALL STATE THE NAME OF THE APPLICANT EXACTLY AS SHOWN IN ITS ARTICLES OF  
8 INCORPORATION, CHARTER, CERTIFICATE OF LIMITED PARTNERSHIP, ARTICLES OF  
9 ORGANIZATION OR OTHER ORGANIZATIONAL DOCUMENTS, AS APPLICABLE, TOGETHER WITH  
10 THE STATE AND DATE OF INCORPORATION AND THE NAMES, RESIDENCE ADDRESSES AND  
11 DATES OF BIRTH OF EACH CONTROLLING PERSON. IF ONE OR MORE OF THE PARTNERS,  
12 MEMBERS OR SHAREHOLDERS OF THE APPLICANT IS A CORPORATION OR OTHER LEGAL  
13 ENTITY, THE PROVISIONS OF THIS SUBSECTION RELATING TO INFORMATION REQUIRED OF  
14 A CORPORATION APPLY.

15           2. IF THE APPLICANT IS A CORPORATION, GENERAL OR LIMITED PARTNERSHIP,  
16 LIMITED LIABILITY COMPANY OR OTHER LEGAL ENTITY, DESIGNATION OF ONE OF ITS  
17 DESIGNATED CONTROLLING PERSONS TO HAVE FULL AUTHORITY AND ACT AS PRINCIPAL.  
18 THE DESIGNATED PERSON SHALL COMPLETE AND SIGN ALL APPLICATION FORMS REQUIRED  
19 OF AN INDIVIDUAL ALARM AGENT APPLICANT UNDER THIS ARTICLE. THE APPLICANT  
20 SHALL ALSO PROVIDE A COPY OF THE CORPORATION, PARTNERSHIP OR LIMITED  
21 LIABILITY COMPANY FORMATION DOCUMENTS.

22           3. THE NAME OF THE APPLICANT AND EACH CONTROLLING PERSON, ANY ALIAS OR  
23 OTHER NAME USED OR BY WHICH THE APPLICANT OR ANY CONTROLLING PERSON HAS BEEN  
24 PREVIOUSLY KNOWN, THE APPLICANT'S CURRENT RESIDENCE AND BUSINESS ADDRESSES,  
25 TELEPHONE NUMBERS, INCLUDING FAX NUMBERS, AND ELECTRONIC MAIL ADDRESSES.

26           4. THE NAMES AND ADDRESSES OF THE ALARM AGENTS WHO ARE EMPLOYED BY THE  
27 ALARM BUSINESS.

28           5. PROOF THAT THE APPLICANT AND EACH CONTROLLING PERSON ARE AT LEAST  
29 EIGHTEEN YEARS OF AGE AS INDICATED ON A CURRENT DRIVER LICENSE OR OTHER  
30 PICTURE IDENTIFICATION DOCUMENT THAT IS ISSUED BY A GOVERNMENTAL AGENCY.

31           6. TWO CURRENT TWO INCH BY TWO INCH PHOTOGRAPHS OF THE APPLICANT.

32           7. INFORMATION AS TO WHETHER THE APPLICANT OR ANY CONTROLLING PERSON,  
33 OR THE BUSINESS ON BEHALF OF WHICH THE CERTIFICATE IS BEING APPLIED FOR, HAS  
34 EVER BEEN REFUSED OR DENIED ANY SIMILAR REGISTRATION, CERTIFICATE, LICENSE OR  
35 PERMIT OR HAS HAD ANY SIMILAR LICENSE OR PERMIT REVOKED, CANCELED OR  
36 SUSPENDED AND THE REASON OR REASONS FOR THE REVOCATION, CANCELLATION OR  
37 SUSPENSION.

38           C. IN ADDITION TO THE APPLICATION REQUIREMENTS PRESCRIBED IN  
39 SUBSECTION B OF THIS SECTION, AN APPLICANT FOR AN ALARM BUSINESS CERTIFICATE  
40 SHALL PAY A FEE AS DETERMINED BY THE BOARD.

41           D. AN APPLICANT FOR AN ALARM BUSINESS CERTIFICATE OR AN APPLICANT FOR  
42 A RENEWAL OF AN ALARM BUSINESS CERTIFICATE SHALL NOTIFY THE BOARD, IN  
43 WRITING, OF ANY CHANGE IN THE INFORMATION CONTAINED IN THE CERTIFICATE  
44 APPLICATION OR RENEWAL APPLICATION. THE APPLICANT SHALL NOTIFY THE BOARD  
45 WITHIN FIFTEEN CALENDAR DAYS AFTER THE OCCURRENCE OF THE CHANGE.

1 E. AN ALARM BUSINESS SHALL FILE AN APPLICATION FOR A CERTIFICATE  
2 RENEWAL WITH THE BOARD NO LATER THAN FOURTEEN DAYS BEFORE THE EXPIRATION OF  
3 THE CERTIFICATE THAT IS CURRENTLY IN EFFECT. IF A CERTIFICATE EXPIRES  
4 WITHOUT THE ALARM BUSINESS HAVING SUBMITTED A TIMELY APPLICATION FOR RENEWAL,  
5 THE HOLDER OF THE EXPIRED CERTIFICATE SHALL FILE A NEW APPLICATION FOR AN  
6 INITIAL CERTIFICATE.

7 32-122.06. Certification of alarm agents; fee

8 A. EACH ALARM AGENT SHALL APPLY FOR AN ALARM AGENT CERTIFICATION AND A  
9 RENEWAL CERTIFICATION CARD FROM THE BOARD. THE BOARD SHALL ISSUE OR DENY AN  
10 ALARM AGENT CERTIFICATION CARD OR A RENEWAL CERTIFICATION CARD WITHIN TEN  
11 BUSINESS DAYS AFTER RECEIVING THE APPLICATION. ALL ALARM AGENT CERTIFICATES  
12 ISSUED PURSUANT TO THIS ARTICLE ARE VALID FOR TWO YEARS FROM THE DATE OF  
13 ISSUANCE.

14 B. IN ORDER TO OBTAIN AN ALARM AGENT CERTIFICATE, A PERSON SHALL  
15 SUBMIT AN APPLICATION AND PAY A FEE AS DETERMINED BY THE BOARD. THE PERSON  
16 SHALL SUBMIT A COMPLETED FINGERPRINT CARD AND A FINGERPRINT BACKGROUND CHECK  
17 FEE TO THE BOARD. THE BOARD SHALL CONDUCT A CRIMINAL BACKGROUND CHECK BEFORE  
18 CERTIFICATION AND AGAIN ANNUALLY FOR THE ALARM AGENT. THE BOARD SHALL KEEP  
19 AND MAINTAIN THE FINGERPRINT CARD FOR AS LONG AS THE PERSON IS AN ALARM  
20 AGENT.

21 C. A PERSON SHALL APPLY FOR AN ALARM AGENT CERTIFICATE WITHIN FIVE  
22 WORKING DAYS AFTER BEING EMPLOYED BY AN ALARM BUSINESS. A PERSON MAY NOT  
23 WORK AS AN ALARM AGENT UNTIL THE APPLICATION IS PROCESSED AND APPROVED UNLESS  
24 UNDER THE DIRECT SUPERVISION OF A CERTIFIED ALARM AGENT.

25 D. AN ALARM AGENT SHALL PHYSICALLY POSSESS THE AGENT'S ALARM AGENT  
26 CERTIFICATION CARD WHEN PERFORMING OR AUTHORIZING THE PERFORMANCE OF ANY TASK  
27 PURSUANT TO THIS CHAPTER.

28 E. AN ALARM AGENT CERTIFICATE CARD BECOMES THE PERSONAL PROPERTY OF  
29 THE PERSON TO WHOM IT IS ISSUED. THE PERSON SHALL RETAIN POSSESSION OF THE  
30 CARD.

31 32-122.07. Denial of alarm business and alarm agent  
32 certification; appeal

33 A. THE BOARD SHALL DENY AN APPLICATION FOR CERTIFICATION AS AN ALARM  
34 BUSINESS OR ALARM AGENT IF A CONTROLLING PERSON OF AN ALARM BUSINESS OR AN  
35 ALARM AGENT HAS BEEN CONVICTED OF ANY OF THE FOLLOWING:

- 36 1. THEFT.
- 37 2. BURGLARY.
- 38 3. ROBBERY OR ARMED ROBBERY.
- 39 4. CRIMINAL TRESPASS.
- 40 5. SEXUAL ABUSE OF A VULNERABLE ADULT.
- 41 6. ABUSE OF A VULNERABLE ADULT.
- 42 7. SEXUAL ASSAULT.
- 43 8. ANY OFFENSE INVOLVING THE EXPLOITATION OF A MINOR.
- 44 9. MOLESTATION OF A CHILD.

1           10. HOMICIDE, INCLUDING FIRST OR SECOND DEGREE MURDER AND NEGLIGENT  
2 HOMICIDE.  
3           11. DISTRIBUTION, MANUFACTURE OR SALE OF MARIJUANA, DANGEROUS DRUGS OR  
4 NARCOTIC DRUGS IF COMMITTED LESS THAN THREE YEARS BEFORE THE DATE OF APPLYING  
5 FOR CERTIFICATION.  
6           12. KIDNAPPING.  
7           13. FRAUD BY PERSONS AUTHORIZED TO PROVIDE GOODS OR SERVICES.  
8           B. IF THE BOARD DENIES AN APPLICATION FOR CERTIFICATION AS AN ALARM  
9 BUSINESS OR AN ALARM AGENT, IT SHALL SEND NOTICE OF ITS ACTION BY CERTIFIED  
10 MAIL TO THE APPLICANT, SETTING FORTH THE REASONS FOR THE ACTION TAKEN.  
11           C. WITHIN THIRTY DAYS AFTER THE DATE OF THE NOTICE, THE APPLICANT MAY  
12 REQUEST A HEARING BEFORE THE BOARD PURSUANT TO TITLE 41, CHAPTER 6,  
13 ARTICLE 10.  
14           Sec. 6. Appropriation; board of technical registration;  
15                   certification of alarm businesses and alarm agents  
16           Notwithstanding section 32-109, Arizona Revised Statutes, in addition  
17 to any other monies appropriated to the board of technical registration in  
18 fiscal year 2012-2013, one hundred eighty thousand dollars is appropriated  
19 from the technical registration fund established by section 32-109, Arizona  
20 Revised Statutes, for the start-up and operating costs incurred by the state  
21 board of technical registration as a result of the certification of alarm  
22 businesses and alarm agents pursuant to title 32, chapter 1, Arizona Revised  
23 Statutes, as amended by this act.