

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

CHAPTER 341
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.
46 (v) AN ALARM SYSTEM THAT IS OPERATED BY A CITY OR TOWN.

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

1 special knowledge of the mineral sciences to such service or work as
2 consultation and the evaluation of minerals. A person is deemed to practice
3 or offer to practice assaying who in any manner represents that the person is
4 an assayer or is able to perform any assaying service or other services
5 recognized by educational authorities as assaying.

6 ~~8-~~ 12. "Board" means the state board of technical registration.

7 ~~9-~~ 13. "Certified remediation specialist" means a person who has been
8 certified by the board to perform, supervise and review environmental
9 remediations if the use of a certified remediation specialist is specifically
10 authorized by title 49 and rules adopted pursuant to title 49.

11 14. "CONTROLLING PERSON":

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

13 (b) DOES NOT INCLUDE AN ALARM AGENT.

14 ~~10-~~ 15. "Drug laboratory site remediation firm" means a firm that is
15 licensed by the registrar of contractors pursuant to chapter 10 of this title
16 and that performs remediation of residual contamination from the manufacture
17 of methamphetamine, ecstasy or LSD or the storage of chemicals or equipment
18 used in manufacturing methamphetamine, ecstasy or LSD. For the purposes of
19 this paragraph:

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

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

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

32 ~~11-~~ 16. "Engineer" means a person who, by reason of special knowledge
33 of the mathematical and physical sciences and the principles and methods of
34 engineering analysis and design acquired by professional education and
35 practical experience, is qualified to practice engineering as attested by
36 registration as a professional engineer.

37 ~~12-~~ 17. "Engineering practice" means any professional service or
38 creative work requiring engineering education, training and experience and
39 the application of special knowledge of the mathematical, physical and
40 engineering sciences to such professional services or creative work as
41 consultation, research investigation, evaluation, planning, surveying as
42 defined in paragraph ~~22~~ 27, subdivisions (d) and (e) OF THIS SUBSECTION,
43 design, location, development, and review of construction for conformance
44 with contract documents and design, in connection with any public or private
45 utility, structure, building, machine, equipment, process, work or project.
46 Such services and work include plans and designs relating to the location,

1 development, mining and treatment of ore and other minerals. A person shall
2 be deemed to be practicing or offering to practice engineering if the person
3 practices any branch of the profession of engineering, or by verbal claim,
4 sign, advertisement, letterhead, card or any other manner represents that the
5 person is a professional engineer, or is able to perform or does perform any
6 engineering service or other service recognized by educational authorities as
7 engineering. A person employed on a full-time basis as an engineer by an
8 employer engaged in the business of developing, mining and treating ores and
9 other minerals shall not be deemed to be practicing engineering for the
10 purposes of this chapter if the person engages in the practice of engineering
11 exclusively for and as an employee of such employer and does not represent
12 that the person is available and is not represented as being available to
13 perform any engineering services for persons other than the person's
14 employer.

15 ~~13-~~ 18. "Engineer-in-training" means a candidate for registration as a
16 professional engineer who is a graduate in an approved engineering curriculum
17 of four years or more of a school approved by the board or who has had four
18 years or more of education or experience, or both, in engineering work which
19 meets standards specified by the board in its rules. In addition, the
20 candidate shall have passed the engineer-in-training examination.

21 ~~14-~~ 19. "Firm" means any individual or partnership, corporation or
22 other type of association, including the association of a nonregistrant and a
23 registrant who offers to the public professional services regulated by the
24 board.

25 ~~15-~~ 20. "Geological practice" means any professional service or work
26 requiring geological education, training and experience, and the application
27 of special knowledge of the earth sciences to such professional services as
28 consultation, evaluation of mining properties, petroleum properties and
29 groundwater resources, professional supervision of exploration for mineral
30 natural resources including metallic and nonmetallic ores, petroleum and
31 groundwater, and the geological phases of engineering investigations.

32 ~~16-~~ 21. "Geologist" means a person, not of necessity an engineer, who
33 by reason of special knowledge of the earth sciences and the principles and
34 methods of search for and appraisal of mineral or other natural resources
35 acquired by professional education and practical experience is qualified to
36 practice geology as attested by registration as a professional geologist. A
37 person employed on a full-time basis as a geologist by an employer engaged in
38 the business of developing, mining or treating ores and other minerals shall
39 not be deemed to be engaged in geological practice for the purposes of this
40 chapter if the person engages in geological practice exclusively for and as
41 an employee of such employer and does not represent that the person is
42 available and is not represented as being available to perform any geological
43 services for persons other than the person's employer.

44 ~~17-~~ 22. "Geologist-in-training" means a candidate for registration as
45 a professional geologist who is a graduate of a school approved by the board
46 or who has had four years or more of education or experience, or both, in

1 geological work which meets standards specified by the board in its rules.
2 In addition, the candidate shall have passed the geologist-in-training
3 examination.

4 ~~18-~~ 23. "Home inspection" means a visual analysis for the purposes of
5 providing a professional opinion of the building, any reasonably accessible
6 installed components and the operation of the building's systems, including
7 the controls normally operated by the owner, for the following components of
8 a residential building of four units or less:

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

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

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

28 ~~21-~~ 26. "Home inspector-in-training" means a candidate for
29 certification as a home inspector who has completed a course of study
30 approved by the board and who is participating in a training program that
31 complies with standards recommended by the home inspector rules and standards
32 committee and approved by the board.

33 ~~22-~~ 27. "Land surveying practice" means the performance of one or more
34 of the following professional services:

35 (a) Measurement of land to determine the position of any monument or
36 reference point which marks a property line, boundary or corner for the
37 purpose of determining the area or description of the land.

38 (b) Location, relocation, establishment, reestablishment, setting,
39 resetting or replacing of corner monuments or reference points which identify
40 land boundaries, rights-of-way or easements.

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

42 (d) Measurement by angles, distances and elevations of natural or
43 artificial features in the air, on the surface and immediate subsurface of
44 the earth, within underground workings and on the surface or within bodies of
45 water for the purpose of determining or establishing their location, size,
46 shape, topography, grades, contours or water surface and depths, and the

1 preparation and perpetuation of field note records and maps depicting these
2 features.

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

5 ~~23.~~ 28. "Land surveyor" means a person who by reason of knowledge of
6 the mathematical and physical sciences, principles of land surveying and
7 evidence gathering acquired by professional education or practical
8 experience, or both, is qualified to practice land surveying as attested by
9 registration as a land surveyor. A person employed on a full-time basis as a
10 land surveyor by an employer engaged in the business of developing, mining or
11 treating ores or other minerals shall not be deemed to be engaged in land
12 surveying practice for purposes of this chapter if the person engages in land
13 surveying practice exclusively for and as an employee of such employer and
14 does not represent that the person is available and is not represented as
15 being available to perform any land surveying services for persons other than
16 the person's employer.

17 ~~24.~~ 29. "Land surveyor-in-training" means a candidate for registration
18 as a professional land surveyor who is a graduate of a school and curriculum
19 approved by the board, or who has four years or more of education or
20 experience, or both, in land surveying work which meets standards specified
21 by the board in its rules. In addition, the candidate shall have passed the
22 land surveyor-in-training examination.

23 ~~25.~~ 30. "Landscape architect" means a person who, by reason of
24 professional education or practical experience, or both, is qualified to
25 engage in the practice of landscape architecture as attested by registration
26 as a landscape architect.

27 ~~26.~~ 31. "Landscape architect-in-training" means a candidate for
28 registration as a professional landscape architect who is a graduate of a
29 school approved by the board or who has had four years or more of education
30 or experience, or both, in landscape architectural work which meets standards
31 specified by the board in its rules. In addition, the candidate shall have
32 passed the landscape architect-in-training examination.

33 ~~27.~~ 32. "Landscape architectural practice" means the performance of
34 professional services such as consultations, investigation, reconnaissance,
35 research, planning, design or responsible supervision in connection with the
36 development of land and incidental water areas where, and to the extent that,
37 the dominant purpose of such services is the preservation, enhancement or
38 determination of proper land uses, natural land features, ground cover and
39 planting, naturalistic and aesthetic values, the settings of and approaches
40 to buildings, structures, facilities or other improvements, natural drainage
41 and the consideration and the determination of inherent problems of the land
42 relating to erosion, wear and tear, light or other hazards. This practice
43 shall include the location and arrangement of such tangible objects and
44 features as are incidental and necessary to the purposes outlined in this
45 paragraph but shall not include the making of cadastral surveys or final land

1 plats for official recording or approval, nor mandatorily include planning
2 for governmental subdivisions.

3 33. "MONITORED ALARM" MEANS A DEVICE THAT IS DESIGNED FOR THE DETECTION
4 OF AN ENTRY ON ANY PREMISES AND THAT IF ACTIVATED GENERATES A NOTIFICATION
5 SIGNAL.

6 ~~28-~~ 34. "On-site supervisor" means the employee of a drug laboratory
7 site remediation firm who is authorized to oversee on-site workers in the
8 performance of their duties.

9 ~~29-~~ 35. "On-site worker" means an employee of a drug laboratory site
10 remediation firm who has on-site duties or who handles contaminated
11 materials, chemicals or contaminated equipment.

12 ~~30-~~ 36. "Person" means any individual, firm, partnership, corporation,
13 association or other organization.

14 ~~31-~~ 37. "Principal" means an individual who is an officer of the
15 corporation or is designated by a firm as having full authority and
16 responsible charge of the services offered by the firm.

17 38. "PROPRIETOR ALARM" MEANS ANY ALARM OR ALARM SYSTEM THAT IS OWNED BY
18 AN ALARM SUBSCRIBER WHO HAS NOT CONTRACTED WITH AN ALARM BUSINESS.

19 ~~32-~~ 39. "Registrant" means a person registered or certified by the
20 board.

21 ~~33-~~ 40. "Registration" means a registration or certification issued by
22 the board.

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

24 ~~32-106.~~ Powers and duties

25 A. The board shall:

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

28 2. Adopt an official seal for attestation of certificates of
29 registration and other official papers and documents.

30 3. Consider and pass upon applications for registration or
31 certification.

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

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

36 6. Compel attendance of witnesses, administer oaths and take testimony
37 concerning all matters coming within its jurisdiction. In exercising these
38 powers, the board may issue subpoenas for the attendance of witnesses and the
39 production of books, records, documents and other evidence it deems relevant
40 to an investigation or hearing.

41 7. Keep a record of its proceedings.

42 8. Keep a register which shall show the date of each application for
43 registration or certification, the name of the applicant, the practice or
44 branch of practice in which the applicant has applied for registration, if
45 applicable, and the disposition of the application.

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

3 B. The board shall specify the proficiency designation in the branch
4 of engineering in which the applicant has designated proficiency on the
5 certificate of registration and renewal card issued to each registered
6 engineer and shall authorize the engineer to use the title of registered
7 professional engineer. The board shall decide what branches of engineering
8 it shall recognize.

9 C. The board may hold membership in and be represented at national
10 councils or organizations of proficiencies registered under this chapter and
11 may pay the appropriate membership fees. The board may conduct standard
12 examinations on behalf of national councils and may establish fees for those
13 examinations.

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

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

31 F. The board may adopt rules establishing rules of professional
32 conduct for registrants.

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

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

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

38 J. THE BOARD SHALL ISSUE OR MAY AUTHORIZE THE EXECUTIVE DIRECTOR TO
39 ISSUE A CERTIFICATE OR RENEWAL CERTIFICATE TO EACH ALARM BUSINESS AND A
40 CERTIFICATION OR RENEWAL CERTIFICATION CARD TO EACH ALARM AGENT IF THE
41 QUALIFICATIONS PRESCRIBED BY THIS CHAPTER ARE MET.

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

44 32-113. Preemption; power of local authorities

45 A. THE STATE LEGISLATURE DETERMINES THAT THE LICENSURE, CERTIFICATION
46 OR REGISTRATION OF ALARM BUSINESSES AND ALARM AGENTS IS A MATTER OF STATEWIDE

1 CONCERN. THE POWER TO LICENSE, REGISTER OR CERTIFY AN ALARM BUSINESS OR
2 ALARM AGENT IS PREEMPTED BY THIS STATE.

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

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

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

10 32-121. Certificate or registration required for practice

11 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, a person or firm desiring
12 to practice any board regulated profession or occupation shall first secure a
13 certificate or registration and shall comply with all the conditions
14 prescribed in this chapter. AN ALARM BUSINESS OR AN ALARM AGENT MAY INSTALL
15 ALARMS AS FOLLOWS:

16 1. THE ALARM BUSINESS HAS SUBMITTED AN APPLICATION FOR CERTIFICATION
17 PURSUANT TO SECTION 32-122.05 OR IS A LICENSED CONTRACTOR PURSUANT TO CHAPTER
18 10 OF THIS TITLE.

19 2. THE ALARM AGENT HAS SUBMITTED AN APPLICATION AND FINGERPRINTS TO
20 THE BOARD PURSUANT TO SECTION 32-122.06.

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

23 32-122.05. Certification of alarm businesses; application;
24 fingerprinting; fee; renewal

25 A. BEGINNING MAY 1, 2013, THE BOARD SHALL ISSUE CERTIFICATES TO ALARM
26 BUSINESSES AND ALARM AGENTS. BEGINNING OCTOBER 1, 2013, A PERSON SHALL NOT
27 OPERATE AN ALARM BUSINESS UNLESS THE PERSON OBTAINS AN ALARM BUSINESS
28 CERTIFICATE FROM THE BOARD. A SEPARATE CERTIFICATE IS REQUIRED FOR EACH
29 BUSINESS NAME UNDER WHICH AN ALARM BUSINESS CONDUCTS BUSINESS OR ADVERTISES
30 EXCEPT THAT ONE CERTIFICATE MAY BE USED FOR TWO BUSINESSES WITH THE SAME
31 OWNERSHIP. TO OBTAIN AN ALARM BUSINESS CERTIFICATE, EACH CONTROLLING PERSON
32 OF THE ALARM BUSINESS SHALL SUBMIT A COMPLETED FINGERPRINT CARD AND A
33 FINGERPRINT BACKGROUND CHECK FEE TO THE BOARD. ON RECEIPT OF THE APPLICATION
34 AND EACH YEAR THEREAFTER ON THE ANNIVERSARY OF THE INITIAL CERTIFICATION FOR
35 AS LONG AS THE ALARM BUSINESS IS CERTIFIED, THE BOARD SHALL SUBMIT THE
36 FINGERPRINTS OF EACH CONTROLLING PERSON TO THE DEPARTMENT OF PUBLIC SAFETY
37 FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK
38 PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC
39 SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF
40 INVESTIGATION. EACH CONTROLLING PERSON OF THE ALARM BUSINESS SHALL SUBMIT A
41 FINGERPRINT BACKGROUND CHECK FEE TO THE BOARD ANNUALLY ON THE ANNIVERSARY OF
42 THE INITIAL CERTIFICATION OF THE ALARM BUSINESS. THE BOARD SHALL KEEP AND
43 MAINTAIN THE FINGERPRINT CARD FOR AS LONG AS THE PERSON IS THE CONTROLLING
44 PERSON OF THE ALARM BUSINESS. ALL ALARM BUSINESS CERTIFICATES ISSUED
45 PURSUANT TO THIS 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; fingerprinting; 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. ON RECEIPT OF THE APPLICATION AND EACH YEAR THEREAFTER ON
18 THE ANNIVERSARY OF THE INITIAL CERTIFICATION FOR AS LONG AS THE PERSON IS AN
19 ALARM AGENT, THE BOARD SHALL SUBMIT THE ALARM AGENT'S FINGERPRINTS TO THE
20 DEPARTMENT OF PUBLIC SAFETY FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL
21 CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544.
22 THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE
23 FEDERAL BUREAU OF INVESTIGATION. FOR AS LONG AS THE PERSON IS AN ALARM AGENT:

24 1. THE PERSON SHALL SUBMIT A FINGERPRINT BACKGROUND CHECK FEE TO THE
25 BOARD ANNUALLY ON THE ANNIVERSARY OF THE PERSON'S INITIAL CERTIFICATION.

26 2. THE BOARD SHALL KEEP AND MAINTAIN THE FINGERPRINT CARD.

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

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

34 E. AN ALARM AGENT CERTIFICATE CARD BECOMES THE PERSONAL PROPERTY OF
35 THE PERSON TO WHOM IT IS ISSUED. THE PERSON SHALL RETAIN POSSESSION OF THE
36 CARD.

37 32-122.07. Denial of alarm business and alarm agent
38 certification; appeal

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

- 42 1. THEFT.
- 43 2. BURGLARY.
- 44 3. ROBBERY OR ARMED ROBBERY.
- 45 4. CRIMINAL TRESPASS.
- 46 5. SEXUAL ABUSE OF A VULNERABLE ADULT.

