

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SENATE BILL 1162

AN ACT

AMENDING SECTIONS 32-106, 32-121, 32-122.05, 32-122.06, 32-122.07, 41-619.51, 41-1758 AND 41-1758.01, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF TECHNICAL REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 32-106, Arizona Revised Statutes, is amended to
3 read:
4 32-106. Powers and duties
5 A. The board shall:
6 1. Adopt rules for the conduct of its meetings and performance of
7 duties imposed on it by law.
8 2. Adopt an official seal for attestation of certificates of
9 registration and other official papers and documents.
10 3. Consider and act on or delegate the authority to act on
11 applications for registration or certification.
12 4. Conduct examinations for in-training and professional registration
13 except for an alarm business, A CONTROLLING PERSON or an alarm agent.
14 5. Hear and act on complaints or charges or direct an administrative
15 law judge to hear and act on complaints and charges.
16 6. Compel attendance of witnesses, administer oaths and take testimony
17 concerning all matters coming within its jurisdiction. In exercising these
18 powers, the board may issue subpoenas for the attendance of witnesses and the
19 production of books, records, documents and other evidence it deems relevant
20 to an investigation or hearing.
21 7. Keep a record of its proceedings.
22 8. Keep a register that shows the date of each application for
23 registration or certification, the name of the applicant, the practice or
24 branch of practice in which the applicant has applied for registration, if
25 applicable, and the disposition of the application.
26 9. Do other things necessary to carry out the purposes of this
27 chapter.
28 B. The board shall specify the proficiency designation in the branch
29 of engineering in which the applicant has designated proficiency on the
30 certificate of registration and renewal card issued to each registered
31 engineer and shall authorize the engineer to use the title of registered
32 professional engineer. The board shall decide what branches of engineering
33 it shall recognize.
34 C. The board may hold membership in and be represented at national
35 councils or organizations of proficiencies registered under this chapter and
36 may pay the appropriate membership fees. The board may conduct standard
37 examinations on behalf of national councils and may establish fees for those
38 examinations.
39 D. The board may employ and pay on a fee basis persons, including
40 full-time employees of a state institution, bureau or department, to prepare
41 and grade examinations given to applicants for registration and may fix the
42 fee to be paid for these services. These employees are authorized to
43 prepare, grade and monitor examinations and perform other services the board
44 authorizes, and to receive payment for these services from the technical
45 registration fund. The board may contract with an organization to administer

1 the registration examination, including selecting the test site, scheduling
2 the examination, billing and collecting the fee directly from the applicant
3 and grading the examination if a national council of which the board is a
4 member or a professional association approved by the board does not provide
5 these services. If a national council of which the board is a member or a
6 professional association approved by the board does provide these services,
7 the board shall enter into an agreement with the national council or
8 professional association to administer the registration examination.

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

11 F. The board may adopt rules establishing rules of professional
12 conduct for registrants.

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

15 H. Subject to title 41, chapter 4, article 4, the board may employ
16 persons as it deems necessary.

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

19 J. The board shall issue or may authorize the executive director to
20 issue a certificate or renewal certificate to each alarm business **AND EACH**
21 **CONTROLLING PERSON** and a certification or renewal certification card to each
22 alarm agent if the qualifications prescribed by this chapter are met.

23 Sec. 2. Section 32-121, Arizona Revised Statutes, is amended to read:
24 32-121. Certificate or registration required for practice

25 Except as otherwise provided in this section, a person or firm desiring
26 to practice any ~~board-regulated~~ **BOARD-REGULATED** profession or occupation
27 shall first secure a certificate or registration and shall comply with all
28 the conditions prescribed in this chapter. An alarm business or an alarm
29 agent may install alarms ~~as follows~~ **IF ALL OF THE FOLLOWING APPLY:**

30 1. The alarm business has submitted an application for certification
31 pursuant to section 32-122.05 or is a licensed contractor pursuant to chapter
32 10 of this title.

33 2. **EACH CONTROLLING PERSON HAS SUBMITTED AN APPLICATION AND PROOF OF A**
34 **VALID FINGERPRINT CLEARANCE CARD TO THE BOARD PURSUANT TO SECTION 32-122.05.**

35 ~~2-~~ 3. The alarm agent has submitted an application and ~~fingerprints~~
36 **PROOF OF A VALID FINGERPRINT CLEARANCE CARD** to the board pursuant to section
37 32-122.06.

38 Sec. 3. Section 32-122.05, Arizona Revised Statutes, is amended to
39 read:

40 32-122.05. Certification of alarm businesses and controlling
41 persons; applications; fingerprinting; fee;
42 renewal

43 A. ~~Beginning May 1, 2013,~~ The board shall issue certificates to alarm
44 businesses and ~~alarm agents~~ **CONTROLLING PERSONS**. ~~Beginning October 1, 2013,~~
45 ~~a person shall not operate an alarm business unless the person obtains An~~

1 alarm business ~~certificate~~ SHALL NOT OPERATE UNTIL THE ALARM BUSINESS AND
2 EACH OF ITS CONTROLLING PERSONS SUBMIT APPLICATIONS AND RECEIVE CERTIFICATION
3 from the board. A separate certificate is required for each business name
4 under which an alarm business conducts business or advertises, except that
5 one certificate may be used for two businesses with the same ownership. To
6 obtain an alarm business certificate, each controlling person of the alarm
7 business shall ~~submit a completed fingerprint card and a fingerprint~~
8 ~~background check fee to the board. On receipt of the application and each~~
9 ~~year thereafter on the anniversary of the initial certification for as long~~
10 ~~as the alarm business is certified, the board shall submit the fingerprints~~
11 ~~of each controlling person to the department of public safety for the purpose~~
12 ~~of obtaining a state and federal criminal records check pursuant to section~~
13 ~~41-1750 and Public Law 92-544. The department of public safety may exchange~~
14 ~~this fingerprint data with the federal bureau of investigation. Each~~
15 ~~controlling person of the alarm business shall submit a fingerprint~~
16 ~~background check fee to the board annually on the anniversary of the initial~~
17 ~~certification of the alarm business. The board shall keep and maintain the~~
18 ~~fingerprint card for as long as the person is the controlling person of the~~
19 ~~alarm business.~~ PROVIDE PROOF TO THE BOARD OF HAVING A VALID FINGERPRINT
20 CLEARANCE CARD ISSUED PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1. All
21 alarm business certificates AND CONTROLLING PERSON CERTIFICATES issued
22 pursuant to this article are valid for ~~two~~ THREE years from the date of
23 issuance.

24 B. ~~A person shall submit an application for an alarm business~~
25 ~~certificate or renewal of the certificate to the board. The AN application~~
26 FOR AN ALARM BUSINESS CERTIFICATE AND FOR A CONTROLLING PERSON CERTIFICATE
27 shall include:

28 1. The name, business address, mailing address and telephone number of
29 the alarm business. If the applicant is a corporation, general or limited
30 partnership, limited liability company or other legal entity, the applicant
31 shall state the name of the ~~applicant~~ ALARM BUSINESS exactly as shown in its
32 articles of incorporation, charter, certificate of limited partnership,
33 articles of organization or other organizational documents, as applicable,
34 together with the state and date of incorporation and the ~~names~~ NAME,
35 residence ~~addresses~~ ADDRESS and ~~dates~~ DATE of birth of each controlling
36 person. If one or more of the partners, members or shareholders of the
37 applicant is a corporation or other legal entity, the provisions of this
38 subsection relating to information required of a corporation apply.

39 2. If the ~~applicant~~ ALARM BUSINESS is a corporation, general or
40 limited partnership, limited liability company or other legal entity,
41 designation of one of its designated controlling persons to have full
42 authority, ~~and act as principal~~ THE ALARM BUSINESS'S CONTACT WITH THE BOARD
43 AND BE RESPONSIBLE FOR THE ALARM BUSINESS'S COMPLIANCE WITH THIS
44 CHAPTER. ~~The~~ EACH designated CONTROLLING person shall complete and sign all
45 application forms required of an individual alarm agent applicant under this

1 article. The ~~applicant~~ ALARM BUSINESS shall also provide a copy of the
2 corporation, partnership or limited liability company formation documents TO
3 THE BOARD.

4 3. The name of the ~~applicant~~ ALARM BUSINESS and each controlling
5 person, any alias or other name used or by which the ~~applicant~~ ALARM BUSINESS
6 or any controlling person has been previously known, ~~AND the applicant's~~
7 current residence and business addresses, telephone numbers, including fax
8 numbers, and ~~electronic-mail~~ E-MAIL addresses OF EACH ALARM BUSINESS AND EACH
9 CONTROLLING PERSON.

10 4. The names and addresses of the alarm agents who are employed by the
11 alarm business.

12 5. Proof that the ~~applicant~~ PERSON SUBMITTING THE APPLICATION and each
13 controlling person are at least eighteen years of age as indicated on a
14 current driver license or other picture identification document that is
15 issued by a governmental agency.

16 6. Two current ~~two-inch~~ TWO-INCH by ~~two-inch~~ TWO-INCH photographs of
17 ~~the applicant~~ EACH CONTROLLING PERSON.

18 7. Information as to whether the applicant or any controlling person,
19 or the business on behalf of which the certificate is being applied for, has
20 ever been refused or denied any similar registration, certificate, license or
21 permit or has had any similar license or permit revoked, canceled or
22 suspended and the reason or reasons for the revocation, cancellation or
23 suspension.

24 8. WHETHER THE PERSON SUBMITTING THE APPLICATION OR ANY CONTROLLING
25 PERSON HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR.

26 C. In addition to the application requirements prescribed in
27 subsection B of this section, an applicant for an alarm business certificate
28 AND AN APPLICANT FOR A CONTROLLING PERSON CERTIFICATE shall pay a fee as
29 determined by the board.

30 D. An applicant for an INITIAL alarm business certificate OR AN
31 INITIAL CONTROLLING PERSON CERTIFICATE or an applicant for a renewal of an
32 alarm business certificate OR A CONTROLLING PERSON CERTIFICATE shall notify
33 the board, in writing, of any change in the information contained in the
34 certificate application or renewal application, INCLUDING THE NAMES OF
35 CONTROLLING PERSONS OR ALARM AGENTS THAT HAVE LEFT THE APPLICANT'S
36 EMPLOYMENT. The applicant shall notify the board within fifteen calendar
37 days after the occurrence of the change.

38 E. An alarm business AND EACH CONTROLLING PERSON shall file an
39 application for a certificate renewal with the board no later than fourteen
40 days before the expiration of the certificate that is currently in effect.
41 If a certificate expires without the alarm business OR CONTROLLING PERSONS
42 having submitted a timely application for renewal, THE ALARM BUSINESS MAY NOT
43 OPERATE UNTIL the holder of the expired certificate ~~shall file~~ FILES a new
44 application for an initial certificate.

- 1 (b) Section 8-322.
- 2 (c) Section 8-463.
- 3 (d) Section 8-509.
- 4 (e) Section 8-802.
- 5 (f) Section 8-804.
- 6 (g) Section 15-183.
- 7 (h) Section 15-503.
- 8 (i) Section 15-512.
- 9 (j) Section 15-534.
- 10 (k) Section 15-763.01.
- 11 (l) Section 15-782.02.
- 12 (m) Section 15-1330.
- 13 (n) Section 15-1881.
- 14 (o) Section 17-215.
- 15 (p) Section 28-3413.
- 16 (q) SECTION 32-122.05.
- 17 (r) SECTION 32-122.06.
- 18 ~~(q)~~ (s) Section 32-1232.
- 19 (t) SECTION 32-1284.
- 20 (u) SECTION 32-1297.01.
- 21 ~~(r)~~ (v) Section 32-2108.01.
- 22 ~~(s)~~ (w) Section 32-2123.
- 23 ~~(t)~~ (x) Section 32-2371.
- 24 ~~(u)~~ (y) Section 32-2372.
- 25 ~~(v)~~ (z) Section 32-3620.
- 26 ~~(w)~~ (aa) Section 32-3668.
- 27 ~~(x)~~ (bb) Section 32-3669.
- 28 ~~(y)~~ (cc) Section 36-207.
- 29 ~~(z)~~ (dd) Section 36-411.
- 30 ~~(aa)~~ (ee) Section 36-425.03.
- 31 ~~(bb)~~ (ff) Section 36-446.04.
- 32 ~~(cc)~~ (gg) Section 36-594.01.
- 33 ~~(dd)~~ (hh) Section 36-594.02.
- 34 ~~(ee)~~ (ii) Section 36-882.
- 35 ~~(ff)~~ (jj) Section 36-883.02.
- 36 ~~(gg)~~ (kk) Section 36-897.01.
- 37 ~~(hh)~~ (ll) Section 36-897.03.
- 38 ~~(ii)~~ (mm) Section 36-3008.
- 39 ~~(jj)~~ (nn) Section 41-619.53.
- 40 ~~(kk)~~ (oo) Section 41-1964.
- 41 ~~(ll)~~ (pp) Section 41-1967.01.
- 42 ~~(mm)~~ (qq) Section 41-1968.
- 43 ~~(nn)~~ (rr) Section 41-1969.
- 44 ~~(oo)~~ (ss) Section 41-2814.
- 45 ~~(pp)~~ (tt) Section 46-141, subsection A.

1 ~~(qq)~~ (uu) Section 46-321.

2 Sec. 7. Section 41-1758, Arizona Revised Statutes, is amended to read:
3 41-1758. Definitions

4 In this article, unless the context otherwise requires:

5 1. "Agency" means the supreme court, the department of economic
6 security, the department of child safety, the department of education, the
7 department of health services, the department of juvenile corrections, the
8 department of emergency and military affairs, the department of
9 transportation, the state real estate department, the ~~state board of~~
10 ~~appraisal~~ DEPARTMENT OF FINANCIAL INSTITUTIONS, the board of fingerprinting,
11 the Arizona game and fish department, ~~or~~ the board of examiners of nursing
12 care institution administrators and assisted living facility managers, **THE**
13 **STATE BOARD OF TECHNICAL REGISTRATION OR THE STATE BOARD OF DENTAL EXAMINERS.**

14 2. "Division" means the fingerprinting division in the department of
15 public safety.

16 3. "Electronic or internet-based fingerprinting services" means a
17 secure system for digitizing applicant fingerprints and transmitting the
18 applicant data and fingerprints of a person or entity submitting fingerprints
19 to the department of public safety for any authorized purpose under this
20 title. For the purposes of this paragraph, "secure system" means a system
21 that complies with the information technology security policy approved by the
22 department of public safety.

23 4. "Good cause exception" means the issuance of a fingerprint
24 clearance card to an applicant pursuant to section 41-619.55.

25 5. "Person" means a person who is required to be fingerprinted
26 pursuant to any of the following:

- 27 (a) Section 8-105.
- 28 (b) Section 8-322.
- 29 (c) Section 8-463.
- 30 (d) Section 8-509.
- 31 (e) Section 8-802.
- 32 (f) Section 15-183.
- 33 (g) Section 15-503.
- 34 (h) Section 15-512.
- 35 (i) Section 15-534.
- 36 (j) Section 15-763.01.
- 37 (k) Section 15-782.02.
- 38 (l) Section 15-1330.
- 39 (m) Section 15-1881.
- 40 (n) Section 17-215.
- 41 (o) Section 28-3413.
- 42 (p) SECTION 32-122.05.
- 43 (q) SECTION 32-122.06.
- 44 ~~(p)~~ (r) Section 32-1232.
- 45 (s) SECTION 32-1284.

1 (t) SECTION 32-1297.01.
2 ~~(q)~~ (u) Section 32-2108.01.
3 ~~(r)~~ (v) Section 32-2123.
4 ~~(s)~~ (w) Section 32-2371.
5 ~~(t)~~ (x) Section 32-2372.
6 ~~(u)~~ (y) Section 32-3620.
7 ~~(v)~~ (z) Section 32-3668.
8 ~~(w)~~ (aa) Section 32-3669.
9 ~~(x)~~ (bb) Section 36-207.
10 ~~(y)~~ (cc) Section 36-411.
11 ~~(z)~~ (dd) Section 36-425.03.
12 ~~(aa)~~ (ee) Section 36-446.04.
13 ~~(bb)~~ (ff) Section 36-594.01.
14 ~~(cc)~~ (gg) Section 36-594.02.
15 ~~(dd)~~ (hh) Section 36-882.
16 ~~(ee)~~ (ii) Section 36-883.02.
17 ~~(ff)~~ (jj) Section 36-897.01.
18 ~~(gg)~~ (kk) Section 36-897.03.
19 ~~(hh)~~ (ll) Section 36-3008.
20 ~~(ii)~~ (mm) Section 41-619.52.
21 ~~(jj)~~ (nn) Section 41-619.53.
22 ~~(kk)~~ (oo) Section 41-1964.
23 ~~(ll)~~ (pp) Section 41-1967.01.
24 ~~(mm)~~ (qq) Section 41-1968.
25 ~~(nn)~~ (rr) Section 41-1969.
26 ~~(oo)~~ (ss) Section 41-2814.
27 ~~(pp)~~ (tt) Section 46-141, subsection A.
28 ~~(qq)~~ (uu) Section 46-321.
29 6. "Vulnerable adult" has the same meaning prescribed in section
30 13-3623.
31 Sec. 8. Section 41-1758.01, Arizona Revised Statutes, is amended to
32 read:
33 41-1758.01. Fingerprinting division; powers and duties
34 A. The fingerprinting division is established in the department of
35 public safety and shall:
36 1. Conduct fingerprint background checks for persons and applicants
37 who are seeking licenses from state agencies, employment with licensees,
38 contract providers and state agencies or employment or educational
39 opportunities with agencies that require fingerprint background checks
40 pursuant to sections 8-105, 8-322, 8-463, 8-509, 8-802, 15-183, 15-503,
41 15-512, 15-534, 15-763.01, 15-782.02, 15-1330, 15-1881, 17-215, 28-3413,
42 32-122.05, 32-122.06, 32-1232, 32-1284, 32-1297.01, 32-2108.01, 32-2123,
43 32-2371, 32-2372, 32-3620, 32-3668, 32-3669, 36-207, 36-411, 36-425.03,
44 36-446.04, 36-594.01, 36-594.02, 36-882, 36-883.02, 36-897.01, 36-897.03,

1 36-3008, 41-619.52, 41-619.53, 41-1964, 41-1967.01, 41-1968, 41-1969 and
2 41-2814, section 46-141, subsection A and section 46-321.

3 2. Issue fingerprint clearance cards. On issuance, a fingerprint
4 clearance card becomes the personal property of the cardholder and the
5 cardholder shall retain possession of the fingerprint clearance card.

6 3. On submission of an application for a fingerprint clearance card,
7 collect the fees established by the board of fingerprinting pursuant to
8 section 41-619.53 and deposit, pursuant to sections 35-146 and 35-147, the
9 monies collected in the board of fingerprinting fund.

10 4. Inform in writing each person who submits fingerprints for a
11 fingerprint background check of the right to petition the board of
12 fingerprinting for a good cause exception pursuant to section 41-1758.03,
13 41-1758.04 or 41-1758.07.

14 5. If after conducting a state and federal criminal history records
15 check the division determines that it is not authorized to issue a
16 fingerprint clearance card to a person, inform the person in writing that the
17 division is not authorized to issue a fingerprint clearance card. The notice
18 shall include the criminal history information on which the denial was
19 based. This criminal history information is subject to dissemination
20 restrictions pursuant to section 41-1750 and Public Law 92-544.

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

28 7. Administer and enforce this article.

29 B. The fingerprinting division may contract for electronic or
30 internet-based fingerprinting services through an entity or entities for the
31 acquisition and transmission of applicant fingerprint and data submissions to
32 the department, including identity verified fingerprints pursuant to section
33 15-106. The entity or entities contracted by the department of public safety
34 may charge the applicant a fee for services provided pursuant to this
35 article. The entity or entities contracted by the department of public
36 safety shall comply with:

37 1. All information privacy and security measures and submission
38 standards established by the department of public safety.

39 2. The information technology security policy approved by the
40 department of public safety.