

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

SENATE BILL 1277

AN ACT

AMENDING SECTIONS 32-101 AND 32-106, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-113 AND 32-114; 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; AMENDING TITLE 32, CHAPTER 1, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 32-153 AND 32-154; AMENDING SECTION 32-1121, ARIZONA REVISED STATUTES; RELATING TO ALARM BUSINESSES AND ALARM 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, CHECK
20 WELFARE OR PROPRIETOR ALARM THAT REQUIRES EMERGENCY PERSONNEL TO RESPOND.

21 (c) DOES NOT INCLUDE A TELEPHONE CALL DIVERTER OR A SYSTEM THAT IS
22 DESIGNED TO REPORT ENVIRONMENTAL AND OTHER OCCURRENCES AND THAT IS NOT
23 DESIGNED OR USED TO ALERT OR CAUSE OTHER PERSONS TO ALERT PUBLIC SAFETY
24 PERSONNEL.

25 3. "ALARM AGENT" MEANS A PERSON, WHETHER AN EMPLOYEE, AN INDEPENDENT
26 CONTRACTOR OR OTHERWISE, WHO ACTS ON BEHALF OF AN ALARM BUSINESS AND WHO
27 TESTS, MAINTAINS, SERVICES, REPAIRS, SELLS, RENTS, LEASES OR INSTALLS ALARM
28 SYSTEMS OTHER THAN AN ALARM SYSTEM LOCATED ON THE PERSON'S OWN PROPERTY OR
29 THE PROPERTY OF THE PERSON'S EMPLOYER.

30 4. "ALARM BUSINESS":

31 (a) MEANS ANY PERSON WHO, EITHER ALONE OR THROUGH A THIRD PARTY,
32 ENGAGES IN THE BUSINESS OF EITHER OF THE FOLLOWING:

33 (i) PROVIDING ALARM MONITORING SERVICES.

34 (ii) SELLING, LEASING, RENTING, MAINTAINING, REPAIRING OR INSTALLING A
35 NONPROPRIETOR ALARM SYSTEM OR SERVICE.

36 (b) DOES NOT INCLUDE ANY OF THE FOLLOWING:

37 (i) A PERSON OR COMPANY THAT PURCHASES, RENTS OR USES AN ALARM THAT IS
38 AFFIXED TO A MOTOR VEHICLE.

39 (ii) A PERSON WHO OWNS OR CONDUCTS A BUSINESS OF SELLING, LEASING,
40 RENTING, INSTALLING, MAINTAINING OR MONITORING AN ALARM THAT IS AFFIXED TO A
41 MOTOR VEHICLE.

42 (iii) A PERSON WHO INSTALLS A NONMONITORED PROPRIETOR ALARM FOR A
43 BUSINESS THAT THE PERSON OWNS, IS EMPLOYED BY OR MANAGES.

44 (iv) THE INSTALLATION OR MONITORING OF FIRE ALARM SYSTEMS.

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.

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 ALL CURRENT OFFICERS, MANAGERS AND DIRECTORS OF AN ALARM
15 BUSINESS AND ANY PERSON WHO IS A STOCKHOLDER, MEMBER, GENERAL OR LIMITED
16 PARTNER OR OWNER WHO HOLDS MORE THAN TEN PER CENT OF THE OWNERSHIP,
17 MANAGEMENT RIGHTS, CONTROL OR CLAIM TO THE PROFITS OF AN ALARM BUSINESS.

18 (b) DOES NOT INCLUDE CURRENT OFFICERS, DIRECTORS OR SHAREHOLDERS OF
19 STOCK IN ANY CORPORATION THAT IS TRADED ON A NATIONAL STOCK EXCHANGE.

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

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

34 (c) "Methamphetamine" has the same meaning prescribed in section
35 13-3401, paragraph 6 and includes any of the precursor chemicals, regulated
36 chemicals, other substances or equipment used in the unlawful manufacture of
37 the dangerous drug.

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

43 ~~12-~~ 17. "Engineering practice" means any professional service or
44 creative work requiring engineering education, training and experience and
45 the application of special knowledge of the mathematical, physical and

1 engineering sciences to such professional services or creative work as
2 consultation, research investigation, evaluation, planning, surveying as
3 defined in paragraph ~~22~~ 27, subdivisions (d) and (e), design, location,
4 development, and review of construction for conformance with contract
5 documents and design, in connection with any public or private utility,
6 structure, building, machine, equipment, process, work or project. Such
7 services and work include plans and designs relating to the location,
8 development, mining and treatment of ore and other minerals. A person shall
9 be deemed to be practicing or offering to practice engineering if the person
10 practices any branch of the profession of engineering, or by verbal claim,
11 sign, advertisement, letterhead, card or any other manner represents that the
12 person is a professional engineer, or is able to perform or does perform any
13 engineering service or other service recognized by educational authorities as
14 engineering. A person employed on a full-time basis as an engineer by an
15 employer engaged in the business of developing, mining and treating ores and
16 other minerals shall not be deemed to be practicing engineering for the
17 purposes of this chapter if the person engages in the practice of engineering
18 exclusively for and as an employee of such employer and does not represent
19 that the person is available and is not represented as being available to
20 perform any engineering services for persons other than the person's
21 employer.

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

28 ~~14-~~ 19. "Firm" means any individual or partnership, corporation or
29 other type of association, including the association of a nonregistrant and a
30 registrant who offers to the public professional services regulated by the
31 board.

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

39 ~~16-~~ 21. "Geologist" means a person, not of necessity an engineer, who
40 by reason of special knowledge of the earth sciences and the principles and
41 methods of search for and appraisal of mineral or other natural resources
42 acquired by professional education and practical experience is qualified to
43 practice geology as attested by registration as a professional geologist. A
44 person employed on a full-time basis as a geologist by an employer engaged in
45 the business of developing, mining or treating ores and other minerals shall

1 not be deemed to be engaged in geological practice for the purposes of this
2 chapter if the person engages in geological practice exclusively for and as
3 an employee of such employer and does not represent that the person is
4 available and is not represented as being available to perform any geological
5 services for persons other than the person's employer.

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

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

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

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

33 ~~20.~~ 25. "Home inspector" means an individual who is certified pursuant
34 to this chapter as a home inspector and who engages in the business of
35 performing home inspections and writing home inspection reports.

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

41 ~~22.~~ 27. "Land surveying practice" means the performance of one or more
42 of the following professional services:

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

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

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

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

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

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

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

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

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

42 ~~27-~~ 32. "Landscape architectural practice" means the performance of
43 professional services such as consultations, investigation, reconnaissance,
44 research, planning, design or responsible supervision in connection with the
45 development of land and incidental water areas where, and to the extent that,

1 the dominant purpose of such services is the preservation, enhancement or
2 determination of proper land uses, natural land features, ground cover and
3 planting, naturalistic and aesthetic values, the settings of and approaches
4 to buildings, structures, facilities or other improvements, natural drainage
5 and the consideration and the determination of inherent problems of the land
6 relating to erosion, wear and tear, light or other hazards. This practice
7 shall include the location and arrangement of such tangible objects and
8 features as are incidental and necessary to the purposes outlined in this
9 paragraph but shall not include the making of cadastral surveys or final land
10 plats for official recording or approval, nor mandatorily include planning
11 for governmental subdivisions.

12 ~~32.~~ 33. "MONITORED ALARM" MEANS A DEVICE THAT IS DESIGNED FOR THE DETECTION
13 OF AN ENTRY ON ANY PREMISES AND THAT IF ACTIVATED GENERATES A NOTIFICATION
14 SIGNAL.

15 ~~28.~~ 34. "On-site supervisor" means the employee of a drug laboratory
16 site remediation firm who is authorized to oversee on-site workers in the
17 performance of their duties.

18 ~~29.~~ 35. "On-site worker" means an employee of a drug laboratory site
19 remediation firm who has on-site duties or who handles contaminated
20 materials, chemicals or contaminated equipment.

21 ~~30.~~ 36. "Person" means any individual, firm, partnership, corporation,
22 association or other organization.

23 ~~31.~~ 37. "Principal" means an individual who is an officer of the
24 corporation or is designated by a firm as having full authority and
25 responsible charge of the services offered by the firm.

26 ~~32.~~ 38. "PROPRIETOR ALARM" MEANS ANY ALARM OR ALARM SYSTEM THAT IS OWNED BY
27 AN ALARM SUBSCRIBER WHO HAS NOT CONTRACTED WITH AN ALARM BUSINESS.

28 ~~32.~~ 39. "Registrant" means a person registered or certified by the
29 board.

30 ~~33.~~ 40. "Registration" means a registration or certification issued by
31 the board.

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

33 ~~32-106.~~ Powers and duties

34 A. The board shall:

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

37 2. Adopt an official seal for attestation of certificates of
38 registration and other official papers and documents.

39 3. Consider and pass upon applications for registration or
40 certification.

41 4. Conduct examinations for in-training and professional registration.

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

44 6. Compel attendance of witnesses, administer oaths and take testimony
45 concerning all matters coming within its jurisdiction. In exercising these

1 powers, the board may issue subpoenas for the attendance of witnesses and the
2 production of books, records, documents and other evidence it deems relevant
3 to an investigation or hearing.

4 7. Keep a record of its proceedings.

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

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

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

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

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

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

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

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

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

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

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

4 Sec. 3. Title 32, chapter 1, article 1, Arizona Revised Statutes, is
5 amended by adding sections 32-113 and 32-114, to read:

6 32-113. Alarm business rules and standards committee:
7 definition

8 A. THE ALARM BUSINESS RULES AND STANDARDS COMMITTEE OF THE STATE BOARD
9 OF TECHNICAL REGISTRATION IS ESTABLISHED AND CONSISTS OF THE FOLLOWING
10 MEMBERS WHO ARE APPOINTED BY THE BOARD:

11 1. AN EMPLOYEE OR AN ALARM AGENT EMPLOYED BY AN ALARM BUSINESS THAT
12 EMPLOYS FEWER THAN TEN PERSONS.

13 2. AN EMPLOYEE OR AN ALARM AGENT EMPLOYED BY AN ALARM BUSINESS THAT
14 EMPLOYS TEN OR MORE PERSONS BUT FEWER THAN FIFTY PERSONS.

15 3. AN EMPLOYEE OR AN ALARM AGENT EMPLOYED BY AN ALARM BUSINESS THAT
16 EMPLOYS FIFTY OR MORE PERSONS.

17 4. ONE LAW ENFORCEMENT OFFICER.

18 5. ONE MEMBER OF THE STATE BOARD OF TECHNICAL REGISTRATION.

19 B. THE MEMBERS SERVE THREE-YEAR TERMS. THE BOARD BY A MAJORITY VOTE
20 MAY REMOVE ANY MEMBER FOR MISCONDUCT, INCAPACITY OR NEGLECT OF DUTY AND MAY
21 APPOINT A NEW MEMBER TO COMPLETE A TERM.

22 C. THE COMMITTEE SHALL DRAFT AND RECOMMEND TO THE BOARD:

23 1. CRITERIA RELATED TO AN APPLICANT'S INSURANCE COVERAGE, BONDING
24 REQUIREMENTS AND CRIMINAL HISTORY FOR ALARM BUSINESS AND ALARM AGENT
25 CERTIFICATION.

26 2. STANDARDS FOR EDUCATIONAL PROGRAMS.

27 D. THE COMMITTEE SHALL MAKE ITS INITIAL RECOMMENDATIONS WITHIN SIX
28 MONTHS AFTER ALL MEMBERS HAVE BEEN APPOINTED, OR THE BOARD MAY PROCEED
29 WITHOUT THESE RECOMMENDATIONS. THEREAFTER, THE COMMITTEE SHALL MAKE
30 RECOMMENDATIONS WITHIN SIX MONTHS AFTER A BOARD REQUEST FOR RECOMMENDATIONS.
31 THE COMMITTEE MAY INITIATE RECOMMENDATIONS AT ANY TIME IT DEEMS APPROPRIATE.

32 E. ANY COMPLAINT FILED WITH THE BOARD AGAINST AN ALARM BUSINESS OR
33 ALARM AGENT SHALL BE INVESTIGATED AND REVIEWED BY THE BOARD. THE ALARM
34 BUSINESS RULES AND STANDARDS COMMITTEE SHALL NOT PARTICIPATE IN THE REVIEW OR
35 INVESTIGATION.

36 F. FOR THE PURPOSES OF THIS SECTION, "LAW ENFORCEMENT OFFICER" MEANS
37 ANY OF THE FOLLOWING:

38 1. A REGULARLY APPOINTED AND PAID DEPUTY SHERIFF OF A COUNTY.

39 2. A REGULARLY EMPLOYED POLICE OFFICER IN A CITY OR TOWN.

40 3. A PERSON WHO IS EMPLOYED BY A SHERIFF OR POLICE DEPARTMENT TO WORK
41 WITH ALARM BUSINESSES AND ALARM SUBSCRIBERS.

42 32-114. Preemption; power of local authorities

43 A. THE STATE LEGISLATURE DETERMINES THAT THE LICENSURE, CERTIFICATION
44 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. A LOCAL JURISDICTION MAY ISSUE A CITATION OR A CEASE AND DESIST
4 ORDER TO ANY PERSON WHO VIOLATES A LOCAL JURISDICTION'S ORDINANCE RELATING TO
5 ALARMS AND REPORT THESE VIOLATIONS TO THE BOARD FOR FURTHER ACTION.

6 C. A COUNTY, CITY, INCLUDING A CHARTER CITY, OR TOWN MAY ENACT ANY
7 ORDINANCE, INCLUDING AN ORDINANCE TO REDUCE FALSE ALARMS.

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

9 32-121. Certificate or registration required for practice

10 A person or firm desiring to practice any board regulated profession or
11 occupation shall first secure a certificate or registration and shall comply
12 with all the conditions prescribed in this chapter, EXCEPT THAT AN ALARM
13 BUSINESS OR AN ALARM AGENT MAY INSTALL ALARMS IF THE ALARM BUSINESS HAS
14 SUBMITTED AN APPLICATION FOR CERTIFICATION PURSUANT TO SECTION 32-122.05 OR
15 THE ALARM AGENT HAS SUBMITTED AN APPLICATION AND FINGERPRINTS TO THE BOARD
16 PURSUANT TO SECTION 32-122.06.

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

19 32-122.05. Certification of alarm businesses; application;
20 renewal; insurance

21 A. BEGINNING OCTOBER 1, 2011, THE BOARD SHALL ISSUE CERTIFICATES TO
22 ALARM COMPANIES AND ALARM AGENTS. BEGINNING JULY 1, 2012, A PERSON SHALL NOT
23 OPERATE AN ALARM BUSINESS UNLESS THE PERSON OBTAINS AN ALARM BUSINESS
24 CERTIFICATE FROM THE BOARD. A SEPARATE CERTIFICATE IS REQUIRED FOR EACH
25 BUSINESS NAME UNDER WHICH AN ALARM BUSINESS CONDUCTS BUSINESS OR ADVERTISES.
26 ALL ALARM BUSINESS CERTIFICATES ISSUED PURSUANT TO THIS ARTICLE ARE VALID FOR
27 TWO YEARS FROM THE DATE OF ISSUANCE.

28 B. A PERSON SHALL SUBMIT AN APPLICATION FOR AN ALARM BUSINESS
29 CERTIFICATE OR RENEWAL OF THE CERTIFICATE TO THE BOARD. THE APPLICATION
30 SHALL INCLUDE:

31 1. THE NAME, BUSINESS ADDRESS, MAILING ADDRESS AND TELEPHONE NUMBER OF
32 THE ALARM BUSINESS. IF THE APPLICANT IS A CORPORATION, GENERAL OR LIMITED
33 PARTNERSHIP, LIMITED LIABILITY COMPANY OR OTHER LEGAL ENTITY, THE APPLICANT
34 SHALL STATE THE NAME OF THE APPLICANT EXACTLY AS SHOWN IN ITS ARTICLES OF
35 INCORPORATION, CHARTER, CERTIFICATE OF LIMITED PARTNERSHIP, ARTICLES OF
36 ORGANIZATION OR OTHER ORGANIZATIONAL DOCUMENTS, AS APPLICABLE, TOGETHER WITH
37 THE STATE AND DATE OF INCORPORATION AND THE NAMES, RESIDENCE ADDRESSES AND
38 DATES OF BIRTH OF EACH CONTROLLING PERSON. IF ONE OR MORE OF THE PARTNERS,
39 MEMBERS OR SHAREHOLDERS OF THE APPLICANT IS A CORPORATION OR OTHER LEGAL
40 ENTITY, THE PROVISIONS OF THIS SUBSECTION RELATING TO INFORMATION REQUIRED OF
41 A CORPORATION APPLY.

42 2. IF THE APPLICANT IS A CORPORATION, GENERAL OR LIMITED PARTNERSHIP,
43 LIMITED LIABILITY COMPANY OR OTHER LEGAL ENTITY, DESIGNATION OF ONE OF ITS
44 OFFICERS, GENERAL PARTNERS OR MEMBERS TO ACT AS ITS DESIGNATED CONTROLLING
45 PERSON TO HAVE FULL AUTHORITY AND ACT AS PRINCIPAL. THE DESIGNATED PERSON

1 SHALL COMPLETE AND SIGN ALL APPLICATION FORMS REQUIRED OF AN INDIVIDUAL ALARM
2 AGENT APPLICANT UNDER THIS ARTICLE. THE APPLICANT SHALL ALSO PROVIDE A COPY
3 OF THE CORPORATION, PARTNERSHIP OR LIMITED LIABILITY COMPANY FORMATION
4 DOCUMENTS.

5 3. THE NAME OF THE APPLICANT AND EACH CONTROLLING PERSON, ANY ALIAS OR
6 OTHER NAME USED OR BY WHICH THE APPLICANT OR ANY CONTROLLING PERSON HAS BEEN
7 PREVIOUSLY KNOWN, THE APPLICANT'S CURRENT RESIDENCE AND BUSINESS ADDRESSES,
8 TELEPHONE NUMBERS, INCLUDING FAX NUMBERS, AND ELECTRONIC MAILING ADDRESSES.

9 4. THE NAMES AND ADDRESSES OF THE ALARM AGENTS WHO ARE EMPLOYED BY THE
10 ALARM BUSINESS, ALONG WITH COPIES OF EACH ALARM AGENT'S CERTIFICATE.

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

15 6. THE HEIGHT, WEIGHT, COLOR OF EYES AND HAIR AND DATE OF BIRTH OF THE
16 APPLICANT AND EACH CONTROLLING PERSON.

17 7. TWO CURRENT TWO INCH BY TWO INCH PHOTOGRAPHS OF THE APPLICANT AND
18 EACH CONTROLLING PERSON.

19 8. INFORMATION AS TO WHETHER THE APPLICANT OR ANY CONTROLLING PERSON,
20 OR THE BUSINESS ON BEHALF OF WHICH THE CERTIFICATE IS BEING APPLIED FOR, HAS
21 EVER BEEN REFUSED OR DENIED ANY SIMILAR REGISTRATION, CERTIFICATE, LICENSE OR
22 PERMIT OR HAS HAD ANY SIMILAR LICENSE OR PERMIT REVOKED, CANCELED OR
23 SUSPENDED AND THE REASON OR REASONS FOR THE REVOCATION, CANCELLATION OR
24 SUSPENSION.

25 9. FOR ALL ALARM BUSINESSES THAT INSTALL OR SERVICE ALARMS, A COPY OF
26 THE REGISTRAR OF CONTRACTOR'S LICENSE THAT IS ISSUED BY THIS STATE.

27 10. A COPY OF THE TRANSACTION PRIVILEGE TAX LICENSE THAT IS ISSUED BY
28 THIS STATE.

29 11. AN EXPRESS AGREEMENT BY THE ALARM BUSINESS THAT ALL RECORDS OF THE
30 ALARM BUSINESS, WHETHER WRITTEN, RECORDED ELECTRONICALLY OR IN ANY OTHER
31 FORM, RELATING TO INFORMATION REQUIRED TO BE SUPPLIED TO THE BOARD OR A LOCAL
32 LAW ENFORCEMENT JURISDICTION IN CASE OF AN ALARM, SHALL BE IMMEDIATELY MADE
33 AVAILABLE AT ANY TIME ON REQUEST FOR INSPECTION BY THE BOARD OR LOCAL LAW
34 ENFORCEMENT JURISDICTION.

35 12. A COPY OF THE ALARM BUSINESS'S GENERAL LIABILITY AND ERRORS AND
36 OMISSIONS INSURANCE COVERAGES IN AN AMOUNT OF AT LEAST ONE MILLION DOLLARS
37 PER OCCURRENCE. THE DESIGNATED CONTROLLING PERSON SHALL NOTIFY THE BOARD OF
38 CANCELLATION OF EITHER INSURANCE. CANCELLATION OF EITHER INSURANCE WITHOUT
39 IMMEDIATE REPLACEMENT MAY RESULT IN LOSS OF CERTIFICATION.

40 13. OTHER INFORMATION, EVIDENCE, STATEMENTS OR DOCUMENTS THAT THE BOARD
41 DEEMS REASONABLY NECESSARY TO PROCESS AND EVALUATE THE APPLICATION OR
42 RENEWAL.

43 C. IN ADDITION TO THE APPLICATION REQUIREMENTS PRESCRIBED IN
44 SUBSECTION B OF THIS SECTION, AN APPLICANT FOR AN ALARM BUSINESS CERTIFICATE
45 SHALL PAY A FEE AS DETERMINED BY THE BOARD AND SHALL SUBMIT A FULL SET OF

1 FINGERPRINTS OF EACH CONTROLLING PERSON FOR THE PURPOSE OF OBTAINING A STATE
2 AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
3 92-544, OR THE BOARD MAY OBTAIN IT DIRECTLY IF PERMITTED. THE DEPARTMENT OF
4 PUBLIC SAFETY OR THE BOARD SHALL EXCHANGE THIS FINGERPRINT DATA WITH THE
5 FEDERAL BUREAU OF INVESTIGATION. ANY DOCUMENTS AND INFORMATION RELATING TO
6 THE STATE AND FEDERAL CRIMINAL RECORDS CHECK REQUIRED BY THIS SECTION ARE NOT
7 PUBLIC RECORDS.

8 D. THE CONTROLLING PARTY OF AN ALARM BUSINESS THAT SEEKS CERTIFICATION
9 PURSUANT TO THIS SECTION MUST BE OF GOOD MORAL CHARACTER AND REPUTE.

10 E. AN APPLICANT FOR AN ALARM BUSINESS CERTIFICATE OR AN APPLICANT FOR
11 A RENEWAL OF AN ALARM BUSINESS CERTIFICATE SHALL NOTIFY THE BOARD, IN
12 WRITING, OF ANY CHANGE IN THE INFORMATION CONTAINED IN THE CERTIFICATE
13 APPLICATION OR RENEWAL APPLICATION. THE APPLICANT SHALL NOTIFY THE BOARD
14 WITHIN FIFTEEN CALENDAR DAYS AFTER THE OCCURRENCE OF THE CHANGE.

15 F. AN ALARM BUSINESS SHALL FILE AN APPLICATION FOR A CERTIFICATE
16 RENEWAL WITH THE BOARD NO LATER THAN FOURTEEN DAYS BEFORE THE EXPIRATION OF
17 THE CERTIFICATE THAT IS CURRENTLY IN EFFECT. IF A CERTIFICATE EXPIRES
18 WITHOUT THE ALARM BUSINESS HAVING SUBMITTED A TIMELY APPLICATION FOR RENEWAL,
19 THE HOLDER OF THE EXPIRED CERTIFICATE SHALL FILE A NEW APPLICATION FOR AN
20 INITIAL CERTIFICATE.

21 G. AN ALARM BUSINESS SHALL PLACE THE ALARM CERTIFICATE NUMBER ON ALL
22 WRITTEN BIDS AND CONTRACTS THAT ARE ENTERED INTO BETWEEN THE ALARM BUSINESS
23 AND ALARM SUBSCRIBER AND ON ALL LETTERHEADS AND BUSINESS CARDS.

24 H. WHEN A PERSON APPLIES FOR AN ORIGINAL ALARM BUSINESS CERTIFICATE OR
25 A RENEWAL OF A CERTIFICATE, THE BOARD SHALL DENY THE APPLICATION IF THE BOARD
26 HAS REASONABLE GROUNDS TO BELIEVE BOTH OF THE FOLLOWING:

27 1. A LOCAL JURISDICTION HAS ISSUED A CITATION TO THE ALARM BUSINESS OR
28 CONTROLLING PERSON FOR A VIOLATION OF AN ORDINANCE THAT RELATES TO ALARMS,
29 ALARM BUSINESSES OR ALARM AGENTS.

30 2. THE CITATION IS REPORTED TO THE BOARD AND HAS NOT BEEN PROPERLY
31 RESOLVED TO THE SATISFACTION OF THE CITING JURISDICTION OR THE BOARD.

32 32-122.06. Certification of alarm agents; fee; fingerprints;
33 training; renewal

34 A. EACH ALARM AGENT SHALL APPLY FOR AN ALARM AGENT CERTIFICATION AND A
35 RENEWAL CERTIFICATION CARD FROM THE BOARD. ALL ALARM AGENT CERTIFICATES
36 ISSUED PURSUANT TO THIS ARTICLE ARE VALID FOR TWO YEARS FROM THE DATE OF
37 ISSUANCE.

38 B. IN ORDER TO OBTAIN AN ALARM AGENT CERTIFICATE, A PERSON SHALL
39 SUBMIT AN APPLICATION AND PAY A FEE AS DETERMINED BY THE BOARD AND SUBMIT A
40 FULL SET OF FINGERPRINTS TO THE BOARD FOR THE PURPOSE OF OBTAINING A STATE
41 AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW
42 92-544, OR THE BOARD MAY OBTAIN IT DIRECTLY IF PERMITTED. THE DEPARTMENT OF
43 PUBLIC SAFETY OR THE BOARD SHALL EXCHANGE THIS FINGERPRINT DATA WITH THE
44 FEDERAL BUREAU OF INVESTIGATION. ANY DOCUMENTS AND INFORMATION RELATING TO

1 THE STATE AND FEDERAL CRIMINAL RECORDS CHECK REQUIRED BY THIS SECTION ARE NOT
2 PUBLIC RECORDS.

3 C. AN APPLICANT FOR AN ALARM AGENT CERTIFICATION PURSUANT TO THIS
4 SECTION MUST BE OF GOOD MORAL CHARACTER AND REPUTE.

5 D. AN ALARM AGENT WHO APPLIES FOR AN ALARM AGENT CERTIFICATE SHALL
6 COMPLETE TRAINING AS APPROVED BY THE BOARD. THIS SUBSECTION DOES NOT APPLY
7 FOR INITIAL CERTIFICATION OF AN APPLICANT WHO APPLIES FOR A CERTIFICATE ON OR
8 BEFORE JUNE 30, 2012.

9 E. A PERSON SHALL APPLY FOR AN ALARM AGENT CERTIFICATE WITHIN FIVE
10 WORKING DAYS AFTER BEING EMPLOYED BY AN ALARM BUSINESS. A PERSON MAY WORK AS
11 AN ALARM AGENT UNTIL THE APPLICATION IS PROCESSED.

12 F. WHEN A PERSON APPLIES FOR AN ORIGINAL ALARM AGENT CERTIFICATE OR A
13 RENEWAL OF A CERTIFICATE, THE BOARD SHALL DENY THE APPLICATION IF THE BOARD
14 HAS REASONABLE GROUNDS TO BELIEVE BOTH OF THE FOLLOWING:

15 1. A LOCAL JURISDICTION HAS ISSUED A CITATION TO THE APPLICANT FOR A
16 VIOLATION OF AN ORDINANCE THAT RELATES TO ALARMS, ALARM BUSINESSES OR ALARM
17 AGENTS.

18 2. THE CITATION IS REPORTED TO THE BOARD AND HAS NOT BEEN PROPERLY
19 RESOLVED TO THE SATISFACTION OF THE CITING JURISDICTION OR THE BOARD.

20 32-122.07. Denial of alarm business and alarm agent
21 certification; appeal

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

- 25 1. THEFT.
- 26 2. BURGLARY.
- 27 3. ROBBERY OR ARMED ROBBERY.
- 28 4. CRIMINAL TRESPASS.
- 29 5. A VIOLATION OF TITLE 28 THAT IS A MISDEMEANOR OR FELONY.
- 30 6. SEXUAL ABUSE OF A VULNERABLE ADULT.
- 31 7. ABUSE OF A VULNERABLE ADULT.
- 32 8. SEXUAL ASSAULT.
- 33 9. CHILD ABUSE.
- 34 10. ANY OFFENSE INVOLVING THE EXPLOITATION OF A MINOR.
- 35 11. MOLESTATION OF A CHILD.
- 36 12. A DANGEROUS CRIME AGAINST CHILDREN AS DEFINED IN SECTION 13-705.
- 37 13. HOMICIDE, INCLUDING FIRST OR SECOND DEGREE MURDER AND NEGLIGENT
38 HOMICIDE.
- 39 14. FELONY INDECENT EXPOSURE.
- 40 15. FORGERY.
- 41 16. POSSESSION, DISTRIBUTION, MANUFACTURE, USE OR SALE OF MARIJUANA,
42 DANGEROUS DRUGS OR NARCOTIC DRUGS IF COMMITTED LESS THAN FIVE YEARS BEFORE
43 THE DATE OF APPLYING FOR CERTIFICATION.
- 44 17. KIDNAPPING.
- 45 18. FRAUD BY PERSONS AUTHORIZED TO PROVIDE GOODS OR SERVICES.

1 19. ANY OTHER OFFENSE ADOPTED BY THE BOARD.

2 B. IF THE BOARD DENIES AN APPLICATION FOR CERTIFICATION AS AN ALARM
3 BUSINESS OR AN ALARM AGENT, IT SHALL SEND NOTICE OF ITS ACTION BY CERTIFIED
4 MAIL TO THE APPLICANT, SETTING FORTH THE REASONS FOR THE ACTION TAKEN.

5 C. WITHIN THIRTY DAYS AFTER THE DATE OF THE NOTICE, THE APPLICANT MAY
6 REQUEST A HEARING BEFORE THE BOARD PURSUANT TO TITLE 41, CHAPTER 6,
7 ARTICLE 10.

8 Sec. 6. Title 32, chapter 1, article 3, Arizona Revised Statutes, is
9 amended by adding sections 32-153 and 32-154, to read:

10 32-153. Duties of an alarm business

11 AN ALARM BUSINESS SHALL:

12 1. ENSURE THAT EACH CONTROLLING PERSON OF THE ALARM BUSINESS HAS AT
13 ALL TIMES A VALID CERTIFICATE.

14 2. ENSURE THAT EACH ALARM AGENT WHO IS AN EMPLOYEE OF OR UNDER
15 CONTRACT WITH THE ALARM BUSINESS HAS A VALID ALARM AGENT CERTIFICATE AND, IF
16 APPROPRIATE, THE REQUIRED TRAINING.

17 3. ENSURE THAT EACH ALARM BUSINESS IT CONTRACTS WITH IS DULY CERTIFIED
18 UNDER THIS CHAPTER.

19 32-154. Program termination

20 THE REGULATION OF ALARM BUSINESSES AND ALARM AGENTS PURSUANT TO THIS
21 CHAPTER ENDS ON JULY 1, 2021 PURSUANT TO SECTION 41-3102.

22 Sec. 7. Section 32-1121, Arizona Revised Statutes, is amended to read:

23 32-1121. Persons not required to be licensed; penalties

24 A. This chapter shall not be construed to apply to:

25 1. An authorized representative of the United States government, this
26 state or any county, incorporated city or town, reclamation district,
27 irrigation district or other municipality or political subdivision of this
28 state.

29 2. Trustees of an express trust that is not formed for the purpose of
30 conducting business as a contractor or officers of a court, if they are
31 acting within the terms of their trust or office.

32 3. Public utilities operating under regulation of the corporation
33 commission or construction, repair or operation incidental to discovering or
34 producing petroleum or gas, or the drilling, testing, abandoning or other
35 operation of a petroleum or gas well, if performed by an owner or lessee.

36 4. Any materialman, manufacturer or retailer who furnishes finished
37 products, materials or articles of merchandise and who does not install or
38 attach such items or installs or attaches such items if the total value of
39 the sales contract or transaction involving such items and the cost of the
40 installation or attachment of such items to a structure does not exceed one
41 thousand dollars, including labor, materials and all other items, but
42 excluding any electrical fixture or appliance that was designed by the
43 manufacturer, that is unaltered, unchanged or unmodified by any person, that
44 can be plugged into a common household electrical outlet utilizing a two
45 pronged or three pronged electrical connector and that does not use any other

1 form of energy, including natural gas, propane or other petroleum or gaseous
2 fuel, to operate or is attached by a nail, screw or other fastening device to
3 the frame or foundation of any residential structure. The materialman,
4 manufacturer or retailer shall inform the purchaser that the installation may
5 also be performed by a licensed contractor whose name and address the
6 purchaser may request.

7 5. Owners of property who improve such property or who build or
8 improve structures or appurtenances on such property and who do the work
9 themselves, with their own employees or with duly licensed contractors, if
10 the structure, group of structures or appurtenances, including the
11 improvements thereto, are intended for occupancy solely by the owner and are
12 not intended for occupancy by members of the public as the owner's employees
13 or business visitors and the structures or appurtenances are not intended for
14 sale or for rent. In all actions brought under this chapter, except an
15 action against an owner-occupant as defined in section 33-1002, proof of the
16 sale or rent or the offering for sale or rent of any such structure by the
17 owner-builder within one year after completion or issuance of a certificate
18 of occupancy is prima facie evidence that such project was undertaken for the
19 purpose of sale or rent. For the purposes of this paragraph, "sale" or
20 "rent" includes any arrangement by which the owner receives compensation in
21 money, provisions, chattels or labor from the occupancy or the transfer of
22 the property or the structures on the property.

23 6. Owners of property who are acting as developers and who build
24 structures or appurtenances to structures on their property for the purpose
25 of sale or rent and who contract for such a project with a general contractor
26 licensed pursuant to this chapter and owners of property who are acting as
27 developers, who improve structures or appurtenances to structures on their
28 property for the purpose of sale or rent and who contract for such a project
29 with a general contractor or specialty contractors licensed pursuant to this
30 chapter. To qualify for the exemption under this paragraph, the licensed
31 contractors' names and license numbers shall be included in all sales
32 documents.

33 7. Architects or engineers who are engaging in their professional
34 practice as defined in chapter 1 of this title and who hire or offer to hire
35 the services of a contractor for preconstruction activities relating to
36 investigation and discovery including:

37 (a) Subsurface utility location and designation services.

38 (b) Potholing.

39 (c) Drilling for any of the following:

40 (i) Soil samples.

41 (ii) Rock samples.

42 (iii) Pavement samples.

43 (d) Locating existing features of a building or structure including
44 existing electrical, mechanical, plumbing and structural members.

1 8. A person licensed, certified or registered pursuant to chapter 22
2 of this title or a person working under the direct supervision of a person
3 certified or qualified pursuant to chapter 22 of this title to the extent the
4 person is engaged in ~~structura~~ pest ~~contro~~ MANAGEMENT.

5 9. The sale or installation of finished products, materials or
6 articles of merchandise which are not fabricated into and do not become a
7 permanent fixed part of the structure. This exemption does not apply if a
8 local building permit is required, if the total price of the finished
9 product, material or article of merchandise, including labor but excluding
10 any electrical fixture or appliance that was designed by the manufacturer,
11 that is unaltered, unchanged or unmodified by any person, that can be plugged
12 into a common household electrical outlet utilizing a two pronged or three
13 pronged electrical connector and that does not use any other form of energy,
14 including natural gas, propane or other petroleum or gaseous fuel, to operate
15 or is attached by a nail, screw or other fastening device to the frame or
16 foundation of any residential structure, is more than one thousand dollars or
17 if the removal of the finished product, material or article of merchandise
18 causes damage to the structure or renders the structure unfit for its
19 intended use.

20 10. Employees of the owners of condominiums, townhouses, cooperative
21 units or apartment complexes of four units or less or the owners' management
22 agent or employees of the management agent repairing or maintaining
23 structures owned by them.

24 11. Any person who engages in the activities regulated by this chapter,
25 as an employee of an exempt property owner or as an employee with wages as
26 the person's sole compensation.

27 12. A surety company or companies which are authorized to transact
28 business in this state and which undertake to complete a contract on which
29 they issued a performance or completion bond, provided all construction work
30 is performed by duly licensed contractors.

31 13. Insurance companies which are authorized to transact business in
32 this state and which undertake to perform repairs resulting from casualty
33 losses pursuant to the provisions of a policy, provided all construction work
34 is performed by duly licensed contractors.

35 14. Any person other than a licensed contractor engaging in any work or
36 operation on one undertaking or project by one or more contracts, for which
37 the aggregate contract price, including labor, materials and all other items,
38 but excluding any electrical fixture or appliance that was designed by the
39 manufacturer, that is unaltered, unchanged or unmodified by any person, that
40 can be plugged into a common household electrical outlet utilizing a two
41 pronged or three pronged electrical connector and that does not use any other
42 form of energy, including natural gas, propane or other petroleum or gaseous
43 fuel, to operate or is attached by a nail, screw or other fastening device to
44 the frame or foundation of any residential structure, is less than one
45 thousand dollars. The work or operations which are exempt under this

1 paragraph shall be of a casual or minor nature. This exemption does not
2 apply:

3 (a) In any case in which the performance of the work requires a local
4 building permit.

5 (b) In any case in which the work or construction is only a part of a
6 larger or major operation, whether undertaken by the same or a different
7 contractor, or in which a division of the operation is made in contracts of
8 amounts less than one thousand dollars, excluding any electrical fixture or
9 appliance that was designed by the manufacturer, that is unaltered, unchanged
10 or unmodified by any person, that can be plugged into a common household
11 electrical outlet utilizing a two pronged or three pronged electrical
12 connector and that does not use any other form of energy, including natural
13 gas, propane or other petroleum or gaseous fuel, to operate or is attached by
14 a nail, screw or other fastening device to the frame or foundation of any
15 residential structure, for the purpose of evasion of this chapter or
16 otherwise.

17 (c) To a person who utilizes any form of advertising to the public in
18 which the person's unlicensed status is not disclosed by including the words
19 "not a licensed contractor" in the advertisement.

20 15. A person who is licensed, certified or registered pursuant to
21 title 41, chapter 16 and who is not otherwise required to be licensed under
22 this chapter or an employee of such person.

23 16. A person who functions as a gardener by performing lawn, garden,
24 shrub and tree maintenance.

25 17. AN ALARM BUSINESS OR ALARM AGENT AS DEFINED IN SECTION 32-101 WHO
26 IS NOT OTHERWISE REQUIRED TO BE LICENSED UNDER THIS CHAPTER.

27 B. A person who is licensed to perform work in a particular trade
28 pursuant to this chapter shall not be required to obtain and maintain a
29 separate license for mechanical or structural service work performed within
30 the scope of such trade by such person.

31 C. Any person who does not have an exemption from licensure pursuant
32 to subsection A, paragraph 14, subdivision (c) of this section is subject to
33 prosecution for a violation of section 44-1522. The attorney general may
34 investigate the act or practice and take appropriate action pursuant to title
35 44, chapter 10, article 7.

36 Sec. 8. Technical registration fund; use; certification of
37 alarm businesses and alarm agents

38 Notwithstanding section 32-109, Arizona Revised Statutes, in fiscal
39 year 2011-2012, up to one hundred eighty thousand dollars from the technical
40 registration fund established by section 32-109, Arizona Revised Statutes,
41 may be used for the start-up and operating costs incurred by the state board
42 of technical registration as a result of the certification of alarm
43 businesses and alarm agents.

