

REFERENCE TITLE: alarm businesses; alarm agents; regulation

State of Arizona  
House of Representatives  
Fifty-first Legislature  
Second Regular Session  
2014

## **HB 2546**

Introduced by  
Representative Gowan, Senator Farnsworth D

### **AN ACT**

AMENDING SECTIONS 32-101, 32-106, 32-121, 32-122.05, 32-122.06, 32-122.07 AND 32-1121, ARIZONA REVISED STATUTES; AMENDING SECTION 42-6004, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, FIRST REGULAR SESSION, CHAPTER 27, SECTION 2, CHAPTER 120, SECTION 2, CHAPTER 153, SECTION 2 AND CHAPTER 236, SECTION 6 AND LAWS 2013, FIRST SPECIAL SESSION, CHAPTER 9, SECTION 8; REPEALING SECTION 42-6004, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2013, CHAPTER 255, SECTION 20; RELATING TO 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"~~:-~~  
27 ~~(a)~~ means a person, whether an employee, an independent contractor or  
28 otherwise, who acts on behalf of an alarm business and who tests, maintains,  
29 services, **MONITORS**, repairs, sells, rents, leases or installs alarm systems.~~-~~  
30 ~~(b) Does not include any action by a person that:~~  
31 ~~(i) Is performed in connection with~~ **OTHER THAN** an alarm system located  
32 on the person's own property or the property of the person's employer.  
33 ~~(ii) Is acting on behalf of an alarm business whose work duties do not~~  
34 ~~include visiting the location where an alarm system installation occurs.~~  
35 4. "Alarm business":  
36 (a) Means any person who, either alone or through a third party,  
37 engages in the business of either of the following:  
38 (i) Providing alarm monitoring services.  
39 (ii) Selling, leasing, renting, maintaining, repairing or installing a  
40 nonproprietor alarm system or service.  
41 (b) Does not include any of the following:  
42 (i) A person or company that purchases, rents or uses an alarm that is  
43 affixed to a motor vehicle.

- 1 (ii) A person who owns or conducts a business of selling, leasing,  
2 renting, installing, maintaining or monitoring an alarm that is affixed to a  
3 motor vehicle.
- 4 (iii) A person who installs a nonmonitored proprietor alarm for a  
5 business that the person owns, is employed by or manages.
- 6 (iv) The installation or monitoring of fire alarm systems.
- 7 (v) An alarm system that is operated by a city or town.
- 8 5. "Alarm subscriber" means any person who:
- 9 (a) Leases, rents or purchases any monitored alarm system or service  
10 from an alarm business.
- 11 (b) Leases or rents an alarm system.
- 12 (c) Contracts with an alarm business for alarm monitoring,  
13 installation, repair or maintenance services.
- 14 6. "Architect" means a person who, by reason of knowledge of the  
15 mathematical and physical sciences and the principles of architecture and  
16 architectural engineering acquired by professional education and practical  
17 experience, is qualified to engage in the practice of architecture as  
18 attested by registration as an architect.
- 19 7. "Architect-in-training" means a candidate for registration as a  
20 professional architect who is a graduate of a school approved by the board or  
21 who has five years or more of education or experience, or both, in  
22 architectural work ~~which~~ THAT meets standards specified by the board in its  
23 rules. In addition, the candidate shall have passed the  
24 architect-in-training examination.
- 25 8. "Architectural practice" means any professional service or creative  
26 work requiring architectural education, training and experience, and the  
27 application of the mathematical and physical sciences and the principles of  
28 architecture and architectural engineering to such professional services or  
29 creative work as consultation, evaluation, design and review of construction  
30 for conformance with contract documents and design, in connection with any  
31 building, planning or site development. A person shall be deemed to practice  
32 or offer to practice architecture who in any manner represents that the  
33 person is an architect, or is able to perform any architectural service or  
34 other services recognized by educational authorities as architecture.
- 35 9. "Assayer" means a person who analyzes metals, ores, minerals, or  
36 alloys in order to ascertain the quantity of gold or silver or any other  
37 substance present in them. A person employed on a full-time basis as an  
38 assayer by an employer engaged in the business of developing, mining or  
39 treating ores or other minerals shall not be deemed to be engaged in assaying  
40 practice for the purposes of this chapter if the person engages in assaying  
41 practice exclusively for and as an employee of such employer and does not  
42 represent that the person is available and is not represented as being  
43 available to perform any assaying services for anyone other than the person's  
44 employer.

1           10. "Assayer-in-training" means a candidate for registration as a  
2 professional assayer who is a graduate of a school and curriculum approved by  
3 the board or who has four years or more of education or experience, or both,  
4 in assaying work ~~which~~ THAT meets standards specified by the board in its  
5 rules. In addition, the candidate shall have passed the assayer-in-training  
6 examination.

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

14           12. "Board" means the state board of technical registration.

15           13. "Certified remediation specialist" means a person who has been  
16 certified by the board to perform, supervise and review environmental  
17 remediations if the use of a certified remediation specialist is specifically  
18 authorized by title 49 and rules adopted pursuant to title 49.

19           14. "Controlling person":

20           (a) Means a person who is designated by an alarm business.

21           (b) Does not include an alarm agent.

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

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

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

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

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

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

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

31           19. "Firm" means any individual or partnership, corporation or other  
32 type of association, including the association of a nonregistrant and a  
33 registrant who offers to the public professional services regulated by the  
34 board.

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

42           21. "Geologist" means a person, not of necessity an engineer, who by  
43 reason of special knowledge of the earth sciences and the principles and  
44 methods of search for and appraisal of mineral or other natural resources  
45 acquired by professional education and practical experience is qualified to

1 practice geology as attested by registration as a professional geologist. A  
2 person employed on a full-time basis as a geologist by an employer engaged in  
3 the business of developing, mining or treating ores and other minerals shall  
4 not be deemed to be engaged in geological practice for the purposes of this  
5 chapter if the person engages in geological practice exclusively for and as  
6 an employee of such employer and does not represent that the person is  
7 available and is not represented as being available to perform any geological  
8 services for persons other than the person's employer.

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

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

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

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

36 25. "Home inspector" means an individual who is certified pursuant to  
37 this chapter as a home inspector and who engages in the business of  
38 performing home inspections and writing home inspection reports.

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

44 27. "Land surveying practice" means the performance of one or more of  
45 the following professional services:

1 (a) Measurement of land to determine the position of any monument or  
2 reference point ~~which~~ THAT marks a property line, boundary or corner for the  
3 purpose of determining the area or description of the land.

4 (b) Location, relocation, establishment, reestablishment, setting,  
5 resetting or replacing of corner monuments or reference points ~~which~~ THAT  
6 identify land boundaries, rights-of-way or easements.

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

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

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

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

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

35 30. "Landscape architect" means a person who, by reason of professional  
36 education or practical experience, or both, is qualified to engage in the  
37 practice of landscape architecture as attested by registration as a landscape  
38 architect.

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

1           32. "Landscape architectural practice" means the performance of  
2 professional services such as consultations, investigation, reconnaissance,  
3 research, planning, design or responsible supervision in connection with the  
4 development of land and incidental water areas where, and to the extent that,  
5 the dominant purpose of such services is the preservation, enhancement or  
6 determination of proper land uses, natural land features, ground cover and  
7 planting, naturalistic and aesthetic values, the settings of and approaches  
8 to buildings, structures, facilities or other improvements, natural drainage  
9 and the consideration and the determination of inherent problems of the land  
10 relating to erosion, wear and tear, light or other hazards. This practice  
11 shall include the location and arrangement of such tangible objects and  
12 features as are incidental and necessary to the purposes outlined in this  
13 paragraph but shall not include the making of cadastral surveys or final land  
14 plats for official recording or approval, nor mandatorily include planning  
15 for governmental subdivisions.

16           33. "Monitored alarm" means a device that is designed for the detection  
17 of an entry on any premises and that if activated generates a notification  
18 signal.

19           34. "On-site supervisor" means the employee of a drug laboratory site  
20 remediation firm who is authorized to oversee on-site workers in the  
21 performance of their duties.

22           35. "On-site worker" means an employee of a drug laboratory site  
23 remediation firm who has on-site duties or who handles contaminated  
24 materials, chemicals or contaminated equipment.

25           36. "Person" means any individual, firm, partnership, corporation,  
26 association or other organization.

27           37. "Principal" means an individual who is an officer of the  
28 corporation or is designated by a firm as having full authority and  
29 responsible charge of the services offered by the firm.

30           38. "Proprietor alarm" means any alarm or alarm system that is owned by  
31 an alarm subscriber who has not contracted with an alarm business.

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

33           40. "Registration" means a registration or certification issued by the  
34 board.

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

36           32-106. Powers and duties; prohibition

37           A. The board shall:

38           1. Adopt rules for the conduct of its meetings and performance of  
39 duties imposed ~~upon~~ ON it by law.

40           2. Adopt an official seal for attestation of certificates of  
41 registration and other official papers and documents.

42           3. Consider and pass ~~upon~~ ON applications for registration or  
43 certification.

44           4. Conduct examinations for in-training and professional registration  
45 except for an alarm business or an alarm agent.



- 1           5. Hear and pass ~~upon~~ ON complaints or charges or direct an  
2 administrative law judge to hear and pass on complaints and charges.
- 3           6. Compel attendance of witnesses, administer oaths and take testimony  
4 concerning all matters coming within its jurisdiction. In exercising these  
5 powers, the board may issue subpoenas for the attendance of witnesses and the  
6 production of books, records, documents and other evidence it deems relevant  
7 to an investigation or hearing.
- 8           7. Keep a record of its proceedings.
- 9           8. Keep a register ~~which shall show~~ THAT SHOWS the date of each  
10 application for registration or certification, the name of the applicant, the  
11 practice or branch of practice in which the applicant has applied for  
12 registration, if applicable, and the disposition of the application.
- 13           9. Do other things necessary to carry out the purposes of this  
14 chapter.
- 15           B. The board shall specify the proficiency designation in the branch  
16 of engineering in which the applicant has designated proficiency on the  
17 certificate of registration and renewal card issued to each registered  
18 engineer and shall authorize the engineer to use the title of registered  
19 professional engineer. The board shall decide what branches of engineering  
20 it shall recognize.
- 21           C. The board may hold membership in and be represented at national  
22 councils or organizations of proficiencies registered under this chapter and  
23 may pay the appropriate membership fees. The board may conduct standard  
24 examinations on behalf of national councils and may establish fees for those  
25 examinations.
- 26           D. The board may employ and pay on a fee basis persons, including  
27 full-time employees of a state institution, bureau or department, to prepare  
28 and grade examinations given to applicants for registration and may fix the  
29 fee to be paid for these services. These employees are authorized to  
30 prepare, grade and monitor examinations and perform other services the board  
31 authorizes, and to receive payment for these services from the technical  
32 registration fund. The board may contract with an organization to administer  
33 the registration examination, including selecting the test site, scheduling  
34 the examination, billing and collecting the fee directly from the applicant  
35 and grading the examination if a national council of which the board is a  
36 member or a professional association approved by the board does not provide  
37 these services. If a national council of which the board is a member or a  
38 professional association approved by the board does provide these services,  
39 the board shall enter into an agreement with the national council or  
40 professional association to administer the registration examination.
- 41           E. The board may rent necessary office space and pay the cost of this  
42 office space from the technical registration fund.
- 43           F. The board may adopt rules establishing rules of professional  
44 conduct for registrants.

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

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

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

7 J. The board shall issue or may authorize the executive director to  
8 issue a certificate or renewal certificate to each alarm business and a  
9 certification or renewal certification card to each alarm agent if the  
10 qualifications prescribed by this chapter are met.

11 K. THE BOARD MAY NOT CERTIFY OR EXERCISE ANY POWER OVER AN ALARM  
12 BUSINESS THAT IS A LICENSED CONTRACTOR PURSUANT TO CHAPTER 10 OF THIS TITLE,  
13 INCLUDING ALL CLASSIFICATIONS OF CONTRACTORS AS ESTABLISHED BY THE REGISTRAR  
14 OF CONTRACTORS BY RULE PURSUANT TO SECTION 32-1105, OR AN ALARM AGENT THAT IS  
15 AN EMPLOYEE OF AN ALARM BUSINESS THAT IS A LICENSED CONTRACTOR PURSUANT TO  
16 CHAPTER 10 OF THIS TITLE, INCLUDING ALL CLASSIFICATIONS OF CONTRACTORS AS  
17 ESTABLISHED BY THE REGISTRAR OF CONTRACTORS BY RULE PURSUANT TO SECTION  
18 32-1105.

19 Sec. 3. Section 32-121, Arizona Revised Statutes, is amended to read:

20 32-121. Certificate or registration required for practice

21 Except as otherwise provided in this section, a person or firm desiring  
22 to practice any board regulated profession or occupation shall first secure a  
23 certificate or registration and shall comply with all the conditions  
24 prescribed in this chapter. An alarm business or an alarm agent may install  
25 alarms as follows:

26 1. The alarm business has submitted an application for certification  
27 pursuant to section 32-122.05 or is a licensed contractor pursuant to chapter  
28 10 of this title, INCLUDING ALL CLASSIFICATIONS OF CONTRACTORS AS ESTABLISHED  
29 BY THE REGISTRAR OF CONTRACTORS BY RULE PURSUANT TO SECTION 32-1105.

30 2. The alarm agent has submitted an application and fingerprints to  
31 the board pursuant to section 32-122.06 OR IS AN EMPLOYEE OF AN ALARM  
32 BUSINESS THAT IS A LICENSED CONTRACTOR PURSUANT TO CHAPTER 10 OF THIS TITLE,  
33 INCLUDING ALL CLASSIFICATIONS OF CONTRACTORS AS ESTABLISHED BY THE REGISTRAR  
34 OF CONTRACTORS BY RULE PURSUANT TO SECTION 32-1105.

35 Sec. 4. Section 32-122.05, Arizona Revised Statutes, is amended to  
36 read:

37 32-122.05. Certification of alarm businesses; application;  
38 fingerprinting; fee; renewal

39 A. Beginning May 1, 2013, the board shall issue certificates to alarm  
40 businesses and alarm agents. EXCEPT AS PROVIDED IN SECTION 32-121, beginning  
41 October 1, 2013, a person shall not operate an alarm business unless the  
42 person obtains an alarm business certificate from the board. A separate  
43 certificate is required for each business name under which an alarm business  
44 conducts business or advertises, except that one certificate may be used for  
45 two businesses with the same ownership. To obtain an alarm business

1 certificate, each controlling person of the alarm business shall submit a  
2 completed fingerprint card and a fingerprint background check fee to the  
3 board. On receipt of the application and each year thereafter on the  
4 anniversary of the initial certification for as long as the alarm business is  
5 certified, the board shall submit the fingerprints of each controlling person  
6 to the department of public safety for the purpose of obtaining a state and  
7 federal criminal records check pursuant to section 41-1750 and Public Law  
8 92-544. The department of public safety may exchange this fingerprint data  
9 with the federal bureau of investigation. Each controlling person of the  
10 alarm business shall submit a fingerprint background check fee to the board  
11 annually on the anniversary of the initial certification of the alarm  
12 business. The board shall keep and maintain the fingerprint card for as long  
13 as the person is the controlling person of the alarm business. All alarm  
14 business certificates issued pursuant to this article are valid for two years  
15 from the date of issuance.

16 B. A person shall submit an application for an alarm business  
17 certificate or renewal of the certificate to the board. The application  
18 shall include:

19 1. The name, business address, mailing address and telephone number of  
20 the alarm business. If the applicant is a corporation, general or limited  
21 partnership, limited liability company or other legal entity, the applicant  
22 shall state the name of the applicant exactly as shown in its articles of  
23 incorporation, charter, certificate of limited partnership, articles of  
24 organization or other organizational documents, as applicable, together with  
25 the state and date of incorporation and the ~~names~~ NAME, residence ~~addresses~~  
26 ADDRESS and ~~dates~~ DATE of birth of each controlling person. If one or more  
27 of the partners, members or shareholders of the applicant is a corporation or  
28 other legal entity, the provisions of this subsection relating to information  
29 required of a corporation apply.

30 2. If the applicant is a corporation, general or limited partnership,  
31 limited liability company or other legal entity, designation of one of its  
32 designated controlling persons to have full authority and act as principal.  
33 The designated person shall complete and sign all application forms required  
34 of an individual alarm agent applicant under this article. The applicant  
35 shall also provide a copy of the corporation, partnership or limited  
36 liability company formation documents.

37 3. The name of the applicant and each controlling person, any alias or  
38 other name used or by which the applicant or any controlling person has been  
39 previously known, the applicant's current residence and business addresses,  
40 telephone numbers, including fax numbers, and electronic mail addresses.

41 4. The names and addresses of the alarm agents who are employed by the  
42 alarm business.

43 5. Proof that the applicant and each controlling person are at least  
44 eighteen years of age as indicated on a current driver license or other  
45 picture identification document that is issued by a governmental agency.

1           6. Two current two-inch by two-inch photographs of the applicant.

2           7. Information as to whether the applicant or any controlling person,  
3 or the business on behalf of which the certificate is being applied for, has  
4 ever been refused or denied any similar registration, certificate, license or  
5 permit or has had any similar license or permit revoked, canceled or  
6 suspended and the reason or reasons for the revocation, cancellation or  
7 suspension.

8           C. In addition to the application requirements prescribed in  
9 subsection B of this section, an applicant for an alarm business certificate  
10 shall pay a fee as determined by the board.

11           D. An applicant for an alarm business certificate or an applicant for  
12 a renewal of an alarm business certificate shall notify the board, in  
13 writing, of any change in the information contained in the certificate  
14 application or renewal application. The applicant shall notify the board  
15 within fifteen calendar days after the occurrence of the change.

16           E. An alarm business shall file an application for a certificate  
17 renewal with the board no later than fourteen days before the expiration of  
18 the certificate that is currently in effect. If a certificate expires  
19 without the alarm business having submitted a timely application for renewal,  
20 the holder of the expired certificate shall file a new application for an  
21 initial certificate.

22           Sec. 5. Section 32-122.06, Arizona Revised Statutes, is amended to  
23 read:

24           32-122.06. Certification of alarm agents; fingerprinting; fee

25           A. **EXCEPT AS PROVIDED IN SECTION 32-121**, each alarm agent shall apply  
26 for an alarm agent certification and a renewal certification card from the  
27 board. The board shall issue or deny an alarm agent certification card or a  
28 renewal certification card within ten business days after receiving the  
29 application. All alarm agent certificates issued pursuant to this article  
30 are valid for two years from the date of issuance.

31           B. In order to obtain an alarm agent certificate, a person shall  
32 submit an application and pay a fee as determined by the board. The person  
33 shall submit a completed fingerprint card and a fingerprint background check  
34 fee to the board. On receipt of the application and each year thereafter on  
35 the anniversary of the initial certification for as long as the person is an  
36 alarm agent, the board shall submit the alarm agent's fingerprints to the  
37 department of public safety for the purpose of obtaining a state and federal  
38 criminal records check pursuant to section 41-1750 and Public Law 92-544.  
39 The department of public safety may exchange this fingerprint data with the  
40 federal bureau of investigation. This subsection does not apply if the alarm  
41 agent is also the controlling person and has complied with section 32-122.05.  
42 For as long as the person is an alarm agent:

43           1. The person shall submit a fingerprint background check fee to the  
44 board annually on the anniversary of the person's initial certification.

45           2. The board shall keep and maintain the fingerprint card.

1 C. A person shall apply for an alarm agent certificate within five  
2 working days after being employed by an alarm business. A person may not  
3 work as an alarm agent until the application is processed and approved unless  
4 under the direct supervision of a certified alarm agent.

5 D. An alarm agent shall physically possess the agent's alarm agent  
6 certification card when performing or authorizing the performance of any task  
7 pursuant to this chapter.

8 E. An alarm agent certificate card becomes the personal property of  
9 the person to whom it is issued. The person shall retain possession of the  
10 card.

11 Sec. 6. Section 32-122.07, Arizona Revised Statutes, is amended to  
12 read:

13 32-122.07. Denial of alarm business and alarm agent  
14 certification; appeal

15 A. The board shall deny an application for certification as an alarm  
16 business or alarm agent if a controlling person of an alarm business or an  
17 alarm agent ~~has been convicted of any of the following:~~ LACKS GOOD MORAL  
18 CHARACTER. A LACK OF GOOD MORAL CHARACTER MAY BE ESTABLISHED BY EVIDENCE OF  
19 PAST CRIMINAL ACTIVITY AND SHALL BE DETERMINED BY THE BOARD.

- 20 ~~1. Theft.~~
- 21 ~~2. Burglary.~~
- 22 ~~3. Robbery or armed robbery.~~
- 23 ~~4. Criminal trespass.~~
- 24 ~~5. Sexual abuse of a vulnerable adult.~~
- 25 ~~6. Abuse of a vulnerable adult.~~
- 26 ~~7. Sexual assault.~~
- 27 ~~8. Any offense involving the exploitation of a minor.~~
- 28 ~~9. Molestation of a child.~~
- 29 ~~10. Homicide, including first or second degree murder and negligent~~
- 30 ~~homicide.~~
- 31 ~~11. Distribution, manufacture or sale of marijuana, dangerous drugs or~~
- 32 ~~narcotic drugs if committed less than three years before the date of applying~~
- 33 ~~for certification.~~
- 34 ~~12. Kidnapping.~~
- 35 ~~13. Fraud by persons authorized to provide goods or services.~~

36 B. If the board denies an application for certification as an alarm  
37 business or an alarm agent, it shall send notice of its action by certified  
38 mail to the applicant, setting forth the reasons for the action taken.

39 C. Within thirty days after the date of the notice, the applicant may  
40 request a hearing before the board pursuant to title 41, chapter 6,  
41 article 10.

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

43 32-1121. Persons not required to be licensed; penalties;  
44 applicability

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

- 1           1. An authorized representative of the United States government, this  
2 state or any county, incorporated city or town, reclamation district,  
3 irrigation district or other municipality or political subdivision of this  
4 state.
- 5           2. Trustees of an express trust that is not formed for the purpose of  
6 conducting business as a contractor or officers of a court, if they are  
7 acting within the terms of their trust or office.
- 8           3. Public utilities operating under regulation of the corporation  
9 commission or construction, repair or operation incidental to discovering or  
10 producing petroleum or gas, or the drilling, testing, abandoning or other  
11 operation of a petroleum or gas well, if performed by an owner or lessee.
- 12           4. Any materialman, manufacturer or retailer who furnishes finished  
13 products, materials or articles of merchandise and who does not install or  
14 attach such items or installs or attaches such items if the total value of  
15 the sales contract or transaction involving such items and the cost of the  
16 installation or attachment of such items to a structure does not exceed one  
17 thousand dollars, including labor, materials and all other items, but  
18 excluding any electrical fixture or appliance that was designed by the  
19 manufacturer, that is unaltered, unchanged or unmodified by any person, that  
20 can be plugged into a common household electrical outlet utilizing a  
21 two-pronged or three-pronged electrical connector and that does not use any  
22 other form of energy, including natural gas, propane or other petroleum or  
23 gaseous fuel, to operate or is attached by a nail, screw or other fastening  
24 device to the frame or foundation of any residential structure. The  
25 materialman, manufacturer or retailer shall inform the purchaser that the  
26 installation may also be performed by a licensed contractor whose name and  
27 address the purchaser may request.
- 28           5. Owners of property who improve such property or who build or  
29 improve structures or appurtenances on such property and who do the work  
30 themselves, with their own employees or with duly licensed contractors, if  
31 the structure, group of structures or appurtenances, including the  
32 improvements thereto, are intended for occupancy solely by the owner and are  
33 not intended for occupancy by members of the public as the owner's employees  
34 or business visitors and the structures or appurtenances are not intended for  
35 sale or for rent. In all actions brought under this chapter, except an  
36 action against an owner-occupant as defined in section 33-1002, proof of the  
37 sale or rent or the offering for sale or rent of any such structure by the  
38 owner-builder within one year after completion or issuance of a certificate  
39 of occupancy is prima facie evidence that such project was undertaken for the  
40 purpose of sale or rent. For the purposes of this paragraph, "sale" or  
41 "rent" includes any arrangement by which the owner receives compensation in  
42 money, provisions, chattels or labor from the occupancy or the transfer of  
43 the property or the structures on the property.
- 44           6. Owners of property who are acting as developers and who build  
45 structures or appurtenances to structures on their property for the purpose

1 of sale or rent and who contract for such a project with a general contractor  
2 licensed pursuant to this chapter and owners of property who are acting as  
3 developers, who improve structures or appurtenances to structures on their  
4 property for the purpose of sale or rent and who contract for such a project  
5 with a general contractor or specialty contractors licensed pursuant to this  
6 chapter. To qualify for the exemption under this paragraph, the licensed  
7 contractors' names and license numbers shall be included in all sales  
8 documents.

9 7. Architects or engineers who are engaging in their professional  
10 practice as defined in chapter 1 of this title and who hire or offer to hire  
11 the services of a contractor for preconstruction activities relating to  
12 investigation and discovery, including:

13 (a) Subsurface utility location and designation services.

14 (b) Potholing.

15 (c) Drilling for any of the following:

16 (i) Soil samples.

17 (ii) Rock samples.

18 (iii) Pavement samples.

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

21 8. A person WHO IS licensed, certified or registered pursuant to  
22 chapter 22 of this title or a person WHO IS working under the direct  
23 supervision of a person WHO IS certified or qualified pursuant to chapter 22  
24 of this title to the extent the person is engaged in pest management.

25 9. The sale or installation of finished products, materials or  
26 articles of merchandise that are not fabricated into and do not become a  
27 permanent fixed part of the structure. This exemption does not apply if a  
28 local building permit is required, if the total price of the finished  
29 product, material or article of merchandise, including labor but excluding  
30 any electrical fixture or appliance that was designed by the manufacturer,  
31 that is unaltered, unchanged or unmodified by any person, that can be plugged  
32 into a common household electrical outlet utilizing a two-pronged or  
33 three-pronged electrical connector and that does not use any other form of  
34 energy, including natural gas, propane or other petroleum or gaseous fuel, to  
35 operate or is attached by a nail, screw or other fastening device to the  
36 frame or foundation of any residential structure, is more than one thousand  
37 dollars or if the removal of the finished product, material or article of  
38 merchandise causes damage to the structure or renders the structure unfit for  
39 its intended use.

40 10. Employees of the owners of condominiums, townhouses, cooperative  
41 units or apartment complexes of four units or less or the owners' management  
42 agent or employees of the management agent repairing or maintaining  
43 structures owned by them.

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

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

8           13. Insurance companies that are authorized to transact business in  
9 this state and that undertake to perform repairs resulting from casualty  
10 losses pursuant to the provisions of a policy, provided all construction work  
11 is performed by duly licensed contractors.

12           14. Any person other than a licensed contractor engaging in any work or  
13 operation on one undertaking or project by one or more contracts, for which  
14 the aggregate contract price, including labor, materials and all other items,  
15 but excluding any electrical fixture or appliance that was designed by the  
16 manufacturer, that is unaltered, unchanged or unmodified by any person, that  
17 can be plugged into a common household electrical outlet utilizing a  
18 two-pronged or three-pronged electrical connector and that does not use any  
19 other form of energy, including natural gas, propane or other petroleum or  
20 gaseous fuel, to operate or is attached by a nail, screw or other fastening  
21 device to the frame or foundation of any residential structure, is less than  
22 one thousand dollars. The work or operations that are exempt under this  
23 paragraph shall be of a casual or minor nature. This exemption does not  
24 apply:

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

27           (b) In any case in which the work or construction is only a part of a  
28 larger or major operation, whether undertaken by the same or a different  
29 contractor, or in which a division of the operation is made in contracts of  
30 amounts less than one thousand dollars, excluding any electrical fixture or  
31 appliance that was designed by the manufacturer, that is unaltered, unchanged  
32 or unmodified by any person, that can be plugged into a common household  
33 electrical outlet utilizing a two-pronged or three-pronged electrical  
34 connector and that does not use any other form of energy, including natural  
35 gas, propane or other petroleum or gaseous fuel, to operate or is attached by  
36 a nail, screw or other fastening device to the frame or foundation of any  
37 residential structure, for the purpose of evasion of this chapter or  
38 otherwise.

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

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



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

3 ~~17. Alarm agents as defined in section 32-101.~~

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

8 C. Any person who does not have an exemption from licensure pursuant  
9 to subsection A, paragraph 14, subdivision (c) of this section is subject to  
10 prosecution for a violation of section 44-1522. The attorney general may  
11 investigate the act or practice and take appropriate action pursuant to title  
12 44, chapter 10, article 7.

13 D. The exemptions from licensure pursuant to subsection A, paragraphs  
14 4, 9 and 14 of this section do not apply to either of the following:

15 1. All fire safety and mechanical, electrical and plumbing work that  
16 is done in connection with fire safety installation and fire safety  
17 maintenance and repair. For the purposes of this paragraph, "fire safety  
18 installation" means hardwired or interconnected smoke alarms and fire  
19 sprinklers and does not include an individual device that is attached by a  
20 nail, screw or other fastening device to the frame or foundation of any  
21 residential unit. For the purposes of this paragraph, fire safety  
22 maintenance and repair does not include routine work that is conducted by an  
23 employee of an apartment or condominium complex AND that is incidental to the  
24 fire safety equipment.

25 2. All work that is done, including the installation, maintenance and  
26 repair of devices, appliances or equipment, that involves the connecting to  
27 any supply of natural gas, propane or other petroleum or gaseous fuel.  
28 Nothing in this paragraph impacts the effect of section 36-1624.01.

29 Sec. 8. Section 42-6004, Arizona Revised Statutes, as amended by Laws  
30 2013, first regular session, chapter 27, section 2, chapter 120, section 2,  
31 chapter 153, section 2 and chapter 236, section 6 and Laws 2013, first  
32 special session, chapter 9, section 8, is amended to read:

33 42-6004. Exemption from municipal tax

34 A. A city, town or special taxing district shall not levy a  
35 transaction privilege, sales, use or other similar tax on:

36 1. Exhibition events in this state sponsored, conducted or operated by  
37 a nonprofit organization that is exempt from taxation under section  
38 501(c)(3), 501(c)(4) or 501(c)(6) of the internal revenue code if the  
39 organization is associated with a major league baseball team or a national  
40 touring professional golfing association and no part of the organization's  
41 net earnings inures to the benefit of any private shareholder or individual.

42 2. Interstate telecommunications services, which include that portion  
43 of telecommunications services, such as subscriber line service, allocable by  
44 federal law to interstate telecommunications service.

45 3. Sales of warranty or service contracts.

1           4. Sales of motor vehicles to nonresidents of this state for use  
2 outside this state if the ~~vendor~~ MOTOR VEHICLE DEALER ships or delivers the  
3 motor vehicle to a destination outside this state.

4           5. Interest on finance contracts.

5           6. Dealer documentation fees on the sales of motor vehicles.

6           7. Sales of food or other items purchased with United States  
7 department of agriculture food stamp coupons issued under the food stamp act  
8 of 1977 (P.L. 95-113; 91 Stat. 958) or food instruments issued under section  
9 17 of the child nutrition act (P.L. 95-627; 92 Stat. 3603; P.L. 99-661,  
10 section 4302; 42 United States Code section 1786) but may impose such a tax  
11 on other sales of food. If a city, town or special taxing district exempts  
12 sales of food from its tax or imposes a different transaction privilege rate  
13 on the gross proceeds of sales or gross income from sales of food and nonfood  
14 items, it shall use the definition of food prescribed by rule adopted by the  
15 department pursuant to section 42-5106.

16           8. Orthodontic devices dispensed by a dental professional who is  
17 licensed under title 32, chapter 11 to a patient as part of the practice of  
18 dentistry.

19           9. Sales of internet access services to the person's subscribers and  
20 customers. For the purposes of this paragraph:

21           (a) "Internet" means the computer and telecommunications facilities  
22 that comprise the interconnected worldwide network of networks that employ  
23 the transmission control protocol or internet protocol, or any predecessor or  
24 successor protocol, to communicate information of all kinds by wire or radio.

25           (b) "Internet access" means a service that enables users to access  
26 content, information, electronic mail or other services over the internet.  
27 Internet access does not include telecommunication services provided by a  
28 common carrier.

29           10. The gross proceeds of sales or gross income retained by the Arizona  
30 exposition and state fair board from ride ticket sales at the annual Arizona  
31 state fair.

32           11. Through August 31, 2014, sales of Arizona centennial medallions by  
33 the historical advisory commission.

34           12. Leasing real property between affiliated companies, businesses,  
35 persons or reciprocal insurers. For the purposes of this paragraph:

36           (a) "Affiliated companies, businesses, persons or reciprocal insurers"  
37 means the lessor holds a controlling interest in the lessee, the lessee holds  
38 a controlling interest in the lessor, an affiliated entity holds a  
39 controlling interest in both the lessor and the lessee or an unrelated person  
40 holds a controlling interest in both the lessor and lessee.

41           (b) "Controlling interest" means direct or indirect ownership of at  
42 least eighty per cent of the voting shares of a corporation or of the  
43 interests in a company, business or person other than a corporation.

44           (c) "Reciprocal insurer" has the same meaning prescribed in section  
45 20-762.

1           13. The gross proceeds of sales or gross income derived from a contract  
2 for the installation, assembly, repair or maintenance of machinery, equipment  
3 or other tangible personal property described in section 42-5061, subsection  
4 B and that has independent functional utility, pursuant to the following  
5 provisions:

6           (a) The deduction provided in this paragraph includes the gross  
7 proceeds of sales or gross income derived from all of the following:

8           (i) Any activity performed on machinery, equipment or other tangible  
9 personal property with independent functional utility.

10           (ii) Any activity performed on any tangible personal property relating  
11 to machinery, equipment or other tangible personal property with independent  
12 functional utility in furtherance of any of the purposes provided for under  
13 subdivision (d) of this paragraph.

14           (iii) Any activity that is related to the activities described in  
15 subdivision (a), items (i) and (ii) of this paragraph, including, but not  
16 limited to, inspecting the installation of, or testing, the machinery,  
17 equipment or other tangible personal property.

18           (b) The deduction provided in this paragraph does not include gross  
19 proceeds of sales or gross income from the portion of any contracting  
20 activity that consists of the development of, or modification to, real  
21 property in order to facilitate the installation, assembly, repair,  
22 maintenance or removal of machinery, equipment or other tangible personal  
23 property described in section 42-5061, subsection B.

24           (c) The deduction provided in this paragraph shall be determined  
25 without regard to the size or useful life of the machinery, equipment or  
26 other tangible personal property.

27           (d) For the purposes of this paragraph, "independent functional  
28 utility" means that the machinery, equipment or other tangible personal  
29 property can independently perform its function without attachment to real  
30 property, other than attachment for any of the following purposes:

31           (i) Assembling the machinery, equipment or other tangible personal  
32 property.

33           (ii) Connecting items of machinery, equipment or other tangible  
34 personal property to each other.

35           (iii) Connecting the machinery, equipment or other tangible personal  
36 property, whether as an individual item or as a system of items, to water,  
37 power, gas, communication or other services.

38           (iv) Stabilizing or protecting the machinery, equipment or other  
39 tangible personal property during operation by bolting, burying or performing  
40 other dissimilar nonpermanent connections to either real property or real  
41 property improvements.

42           14. The leasing or renting of certified ignition interlock devices  
43 installed pursuant to the requirements prescribed by section 28-1461. For  
44 the purposes of this paragraph, "certified ignition interlock device" has the  
45 same meaning prescribed in section 28-1301.

1           15. Computer data center equipment purchased by the owner, operator or  
2 qualified colocation tenant of the computer data center or an authorized  
3 agent of the owner, operator or qualified colocation tenant during the  
4 qualification period for use in a computer data center that is certified by  
5 the Arizona commerce authority under section 41-1519. To qualify for this  
6 deduction, at the time of purchase, the owner, operator or qualified  
7 colocation tenant must present to the retailer its certificate that is issued  
8 pursuant to section 41-1519 and that establishes its qualification for the  
9 deduction. For the purposes of this paragraph, "computer data center",  
10 "computer data center equipment", "qualification period" and "qualified  
11 colocation tenant" have the same meanings prescribed in section 41-1519.

12           16. THE GROSS PROCEEDS OF SALES OR GROSS INCOME DERIVED FROM A CONTRACT  
13 WITH THE OWNER OF REAL PROPERTY FOR THE MAINTENANCE, REPAIR OR REPLACEMENT OF  
14 EXISTING PROPERTY IS NOT SUBJECT TO TAX IF THE CONTRACT DOES NOT INCLUDE  
15 MODIFICATION ACTIVITIES. FOR THE PURPOSES OF THIS PARAGRAPH:

- 16           (a) EACH CONTRACT OR PROJECT IS INDEPENDENT OF ANOTHER CONTRACT.  
17           (b) "MODIFICATION" MEANS CONSTRUCTION, ALTERATION, ADDITION,  
18 SUBTRACTION, IMPROVEMENT, MOVEMENT, WRECKAGE OR DEMOLITION.

19           17. MONITORING SERVICES RELATING TO AN ALARM SYSTEM AS DEFINED IN  
20 SECTION 32-101.

21           B. A city, town or other taxing jurisdiction shall not levy a  
22 transaction privilege, sales, use, franchise or other similar tax or fee,  
23 however denominated, on natural gas or liquefied petroleum gas used to propel  
24 a motor vehicle.

25           C. A city, town or other taxing jurisdiction shall not levy a  
26 transaction privilege, sales, gross receipts, use, franchise or other similar  
27 tax or fee, however denominated, on gross proceeds of sales or gross income  
28 derived from any of the following:

- 29           1. A motor carrier's use on the public highways in this state if the  
30 motor carrier is subject to a fee prescribed in title 28, chapter 16,  
31 article 4.  
32           2. Leasing, renting or licensing a motor vehicle subject to and ~~upon~~  
33 ON which the fee has been paid under title 28, chapter 16, article 4.  
34           3. The sale of a motor vehicle and any repair and replacement parts  
35 and tangible personal property becoming a part of such motor vehicle to a  
36 motor carrier who is subject to a fee prescribed in title 28, chapter 16,  
37 article 4 and who is engaged in the business of leasing, renting or licensing  
38 such property.  
39           4. Incarcerating or detaining in a privately operated prison, jail or  
40 detention facility prisoners who are under the jurisdiction of the United  
41 States, this state or any other state or a political subdivision of this  
42 state or of any other state.  
43           5. Transporting for hire persons, freight or property by light motor  
44 vehicles subject to a fee under title 28, chapter 15, article 4.

1           6. Any amount attributable to development fees that are incurred in  
2 relation to the construction, development or improvement of real property and  
3 paid by the taxpayer as defined in the model city tax code or by a contractor  
4 providing services to the taxpayer. For the purposes of this paragraph:

5           (a) The attributable amount shall not exceed the value of the  
6 development fees actually imposed.

7           (b) The attributable amount is equal to the total amount of  
8 development fees paid by the taxpayer or by a contractor providing services  
9 to the taxpayer and the total development fees credited in exchange for the  
10 construction of, contribution to or dedication of real property for providing  
11 public infrastructure, public safety or other public services necessary to  
12 the development. The real property must be the subject of the development  
13 fees.

14           (c) "Development fees" means fees imposed to offset capital costs of  
15 providing public infrastructure, public safety or other public services to a  
16 development and authorized pursuant to section 9-463.05, section 11-1102 or  
17 title 48 regardless of the jurisdiction to which the fees are paid.

18           D. A city, town or other taxing jurisdiction shall not levy a  
19 transaction privilege, sales, use, franchise or other similar tax or fee,  
20 however denominated, in excess of one-tenth of one per cent of the value of  
21 the entire product mined, smelted, extracted, refined, produced or prepared  
22 for sale, profit or commercial use, on persons engaged in the business of  
23 mineral processing, except to the extent that the tax is computed on the  
24 gross proceeds or gross income from sales at retail.

25           E. In computing the tax base, any city, town or other taxing  
26 jurisdiction shall not include in the gross proceeds of sales or gross  
27 income:

28           1. A manufacturer's cash rebate on the sales price of a motor vehicle  
29 if the buyer assigns the buyer's right in the rebate to the retailer.

30           2. The waste tire disposal fee imposed pursuant to section 44-1302.

31           F. A city or town shall not levy a use tax on the storage, use or  
32 consumption of tangible personal property in the city or town by a school  
33 district or charter school.

34           Sec. 9. Repeal

35           Section 42-6004, Arizona Revised Statutes, as amended by Laws 2013,  
36 chapter 255, section 20, is repealed.

37           Sec. 10. Effective date

38           Section 42-6004, Arizona Revised Statutes, as amended by Laws 2013,  
39 first regular session, chapter 27, section 2, chapter 120, section 2, chapter  
40 153, section 2 and chapter 236, section 6 and Laws 2013, first special  
41 session, chapter 9, section 8 and this act, is effective from and after  
42 December 31, 2014.