

REFERENCE TITLE: board of technical registration; omnibus

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2016

SB 1422

Introduced by
Senators Yee, Cajero Bedford; Representatives Fann, Petersen: Senators
Allen S, Bradley, Burges, Donahue, Pancrazi, Shooter; Representatives
Borrelli, Lawrence, Livingston, Norgaard, Rivero, Shope

AN ACT

AMENDING SECTIONS 32-101 AND 32-102, ARIZONA REVISED STATUTES; REPEALING SECTION 32-108, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-111, 32-122, 32-122.01, 32-122.02, 32-123, 32-127, 32-129 AND 32-152, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF TECHNICAL REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-101, 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 WHO ARE registered or
8 certified and 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, 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 an alarm system located on the
32 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~~ AND IS REGISTERED AS AN ARCHITECT
19 PURSUANT TO THIS CHAPTER.

20 ~~7. "Architect-in-training" means a candidate for registration as a~~
21 ~~professional architect who is a graduate of a school approved by the board or~~
22 ~~who has five years or more of education or experience, or both, in~~
23 ~~architectural work which meets standards specified by the board in its rules.~~
24 ~~In addition, the candidate shall have passed the architect-in-training~~
25 ~~examination.~~

26 ~~8.~~ 7. "Architectural practice" means any professional service or
27 creative work requiring architectural education, training and experience, and
28 the application of the mathematical and physical sciences and the principles
29 of architecture and architectural engineering to such professional services
30 or creative work as consultation, evaluation, design and review of
31 construction for conformance with contract documents and design, in
32 connection with any building, planning or site development. A person shall
33 be deemed to practice or offer to practice architecture who in any manner
34 represents that the person is an architect, ~~or~~ is able to perform any
35 architectural service or other services recognized by educational authorities
36 as architecture.

37 ~~9.~~ 8. "Assayer" means a person who analyzes metals, ores, minerals, ~~or~~
38 or alloys in order to ascertain the quantity of gold or silver or any other
39 substance present in them. A person employed on a full-time basis as an
40 assayer by an employer engaged in the business of developing, mining or
41 treating ores or other minerals shall not be deemed to be engaged in assaying
42 practice for the purposes of this chapter if the person engages in assaying
43 practice exclusively for and as an employee of such employer and does not
44 represent that the person is available and is not represented as being

1 available to perform any assaying services for anyone other than the person's
2 employer.

3 ~~10-~~ 9. "Assayer-in-training" means a candidate for registration as a
4 professional assayer who is a graduate of a school and curriculum approved by
5 the board or who has four years or more of education or experience, or both,
6 in assaying work ~~which~~ THAT meets standards specified by the board in its
7 rules. In addition, the candidate shall have passed the assayer-in-training
8 examination.

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

16 ~~12-~~ 11. "Board" means the state board of technical registration.

17 ~~13-~~ 12. "Certified remediation specialist" means a person who has been
18 certified by the board to perform, supervise and review environmental
19 remediations if the use of a certified remediation specialist is specifically
20 authorized by title 49 and rules adopted pursuant to title 49.

21 ~~14-~~ 13. "Controlling person":

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

23 (b) Does not include an alarm agent.

24 ~~15-~~ 14. "Drug laboratory site remediation firm" means a firm that is
25 licensed by the registrar of contractors pursuant to chapter 10 of this title
26 and that performs remediation of residual contamination from the manufacture
27 of methamphetamine, ecstasy or LSD or the storage of chemicals or equipment
28 used in manufacturing methamphetamine, ecstasy or LSD. For the purposes of
29 this paragraph:

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

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

42 ~~16-~~ 15. "Engineer" means a person who, by reason of special knowledge
43 of the mathematical and physical sciences and the principles and methods of
44 engineering analysis and design acquired by professional education and
45 practical experience, is qualified to practice engineering ~~as attested by~~

1 ~~registration as a professional engineer~~ AND IS REGISTERED AS A PROFESSIONAL
2 ENGINEER PURSUANT TO THIS CHAPTER.

3 ~~17.~~ 16. "Engineering practice" means any professional service or
4 creative work requiring engineering education, training and experience and
5 the application of special knowledge of the mathematical, physical and
6 engineering sciences to such professional services or creative work as
7 consultation, research investigation, evaluation, planning, surveying as
8 defined in paragraph ~~27~~ 26, subdivisions (d) and (e) of this subsection,
9 design, location, development, and review of construction for conformance
10 with contract documents and design, in connection with any public or private
11 utility, structure, building, machine, equipment, process, work or project.
12 Such services and work include plans and designs relating to the location,
13 development, mining and treatment of ore and other minerals. A person shall
14 be deemed to be practicing or offering to practice engineering if the person
15 practices any branch of the profession of engineering, or by verbal claim,
16 sign, advertisement, letterhead, card or any other manner represents that the
17 person is a professional engineer, ~~or~~ or is able to perform or does perform any
18 engineering service or other service recognized by educational authorities as
19 engineering. A person employed on a full-time basis as an engineer by an
20 employer engaged in the business of developing, mining and treating ores and
21 other minerals shall not be deemed to be practicing engineering for the
22 purposes of this chapter if the person engages in the practice of engineering
23 exclusively for and as an employee of such employer and does not represent
24 that the person is available and is not represented as being available to
25 perform any engineering services for persons other than the person's
26 employer.

27 ~~18.~~ 17. "Engineer-in-training" means a candidate for registration as a
28 professional engineer who is a graduate in an approved engineering curriculum
29 of four years or more of a school approved by the board or who has ~~had~~ four
30 years or more of education or experience, or both, in engineering work ~~which~~
31 THAT meets standards specified by the board in its rules. In addition, the
32 candidate shall have passed the engineer-in-training examination.

33 ~~19.~~ 18. "Firm" means any individual or partnership, corporation or
34 other type of association, including the association of a nonregistrant and a
35 registrant who offers to the public professional services regulated by the
36 board.

37 ~~20.~~ 19. "Geological practice" means any professional service or work
38 requiring geological education, training and experience, ~~and~~ and the application
39 of special knowledge of the earth sciences to such professional services as
40 consultation, evaluation of mining properties, petroleum properties and
41 groundwater resources, professional supervision of exploration for mineral
42 natural resources including metallic and nonmetallic ores, petroleum and
43 groundwater, and the geological phases of engineering investigations.

44 ~~21.~~ 20. "Geologist" means a person, not of necessity an engineer, who
45 by reason of special knowledge of the earth sciences and the principles and

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

11 ~~22-~~ 21. "Geologist-in-training" means a candidate for registration as
12 a professional geologist who is a graduate of a school approved by the
13 board or who has ~~had~~ four years or more of education or experience, or
14 both, in geological work ~~which~~ THAT meets standards specified by the
15 board in its rules. In addition, the candidate shall have passed the
16 geologist-in-training examination.

17 ~~23-~~ 22. "Home inspection" means a visual analysis for the purposes of
18 providing a professional opinion of the building, any reasonably accessible
19 installed components and the operation of the building's systems, including
20 the controls normally operated by the owner, for the following components of
21 a residential building of four units or less:

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

32 ~~24-~~ 23. "Home inspection report" means a written report that is
33 prepared for compensation, that is issued after a home inspection and that
34 clearly describes and identifies the inspected systems, structures and
35 components of a completed dwelling and any visible major defects found to be
36 in need of immediate major repair and any recommendations for additional
37 evaluation by appropriate persons.

38 ~~25-~~ 24. "Home inspector" means an individual who is certified pursuant
39 to this chapter as a home inspector and who engages in the business of
40 performing home inspections and writing home inspection reports.

41 ~~26-~~ 25. "Home inspector-in-training" means a candidate for
42 certification as a home inspector who has completed a course of study
43 approved by the board and who is participating in a training program that
44 complies with standards recommended by the home inspector rules and standards
45 committee and approved by the board.

1 ~~27.~~ 26. "Land surveying practice" means the performance of one or more
2 of the following professional services:

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

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

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

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

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

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

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

37 ~~30.~~ 29. "Landscape architect" means a person who, by reason of
38 professional education or practical experience, or both, is qualified to
39 engage in the practice of landscape architecture as attested by registration
40 as a landscape architect.

41 ~~31. "Landscape architect-in-training" means a candidate for~~
42 ~~registration as a professional landscape architect who is a graduate of a~~
43 ~~school approved by the board or who has had four years or more of education~~
44 ~~or experience, or both, in landscape architectural work which meets standards~~

1 ~~specified by the board in its rules. In addition, the candidate shall have~~
2 ~~passed the landscape architect in training examination.~~

3 ~~32-~~ 30. "Landscape architectural practice" means the performance of
4 professional services such as consultations, investigation, reconnaissance,
5 research, planning, design or responsible supervision in connection with the
6 development of land and incidental water areas where, and to the extent that,
7 the dominant purpose of such services is the preservation, enhancement or
8 determination of proper land uses, natural land features, ground cover and
9 planting, naturalistic and aesthetic values, the settings of and approaches
10 to buildings, structures, facilities or other improvements, natural drainage
11 and the consideration and the determination of inherent problems of the land
12 relating to erosion, wear and tear, light or other hazards. This practice
13 shall include the location and arrangement of such tangible objects and
14 features as are incidental and necessary to the purposes outlined in this
15 paragraph but shall not include the making of cadastral surveys or final land
16 plats for official recording or approval, nor mandatorily include planning
17 for governmental subdivisions.

18 ~~33-~~ 31. "Monitored alarm" means a device that is designed for the
19 detection of an entry on any premises and that if activated generates a
20 notification signal.

21 ~~34-~~ 32. "On-site supervisor" means the employee of a drug laboratory
22 site remediation firm who is authorized to oversee on-site workers in the
23 performance of their duties.

24 ~~35-~~ 33. "On-site worker" means an employee of a drug laboratory site
25 remediation firm who has on-site duties or who handles contaminated
26 materials, chemicals or contaminated equipment.

27 ~~36-~~ 34. "Person" means any individual, firm, partnership, corporation,
28 association or other organization.

29 ~~37-~~ 35. "Principal" means an individual who is an officer of the
30 corporation or is designated by a firm as having full authority and
31 responsible charge of the services offered by the firm.

32 ~~38-~~ 36. "Proprietor alarm" means any alarm or alarm system that is
33 owned by an alarm subscriber who has not contracted with an alarm business.

34 ~~39-~~ 37. "Registrant" means a person registered or certified by the
35 board.

36 ~~40-~~ 38. "Registration" means a registration or certification issued by
37 the board.

38 Sec. 2. Section 32-102, Arizona Revised Statutes, is amended to read:

39 ~~32-102.~~ Board of technical registration; vacancies; terms

40 A. ~~THE~~ state board of technical registration is established
41 consisting of members WHO ARE appointed by the governor as follows:

42 1. Two architects.

43 2. Three professional engineers, ONE OF WHOM IS A CIVIL ENGINEER AND
44 two of whom are representatives of branches of engineering other than civil
45 engineering and are registered in those branches pursuant to this chapter.

- 1 3. One public member.
2 4. One landscape architect.
3 5. One geologist or assayer.
4 6. One land surveyor.
5 B. ~~Upon~~ ON the expiration of any of the terms, a successor, ~~WHO IS~~
6 qualified pursuant to subsection A, ~~OF THIS SECTION~~ shall be appointed for a
7 full term of three years. The governor may remove a member of the board for
8 misconduct, incapacity or neglect of duty. Appointment to fill a vacancy
9 caused other than by expiration of term shall be for the unexpired portion of
10 the term.
11 C. No member may serve more than two consecutive terms.
12 Sec. 3. Repeal
13 Section 32-108, Arizona Revised Statutes, is repealed.
14 Sec. 4. Section 32-111, Arizona Revised Statutes, is amended to read:
15 32-111. Home inspector rules and standards committee
16 A. ~~A~~ THE home inspector rules and standards committee of the state
17 board of technical registration is established and consists of:
18 1. Three home inspectors, one of whom is a resident of a county with a
19 population of four hundred thousand persons or less, appointed by the board
20 from a list of names any home inspector organization provides if the home
21 inspector organization meets all of the following criteria:
22 (a) Has at least forty members WHO ARE actively engaged in the
23 practice of home inspection in this state.
24 (b) Holds regular elections.
25 (c) Publishes bylaws.
26 (d) Maintains a code of ethics.
27 2. Two members of the board of technical registration, including:
28 (a) An architect member ~~of the board~~ or an engineer member of the
29 board WHO IS appointed by the chairman.
30 (b) The public member.
31 B. The board may make appointments of home inspectors to the committee
32 from the lists provided pursuant to subsection A, paragraph 1 of this section
33 or from others having the necessary qualifications.
34 C. The ~~board appointed~~ BOARD-APPOINTED members serve staggered ~~three~~
35 ~~year~~ THREE-YEAR terms. These members shall be home inspectors, shall each
36 have at least five years of experience as a home inspector and shall have
37 passed the examination prescribed in section 32-122.02. The board by a
38 majority vote may remove any member for misconduct, incapacity or neglect of
39 duty and may appoint a new member to complete a term.
40 D. The committee is responsible for drafting and recommending to the
41 board ~~of technical registration~~:
42 1. Criteria for home inspector certification.
43 2. Standards for home inspection reports.
44 3. Standards for written examinations.

1 4. Standards for educational programs, including course of study, home
2 inspector-in-training programs and continuing education.

3 5. Rules defining conduct.

4 6. Recommendations for types of financial assurances as required in
5 section 32-122.02.

6 7. Other rules and standards related to the practice of home
7 inspectors.

8 ~~E. The committee shall make its initial recommendations within six
9 months of appointment or the board may proceed without these recommendations.
10 Thereafter the committee shall make recommendations within six months of a
11 board request for recommendations. The committee may initiate
12 recommendations at any time it deems appropriate.~~

13 ~~F.~~ E. The committee may participate in the investigation and review
14 of home inspector complaints as provided by the board.

15 ~~G.~~ F. Members of the home inspector rules and standards committee are
16 eligible to receive compensation pursuant to title 38, chapter 4, article 1.

17 Sec. 5. Section 32-122, Arizona Revised Statutes, is amended to read:

18 32-122. Qualifications for in-training designation

19 A. An applicant for in-training ~~registration~~ DESIGNATION as an
20 ~~architect~~, engineer, geologist or ~~landscape architect~~ LAND SURVEYOR shall:

- 21 1. Be of good moral character and repute.
22 2. Be a graduate of a school approved by the board or have four years
23 or more, ~~or if an applicant for in-training registration as an architect,~~
24 ~~five years or more,~~ of education or experience, or both, in work in the
25 profession in which registration is sought that meets standards specified by
26 the board in its rules.

27 3. Unless exempt under section 32-126, subsection D, pass the
28 in-training examination in the profession in which registration is sought.

29 B. An applicant for in-training ~~registration~~ DESIGNATION as an assayer
30 ~~or land surveyor~~ shall:

- 31 1. Be of good moral character and repute.
32 2. Be a graduate of a school and curriculum approved by the board, ~~or~~
33 have four years or more of education or experience, or both, in work in the
34 profession in which registration is sought that meets standards specified by
35 the board in its rules.

36 3. Unless exempt under section 32-126, subsection D, pass the
37 in-training examination in the profession in which registration is sought.

38 ~~C. An applicant for in-training registration as a home
39 inspector-in-training shall:~~

- 40 ~~1. Be of good moral character and repute.
41 2. Meet the requirements of section 32-122.02, subsection A,
42 paragraphs 1 through 7.~~

1 Sec. 6. Section 32-122.01, Arizona Revised Statutes, is amended to
2 read:

3 32-122.01. Qualifications for professional registration

4 A. An applicant for professional registration as an architect,
5 engineer, geologist, LAND SURVEYOR or landscape architect shall:

6 1. Be of good moral character and repute.

7 2. Be actively engaged in education or experience, or both, in the
8 profession for which registration is sought for at least eight years.

9 3. Unless exempt under section 32-126, pass the APPLICABLE in-training
10 and professional examinations in the profession in which registration is
11 sought.

12 ~~B. An applicant for professional registration as an assayer or land
13 surveyor shall:~~

14 ~~1. Be of good moral character and repute.~~

15 ~~2. Be actively engaged in education or experience, or both, in the
16 profession for which registration is sought for at least six years.~~

17 ~~3. Unless exempt under section 32-126, pass the in-training and
18 professional examinations in the profession in which registration is sought.~~

19 ~~C.~~ B. In computing the period of active engagement required under
20 this section, ~~+~~

21 ~~1.~~ each year of study THAT IS satisfactorily completed in an
22 architectural, engineering, geological, LAND SURVEYING or landscape
23 architectural school approved by the board is equivalent to one year of
24 active engagement up to a maximum of five years. One year or more of
25 teaching architectural, engineering, geological, LAND SURVEYING or landscape
26 architectural subjects in a school approved by the board is equivalent to one
27 year of active engagement.

28 ~~2. Each year of study satisfactorily completed in an assaying or land
29 surveying curriculum and school approved by the board is considered
30 equivalent to one year of active engagement up to a maximum of four years.
31 One year or more of teaching assaying or land surveying or other courses
32 approved by the board as pertinent to the profession in which registration is
33 sought in a school approved by the board is equivalent to one year of active
34 engagement.~~

35 ~~D.~~ C. Except as provided in subsection ~~E~~ D of this section,
36 experience credited by the board under this section and sections 32-101,
37 32-122 and 32-126 must be attained under the direct supervision of a
38 professional who is satisfactory to the board and registered in this state,
39 another state or a foreign country in the profession in which the applicant
40 is seeking registration, except that up to one year's experience may be
41 attained under the direct supervision of a professional who is satisfactory
42 to the board and registered in another profession regulated under this
43 chapter in this state, another state or a foreign country.

44 ~~E.~~ D. By A two-thirds majority vote, the board may allow an applicant
45 except for an architect applicant to meet the requirements of subsection ~~D~~ C

1 of this section by crediting comparable experience satisfactory to the board
2 that the applicant attained without direct supervision of a registered
3 professional.

4 Sec. 7. Section 32-122.02, Arizona Revised Statutes, is amended to
5 read:

6 32-122.02. Certification of home inspectors; insurance

7 A. An applicant for certification as a home inspector shall:

8 1. Be at least eighteen years of age.

9 2. Be of good moral character and repute.

10 3. Have passed within two years preceding application, ~~or within five~~
11 ~~years preceding application if the application is made by December 31, 2002,~~
12 a written examination that is approved by the board and that meets the
13 competency standards recommended by the home inspector rules and standards
14 committee and adopted by the board.

15 4. Have passed a course of study and a home inspector-in-training
16 program that meets the standards recommended by the home inspector rules and
17 standards committee and approved by the board.

18 5. Pay a fee as determined by the board and shall submit a full set of
19 fingerprints to the board for the purpose of obtaining a state and federal
20 criminal records check pursuant to section 41-1750 and Public Law 92-544.
21 The department of public safety may exchange this fingerprint data with the
22 federal bureau of investigation. Any documents and information relating to
23 the state and federal criminal records check required by this section are not
24 public records.

25 6. Not have had a certificate denied or revoked pursuant to this
26 chapter within one year immediately preceding the application.

27 7. Have received an absolute discharge from sentence at least five
28 years before the application if the person has been convicted of one or more
29 felonies, provided the board determines the applicant is of good moral
30 character and repute.

31 8. Provide evidence of the applicant's ability to obtain financial
32 assurance as provided by subsection B of this section.

33 B. Within sixty days after certification **AND BEFORE ANY FEE-BASED HOME**
34 **INSPECTION IS PERFORMED**, a home inspector certified pursuant to this chapter
35 shall file one of the following financial assurances pursuant to rules
36 recommended by the home inspector rules and standards committee and adopted
37 by the board:

38 1. Errors and omissions insurance for negligent acts committed in the
39 course of a home inspection in an amount of two hundred thousand dollars in
40 the aggregate and one hundred thousand dollars per occurrence.

41 2. A bond **THAT IS RETROACTIVE TO THE CERTIFICATION DATE** in the amount
42 of twenty-five thousand dollars or proof that minimum net assets have a value
43 of at least twenty-five thousand dollars.

1 ~~3. A financial assurance mechanism with a value of at least~~
2 ~~twenty five thousand dollars recommended by the home inspector rules and~~
3 ~~standards committee and approved by the board.~~

4 C. If a home inspector loses or otherwise fails to maintain a required
5 financial assurance, the certification shall be automatically suspended and
6 shall be reinstated if a financial assurance is obtained within ninety days.
7 If a financial assurance is not obtained within ninety days, the
8 certification shall be automatically revoked.

9 D. A home inspector is subject to this chapter and rules adopted
10 pursuant to this chapter.

11 Sec. 8. Section 32-123, Arizona Revised Statutes, is amended to read:
12 32-123. Application for registration and certification; denial;
13 hearing

14 A. A person desiring to practice any board-regulated profession or
15 occupation shall apply for registration or certification on a form prescribed
16 by the board, subscribed under penalty of perjury and accompanied by the
17 appropriate application fee prescribed by the board. If the evidence
18 submitted satisfies the board that the applicant is fully qualified to
19 practice the profession or occupation for which registration or certification
20 is asked, the board or the executive director as authorized by the board
21 shall grant the applicant a certificate of registration or certification,
22 signed by the chairman and secretary and attested by the official seal. If
23 the applicant seeks registration as a professional engineer, the certificate
24 of registration shall list the proficiency designation in the branch of
25 engineering in which the applicant has demonstrated proficiency.

26 B. A registered professional engineer who desires to practice land
27 surveying shall apply for professional registration as a land surveyor and
28 satisfy the requirements set forth in section 32-122.01, ~~subsection B.~~

29 C. If in the judgment of the board the applicant has not furnished
30 satisfactory evidence of qualifications for registration or certification, it
31 may require additional data or may require the applicant to submit to an
32 additional oral or written examination specified by the board in its rules.

33 D. An applicant whose application is denied may request a formal
34 hearing pursuant to title 41, chapter 6, article 10. If the application is
35 granted after a formal hearing, the application fee shall be returned.

36 Sec. 9. Section 32-127, Arizona Revised Statutes, is amended to read:
37 32-127. Renewal of certification or registration; penalty fee;
38 cancellation; inactive status; renewal fees; home
39 inspector exam requirement

40 A. The board shall establish a system for renewing certification or
41 registration.

42 B. Except as provided in section 32-4301, certificates of registration
43 or certification are invalid after their expiration date unless renewed by
44 payment of the required renewal fee. If the renewal fee is not paid prior to
45 the expiration date, it shall be accompanied by a penalty fee equal to

1 one-sixth of the renewal fee for each year or fraction of a year of
2 delinquency.

3 C. The board shall cancel a certificate of registration or
4 certification if ~~it~~ THE REGISTRATION OR CERTIFICATION has remained invalid
5 for AT LEAST one renewal period. ~~and shall require a new application,~~
6 ~~accompanied by the application fee for reregistration or recertification.~~
7 BEFORE THE BOARD MAY ISSUE A VALID REGISTRATION OR CERTIFICATION:

8 1. IF THE REGISTRATION OR CERTIFICATION HAS BEEN INVALID FOR LESS THAN
9 FIVE YEARS OR HAS BEEN INVALID FOR AT LEAST FIVE YEARS BUT THE PERSON HAS
10 PRACTICED AS A LICENSED, CERTIFIED OR REGISTERED PROFESSIONAL IN THAT
11 PROFESSION IN ANOTHER JURISDICTION FOR THE FIVE YEARS IMMEDIATELY BEFORE THE
12 DATE OF THE PERSON'S APPLICATION WITH THE BOARD:

13 (a) THE PERSON SHALL APPLY AS A NEW CANDIDATE AND PAY THE APPLICATION
14 FEE.

15 (b) THE PERSON IS NOT REQUIRED TO TAKE AND PASS THE APPLICABLE
16 PROFESSIONAL EXAMINATION.

17 2. IF THE REGISTRATION OR CERTIFICATION HAS BEEN INVALID FOR AT LEAST
18 FIVE YEARS AND THE PERSON HAS NOT PRACTICED AS A LICENSED, CERTIFIED OR
19 REGISTERED PROFESSIONAL IN THAT PROFESSION IN ANY OTHER JURISDICTION FOR THE
20 FIVE YEARS IMMEDIATELY BEFORE THE DATE OF THE PERSON'S APPLICATION WITH THE
21 BOARD, THE PERSON SHALL APPLY AS A NEW CANDIDATE, PAY THE APPLICATION FEE AND
22 TAKE AND PASS THE PROFESSIONAL EXAMINATION.

23 D. A registrant shall not practice, offer to practice or advertise if
24 the certificate of registration or the certification is inactive or invalid.

25 E. A registrant who retires from the active practice of any ~~board~~
26 ~~regulated~~ BOARD-REGULATED profession or occupation or who is not currently
27 practicing that ~~board regulated~~ BOARD-REGULATED profession or occupation in
28 this state may request that the board place the registrant's certificate of
29 registration or certification on inactive status. The registrant shall submit
30 the request in writing to the board.

31 F. If the board has invalidated, pursuant to subsection B of this
32 section, the certificate of registration of a registrant who seeks to place
33 the certificate of registration on inactive status, the registrant shall
34 submit all penalty fees that are due with the registrant's application for
35 inactive status.

36 G. A registrant shall not place the registrant's certificate of
37 registration on inactive status if the person's certificate of registration
38 has been canceled by the board pursuant to subsection C of this section.

39 H. A registrant who holds an inactive certificate of registration may
40 apply to the board to reactivate the certificate of registration. The board
41 shall reactivate an inactive certificate of registration if the registrant
42 submits a completed application on a form prescribed by the board and meets
43 the qualifications for professional registration set forth in section
44 32-122.01. A registrant who seeks reactivation of the registrant's
45 certificate of registration and who has not been engaged in the profession in

1 which the registrant seeks reactivation for the five years immediately
2 preceding the date of the application for reactivation shall take the
3 applicable professional examination.

4 I. The board shall establish the renewal fee for each certificate or
5 registration issued pursuant to this chapter.

6 ~~J. The board may not renew the registration of a home
7 inspector in training if the registrant has not passed within two years
8 preceding renewal application a written examination approved by the board
9 pursuant to section 32-122.02, subsection A, paragraph 3.~~

10 J. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, A HOME INSPECTOR WHO
11 HAS HAD A CERTIFICATION CANCELED PURSUANT TO SUBSECTION C OF THIS SECTION
12 SHALL APPLY AS A NEW CANDIDATE AND PAY THE APPLICATION FEE. IF THE APPLICANT
13 HAS NOT TAKEN AND PASSED THE BOARD-APPROVED NATIONAL EXAMINATION WITHIN THE
14 TWO YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, THE APPLICANT SHALL
15 TAKE AND PASS THE EXAMINATION FOR CERTIFICATION.

16 Sec. 10. Section 32-129, Arizona Revised Statutes, is amended to read:

17 32-129. Confidentiality

18 A. Examination material, file records of examination grading and
19 performance, transcripts of educational institutions, letters of inquiry and
20 reference concerning applicants and board inquiry forms concerning applicants
21 are confidential and are not subject to inspection pursuant to title 39,
22 chapter 1, article 2.

23 B. Investigation files of any investigation are confidential and are
24 not subject to inspection pursuant to title 39, chapter 1, article 2 until
25 the matter is final, a hearing notice is issued pursuant to title 41, chapter
26 6, article 10 or the matter is settled by consent order. However, the
27 registrant shall be informed of ~~the investigation~~ AND HAVE ACCESS TO THE
28 COMPLAINT AND INVESTIGATIVE ASSESSMENTS and the public may obtain information
29 that an investigation is being conducted and of its general nature.

30 C. Informal conferences held by advisory committees are confidential
31 and are not open to the public. All information, including any minutes or
32 reports created or obtained pursuant to an informal conference, is
33 confidential until the matter is final, a hearing notice is issued pursuant
34 to title 41, chapter 6, article 10 or the matter is settled by consent order.
35 The board may discuss matters that are being reviewed by an advisory
36 committee in open session but may not introduce confidential documents into
37 public board records.

38 Sec. 11. Section 32-152, Arizona Revised Statutes, is amended to read:

39 32-152. Record documents; definition

40 A. If a person or firm that is registered or certified by the board is
41 required to provide ~~as-built plans~~ RECORD DOCUMENTS for improvements or
42 grading, and the plans show changes during the construction process, the
43 following apply:

44 1. If the registered or certified professional provided construction
45 phase services on the project that include supervision of the construction of

1 engineering structures, the plans shall be based on field observations of the
2 registered or certified professional or the professional's agents and
3 information received from the project owner, project contractors and public
4 agencies.

5 2. If the registered or certified professional did not provide
6 construction phase services on the project that include supervision of the
7 construction of engineering structures, the plans shall be based on
8 information received from the project owner, project contractors and public
9 agencies, but need not be based on a field verification or investigation of
10 the improvements or grades unless the registered or certified professional is
11 engaged to provide the field verification services.

12 3. The registered or certified professional shall not be required to
13 include a certificate or statement on ~~as-built plans~~ RECORD DOCUMENTS that is
14 inconsistent with or varies from ~~the provisions of~~ this section.

15 B. For the purposes of this section, ~~"as-built plans"~~ "RECORD
16 DOCUMENTS" means plans that document the registered or certified
17 professional's final plans and that include all changes made to the plans in
18 the actual project construction. ~~As-built plans~~ RECORD DOCUMENTS include ~~as~~
19 ~~constructed~~ AS-CONSTRUCTED plans ~~and record plans~~.