

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

CHAPTER 167
SENATE BILL 1422

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.

44 (ii) A person who owns or conducts a business of selling, leasing,
45 renting, installing, maintaining or monitoring an alarm that is affixed to a
46 motor vehicle.

1 (iii) A person who installs a nonmonitored proprietor alarm for a
2 business that the person owns, is employed by or manages.

3 (iv) The installation or monitoring of fire alarm systems.

4 (v) An alarm system that is operated by a city or town.

5 5. "Alarm subscriber" means any person who:

6 (a) Leases, rents or purchases any monitored alarm system or service
7 from an alarm business.

8 (b) Leases or rents an alarm system.

9 (c) Contracts with an alarm business for alarm monitoring,
10 installation, repair or maintenance services.

11 6. "Architect" means a person who, by reason of knowledge of the
12 mathematical and physical sciences and the principles of architecture and
13 architectural engineering acquired by professional education and practical
14 experience, is qualified to engage in the practice of architecture ~~as~~
15 ~~attested by registration as an architect~~ AND IS REGISTERED AS AN ARCHITECT
16 PURSUANT TO THIS CHAPTER.

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

23 ~~8.~~ 7. "Architectural practice" means any professional service or
24 creative work requiring architectural education, training and experience, and
25 the application of the mathematical and physical sciences and the principles
26 of architecture and architectural engineering to such professional services
27 or creative work as consultation, evaluation, design and review of
28 construction for conformance with contract documents and design, in
29 connection with any building, planning or site development. A person shall
30 be deemed to practice or offer to practice architecture who in any manner
31 represents that the person is an architect, ~~or~~ or is able to perform any
32 architectural service or other services recognized by educational authorities
33 as architecture.

34 ~~9.~~ 8. "Assayer" means a person who analyzes metals, ores, minerals, ~~or~~
35 or alloys in order to ascertain the quantity of gold or silver or any other
36 substance present in them. A person employed on a full-time basis as an
37 assayer by an employer engaged in the business of developing, mining or
38 treating ores or other minerals shall not be deemed to be engaged in assaying
39 practice for the purposes of this chapter if the person engages in assaying
40 practice exclusively for and as an employee of such employer and does not
41 represent that the person is available and is not represented as being
42 available to perform any assaying services for anyone other than the person's
43 employer.

44 ~~10.~~ 9. "Assayer-in-training" means a candidate for registration as a
45 professional assayer who is a graduate of a school and curriculum approved by
46 the board or who has four years or more of education or experience, or both,

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

4 ~~11.~~ 10. "Assaying practice" means any professional service or work
5 requiring assaying education, training and experience and the application of
6 special knowledge of the mineral sciences to such service or work as
7 consultation and the evaluation of minerals. A person is deemed to practice
8 or offer to practice assaying who in any manner represents that the person is
9 an assayer or is able to perform any assaying service or other services
10 recognized by educational authorities as assaying.

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

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

16 ~~14.~~ 13. "Controlling person":

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

18 (b) Does not include an alarm agent.

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

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

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

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

37 ~~16.~~ 15. "Engineer" means a person who, by reason of special knowledge
38 of the mathematical and physical sciences and the principles and methods of
39 engineering analysis and design acquired by professional education and
40 practical experience, is qualified to practice engineering ~~as attested by~~
41 ~~registration as a professional engineer~~ AND IS REGISTERED AS A PROFESSIONAL
42 ENGINEER PURSUANT TO THIS CHAPTER.

43 ~~17.~~ 16. "Engineering practice" means any professional service or
44 creative work requiring engineering education, training and experience and
45 the application of special knowledge of the mathematical, physical and
46 engineering sciences to such professional services or creative work as

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

21 ~~18.~~ 17. "Engineer-in-training" means a candidate for registration as a
22 professional engineer who is a graduate in an approved engineering curriculum
23 of four years or more of a school approved by the board or who has ~~had~~ four
24 years or more of education or experience, or both, in engineering work ~~which~~
25 THAT meets standards specified by the board in its rules. In addition, the
26 candidate shall have passed the engineer-in-training examination.

27 ~~19.~~ 18. "Firm" means any individual or partnership, corporation or
28 other type of association, including the association of a nonregistrant and a
29 registrant who offers to the public professional services regulated by the
30 board.

31 ~~20.~~ 19. "Geological practice" means any professional service or work
32 requiring geological education, training and experience, ~~and~~ and the application
33 of special knowledge of the earth sciences to such professional services as
34 consultation, evaluation of mining properties, petroleum properties and
35 groundwater resources, professional supervision of exploration for mineral
36 natural resources including metallic and nonmetallic ores, petroleum and
37 groundwater, and the geological phases of engineering investigations.

38 ~~21.~~ 20. "Geologist" means a person, not of necessity an engineer, who
39 by reason of special knowledge of the earth sciences and the principles and
40 methods of search for and appraisal of mineral or other natural resources
41 acquired by professional education and practical experience is qualified to
42 practice geology as attested by registration as a professional geologist. A
43 person employed on a full-time basis as a geologist by an employer engaged in
44 the business of developing, mining or treating ores and other minerals shall
45 not be deemed to be engaged in geological practice for the purposes of this
46 chapter if the person engages in geological practice exclusively for and as

1 an employee of such employer and does not represent that the person is
2 available and is not represented as being available to perform any geological
3 services for persons other than the person's employer.

4 ~~22-~~ 21. "Geologist-in-training" means a candidate for registration as
5 a professional geologist who is a graduate of a school approved by the
6 board or who has had four years or more of education or experience, or
7 both, in geological work which THAT meets standards specified by the
8 board in its rules. In addition, the candidate shall have passed the
9 geologist-in-training examination.

10 ~~23-~~ 22. "Home inspection" means a visual analysis for the purposes of
11 providing a professional opinion of the building, any reasonably accessible
12 installed components and the operation of the building's systems, including
13 the controls normally operated by the owner, for the following components of
14 a residential building of four units or less:

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

25 ~~24-~~ 23. "Home inspection report" means a written report that is
26 prepared for compensation, that is issued after a home inspection and that
27 clearly describes and identifies the inspected systems, structures and
28 components of a completed dwelling and any visible major defects found to be
29 in need of immediate major repair and any recommendations for additional
30 evaluation by appropriate persons.

31 ~~25-~~ 24. "Home inspector" means an individual who is certified pursuant
32 to this chapter as a home inspector and who engages in the business of
33 performing home inspections and writing home inspection reports.

34 ~~26-~~ ~~"Home inspector-in-training" means a candidate for certification as~~
35 ~~a home inspector who has completed a course of study approved by the board~~
36 ~~and who is participating in a training program that complies with standards~~
37 ~~recommended by the home inspector rules and standards committee and approved~~
38 ~~by the board.~~

39 ~~27-~~ 25. "Land surveying practice" means the performance of one or more
40 of the following professional services:

- 41 (a) Measurement of land to determine the position of any monument or
42 reference point which THAT marks a property line, boundary or corner for the
43 purpose of determining the area or description of the land.
- 44 (b) Location, relocation, establishment, reestablishment, setting,
45 resetting or replacing of corner monuments or reference points which identify
46 land boundaries, rights-of-way or easements.

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

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

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

11 ~~28.~~ 26. "Land surveyor" means a person who by reason of knowledge of
12 the mathematical and physical sciences, principles of land surveying and
13 evidence gathering acquired by professional education or practical
14 experience, or both, is qualified to practice land surveying as attested by
15 registration as a land surveyor. A person employed on a full-time basis as a
16 land surveyor by an employer engaged in the business of developing, mining or
17 treating ores or other minerals shall not be deemed to be engaged in land
18 surveying practice for purposes of this chapter if the person engages in land
19 surveying practice exclusively for and as an employee of such employer and
20 does not represent that the person is available and is not represented as
21 being available to perform any land surveying services for persons other than
22 the person's employer.

23 ~~29.~~ 27. "Land surveyor-in-training" means a candidate for registration
24 as a professional land surveyor who is a graduate of a school and curriculum
25 approved by the board, ~~or~~ or who has four years or more of education or
26 experience, or both, in land surveying work ~~which~~ THAT meets standards
27 specified by the board in its rules. In addition, the candidate shall have
28 passed the land surveyor-in-training examination.

29 ~~30.~~ 28. "Landscape architect" means a person who, by reason of
30 professional education or practical experience, or both, is qualified to
31 engage in the practice of landscape architecture as attested by registration
32 as a landscape architect.

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

39 ~~32.~~ 29. "Landscape architectural practice" means the performance of
40 professional services such as consultations, investigation, reconnaissance,
41 research, planning, design or responsible supervision in connection with the
42 development of land and incidental water areas where, and to the extent that,
43 the dominant purpose of such services is the preservation, enhancement or
44 determination of proper land uses, natural land features, ground cover and
45 planting, naturalistic and aesthetic values, the settings of and approaches
46 to buildings, structures, facilities or other improvements, natural drainage

1 and the consideration and the determination of inherent problems of the land
2 relating to erosion, wear and tear, light or other hazards. This practice
3 shall include the location and arrangement of such tangible objects and
4 features as are incidental and necessary to the purposes outlined in this
5 paragraph but shall not include the making of cadastral surveys or final land
6 plats for official recording or approval, nor mandatorily include planning
7 for governmental subdivisions.

8 ~~33-~~ 30. "Monitored alarm" means a device that is designed for the
9 detection of an entry on any premises and that if activated generates a
10 notification signal.

11 ~~34-~~ 31. "On-site supervisor" means the employee of a drug laboratory
12 site remediation firm who is authorized to oversee on-site workers in the
13 performance of their duties.

14 ~~35-~~ 32. "On-site worker" means an employee of a drug laboratory site
15 remediation firm who has on-site duties or who handles contaminated
16 materials, chemicals or contaminated equipment.

17 ~~36-~~ 33. "Person" means any individual, firm, partnership, corporation,
18 association or other organization.

19 ~~37-~~ 34. "Principal" means an individual who is an officer of the
20 corporation or is designated by a firm as having full authority and
21 responsible charge of the services offered by the firm.

22 ~~38-~~ 35. "Proprietor alarm" means any alarm or alarm system that is
23 owned by an alarm subscriber who has not contracted with an alarm business.

24 ~~39-~~ 36. "Registrant" means a person registered or certified by the
25 board.

26 ~~40-~~ 37. "Registration" means a registration or certification issued by
27 the board.

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

29 ~~32-102.~~ Board of technical registration; vacancies; terms

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

32 1. Two architects.

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

36 3. One public member.

37 4. One landscape architect.

38 5. One geologist or assayer.

39 6. One land surveyor.

40 B. ~~Upon~~ ON the expiration of any of the terms, a successor, ~~WHO IS~~
41 qualified pursuant to subsection A, ~~OF THIS SECTION~~ shall be appointed for a
42 full term of three years. The governor may remove a member of the board for
43 misconduct, incapacity or neglect of duty. Appointment to fill a vacancy
44 caused other than by expiration of term shall be for the unexpired portion of
45 the term.

46 C. No member may serve more than two consecutive terms.

1 Sec. 3. Repeal
2 Section 32-108, Arizona Revised Statutes, is repealed.
3 Sec. 4. Section 32-111, Arizona Revised Statutes, is amended to read:
4 32-111. Home inspector rules and standards committee
5 A. ~~A~~ THE home inspector rules and standards committee of the state
6 board of technical registration is established and consists of:
7 1. Three home inspectors, one of whom is a resident of a county with a
8 population of four hundred thousand persons or less, appointed by the board
9 from a list of names any home inspector organization provides if the home
10 inspector organization meets all of the following criteria:
11 (a) Has at least forty members WHO ARE actively engaged in the
12 practice of home inspection in this state.
13 (b) Holds regular elections.
14 (c) Publishes bylaws.
15 (d) Maintains a code of ethics.
16 2. Two members of the board of technical registration, including:
17 (a) An architect member ~~of the board~~ or an engineer member of the
18 board WHO IS appointed by the chairman.
19 (b) The public member.
20 B. The board may make appointments of home inspectors to the committee
21 from the lists provided pursuant to subsection A, paragraph 1 of this section
22 or from others having the necessary qualifications.
23 C. The ~~board-appointed~~ BOARD-APPOINTED members serve staggered ~~three~~
24 ~~year~~ THREE-YEAR terms. These members shall be home inspectors, shall each
25 have at least five years of experience as a home inspector and shall have
26 passed the examination prescribed in section 32-122.02. The board by a
27 majority vote may remove any member for misconduct, incapacity or neglect of
28 duty and may appoint a new member to complete a term.
29 D. The committee is responsible for drafting and recommending to the
30 board ~~of technical registration~~:
31 1. Criteria for home inspector certification.
32 2. Standards for home inspection reports.
33 3. Standards for written examinations.
34 4. Standards for educational programs, including course of study, ~~home~~
35 ~~inspector-in-training~~ programs and continuing education.
36 5. Rules defining conduct.
37 6. Recommendations for types of financial assurances as required in
38 section 32-122.02.
39 7. Other rules and standards related to the practice of home
40 inspectors.
41 ~~E. The committee shall make its initial recommendations within six~~
42 ~~months of appointment or the board may proceed without these recommendations.~~
43 ~~Thereafter the committee shall make recommendations within six months of a~~
44 ~~board request for recommendations. The committee may initiate~~
45 ~~recommendations at any time it deems appropriate.~~

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

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

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

6 32-122. Qualifications for in-training designation

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

9 1. Be of good moral character and repute.

10 2. Be a graduate of a school approved by the board or have four years
11 or more, ~~or if an applicant for in-training registration as an architect,~~
12 ~~five years or more,~~ of education or experience, or both, in work in the
13 profession in which registration is sought that meets standards specified by
14 the board in its rules.

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

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

19 1. Be of good moral character and repute.

20 2. Be a graduate of a school and curriculum approved by the board, ~~—~~ or
21 have four years or more of education or experience, or both, in work in the
22 profession in which registration is sought that meets standards specified by
23 the board in its rules.

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

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

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

29 ~~2. Meet the requirements of section 32-122.02, subsection A,~~
30 ~~paragraphs 1 through 7.~~

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

33 32-122.01. Qualifications for professional registration

34 A. An applicant for professional registration as an architect,
35 engineer, geologist or landscape architect shall:

36 1. Be of good moral character and repute.

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

39 3. Unless exempt under section 32-126, pass the APPLICABLE in-training
40 and professional examinations in the profession in which registration is
41 sought.

42 B. An applicant for professional registration as an assayer or land
43 surveyor shall:

44 1. Be of good moral character and repute.

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

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

3 C. In computing the period of active engagement required under this
4 section:

5 1. Each year of study **THAT IS** satisfactorily completed in an
6 architectural, engineering, geological or landscape architectural school
7 approved by the board is equivalent to one year of active engagement up to a
8 maximum of five years. One year or more of teaching architectural,
9 engineering, geological or landscape architectural subjects in a school
10 approved by the board is equivalent to one year of active engagement.

11 2. Each year of study satisfactorily completed in an assaying or land
12 surveying curriculum and school approved by the board is considered
13 equivalent to one year of active engagement up to a maximum of four years.
14 One year or more of teaching assaying or land surveying or other courses
15 approved by the board as pertinent to the profession in which registration is
16 sought in a school approved by the board is equivalent to one year of active
17 engagement.

18 D. Except as provided in subsection E of this section, experience
19 credited by the board under this section and sections 32-101, 32-122 and
20 32-126 must be attained under the direct supervision of a professional who is
21 satisfactory to the board and registered in this state, another state or a
22 foreign country in the profession in which the applicant is seeking
23 registration, except that up to one year's experience may be attained under
24 the direct supervision of a professional who is satisfactory to the board and
25 registered in another profession regulated under this chapter in this state,
26 another state or a foreign country.

27 E. By **A** two-thirds majority vote, the board may allow an applicant
28 except for an architect applicant to meet the requirements of subsection D of
29 this section by crediting comparable experience satisfactory to the board
30 that the applicant attained without direct supervision of a registered
31 professional.

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

34 32-122.02. Certification of home inspectors; insurance

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

36 1. Be at least eighteen years of age.

37 2. Be of good moral character and repute.

38 3. Have passed within two years preceding application, ~~or within five~~
39 ~~years preceding application if the application is made by December 31, 2002,~~
40 a written examination that is approved by the board and that meets the
41 competency standards recommended by the home inspector rules and standards
42 committee and adopted by the board.

43 4. Have passed a course of study ~~and a home inspector in-training~~
44 ~~program~~ that meets the standards recommended by the home inspector rules and
45 standards committee and approved by the board.

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

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

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

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

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

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

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

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

30 C. If a home inspector loses or otherwise fails to maintain a required
31 financial assurance, the certification shall be automatically suspended and
32 shall be reinstated if a financial assurance is obtained within ninety days.
33 If a financial assurance is not obtained within ninety days, the
34 certification shall be automatically revoked.

35 D. A home inspector is subject to this chapter and rules adopted
36 pursuant to this chapter.

37 Sec. 8. Section 32-123, Arizona Revised Statutes, is amended to read:
38 32-123. Application for registration and certification; denial;
39 hearing

40 A. A person desiring to practice any board-regulated profession or
41 occupation shall apply for registration or certification on a form prescribed
42 by the board, subscribed under penalty of perjury and accompanied by the
43 appropriate application fee prescribed by the board. If the evidence
44 submitted satisfies the board that the applicant is fully qualified to
45 practice the profession or occupation for which registration or certification
46 is asked, the board or the executive director as authorized by the board

1 shall grant the applicant a certificate of registration or certification,
2 signed by the chairman and secretary and attested by the official seal. If
3 the applicant seeks registration as a professional engineer, the certificate
4 of registration shall list the proficiency designation in the branch of
5 engineering in which the applicant has demonstrated proficiency.

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

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

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

16 Sec. 9. Section 32-127, Arizona Revised Statutes, is amended to read:
17 32-127. ~~Renewal of certification or registration; penalty fee;~~
18 ~~cancellation; inactive status; renewal fees; home~~
19 ~~inspector exam requirement~~

20 A. The board shall establish a system for renewing certification or
21 registration.

22 B. Except as provided in section 32-4301, certificates of registration
23 or certification are invalid after their expiration date unless renewed by
24 payment of the required renewal fee. If the renewal fee is not paid prior to
25 the expiration date, it shall be accompanied by a penalty fee equal to
26 one-sixth of the renewal fee for each year or fraction of a year of
27 delinquency.

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

33 **1. IF THE REGISTRATION OR CERTIFICATION HAS BEEN INVALID FOR LESS THAN**
34 **FIVE YEARS OR HAS BEEN INVALID FOR AT LEAST FIVE YEARS BUT THE PERSON HAS**
35 **PRACTICED AS A LICENSED, CERTIFIED OR REGISTERED PROFESSIONAL IN THAT**
36 **PROFESSION IN ANOTHER JURISDICTION FOR THE FIVE YEARS IMMEDIATELY BEFORE THE**
37 **DATE OF THE PERSON'S APPLICATION WITH THE BOARD:**

38 **(a) THE PERSON SHALL APPLY AS A NEW CANDIDATE AND PAY THE APPLICATION**
39 **FEE.**

40 **(b) THE PERSON IS NOT REQUIRED TO TAKE AND PASS THE APPLICABLE**
41 **PROFESSIONAL EXAMINATION.**

42 **2. IF THE REGISTRATION OR CERTIFICATION HAS BEEN INVALID FOR AT LEAST**
43 **FIVE YEARS AND THE PERSON HAS NOT PRACTICED AS A LICENSED, CERTIFIED OR**
44 **REGISTERED PROFESSIONAL IN THAT PROFESSION IN ANY OTHER JURISDICTION FOR THE**
45 **FIVE YEARS IMMEDIATELY BEFORE THE DATE OF THE PERSON'S APPLICATION WITH THE**

1 BOARD, THE PERSON SHALL APPLY AS A NEW CANDIDATE, PAY THE APPLICATION FEE AND
2 TAKE AND PASS THE PROFESSIONAL EXAMINATION.

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

5 E. A registrant who retires from the active practice of any ~~board~~
6 ~~regulated~~ BOARD-REGULATED profession or occupation or who is not currently
7 practicing that ~~board-regulated~~ BOARD-REGULATED profession or occupation in
8 this state may request that the board place the registrant's certificate of
9 registration or certification on inactive status. The registrant shall submit
10 the request in writing to the board.

11 F. If the board has invalidated, pursuant to subsection B of this
12 section, the certificate of registration of a registrant who seeks to place
13 the certificate of registration on inactive status, the registrant shall
14 submit all penalty fees that are due with the registrant's application for
15 inactive status.

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

19 H. A registrant who holds an inactive certificate of registration may
20 apply to the board to reactivate the certificate of registration. The board
21 shall reactivate an inactive certificate of registration if the registrant
22 submits a completed application on a form prescribed by the board and meets
23 the qualifications for professional registration set forth in section
24 32-122.01. A registrant who seeks reactivation of the registrant's
25 certificate of registration and who has not been engaged in the profession in
26 which the registrant seeks reactivation for the five years immediately
27 preceding the date of the application for reactivation shall take the
28 applicable professional examination.

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

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

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

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

42 32-129. Confidentiality

43 A. Examination material, file records of examination grading and
44 performance, transcripts of educational institutions, letters of inquiry and
45 reference concerning applicants and board inquiry forms concerning applicants

1 are confidential and are not subject to inspection pursuant to title 39,
2 chapter 1, article 2.

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

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

18 Sec. 11. Section 32-152, Arizona Revised Statutes, is amended to read:
19 32-152. Record documents; definition

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

24 1. If the registered or certified professional provided construction
25 phase services on the project that include supervision of the construction of
26 engineering structures, the plans shall be based on field observations of the
27 registered or certified professional or the professional's agents and
28 information received from the project owner, project contractors and public
29 agencies.

30 2. If the registered or certified professional did not provide
31 construction phase services on the project that include supervision of the
32 construction of engineering structures, the plans shall be based on
33 information received from the project owner, project contractors and public
34 agencies, but need not be based on a field verification or investigation of
35 the improvements or grades unless the registered or certified professional is
36 engaged to provide the field verification services.

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

40 B. For the purposes of this section, ~~"as-built-plans"~~ "RECORD
41 DOCUMENTS" means plans that document the registered or certified
42 professional's final plans and that include all changes made to the plans in
43 the actual project construction. ~~As-built-plans~~ RECORD DOCUMENTS include ~~as~~
44 ~~constructed~~ AS-CONSTRUCTED plans ~~and record~~ OR AS-BUILT plans.

S.B. 1422

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