

REFERENCE TITLE: **engineering practice; definition**

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SB 1298

Introduced by
Senator Mesnard

AN ACT

AMENDING SECTION 32-101, ARIZONA REVISED STATUTES; RELATING TO THE 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
9 chapter.

10 B. In this chapter, unless the context otherwise requires:

11 1. "Advertising" includes business cards, signs or letterhead
12 provided by a person to the public.

13 2. "Alarm" or "alarm system":

14 (a) Means any mechanical or electrical device that is designed to
15 emit an audible alarm or transmit a signal or message if activated and
16 that is used to detect an unauthorized entry into a building or other
17 facility or alert other persons of the occurrence of a medical emergency
18 or the commission of an unlawful act against a person or in a building or
19 other facility.

20 (b) Includes:

21 (i) A silent, panic, holdup, robbery, duress, burglary, medical
22 alert or proprietor alarm that requires emergency personnel to respond.

23 (ii) A low-voltage electric fence.

24 (c) Does not include a telephone call diverter or a system that is
25 designed to report environmental and other occurrences and that is not
26 designed or used to alert or cause other persons to alert public safety
27 personnel.

28 3. "Alarm agent":

29 (a) Means a person, whether an employee, an independent contractor
30 or otherwise, who acts on behalf of an alarm business and who tests,
31 maintains, services, repairs, sells, rents, leases or installs alarm
32 systems.

33 (b) Does not include any action by a person that:

34 (i) Is performed in connection with an alarm system located on the
35 person's own property or the property of the person's employer.

36 (ii) Is acting on behalf of an alarm business whose work duties do
37 not include visiting the location where an alarm system installation
38 occurs.

39 4. "Alarm business":

40 (a) Means any person who, either alone or through a third party,
41 engages in the business of either of the following:

42 (i) Providing alarm monitoring services.

43 (ii) Selling, leasing, renting, maintaining, repairing or
44 installing a nonproprietor alarm system or service.

1 (b) Does not include any of the following:

2 (i) A person or company that purchases, rents or uses an alarm that
3 is affixed to a motor vehicle.

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

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

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

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

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

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

14 (b) Leases or rents an alarm system.

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

17 6. "Architect" means a person who, by reason of knowledge of the
18 mathematical and physical sciences and the principles of architecture and
19 architectural engineering acquired by professional education and practical
20 experience, is qualified to engage in the practice of architecture and is
21 registered as an architect pursuant to this chapter.

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

33 8. "Board" means the state board of technical registration.

34 9. "Controlling person":

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

36 (b) Does not include an alarm agent.

37 10. "Engineer" means a person who, by reason of special knowledge
38 of the mathematical and physical sciences and the principles and methods
39 of engineering analysis and design acquired by professional education and
40 practical experience, is qualified to practice engineering and is
41 registered as a professional engineer pursuant to this chapter.

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

1 consultation, research investigation, evaluation, planning, surveying as
2 defined in paragraph 22, 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
5 private utility, structure, building, machine, equipment, process, work or
6 project TO THE EXTENT THAT THE ENGINEERING EDUCATION, TRAINING AND
7 EXPERIENCE REQUIREMENTS PRESCRIBED BY SECTIONS 32-122 AND 32-122.01 AND
8 THE APPLICATION OF SPECIAL KNOWLEDGE OF THE MATHEMATICAL, PHYSICAL AND
9 ENGINEERING SCIENCES ARE NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY OR
10 WELFARE. Such services and work include plans and designs relating to the
11 location, development, mining and treatment of ore and other minerals.

12 ~~A person shall be deemed to be practicing or offering to practice~~
13 ~~engineering if the person practices any branch of the profession of~~
14 ~~engineering, or by verbal claim, sign, advertisement, letterhead, card or~~
15 ~~any other manner represents that the person is a professional engineer or~~
16 ~~is able to perform or does perform any engineering service or other~~
17 ~~service recognized by educational authorities as engineering.~~ A person
18 employed on a full-time basis as an engineer by an employer engaged in the
19 business of developing, mining and treating ores and other minerals shall
20 not be deemed to be practicing engineering for the purposes of this
21 chapter if the person engages in the practice of engineering exclusively
22 for and as an employee of such employer and does not represent that the
23 person is available and is not represented as being available to perform
24 any engineering services for persons other than the person's employer.

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

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

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

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

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

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

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

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

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

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

42 20. "Landscape architect" means a person who, by reason of
43 professional education or practical experience, or both, is qualified to
44 engage in the practice of landscape architecture as attested by
45 registration as a landscape architect.

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

17 22. "Land surveying practice" means the performance of one or more
18 of the following professional services:

19 (a) Measurement of land to determine the position of any monument
20 or reference point that marks a property line, boundary or corner for the
21 purpose of determining the area or description of the land.

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

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

26 (d) Measurement by angles, distances and elevations of natural or
27 artificial features in the air, on the surface and immediate subsurface of
28 the earth, within underground workings and on the surface or within bodies
29 of water for the purpose of determining or establishing their location,
30 size, shape, topography, grades, contours or water surface and depths, and
31 the preparation and perpetuation of field note records and maps depicting
32 these features.

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

35 23. "Land surveyor" means a person who by reason of knowledge of
36 the mathematical and physical sciences, principles of land surveying and
37 evidence gathering acquired by professional education or practical
38 experience, or both, is qualified to practice land surveying as attested
39 by registration as a land surveyor. A person employed on a full-time
40 basis as a land surveyor by an employer engaged in the business of
41 developing, mining or treating ores or other minerals shall not be deemed
42 to be engaged in land surveying practice for purposes of this chapter if
43 the person engages in land surveying practice exclusively for and as an
44 employee of such employer and does not represent that the person is

1 available and is not represented as being available to perform any land
2 surveying services for persons other than the person's employer.

3 24. "Land surveyor-in-training" means a candidate for registration
4 as a professional land surveyor who is a graduate of a school and
5 curriculum approved by the board or who has four years or more of
6 education or experience, or both, in land surveying work that meets
7 standards specified by the board in its rules. In addition, the candidate
8 shall have passed the land surveyor-in-training examination.

9 25. "Low-voltage electric fence" means a fence that meets all of
10 the following requirements:

11 (a) Has an electric fence energizer that is powered by a commercial
12 storage battery with a rated voltage of not more than twelve volts and
13 that produces an electric charge on contact with the fence.

14 (b) Is completely enclosed by a nonelectric fence or wall.

15 (c) Is continuously monitored.

16 (d) Is attached to ancillary components or equipment such as closed
17 circuit television systems, access controls, battery recharging devices
18 and video cameras.

19 (e) Does not exceed ten feet in height or two feet higher than the
20 nonelectric fence or wall described in subdivision (b) of this paragraph,
21 whichever is higher.

22 (f) Has identification warning signs attached at intervals of not
23 more than sixty feet.

24 (g) Is not installed in an area zoned exclusively for single family
25 or multifamily residential use.

26 (h) Does not enclose property that is used for residential
27 purposes.

28 26. "Monitored alarm" means a device that is designed for the
29 detection of an entry on any premises and that if activated generates a
30 notification signal.

31 27. "Person" means any individual, firm, partnership, corporation,
32 association or other organization.

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

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

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

41 31. "Registration" means a registration or certification issued by
42 the board.