

House Engrossed

elevator contractors; elevator mechanics; regulation

State of Arizona  
House of Representatives  
Fifty-seventh Legislature  
First Regular Session  
2025

# HOUSE BILL 2233

AN ACT

AMENDING SECTIONS 23-491, 23-491.02 AND 32-1101, ARIZONA REVISED STATUTES;  
AMENDING SECTION 32-1121, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS  
2019, CHAPTER 140, SECTION 1; AMENDING SECTION 32-1121, ARIZONA REVISED  
STATUTES, AS AMENDED BY LAWS 2019, CHAPTER 145, SECTION 5; AMENDING  
SECTION 32-1151, ARIZONA REVISED STATUTES; RELATING TO ELEVATOR  
CONTRACTORS AND ELEVATOR MECHANICS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 23-491, Arizona Revised Statutes, is amended to  
3 read:

4 23-491. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Authorized representative" means the elevator chief and  
7 elevator inspector employed by the division.

8 2. "Certificate" means a certificate of inspection issued by the  
9 division.

10 3. "Commission" means the industrial commission of Arizona.

11 4. "Conveyance":

12 (a) Means an elevator, dumbwaiter, escalator, moving walk, manlift,  
13 personnel hoist, material hoist, stage lift and special purpose personnel  
14 elevator. ~~excluding~~

15 (b) DOES NOT INCLUDE conveyances located at mines ~~and~~ THAT ARE  
16 subject to regulation and inspection by the state mine inspector pursuant  
17 to title 27, chapter 3.

18 5. "Director" means the director of the division ~~of occupational~~  
19 ~~safety and health.~~

20 6. "Division" means the division of occupational safety and health  
21 of the ~~industrial~~ commission.

22 7. "Dumbwaiter" means a hoisting and lowering mechanism with a car  
23 of limited capacity and size that moves in guides in a substantially  
24 vertical direction and that is used exclusively for carrying material.

25 8. "Elevator" means a hoisting and lowering mechanism equipped with  
26 a car or platform that moves in guides in substantially vertical direction  
27 and that serves two or more floors of a building or structure.

28 9. "Elevator company" means a person that is engaged in the  
29 business of erecting, constructing, installing, altering, servicing,  
30 repairing or maintaining conveyances.

31 10. "ELEVATOR CONTRACTOR" MEANS A PERSON THAT HAS BEEN ISSUED AN  
32 ELEVATOR CONTRACTOR'S LICENSE PURSUANT TO TITLE 32, CHAPTER 10 AND THAT  
33 EMPLOYS AT LEAST ONE ELEVATOR MECHANIC.

34 11. "ELEVATOR MECHANIC" MEANS AN INDIVIDUAL WHO IS QUALIFIED  
35 PURSUANT TO RULES ADOPTED BY THE REGISTRAR OF CONTRACTORS TO ENGAGE IN  
36 ERECTING, CONSTRUCTING, INSTALLING, ALTERING, SERVICING, REPAIRING,  
37 TESTING OR MAINTAINING CONVEYANCES.

38 ~~10.~~ 12. "Escalator" means a ~~power-driven~~ POWER-DRIVEN, inclined,  
39 continuous stairway used for raising or lowering passengers.

40 ~~11.~~ 13. "Interested party" means the commission and its agents and  
41 the owner or operator who has been issued a correction order.

42 ~~12.~~ 14. "Manlift" means a device ~~consisting~~ THAT CONSISTS of a  
43 ~~power-driven~~ POWER-DRIVEN endless belt moving in one direction only and  
44 ~~provided with~~ steps or platforms and attached handholds ~~for the~~  
45 ~~transportation of~~ AND THAT TRANSPORTS personnel from floor to floor.

1       ~~13.~~ 15. "Material hoist":  
2       (a) Means a hoist for raising and lowering materials only. ~~and~~  
3 ~~prohibiting the hoisting of~~  
4       (b) DOES NOT INCLUDE A DEVICE THAT HOISTS persons.  
5       ~~14.~~ 16. "Moving walk" means a type of ~~passenger-carrying~~  
6 PASSENGER-CARRYING device on which passengers stand or walk and in which  
7 the ~~passenger-carrying~~ PASSENGER-CARRYING surface remains parallel to its  
8 direction of motion and is uninterrupted.  
9       ~~15.~~ 17. "Owner" or "operator":  
10       (a) Means an individual or organization, including this state and  
11 all political subdivisions of this state, ~~who~~ THAT has title to, controls  
12 or has the duty to control the operation of one or more conveyances. ~~, but~~  
13 ~~shall~~  
14       (b) DOES not include an individual or organization THAT IS engaged  
15 in mining or metallurgical operations whose operation is subject to  
16 regulation and inspection by the state mine inspector pursuant to title  
17 27, chapter 3.  
18       ~~16.~~ 18. "Personnel hoist":  
19       (a) Means a mechanism ~~for use~~ THAT IS USED in connection with the  
20 construction, alteration, maintenance, TESTING or demolition of a  
21 building, structure or other work, THAT IS used for hoisting and lowering  
22 workers and materials and THAT IS equipped with a car that moves on guide  
23 members during its vertical movement. ~~The term~~  
24       (b) Includes a hoistway of a personnel hoist.  
25       ~~17.~~ 19. "Private elevator inspector" means an individual who is  
26 authorized by the commission under section 23-491.16 to conduct  
27 inspections under this article.  
28       ~~18.~~ 20. "Special purpose personnel elevator" means a passenger,  
29 ~~hand-powered~~ HAND-POWERED, counterweighted device or an ~~electric powered~~  
30 ELECTRIC-POWERED device that travels vertically in guides and that serves  
31 two or more landings.  
32       ~~19.~~ 21. "Stage lift" means a hoisting and lowering mechanism  
33 equipped with a platform that moves in guides in a substantially vertical  
34 direction and that serves one or more landings.  
35       Sec. 2. Section 23-491.02, Arizona Revised Statutes, is amended to  
36 read:  
37       23-491.02. Owners and operators; duties  
38       ~~Every~~ EACH owner and operator of a conveyance shall:  
39       1. Construct, furnish, maintain and provide safe and adequate  
40 devices with which to safely and properly convey or move all persons and  
41 material ~~utilizing~~ USING the services offered by the owner or operator of  
42 such ~~device~~ DEVICES.  
43       2. Comply with all standards and regulations issued pursuant to  
44 this article.

1       3. Ensure that ~~a~~ THE conveyance is inspected at all of the  
2 following times:

3       (a) Before placing ~~a~~ THE conveyance in operation after the initial  
4 installation of the conveyance.

5       (b) After modification or alteration of ~~a~~ THE conveyance.

6       (c) After the inspection pursuant to subdivision (a) OF THIS  
7 PARAGRAPH, annually or as otherwise directed by the commission.

8       4. ENSURE THAT THE CONVEYANCE IS INSTALLED, SERVICED OR REPAIRED BY  
9 AN ELEVATOR CONTRACTOR AND ELEVATOR MECHANIC IN ACCORDANCE WITH THIS  
10 ARTICLE AND THE RULES ADOPTED PURSUANT TO THIS ARTICLE.

11       Sec. 3. Section 32-1101, Arizona Revised Statutes, is amended to  
12 read:

13       32-1101. Definitions

14       A. In this chapter, unless the context otherwise requires:

15       1. "Advertisement":

16       (a) Means any written or oral publication, dissemination,  
17 solicitation or circulation that is intended to directly or indirectly  
18 induce any person to enter into an agreement for contracting services with  
19 a contractor. ~~, including~~

20       (b) INCLUDES business cards and telephone directory display  
21 advertisements.

22       2. "Commercial contractor" is synonymous with the terms "commercial  
23 builder", "industrial builder" and "public works builder" and means any  
24 person, firm, partnership, corporation, association or other organization,  
25 or a combination of any of them, that, for compensation, undertakes to or  
26 offers to undertake to, purports to have the capacity to undertake to,  
27 submits a bid or responds to a request for qualification or a request for  
28 proposals for construction services to, does himself or by or through  
29 others, or directly or indirectly supervises others, except within  
30 residential property lines, to:

31       (a) Construct, alter, repair, add to, subtract from, improve, move,  
32 wreck or demolish any building, highway, road, railroad, excavation or  
33 other structure, project, development or improvement, or to do any part  
34 thereof, including the erection of scaffolding or any other structure or  
35 work in connection with the construction.

36       (b) Connect such a structure or improvements to utility service  
37 lines and metering devices and the sewer line.

38       (c) Provide mechanical or structural service for any such structure  
39 or improvements.

40       3. "Contractor":

41       (a) Is synonymous with the term "builder" and means any person,  
42 firm, partnership, corporation, association or other organization, or a  
43 combination of any of them, that, for compensation, undertakes to or  
44 offers to undertake to, purports to have the capacity to undertake to,  
45 submits a bid or responds to a request for qualification or a request for

1 proposals for construction services to, does himself or by or through  
2 others, or directly or indirectly supervises others to:

3 (i) Construct, alter, repair, add to, subtract from, improve, move,  
4 wreck or demolish any building, highway, road, railroad, excavation or  
5 other structure, project, development or improvement, or to do any part  
6 thereof, including the erection of scaffolding or any other structure or  
7 work in connection with the construction.

8 (ii) Connect such a structure or improvements to utility service  
9 lines and metering devices and the sewer line.

10 (iii) Provide mechanical or structural service for any such  
11 structure or improvements.

12 (b) Includes subcontractors, specialty contractors, floor covering  
13 contractors, hardscape contractors and consultants who represent that they  
14 are able to supervise or manage a construction project for the property  
15 owner's benefit, including hiring and firing specialty contractors,  
16 scheduling work on the project and selecting and purchasing construction  
17 material.

18 4. "CONVEYANCE" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-491.

19 ~~4.~~ 5. "Dual licensed contractor" is synonymous with the term  
20 "commercial and residential builder" and means any person, firm,  
21 partnership, corporation, association or other organization, or a  
22 combination of any of them, that for compensation undertakes to or offers  
23 to undertake to, purports to have the capacity to undertake to, submits a  
24 bid or responds to a request for qualification or a request for proposals  
25 for construction services to, does himself or by or through others, or  
26 directly or indirectly supervises others under a single license on  
27 commercial or residential property to:

28 (a) Construct, alter, repair, add to, subtract from, improve, move,  
29 wreck or demolish any building, excavation or other structure or  
30 improvement, including any appurtenances, or to do any part thereof.

31 (b) Connect such a structure or improvements to utility service  
32 lines and metering devices and the sewer line.

33 (c) Provide mechanical or structural service for any such structure  
34 or improvements.

35 6. "ELEVATOR" HAS THE SAME MEANING PRESCRIBED IN SECTION 23-491.

36 7. "ELEVATOR CONTRACTOR" MEANS A PERSON THAT IS ISSUED AN ELEVATOR  
37 CONTRACTOR'S LICENSE AND THAT EMPLOYS AT LEAST ONE ELEVATOR MECHANIC.

38 8. "ELEVATOR MECHANIC" MEANS AN INDIVIDUAL WHO IS QUALIFIED  
39 PURSUANT TO RULES ADOPTED BY THE REGISTRAR OF CONTRACTORS TO ENGAGE IN  
40 ERECTING, CONSTRUCTING, INSTALLING, ALTERING, SERVICING, REPAIRING,  
41 TESTING OR MAINTAINING ELEVATORS AND RELATED CONVEYANCES.

42 ~~5.~~ 9. "License" means an authorization for the person who is  
43 listed on the electronic, paper or other records maintained by the  
44 registrar to act in the capacity of a contractor.

1       ~~6-~~ 10. "Named on a license" means ~~required to be~~ identified AS  
2 REQUIRED pursuant to section 32-1122, subsection B.  
3       ~~7-~~ 11. "Person" means a corporation, company, partnership, firm,  
4 association, trust, society or natural person.  
5       ~~8-~~ 12. "Qualifying party" means a person who is responsible for a  
6 licensee's actions and conduct performed under the license and who either:  
7       (a) Has an ownership interest in the license.  
8       (b) Is regularly employed by the licensee.  
9       ~~9-~~ 13. "Registrar" means the registrar of contractors.  
10       ~~10-~~ 14. "Residential contractor":  
11       (a) Is synonymous with the term "residential builder" and means any  
12 person, firm, partnership, corporation, association or other organization,  
13 or a combination of any of them, that for compensation undertakes to or  
14 offers to undertake to, purports to have the capacity to undertake to,  
15 submits a bid or responds to a request for qualification or a request for  
16 proposals for construction services to, or does himself or by or through  
17 others, within residential property lines:  
18       (i) Construct, alter, repair, add to, subtract from, improve, move,  
19 wreck or demolish any residential structure, such as houses, townhouses,  
20 condominiums or cooperative units and any appurtenances on or within  
21 residential property lines.  
22       (ii) Connect such a residential structure to utility service lines,  
23 metering devices or sewer lines.  
24       (iii) Provide mechanical or structural service for any such  
25 residential structure.  
26       (b) Does not include an owner making improvements to the owner's  
27 property pursuant to section 32-1121, subsection A, paragraph 5.  
28       B. Only contractors as defined in this section are licensed and  
29 regulated by this chapter.  
30       Sec. 4. Section 32-1121, Arizona Revised Statutes, as amended by  
31 Laws 2019, chapter 140, section 1, is amended to read:  
32       32-1121. Persons not required to be licensed; penalties;  
33               applicability  
34       A. This chapter does not apply to:  
35       1. An authorized representative of the United States government,  
36 this state or any county, incorporated city or town, reclamation district,  
37 irrigation district or other municipality or political subdivision of this  
38 state.  
39       2. Trustees of an express trust that is not formed for the purpose  
40 of conducting business as a contractor or officers of a court, if they are  
41 acting within the terms of their trust or office.  
42       3. Public utilities operating under regulation of the corporation  
43 commission or construction, repair or operation incidental to discovering  
44 or producing petroleum or gas, or drilling, testing, abandoning or

1 otherwise operating a petroleum or gas well, if performed by an owner or  
2 lessee.

3         4. Any materialman, manufacturer or retailer that furnishes  
4 finished products, materials or articles of merchandise and that does not  
5 install or attach such items or installs or attaches such items if the  
6 total value of the sales contract or transaction involving such items and  
7 the cost of the installation or attachment of such items to a structure  
8 does not exceed \$1,000, including labor, materials and all other items,  
9 but excluding any electrical fixture or appliance that was designed by the  
10 manufacturer, that is unaltered, unchanged or unmodified by any person,  
11 that can be plugged into a common household electrical outlet using a  
12 two-pronged or three-pronged electrical connector or that has internal  
13 batteries that do not exceed twelve volts in a single, series or parallel  
14 configuration and that does not use any other form of energy, including  
15 natural gas, propane or other petroleum or gaseous fuel, to operate or is  
16 attached by a nail, screw or other fastening device to the frame or  
17 foundation of any residential structure. The materialman, manufacturer or  
18 retailer shall inform the purchaser that the installation may also be  
19 performed by a licensed contractor whose name and address the purchaser  
20 may request.

21         5. Owners of property who improve such property or who build or  
22 improve structures or appurtenances on such property and who do the work  
23 themselves, with their own employees or with duly licensed contractors, if  
24 the structure, group of structures or appurtenances, including the  
25 improvements thereto, are intended for occupancy solely by the owner and  
26 are not intended for occupancy by members of the public as the owner's  
27 employees or business visitors and the structures or appurtenances are not  
28 intended for sale or for rent. In all actions brought under this chapter,  
29 except an action against an owner-occupant as defined in section 33-1002,  
30 proof of the sale or rent or the offering for sale or rent of any such  
31 structure by the owner-builder within one year after completion or  
32 issuance of a certificate of occupancy is prima facie evidence that such a  
33 project was undertaken for the purpose of sale or rent. For the purposes  
34 of this paragraph, "sale" or "rent" includes any arrangement by which the  
35 owner receives compensation in money, provisions, chattels or labor from  
36 the occupancy or the transfer of the property or the structures on the  
37 property.

38         6. Owners of property who are acting as developers and who build  
39 structures or appurtenances to structures on their property for the  
40 purpose of sale or rent and who contract for such a project with a general  
41 contractor licensed pursuant to this chapter and owners of property who  
42 are acting as developers, who improve structures or appurtenances to  
43 structures on their property for the purpose of sale or rent and who  
44 contract for such a project with a general contractor or specialty  
45 contractors licensed pursuant to this chapter. To qualify for the

1 exemption under this paragraph, the licensed contractors' names and  
2 license numbers shall be included in all sales documents.

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

7       (a) Subsurface utility location and designation services.

8       (b) Potholing.

9       (c) Drilling for any of the following:

10       (i) Soil samples.

11       (ii) Rock samples.

12       (iii) Pavement samples.

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

16       8. A person licensed, certified or registered pursuant to title 3,  
17 chapter 20 or a person working under the direct supervision of a person  
18 certified or qualified pursuant to title 3, chapter 20 to the extent the  
19 person is engaged in pest management.

20       9. The sale or installation of finished products, materials or  
21 articles of merchandise that are not fabricated into and do not become a  
22 permanent fixed part of the structure. This exemption does not apply if a  
23 local building permit is required, if the total price of the finished  
24 product, material or article of merchandise, including labor but excluding  
25 any electrical fixture or appliance that was designed by the manufacturer,  
26 that is unaltered, unchanged or unmodified by any person, that can be  
27 plugged into a common household electrical outlet using a two-pronged or  
28 three-pronged electrical connector or that has internal batteries that do  
29 not exceed twelve volts in a single, series or parallel configuration and  
30 that does not use any other form of energy, including natural gas, propane  
31 or other petroleum or gaseous fuel, to operate or is attached by a nail,  
32 screw or other fastening device to the frame or foundation of any  
33 residential structure, is more than \$1,000 or if the removal of the  
34 finished product, material or article of merchandise causes material  
35 damage to the structure or renders the structure unfit for its intended  
36 use.

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

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

44       12. A surety company or companies that are authorized to transact  
45 business in this state and that undertake to complete a contract on which



1 they issued a performance or completion bond if all construction work is  
2 performed by duly licensed contractors.

3 13. Insurance companies that are authorized to transact business in  
4 this state and that undertake to perform repairs resulting from casualty  
5 losses pursuant to the provisions of a policy if all construction work is  
6 performed by duly licensed contractors.

7 14. Any person other than a licensed contractor engaging in any work  
8 or operation on one undertaking or project by one or more contracts, for  
9 which the aggregate contract price, including labor, materials and all  
10 other items, but excluding any electrical fixture or appliance that was  
11 designed by the manufacturer, that is unaltered, unchanged or unmodified  
12 by any person, that can be plugged into a common household electrical  
13 outlet using a two-pronged or three-pronged electrical connector or that  
14 has internal batteries that do not exceed twelve volts in a single, series  
15 or parallel configuration and that does not use any other form of energy,  
16 including natural gas, propane or other petroleum or gaseous fuel, to  
17 operate or is attached by a nail, screw or other fastening device to the  
18 frame or foundation of any residential structure, is less than  
19 \$1,000. The work or operations that are exempt under this paragraph shall  
20 be of a casual or minor nature. This exemption does not apply:

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

23 (b) In any case in which the work or construction is only a part of  
24 a larger or major operation, whether undertaken by the same or a different  
25 contractor, or in which a division of the operation is made in contracts  
26 of amounts less than \$1,000, excluding any electrical fixture or appliance  
27 that was designed by the manufacturer, that is unaltered, unchanged or  
28 unmodified by any person, that can be plugged into a common household  
29 electrical outlet using a two-pronged or three-pronged electrical  
30 connector or that has internal batteries that do not exceed twelve volts  
31 in a single, series or parallel configuration and that does not use any  
32 other form of energy, including natural gas, propane or other petroleum or  
33 gaseous fuel, to operate or is attached by a nail, screw or other  
34 fastening device to the frame or foundation of any residential structure,  
35 for the purpose of evasion of this chapter or otherwise.

36 (c) To a person who uses any form of advertising to the public in  
37 which the person's unlicensed status is not disclosed by including the  
38 words "not a licensed contractor" in the advertisement.

39 15. A person who is licensed, certified or registered pursuant to  
40 title 41, chapter 37, article 4 and who is not otherwise required to be  
41 licensed under this chapter or an employee of such person.

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

44 17. Alarm agents as defined in section 32-101.

1        18. Cable television, satellite television and telecommunications  
2 providers, including data and related services of cable television,  
3 satellite television and telecommunications providers including  
4 contractors and subcontractors of cable television, satellite television  
5 and telecommunications providers if the work of the contractors and  
6 subcontractors is limited to installing low-voltage cable, telephone  
7 services, internet services and data service. ~~Installation~~ **INSTALLING**  
8 does not include digging, trenching, grading, horizontal boring,  
9 compacting or filling earthen or other material before the service drop of  
10 the commercial or residential structure.

11        B. A person who is licensed to perform work in a particular trade  
12 pursuant to this chapter is not required to obtain and maintain a separate  
13 license for mechanical or structural service work the person performs  
14 within the scope of that trade.

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

20        D. The exemptions from licensure pursuant to subsection A,  
21 paragraphs 4, 9 and 14 of this section do not apply to ~~either~~ **ANY** of the  
22 following:

23        1. All fire safety and mechanical, electrical and plumbing work  
24 that is done in connection with fire safety installation and fire safety  
25 maintenance and repair. For the purposes of this paragraph, "fire safety  
26 installation" means hardwired or interconnected smoke alarms and fire  
27 sprinklers and does not include an individual device that is attached by a  
28 nail, screw or other fastening device to the frame or foundation of any  
29 residential unit. For the purposes of this paragraph, fire safety  
30 maintenance and repair does not include routine work that is conducted by  
31 an employee of an apartment or condominium complex and that is incidental  
32 to the fire safety equipment.

33        2. All work done, including installing, maintaining and repairing  
34 devices, appliances or equipment, that involves connecting to any supply  
35 of natural gas, propane or other petroleum or gaseous fuel. This  
36 paragraph does not impact the effect of section 36-1624.01.

37        3. **ALL WORK THAT IS DONE BY AN ELEVATOR CONTRACTOR OR ELEVATOR**  
38 **MECHANIC, INCLUDING THE INSTALLATION, SERVICE, TESTING AND REPAIRS OF**  
39 **ELEVATORS OR ELEVATOR EQUIPMENT. THE INSTALLATION, SERVICE, TESTING AND**  
40 **REPAIR OF ELEVATORS OR ELEVATOR EQUIPMENT DO NOT INCLUDE ROUTINE WORK THAT**  
41 **IS CONDUCTED BY AN EMPLOYEE OF AN ELEVATOR CONTRACTOR AND THAT DOES NOT**  
42 **INVOLVE THE ACTUAL PHYSICAL INSTALLATION, MAINTENANCE, TESTING AND REPAIR**  
43 **OF ELEVATORS.**

1       Sec. 5. Section 32-1121, Arizona Revised Statutes, as amended by  
2 Laws 2019, chapter 145, section 5, is amended to read:

3       32-1121. Persons not required to be licensed; penalties;  
4       applicability

5       A. This chapter does not apply to:

6       1. An authorized representative of the United States government,  
7 this state or any county, incorporated city or town, reclamation district,  
8 irrigation district or other municipality or political subdivision of this  
9 state.

10       2. Officers of a court or trustees of an express trust that is not  
11 formed for the purpose of conducting business as a contractor, if they are  
12 acting within the terms of their office or trust.

13       3. Public utilities operating under regulation of the corporation  
14 commission or construction, repair or operation incidental to discovering  
15 or producing petroleum or gas, or the drilling, testing, abandoning or  
16 other operation of a petroleum or gas well, if performed by an owner or  
17 lessee.

18       4. Except as provided in subsection D of this section, any  
19 materialman, manufacturer or retailer who informs the purchaser that the  
20 installation may also be performed by a licensed contractor whose name and  
21 address the purchaser may request ~~and~~, who furnishes finished products,  
22 materials or articles of merchandise and who EITHER:

23       (a) Does not install or attach such items.

24       (b) Installs or attaches such items if the total value of the sales  
25 contract or transaction involving such items and the cost of the  
26 installation or attachment of such items to a structure does not exceed  
27 \$1,000, including labor, materials and all other items, but excluding any  
28 electrical fixture or appliance that meets all of the following:

29       (i) Was designed by the manufacturer.

30       (ii) Is unaltered, unchanged or unmodified by any person.

31       (iii) Can be plugged into a common electrical outlet.

32       5. Owners of property who improve such property or who build or  
33 improve structures or appurtenances on such property and who do the work  
34 themselves, with their own employees or with duly licensed contractors, if  
35 the structure, group of structures or appurtenances, including the  
36 improvements thereto, are intended for occupancy solely by the owner and  
37 are not intended for occupancy by members of the public as the owner's  
38 employees or business visitors and the structures or appurtenances are not  
39 intended for sale or for rent. In all actions brought under this chapter,  
40 except an action against an owner-occupant as defined in section 33-1002,  
41 proof of the sale or rent or the offering for sale or rent of any such  
42 structure by the owner-builder within one year after completion or  
43 issuance of a certificate of occupancy is prima facie evidence that such  
44 project was undertaken for the purpose of sale or rent. For the purposes  
45 of this paragraph, "sale" or "rent" includes any arrangement by which the

1 owner receives compensation in money, provisions, chattels or labor from  
2 the occupancy or the transfer of the property or the structures on the  
3 property.

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

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

18       (a) Subsurface utility location and designation services.

19       (b) Potholing.

20       (c) Drilling for any of the following:

21       (i) Soil samples.

22       (ii) Rock samples.

23       (iii) Pavement samples.

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

27       8. A person licensed, certified or registered pursuant to title 3,  
28 chapter 20 or a person working under the direct supervision of a person  
29 certified or qualified pursuant to title 3, chapter 20 to the extent the  
30 person is engaged in pest management.

31       9. Except as provided in subsection D of this section, the sale or  
32 installation of finished products, materials or articles of merchandise  
33 that are not fabricated into and do not become a permanent fixed part of  
34 the structure. This exemption does not apply if a local building permit  
35 is required, if the removal of the finished product, material or article  
36 of merchandise causes damage to the structure or renders the structure  
37 unfit for its intended use or if the total price of the finished product,  
38 material or article of merchandise is more than \$1,000, including labor  
39 but excluding any electrical fixture or appliance that meets all of the  
40 following:

41       (a) Was designed by the manufacturer.

42       (b) Is unaltered, unchanged or unmodified by any person.

43       (c) Can be plugged into a common electrical outlet.

1       10. Employees of the owners of condominiums, townhouses,  
2 cooperative units or apartment complexes of four units or less or the  
3 owners' management agent or employees of the management agent repairing or  
4 maintaining structures owned by them.

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

8       12. A surety company or companies that are authorized to transact  
9 business in this state and that undertake to complete a contract on which  
10 they issued a performance or completion bond, if construction work is  
11 performed by duly licensed contractors.

12       13. Insurance companies that are authorized to transact business in  
13 this state and that undertake to perform repairs resulting from casualty  
14 losses pursuant to the provisions of a policy, if construction work is  
15 performed by duly licensed contractors.

16       14. Except as provided in subsection D of this section, any person  
17 other than a licensed contractor engaging in any work or operation on one  
18 undertaking or project by one or more contracts, for which the aggregate  
19 contract price is less than \$1,000, including labor, materials and all  
20 other items, but excluding any electrical fixture or appliance that was  
21 designed by the manufacturer, that is unaltered, unchanged or unmodified  
22 by any person and that can be plugged into a common electrical  
23 outlet. The work or operations that are exempt under this paragraph must  
24 be of a casual or minor nature. This exemption does not apply:

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

27       (b) In any case in which the work or construction is only a part of  
28 a larger or major operation, whether undertaken by the same or a different  
29 contractor, or in which a division of the operation is made in contracts  
30 of amounts less than \$1,000, excluding any electrical fixture or appliance  
31 that was designed by the manufacturer, that is unaltered, unchanged or  
32 unmodified by any person and that can be plugged into a common electrical  
33 outlet.

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

37       15. A person who is licensed, certified or registered pursuant to  
38 title 41, chapter 37, article 4 and who is not otherwise required to be  
39 licensed under this chapter or an employee of such person.

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

42       17. Alarm agents as defined in section 32-101.

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

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

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

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

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

28 3. ALL WORK THAT IS DONE BY AN ELEVATOR CONTRACTOR OR ELEVATOR  
29 MECHANIC, INCLUDING THE INSTALLATION, SERVICE, TESTING AND REPAIRS OF  
30 ELEVATORS OR ELEVATOR EQUIPMENT. THE INSTALLATION, SERVICE, TESTING AND  
31 REPAIR OF ELEVATORS OR ELEVATOR EQUIPMENT DO NOT INCLUDE ROUTINE WORK THAT  
32 IS CONDUCTED BY AN EMPLOYEE OF AN ELEVATOR CONTRACTOR AND THAT DOES NOT  
33 INVOLVE THE ACTUAL PHYSICAL INSTALLATION, MAINTENANCE, TESTING AND REPAIR  
34 OF ELEVATORS.

35 E. A joint venture or other combination of persons, firms,  
36 partnerships, corporations, associations or other organizations is not  
37 required to obtain a separate contractor's license in its own name if all  
38 of the following apply:

39 1. At least one member of the joint venture or combination holds a  
40 contractor's license in good standing with the registrar.

41 2. Each member of the joint venture or combination that acts as a  
42 contractor holds a license in good standing with the registrar.

43 3. Each licensed member of the joint venture or combination only  
44 performs work within the scope of that member's contractor's license or  
45 licenses.

1       Sec. 6. Section 32-1151, Arizona Revised Statutes, is amended to  
2 read:

3       32-1151. Engaging in contracting without license prohibited;  
4               elevator contractors

5       A. It is unlawful for any person, firm, partnership, corporation,  
6 association or other organization, or a combination of any of them, to  
7 engage in the business of, submit a bid or respond to a request for  
8 qualification or a request for proposals for construction services as, act  
9 or offer to act in the capacity of or purport to have the capacity of a  
10 contractor without having a contractor's license in good standing in the  
11 name of the person, firm, partnership, corporation, association or other  
12 organization as provided in this chapter, unless the person, firm,  
13 partnership, corporation, association or other organization is exempt as  
14 provided in this chapter. Evidence of securing a permit from a  
15 governmental agency or the employment of a person on a construction  
16 project shall be accepted in any court as prima facie evidence of  
17 existence of a contract.

18       B. IT IS A VIOLATION OF THIS CHAPTER FOR A PERSON TO CONDUCT THE  
19 FOLLOWING ACTIVITIES UNLESS THE PERSON IS AN ELEVATOR MECHANIC WHO IS  
20 WORKING UNDER THE DIRECT SUPERVISION OF A LICENSED ELEVATOR CONTRACTOR:

21       1. ERECT, CONSTRUCT, ALTER, REPLACE, MAINTAIN, REMOVE, TEST OR  
22 DISMANTLE ANY ELEVATOR OR RELATED CONVEYANCE CONTAINED WITHIN BUILDINGS OR  
23 STRUCTURES IN THIS STATE.

24       2. WIRE ANY ELEVATOR OR RELATED CONVEYANCE FROM THE MAINLINE FEEDER  
25 TERMINALS ON THE CONTROLLER.

26       C. SUBSECTION B OF THIS SECTION DOES NOT APPLY TO THE REMOVAL OR  
27 DISMANTLING OF CONVEYANCES THAT ARE DESTROYED AS A RESULT OF A DEMOLITION  
28 OF A SECURED BUILDING OR STRUCTURE OR FOR WHICH THE HOISTWAY OR WELLWAY IS  
29 DEMOLISHED BACK TO THE BASIC SUPPORT STRUCTURE WHEREBY NO ACCESS IS  
30 ALLOWED TO THE BASIC SUPPORT STRUCTURE TO ENDANGER THE SAFETY AND WELFARE  
31 OF A PERSON.