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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. "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. "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.