

COMMITTEE ON COMMERCE
SENATE AMENDMENTS TO S.B. 1298
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 that
16 is used to detect an unauthorized entry into a building or other facility
17 or alert other persons of the occurrence of a medical emergency or the
18 commission of an unlawful act against a person or in a building or other
19 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

1 designed or used to alert or cause other persons to alert public safety
2 personnel.

3 3. "Alarm agent":

4 (a) Means a person, whether an employee, an independent contractor
5 or otherwise, who acts on behalf of an alarm business and who tests,
6 maintains, services, repairs, sells, rents, leases or installs alarm
7 systems.

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

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

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

14 4. "Alarm business":

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

17 (i) Providing alarm monitoring services.

18 (ii) Selling, leasing, renting, maintaining, repairing or installing
19 a nonproprietary alarm system or service.

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

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

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

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

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

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

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

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

1 (b) Leases or rents an alarm system.

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

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

9 7. "Architectural practice" means any professional service or
10 creative work requiring architectural education, training and experience,
11 and the application of the mathematical and physical sciences and the
12 principles of architecture and architectural engineering to such
13 professional services or creative work as consultation, evaluation, design
14 and review of construction for conformance with contract documents and
15 design, in connection with any building, planning or site development. A
16 person shall be deemed to practice or offer to practice architecture who in
17 any manner represents that the person is an architect or is able to perform
18 any architectural service or other services recognized by educational
19 authorities as architecture.

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

21 9. "Controlling person":

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

23 (b) Does not include an alarm agent.

24 10. "Engineer" means a person who, ~~by reason of special knowledge of~~
25 ~~the mathematical and physical sciences and the principles and methods of~~
26 ~~engineering analysis and design acquired by professional education and~~
27 ~~practical experience,~~ is qualified to practice engineering ~~and is~~
28 ~~registered as a professional engineer pursuant to this chapter~~ BY REASON OF
29 ENGINEERING EDUCATION, TRAINING AND EXPERIENCE IN APPLYING ENGINEERING
30 PRINCIPLES AND INTERPRETING ENGINEERING DATA.

31 11. "Engineering practice" means any ~~professional~~ service or
32 creative work requiring engineering education, training and experience ~~and~~

1 ~~the application of special knowledge of the mathematical, physical and~~
2 ~~engineering sciences to such professional services or creative work as~~
3 ~~consultation, research investigation, evaluation, planning, surveying as~~
4 ~~defined in paragraph 22, subdivisions (d) and (e) of this subsection,~~
5 ~~design, location, development, and review of construction for conformance~~
6 ~~with contract documents and design, in connection with any public or~~
7 ~~private utility, structure, building, machine, equipment, process, work or~~
8 ~~project.~~ Such IN APPLYING ENGINEERING PRINCIPLES AND INTERPRETING
9 ENGINEERING DATA TO ENGINEERING ACTIVITIES AND THE ENGINEERING DESIGN OF
10 BUILDINGS, STRUCTURES, PRODUCTS, MACHINES, PROCESSES AND SYSTEMS TO THE
11 EXTENT THAT THE ENGINEERING EDUCATION, TRAINING AND EXPERIENCE REQUIREMENTS
12 PRESCRIBED BY SECTIONS 32-122 AND 32-122.01 ARE NECESSARY TO PROTECT THE
13 HEALTH, SAFETY AND WELFARE OF THE PUBLIC. THE services ~~and~~ OR CREATIVE
14 work MAY include ~~plans and~~ PROVIDING PLANNING SERVICES, STUDIES, designs,
15 ~~relating to the location, development, mining and treatment of ore and~~
16 ~~other minerals~~ DESIGN COORDINATION, DRAWINGS, SPECIFICATIONS AND OTHER
17 TECHNICAL SUBMISSIONS, SURVEYING AS PRESCRIBED IN PARAGRAPH 23,
18 SUBDIVISIONS (d) AND (e) OF THIS SUBSECTION, AND REVIEWING CONSTRUCTION OR
19 OTHER DESIGN PRODUCTS FOR THE PURPOSES OF MONITORING COMPLIANCE WITH
20 DRAWINGS AND SPECIFICATIONS RELATED TO ENGINEERED WORKS. A person ~~shall be~~
21 IS deemed to ~~be practicing or offering to~~ practice engineering if the
22 person DOES ANY OF THE FOLLOWING:

23 (a) Practices any ~~branch~~ DISCIPLINE of the profession of
24 engineering, ~~or~~ or HOLDS OUT TO THE PUBLIC THAT THE PERSON IS ABLE AND
25 AUTHORIZED TO PRACTICE ANY DISCIPLINE OF ENGINEERING.

26 (b) REPRESENTS TO THE PUBLIC THAT THE PERSON IS A PROFESSIONAL
27 ENGINEER by A verbal claim, sign, advertisement, letterhead, ~~or~~ OR card or IN
28 any other manner ~~represents that the person is a professional engineer or~~
29 ~~is able to perform or does perform any engineering service or other service~~
30 ~~recognized by educational authorities as engineering. A person employed on~~
31 ~~a full-time basis as an engineer by an employer engaged in the business of~~
32 ~~developing, mining and treating ores and other minerals shall not be deemed~~

~~to be practicing engineering for the purposes of this chapter if the person engages in the practice of engineering exclusively for and as an employee of such employer and does not represent that the person is available and is not represented as being available to perform any engineering services for persons other than the person's employer.~~

(c) USES A TITLE THAT IMPLIES THAT THE PERSON IS A PROFESSIONAL ENGINEER.

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

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

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

15. "Geologist" means a person, not of necessity an engineer, who by reason of special knowledge of the earth sciences and the principles and methods of search for and appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by registration as a professional geologist. A person employed on a full-time basis as a geologist by an

1 employer engaged in the business of developing, mining or treating ores and
2 other minerals shall not be deemed to be engaged in geological practice for
3 the purposes of this chapter if the person engages in geological practice
4 exclusively for and as an employee of such employer and does not represent
5 that the person is available and is not represented as being available to
6 perform any geological services for persons other than the person's
7 employer.

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

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

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

29 18. "Home inspection report" means a written report that is prepared
30 for compensation, that is issued after a home inspection and that clearly
31 describes and identifies the inspected systems, structures and components
32 of a completed dwelling and any visible major defects found to be in need

1 of immediate major repair and any recommendations for additional evaluation
2 by appropriate persons.

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

6 20. "PROFESSIONAL ENGINEER" MEANS A PERSON WHO IS LICENSED AS A
7 PROFESSIONAL ENGINEER BY THE BOARD.

8 ~~20.~~ 21. "Landscape architect" means a person who, by reason of
9 professional education or practical experience, or both, is qualified to
10 engage in the practice of landscape architecture as attested by
11 registration as a landscape architect.

12 ~~21.~~ 22. "Landscape architectural practice" means the performance of
13 professional services such as consultations, investigation, reconnaissance,
14 research, planning, design or responsible supervision in connection with
15 the development of land and incidental water areas where, and to the extent
16 that, the dominant purpose of such services is the preservation,
17 enhancement or determination of proper land uses, natural land features,
18 ground cover and planting, naturalistic and aesthetic values, the settings
19 of and approaches to buildings, structures, facilities or other
20 improvements, natural drainage and the consideration and the determination
21 of inherent problems of the land relating to erosion, wear and tear, light
22 or other hazards. This practice shall include the location and arrangement
23 of such tangible objects and features as are incidental and necessary to
24 the purposes outlined in this paragraph but shall not include the making of
25 cadastral surveys or final land plats for official recording or approval,
26 nor mandatorily include planning for governmental subdivisions.

27 ~~22.~~ 23. "Land surveying practice" means the performance of one or
28 more of the following professional services:

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

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

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

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

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

14 ~~23.~~ 24. "Land surveyor" means a person who by reason of knowledge
15 of the mathematical and physical sciences, principles of land surveying and
16 evidence gathering acquired by professional education or practical
17 experience, or both, is qualified to practice land surveying as attested by
18 registration as a land surveyor. A person employed on a full-time basis as
19 a land surveyor by an employer engaged in the business of developing,
20 mining or treating ores or other minerals shall not be deemed to be engaged
21 in land surveying practice for purposes of this chapter if the person
22 engages in land surveying practice exclusively for and as an employee of
23 such employer and does not represent that the person is available and is
24 not represented as being available to perform any land surveying services
25 for persons other than the person's employer.

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

1 ~~25.~~ 26. "Low-voltage electric fence" means a fence that meets all
2 of the following requirements:

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

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

7 (c) Is continuously monitored.

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

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

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

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

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

19 ~~26.~~ 27. "Monitored alarm" means a device that is designed for the
20 detection of an entry on any premises and that if activated generates a
21 notification signal.

22 ~~27.~~ 28. "Person" means any individual, firm, partnership,
23 corporation, association or other organization.

24 ~~28.~~ 29. "Principal" means an individual who is an officer of the
25 corporation or is designated by a firm as having full authority and
26 responsible charge of the services offered by the firm.

27 ~~29.~~ 30. "Proprietor alarm" means any alarm or alarm system that is
28 owned by an alarm subscriber who has not contracted with an alarm business.

29 ~~30.~~ 31. "Registrant" means a person registered or certified by the
30 board.

31 ~~31.~~ 32. "Registration" means a registration or certification issued
32 by the board.

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Sec. 2. Title 32, chapter 1, article 2, Arizona Revised Statutes, is amended by adding section 32-122.03, to read:

32-122.03. Designation of professional engineer; specific discipline or branch of engineering

ON THE BASIS OF EDUCATION, EXPERIENCE AND EXAMINATION, THE BOARD MAY DESIGNATE A PROFESSIONAL ENGINEER AS BEING LICENSED IN A SPECIFIC DISCIPLINE OR BRANCH OF ENGINEERING BY SIGNIFYING THE AREA IN WHICH THE ENGINEER HAS DEMONSTRATED COMPETENCE."

10 Amend title to conform

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