START\_STATUTE32-101.  Purpose; definitions

A.  The purpose of this chapter is to provide for the safety, health and welfare of the public through the promulgation and enforcement of standards of qualification for those individuals who are registered or certified and seeking registration or certification pursuant to this chapter.

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

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

2.  "Alarm" or "alarm system":

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

(b)  Includes:

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

(ii)  A low‑voltage electric fence.

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

3.  "Alarm agent":

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

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

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

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

4.  "Alarm business":

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

(i)  Providing alarm monitoring services.

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

(b)  Does not include any of the following:

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

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

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

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

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

5.  "Alarm subscriber" means any person who:

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

(b)  Leases or rents an alarm system.

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

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

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

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

9.  "Controlling person":

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

(b)  Does not include an alarm agent.

10.  "Engineer" means a person who by reason of engineering education, training and experience may apply engineering principles and interpret engineering data.

11.  "Engineering practice" means any professional service or creative work requiring engineering education, training and experience in applying engineering principles and interpreting engineering data to engineering activities that clearly impact the health, safety and welfare of the public and the engineering design of buildings, structures, products, machines, processes and systems to the extent that the engineering education, training and experience requirements prescribed by sections 32‑122 and 32‑122.01 are necessary to protect the health, safety and welfare of the public.  The services or creative work may include providing planning services, studies, designs, design coordination, drawings, specifications and other technical submissions, surveying as prescribed in paragraph 22, subdivisions (d) and (e) of this subsection, and reviewing construction or other design products for the purposes of monitoring compliance with drawings and specifications related to engineered works.  A person employed on a full‑time basis as an engineer by an employer engaged in the business of 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.  A person is deemed to practice engineering if the person does any of the following:

(a)  Practices any discipline of the profession of engineering or holds out to the public that the person is able and authorized to practice any discipline of engineering.

(b)  Represents to the public that the person is a professional engineer by a verbal claim, sign, advertisement, letterhead or card or in any other manner.

(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 both:

(a)  Is a graduate in an approved engineering curriculum of four years or more of a school approved by the board or has four years or more of education or experience, or both, in engineering work that meets standards specified by the board in its rules.

(b)  Has 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, who is not required to be a professional 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 who is employed on a full‑time basis as a geologist by an employer engaged in the business of developing, mining or treating ores and other minerals is not deemed to be engaged in geological practice for the purposes of this chapter if the person engages in geological practice 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 geological services for persons other than the person's employer.

16.  "Geologist‑in‑training" means a candidate for registration as a professional geologist who both:

(a)  Is a graduate of a school approved by the board or has four years or more of education or experience, or both, in geological work that meets standards specified by the board in its rules.

(b)  Has passed the geologist‑in‑training examination.

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

(a)  Heating system.

(b)  Cooling system.

(c)  Plumbing system.

(d)  Electrical system.

(e)  Structural components.

(f)  Foundation.

(g)  Roof covering.

(h)  Exterior and interior components.

(i)  Site aspects as they affect the building.

(j)  Pursuant to rules adopted by the board, swimming pool and spa.

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

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

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

21.  "Landscape architectural practice":

(a)  Means performing professional services such as consultations, investigation, reconnaissance, research, planning, design or responsible supervision in connection with the development of land and incidental water areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings of and approaches to buildings, structures, facilities or other improvements, natural drainage and the consideration and the determination of inherent problems of the land relating to erosion, wear and tear, light or other hazards.

(b)  Includes locating and arranging such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph.

(c)  Does not include making cadastral surveys or final land plats for official recording or approval, nor mandatorily include planning for governmental subdivisions.

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

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

(b)  Locating, relocating, establishing, reestablishing, setting, resetting or replacing of corner monuments or reference points that identify land boundaries, rights‑of‑way or easements.

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

(d)  Measuring by angles, distances and elevations natural or artificial features in the air, on the surface and immediate subsurface of the earth, within underground workings and on the surface or within bodies of water for the purpose of determining or establishing their location, size, shape, topography, grades, contours or water surface and depths, and the preparing and perpetuating field note records and maps depicting these features.

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

23.  "Land surveyor" means a person who by reason of knowledge of the mathematical and physical sciences, principles of land surveying and evidence gathering acquired by professional education or practical experience, or both, is qualified to practice land surveying as attested by registration as a land surveyor.  A person employed on a full‑time basis as a land surveyor by an employer engaged in the business of developing, mining or treating ores or other minerals is not deemed to be engaged in land surveying practice for purposes of this chapter if the person engages in land surveying practice 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 land surveying services for persons other than the person's employer.

24.  "Land surveyor‑in‑training" means a candidate for registration as a professional land surveyor who both:

(a)  Is a graduate of a school and curriculum approved by the board or has four years or more of education or experience, or both, in land surveying work that meets standards specified by the board in its rules.

(b)  Has passed the land surveyor‑in‑training examination.

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

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

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

(c)  Is continuously monitored.

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

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

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

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

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

26.  "Monitored alarm" means a device that is designed to detect an entry on any premises and that if activated generates a notification signal.

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

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

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

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

31.  "Registrant" means a person who is registered or certified by the board.

32.  "Registration" means a registration or certification that is issued by the board. END\_STATUTE