

PROPOSED  
SENATE AMENDMENTS TO S.B. 1304  
(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

2 "Section 1. Heading change

3 The chapter heading of title 32, chapter 1, Arizona Revised Statutes,  
4 is changed from "ARCHITECTS, ENGINEERS, GEOLOGISTS, HOME INSPECTORS,  
5 LANDSCAPE ARCHITECTS AND SURVEYORS" to "ARCHITECTS, GEOLOGISTS, HOME  
6 INSPECTORS, LANDSCAPE ARCHITECTS AND SURVEYORS".

7 Sec. 2. Section 32-101, Arizona Revised Statutes, is amended to  
8 read:

9 32-101. Purpose: definitions

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

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

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

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

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

1 (b) Includes:

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

4 (ii) A low-voltage electric fence.

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

9 3. "Alarm agent":

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

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

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

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

20 4. "Alarm business":

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

23 (i) Providing alarm monitoring services.

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

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

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

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

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

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

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

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

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

8 (b) Leases or rents an alarm system.

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

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

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

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

28 9. "Controlling person":

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

30 (b) Does not include an alarm agent.

31 ~~10. "Engineer" means a person who, by reason of special knowledge of~~  
32 ~~the mathematical and physical sciences and the principles and methods of~~

1 ~~engineering analysis and design acquired by professional education and~~  
2 ~~practical experience, is qualified to practice engineering and is~~  
3 ~~registered as a professional engineer pursuant to this chapter.~~

4 ~~11. "Engineering practice" means any professional service or~~  
5 ~~creative work requiring engineering education, training and experience and~~  
6 ~~the application of special knowledge of the mathematical, physical and~~  
7 ~~engineering sciences to such professional services or creative work as~~  
8 ~~consultation, research investigation, evaluation, planning, surveying as~~  
9 ~~defined in paragraph 22, subdivisions (d) and (e) of this subsection,~~  
10 ~~design, location, development, and review of construction for conformance~~  
11 ~~with contract documents and design, in connection with any public or~~  
12 ~~private utility, structure, building, machine, equipment, process, work or~~  
13 ~~project. Such services and work include plans and designs relating to the~~  
14 ~~location, development, mining and treatment of ore and other minerals. A~~  
15 ~~person shall be deemed to be practicing or offering to practice engineering~~  
16 ~~if the person practices any branch of the profession of engineering, or by~~  
17 ~~verbal claim, sign, advertisement, letterhead, card or any other manner~~  
18 ~~represents that the person is a professional engineer or is able to perform~~  
19 ~~or does perform any engineering service or other service recognized by~~  
20 ~~educational authorities as engineering. A person employed on a full-time~~  
21 ~~basis as an engineer by an employer engaged in the business of developing,~~  
22 ~~mining and treating ores and other minerals shall not be deemed to be~~  
23 ~~practicing engineering for the purposes of this chapter if the person~~  
24 ~~engages in the practice of engineering exclusively for and as an employee~~  
25 ~~of such employer and does not represent that the person is available and is~~  
26 ~~not represented as being available to perform any engineering services for~~  
27 ~~persons other than the person's employer.~~

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

1 ~~addition, the candidate shall have passed the engineer-in-training~~  
2 ~~examination.~~

3 ~~13.~~ 10. "Firm" means any individual or partnership, corporation or  
4 other type of association, including the association of a nonregistrant and  
5 a registrant who offers to the public professional services regulated by  
6 the board.

7 ~~14.~~ 11. "Geological practice" means any professional service or  
8 work requiring geological education, training and experience, and the  
9 application of special knowledge of the earth sciences to such professional  
10 services as consultation, evaluation of mining properties, petroleum  
11 properties and groundwater resources, professional supervision of  
12 exploration for mineral natural resources including metallic and  
13 nonmetallic ores, petroleum and groundwater, and the geological phases of  
14 engineering investigations.

15 ~~15.~~ 12. "Geologist" means a person, not of necessity an engineer,  
16 who by reason of special knowledge of the earth sciences and the principles  
17 and methods of search for and appraisal of mineral or other natural  
18 resources acquired by professional education and practical experience is  
19 qualified to practice geology as attested by registration as a professional  
20 geologist. A person employed on a full-time basis as a geologist by an  
21 employer engaged in the business of developing, mining or treating ores and  
22 other minerals ~~shall~~ IS not ~~be~~ deemed to be engaged in geological practice  
23 for the purposes of this chapter if the person engages in geological  
24 practice exclusively for and as an employee of such employer and does not  
25 represent that the person is available and is not represented as being  
26 available to perform any geological services for persons other than the  
27 person's employer.

28 ~~16.~~ 13. "Geologist-in-training" means a candidate for registration  
29 as a professional geologist who is a graduate of a school approved by the  
30 board or who has four years or more of education or experience, or both, in  
31 geological work that meets standards specified by the board in its rules.

1 In addition, the candidate shall have passed the geologist-in-training  
2 examination.

3 ~~17.~~ 14. "Home inspection" means a visual analysis for the purposes  
4 of providing a professional opinion of the building, any reasonably  
5 accessible installed components and the operation of the building's  
6 systems, including the controls normally operated by the owner, for the  
7 following components of a residential building of four units or less:

- 8 (a) Heating system.
- 9 (b) Cooling system.
- 10 (c) Plumbing system.
- 11 (d) Electrical system.
- 12 (e) Structural components.
- 13 (f) Foundation.
- 14 (g) Roof covering.
- 15 (h) Exterior and interior components.
- 16 (i) Site aspects as they affect the building.
- 17 (j) Pursuant to rules adopted by the board, swimming pool and spa.

18 ~~18.~~ 15. "Home inspection report" means a written report that is  
19 prepared for compensation, that is issued after a home inspection and that  
20 clearly describes and identifies the inspected systems, structures and  
21 components of a completed dwelling and any visible major defects found to  
22 be in need of immediate major repair and any recommendations for additional  
23 evaluation by appropriate persons.

24 ~~19.~~ 16. "Home inspector" means an individual who is certified  
25 pursuant to this chapter as a home inspector and who engages in the  
26 business of performing home inspections and writing home inspection  
27 reports.

28 ~~20.~~ 17. "Landscape architect" means a person who, by reason of  
29 professional education or practical experience, or both, is qualified to  
30 engage in the practice of landscape architecture as attested by  
31 registration as a landscape architect.

1           ~~21.~~ 18. "Landscape architectural practice":

2           (a) Means the performance of professional services such as  
3 consultations, investigation, reconnaissance, research, planning, design or  
4 responsible supervision in connection with the development of land and  
5 incidental water areas where, and to the extent that, the dominant purpose  
6 of such services is the preservation, enhancement or determination of  
7 proper land uses, natural land features, ground cover and planting,  
8 naturalistic and aesthetic values, the settings of and approaches to  
9 buildings, structures, facilities or other improvements, natural drainage  
10 and the consideration and the determination of inherent problems of the  
11 land relating to erosion, wear and tear, light or other hazards. ~~This~~  
12 ~~practice shall include the location and arrangement of~~

13           (b) ~~INCLUDES LOCATING AND ARRANGING~~ such tangible objects and  
14 features as are incidental and necessary to the purposes outlined in this  
15 paragraph. ~~but shall~~

16           (c) ~~DOES~~ not include ~~the~~ making ~~of~~ cadastral surveys or final land  
17 plats for official recording or approval, nor mandatorily include planning  
18 for governmental subdivisions.

19           ~~22.~~ 19. "Land surveying practice" means the performance of one or  
20 more of the following professional services:

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

24           (b) ~~location~~ ~~LOCATING~~, ~~relocation~~ ~~RELOCATING~~, ~~establishment~~  
25 ~~ESTABLISHING~~, ~~reestablishment~~ ~~REESTABLISHING~~, setting, resetting or  
26 replacing ~~of~~ corner monuments or reference points ~~which~~ ~~THAT~~ identify land  
27 boundaries, rights-of-way or easements.

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

29           (d) ~~Measurement~~ ~~MEASURING~~ by angles, distances and elevations ~~of~~  
30 natural or artificial features in the air, on the surface and immediate  
31 subsurface of the earth, within underground workings and on the surface or  
32 within bodies of water for the purpose of determining or establishing their

1 location, size, shape, topography, grades, contours or water surface and  
2 depths, and ~~the preparation~~ PREPARING and ~~perpetuation of~~ PERPETUATING  
3 field note records and maps depicting these features.

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

6 ~~23.~~ 20. "Land surveyor" means a person who by reason of knowledge  
7 of the mathematical and physical sciences, principles of land surveying and  
8 evidence gathering acquired by professional education or practical  
9 experience, or both, is qualified to practice land surveying as attested by  
10 registration as a land surveyor. A person employed on a full-time basis as  
11 a land surveyor by an employer engaged in the business of developing,  
12 mining or treating ores or other minerals ~~shall~~ IS not ~~be~~ deemed to be  
13 engaged in land surveying practice for purposes of this chapter if the  
14 person engages in land surveying practice exclusively for and as an  
15 employee of such employer and does not represent that the person is  
16 available and is not represented as being available to perform any land  
17 surveying services for persons other than the person's employer.

18 ~~24.~~ 21. "Land surveyor-in-training" means a candidate for  
19 registration as a professional land surveyor who is a graduate of a school  
20 and curriculum approved by the board or who has four years or more of  
21 education or experience, or both, in land surveying work that meets  
22 standards specified by the board in its rules. In addition, the candidate  
23 shall have passed the landsurveyor-in-training examination.

24 ~~25.~~ 22. "Low-voltage electric fence" means a fence that meets all  
25 of the following requirements:

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

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

30 (c) Is continuously monitored.



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

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

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

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

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

12 ~~26.~~ 23. "Monitored alarm" means a device that is designed for the  
13 detection of an entry on any premises and that if activated generates a  
14 notification signal.

15 ~~27.~~ 24. "Person" means any individual, firm, partnership,  
16 corporation, association or other organization.

17 ~~28.~~ 25. "Principal" means an individual who is an officer of the  
18 corporation or is designated by a firm as having full authority and  
19 responsible charge of the services offered by the firm.

20 ~~29.~~ 26. "Proprietor alarm" means any alarm or alarm system that is  
21 owned by an alarm subscriber who has not contracted with an alarm business.

22 ~~30.~~ 27. "Registrant" means a person WHO IS registered or certified  
23 by the board.

24 ~~31.~~ 28. "Registration" means a registration or certification THAT  
25 IS issued by the board.

26 Sec. 3. Section 32-102, Arizona Revised Statutes, is amended to  
27 read:

28 32-102. State board of technical registration; members;  
29 vacancies; terms

30 A. The state board of technical registration is established  
31 consisting of members who are appointed by the governor as follows:

32 1. One architect.

1           ~~2. One professional engineer.~~

2           ~~3.~~ 2. Six SEVEN public members, at least one of whom has a legal,  
3 construction or design product background.

4           ~~4.~~ 3. One landscape architect.

5           ~~5.~~ 4. One geologist.

6           ~~6.~~ 5. One land surveyor.

7           B. On the expiration of any of the terms, a successor who is  
8 qualified pursuant to subsection A of this section shall be appointed for a  
9 full term of three years. The governor may remove a member of the board  
10 for misconduct, incapacity or neglect of duty. Appointment to fill a  
11 vacancy caused other than by expiration of term shall be for the unexpired  
12 portion of the term.

13           C. A member may not serve more than two consecutive terms.

14           Sec. 4. Section 32-103, Arizona Revised Statutes, is amended to  
15 read:

16           32-103. Qualifications of members

17           A. Each professional member of the board shall:

18           1. Be at least twenty-five years of age.

19           2. Have been a resident of this state for at least three years  
20 immediately preceding appointment as a member.

21           B. Each member who is an architect, a geologist, a landscape  
22 architect, ~~a professional engineer~~ or a land surveyor shall have at least  
23 five years' active professional experience as attested by registration  
24 under this chapter.

25           Sec. 5. Section 32-106, Arizona Revised Statutes, is amended to  
26 read:

27           32-106. Powers and duties

28           A. The board shall:

29           1. Adopt rules for ~~the conduct of~~ CONDUCTING its meetings and  
30 ~~performance of~~ PERFORMING duties imposed on it by law.

31           2. Adopt an official seal for ~~attestation of~~ ATTESTING certificates  
32 of registration and other official papers and documents.

1           3. Consider and act on or delegate the authority to act on  
2 applications for registration or certification.

3           4. Conduct examinations for in-training and professional  
4 registration, except for an alarm business, a controlling person or an  
5 alarm agent.

6           5. Hear and act on complaints or charges or direct an administrative  
7 law judge to hear and act on complaints and charges.

8           6. Compel attendance of witnesses, administer oaths and take  
9 testimony concerning all matters coming within its jurisdiction. In  
10 exercising these powers, the board may issue subpoenas for the attendance  
11 of witnesses and the production of books, records, documents and other  
12 evidence it deems relevant to an investigation or hearing.

13           7. Keep a record of its proceedings.

14           8. Keep a register that shows the date of each application for  
15 registration or certification, the name of the applicant, the practice or  
16 branch of practice in which the applicant has applied for registration, if  
17 applicable, and the disposition of the application.

18           9. Do other things necessary to carry out the purposes of this  
19 chapter.

20           ~~B. The board shall specify the proficiency designation in the branch  
21 of engineering in which the applicant has designated proficiency on the  
22 certificate of registration and renewal card issued to each registered  
23 engineer and shall authorize the engineer to use the title of registered  
24 professional engineer. The board shall decide what branches of engineering  
25 it shall recognize.~~

26           ~~C.~~ B. The board may hold membership in and be represented at  
27 national councils or organizations of proficiencies registered under this  
28 chapter and may pay the appropriate membership fees. The board may conduct  
29 standard examinations on behalf of national councils and may establish fees  
30 for those examinations.

31           ~~D.~~ C. The board may employ and pay on a fee basis persons,  
32 including full-time employees of a state institution, bureau or department,

1 to prepare and grade examinations given to applicants for registration or  
2 review an applicant's submissions of required documents for home inspector  
3 certification and regulation and may fix the fee to be paid for these  
4 services. These employees are authorized to prepare, grade and monitor  
5 examinations, review an applicant's submissions of required documents for  
6 home inspector certification and regulation and perform other services the  
7 board authorizes, and to receive payment for these services from the  
8 technical registration fund. The board may contract with an organization  
9 to administer the registration examination, including selecting the test  
10 site, scheduling the examination, billing and collecting the fee directly  
11 from the applicant and grading the examination if a national council of  
12 which the board is a member or a professional association approved by the  
13 board does not provide these services. If a national council of which the  
14 board is a member or a professional association approved by the board does  
15 provide these services, the board shall enter into an agreement with the  
16 national council or professional association to administer the registration  
17 examination.

18 ~~F.~~ D. The board may rent necessary office space and pay the cost of  
19 this office space from the technical registration fund.

20 ~~F.~~ E. The board may adopt rules establishing rules of professional  
21 conduct for registrants.

22 ~~G.~~ F. The board may require evidence it deems necessary to  
23 establish the continuing competency of registrants as a condition of  
24 renewal of licenses.

25 ~~H.~~ G. Subject to title 41, chapter 4, article 4, the board may  
26 employ persons as it deems necessary.

27 ~~I.~~ H. The board shall issue or may authorize the executive director  
28 to issue a certificate or renewal certificate to each alarm business and  
29 each controlling person and a certification or renewal certification card  
30 to each alarm agent if the qualifications prescribed by this chapter are  
31 met.

1           Sec. 6. Section 32-111, Arizona Revised Statutes, is amended to  
2 read:

3           32-111. Home inspector rules and standards committee

4           A. The home inspector rules and standards committee of the state  
5 board of technical registration is established and consists of:

6           1. Three home inspectors, one of whom is a resident of a county with  
7 a population of four hundred thousand persons or less, appointed by the  
8 board from a list of names any home inspector organization provides if the  
9 home inspector organization meets all of the following criteria:

10           (a) Has at least forty members who are actively engaged in the  
11 practice of home inspection in this state.

12           (b) Holds regular elections.

13           (c) Publishes bylaws.

14           (d) Maintains a code of ethics.

15           2. Two members of the board of technical registration, including:

16           (a) An architect member ~~or an engineer member~~ of the board who is  
17 appointed by the chairman.

18           (b) The public member.

19           B. The board may make appointments of home inspectors to the  
20 committee from the lists provided pursuant to subsection A, paragraph 1 of  
21 this section or from others having the necessary qualifications.

22           C. The board-appointed members serve staggered three-year terms.  
23 These members shall be home inspectors, shall each have at least five years  
24 of experience as a home inspector and shall have passed the examination  
25 prescribed in section 32-122.02. The board by a majority vote may remove  
26 any member for misconduct, incapacity or neglect of duty and may appoint a  
27 new member to complete a term.

28           D. The committee is responsible for drafting and recommending to the  
29 board:

30           1. Criteria for home inspector certification.

31           2. Standards for home inspection reports.

32           3. Standards for written examinations.

1           4. Standards for educational programs, including course of  
2 study, ~~programs~~ and continuing education.

3           5. Rules defining conduct.

4           6. Recommendations for types of financial assurances as required in  
5 section 32-122.02.

6           7. Other rules and standards related to the practice of home  
7 inspectors.

8           E. The committee may participate in the investigation and review of  
9 home inspector complaints as provided by the board.

10           F. Members of the home inspector rules and standards committee are  
11 eligible to receive compensation pursuant to title 38, chapter 4,  
12 article 1.

13           Sec. 7. Section 32-122, Arizona Revised Statutes, as amended by Laws  
14 2016, chapter 167, section 5, is amended to read:

15           32-122. Qualifications for in-training designation

16           A. An applicant for in-training designation as ~~an engineer,~~ A  
17 geologist or land surveyor shall:

18           1. Be of good moral character and repute.

19           2. Be a graduate of a school approved by the board or have four  
20 years or more of education or experience, or both, in work in the  
21 profession in which registration is sought that meets standards specified  
22 by the board in its rules.

23           3. Unless exempt under section 32-126, subsection ~~D~~ C, pass the  
24 in-training examination in the profession in which registration is sought.

25           B. An applicant for in-training designation as an assayer shall:

26           1. Be of good moral character and repute.

27           2. Be a graduate of a school and curriculum approved by the board or  
28 have four years or more of education or experience, or both, in work in the  
29 profession in which registration is sought that meets standards specified  
30 by the board in its rules.

31           3. Unless exempt under section 32-126, subsection ~~D~~ C, pass the  
32 in-training examination in the profession in which registration is sought.

1           Sec. 8. Section 32-122, Arizona Revised Statutes, as amended by Laws  
2 2016, chapter 352, section 9 and chapter 371, section 11, is amended to  
3 read:

4           32-122. Qualifications for in-training registration

5           A. An applicant for in-training registration as an architect,  
6 ~~engineer~~, geologist or landscape architect shall:

7           1. Be of good moral character and repute.

8           2. Be a graduate of a school approved by the board or have four  
9 years or more, or if an applicant for in-training registration as an  
10 architect, five years or more, of education or experience, or both, in work  
11 in the profession in which registration is sought that meets standards  
12 specified by the board in its rules.

13           3. Unless exempt under section 32-126, subsection ~~D~~ C, pass the  
14 in-training examination in the profession in which registration is sought.

15           B. An applicant for in-training registration as a land surveyor  
16 shall:

17           1. Be a graduate of a school and curriculum approved by the board,  
18 or have four years or more of education or experience, or both, in work in  
19 the profession in which registration is sought that meets standards  
20 specified by the board in its rules.

21           2. Unless exempt under section 32-126, subsection ~~D~~ C, pass the  
22 in-training examination in the profession in which registration is sought.

23           C. An applicant for in-training registration as a home  
24 inspector-in-training shall meet the requirements of section 32-122.02,  
25 subsection A, paragraphs 1 through 7.

26           Sec. 9. Section 32-122.01, Arizona Revised Statutes, is amended to  
27 read:

28           32-122.01. Qualifications for professional registration

29           A. An applicant for professional registration as an architect,  
30 ~~engineer~~, geologist or landscape architect shall:

31           1. Be of good moral character and repute.

1           2. Be actively engaged in education or experience, or both, in the  
2 profession for which registration is sought for at least eight years.

3           3. Unless exempt under section 32-126, pass the applicable  
4 in-training and professional examinations in the profession in which  
5 registration is sought.

6           B. An applicant for professional registration as a land surveyor  
7 shall:

8           1. Be of good moral character and repute.

9           2. Be actively engaged in education or experience, or both, in the  
10 profession for which registration is sought for at least six years.

11           3. Unless exempt under section 32-126, pass the in-training and  
12 professional examinations in the profession in which registration is  
13 sought.

14           C. In computing the period of active engagement required under this  
15 section:

16           1. Each year of study that is satisfactorily completed in an  
17 architectural, ~~engineering~~, geological or landscape architectural school  
18 approved by the board is equivalent to one year of active engagement up to  
19 a maximum of five years. One year or more of teaching architectural,  
20 ~~engineering~~, geological or landscape architectural subjects in a school  
21 approved by the board is equivalent to one year of active engagement.

22           2. Each year of study satisfactorily completed in a land surveying  
23 curriculum and school approved by the board is considered equivalent to one  
24 year of active engagement up to a maximum of four years. One year or more  
25 of teaching land surveying or other courses approved by the board as  
26 pertinent to the profession in which registration is sought in a school  
27 approved by the board is equivalent to one year of active engagement.

28           D. Except as provided in subsection E of this section, experience  
29 credited by the board under this section and sections 32-101, 32-122 and  
30 32-126 must be attained under the direct supervision of a professional who  
31 is satisfactory to the board and registered in this state, another state or  
32 a foreign country in the profession in which the applicant is seeking



1 registration, except that up to one year's experience may be attained under  
2 the direct supervision of a professional who is satisfactory to the board  
3 and registered in another profession regulated under this chapter in this  
4 state, another state or a foreign country.

5 E. By a two-thirds majority vote, the board may allow an applicant  
6 except for an architect applicant to meet the requirements of subsection D  
7 of this section by crediting comparable experience satisfactory to the  
8 board that the applicant attained without direct supervision of a  
9 registered professional.

10 Sec. 10. Section 32-123, Arizona Revised Statutes, is amended to  
11 read:

12 32-123. Application for registration and certification;  
13 denial; hearing

14 A. A person desiring to practice any board-regulated profession or  
15 occupation shall apply for registration or certification on a form  
16 prescribed by the board, subscribed under penalty of perjury and  
17 accompanied by the appropriate application fee prescribed by the board. If  
18 the evidence submitted satisfies the board that the applicant is fully  
19 qualified to practice the profession or occupation for which registration  
20 or certification is asked, the board or the executive director as  
21 authorized by the board shall grant the applicant a certificate of  
22 registration or certification, signed by the chairman and secretary and  
23 attested by the official seal. ~~If the applicant seeks registration as a~~  
24 ~~professional engineer, the certificate of registration shall list the~~  
25 ~~proficiency designation in the branch of engineering in which the applicant~~  
26 ~~has demonstrated proficiency.~~

27 ~~B. A registered professional engineer who desires to practice land~~  
28 ~~surveying shall apply for professional registration as a land surveyor and~~  
29 ~~satisfy the requirements set forth in section 32-122.01.~~

30 ~~C.~~ B. If in the judgment of the board the applicant has not  
31 furnished satisfactory evidence of qualifications for registration or  
32 certification, it may require additional data or may require the applicant

1 to submit to an additional oral or written examination specified by the  
2 board in its rules.

3 ~~C.~~ C. An applicant whose application is denied may request a formal  
4 hearing pursuant to title 41, chapter 6, article 10. If the application is  
5 granted after a formal hearing, the application fee shall be returned.

6 Sec. 11. Section 32-125, Arizona Revised Statutes, is amended to  
7 read:

8 32-125. Seals for registrants

9 A. The board shall adopt and prescribe seals for use by registrants  
10 who are required by the board to use seals. Each seal shall bear the name  
11 of the registrant and shall state the profession in which the registrant is  
12 permitted to practice and, ~~in the case of engineering, the branch or~~  
13 ~~branches of engineering in which the registrant has demonstrated~~  
14 ~~proficiency, and~~ other data the board deems pertinent.

15 B. Plans, specifications, plats or reports prepared by a registrant  
16 or a registrant's bona fide employee shall be issued under the registrant's  
17 seal if the board requires the registrant to use a seal.

18 C. It is unlawful for a registrant whose certificate has expired or  
19 has been revoked or suspended to use the seal.

20 D. It is unlawful for any nonregistrant to cause or permit the  
21 illegal use of a registrant's seal, signature or stamp on any document  
22 prepared by the nonregistrant.

23 E. If the board requires a registrant to use a seal, the registrant  
24 is responsible for all documents that the registrant signs, stamps or  
25 seals, including those documents prepared by the registrant's bona fide  
26 employee.

27 Sec. 12. Section 32-126, Arizona Revised Statutes, is amended to  
28 read:

29 32-126. Exemptions from examination requirement

30 A. The board shall waive the examination requirement for an  
31 applicant, other than an applicant for professional registration as a land  
32 surveyor, who satisfies any one of the following:

1           1. Holds a valid certificate of registration in good standing issued  
2 by another state or foreign country ~~which~~ THAT has or had requirements for  
3 registration substantially identical to those of this state.

4           2. Holds a certificate of qualification in good standing issued by a  
5 national bureau of registration or certification recognized by the board.

6           3. Has been actively engaged in another state or foreign country as  
7 a professional registrant in the profession in which registration is sought  
8 for at least ten years and holds a valid certificate of registration in  
9 good standing issued by that state or country.

10           ~~B. A registered professional engineer who holds a proficiency  
11 designation in one branch of engineering in this state and seeks an  
12 additional or different proficiency designation shall submit evidence to  
13 the board of either:~~

14           ~~1. Four years of experience acceptable to the board as a registered  
15 professional engineer practicing in that branch of engineering in which the  
16 person seeks the proficiency designation.~~

17           ~~2. Successful completion of the professional examination in the  
18 branch of engineering in which the applicant seeks the proficiency  
19 designation.~~

20           ~~B.~~ B. An applicant for professional registration as a land surveyor  
21 who satisfies any one of the requirements of subsection A OF THIS SECTION  
22 shall pass the part of the professional land surveyor examination relating  
23 to surveying methods and legal principles in this state prescribed by the  
24 board in its rules.

25           ~~C.~~ C. The board shall exempt an applicant from the in-training  
26 examination if the applicant is a graduate of a school and curriculum  
27 approved by the board and has been actively engaged in experience in the  
28 profession for which registration is sought for at least twelve years after  
29 graduation.

1           Sec. 13. Section 32-142, Arizona Revised Statutes, is amended to  
2 read:

3           32-142. Public works

4           A. Drawings, plans, specifications, estimates and construction  
5 observation for public works of this state or a political subdivision of  
6 this state involving architecture, ~~engineering,~~ geology, landscape  
7 architecture or land surveying shall be prepared by or under the direct  
8 supervision of a registrant within the category involved.

9           B. Surveys or maps required in connection with public land surveying  
10 shall be made by or under the personal direction of a qualified registrant.

11           C. Drawings, plans, design specifications and construction  
12 observation of public works facilities of the state or a political  
13 subdivision of this state for ~~the use~~ USING or ~~storage of~~ STORING hazardous  
14 materials shall be made by or under the direct supervision of a qualified  
15 registrant in the appropriate field.

16           Sec. 14. Section 32-143, Arizona Revised Statutes, is amended to  
17 read:

18           32-143. Exceptions

19           An architect, geologist, ~~engineer~~ or landscape architect WHO IS  
20 registered under this chapter may engage in practice in another category  
21 regulated pursuant to this chapter only to the extent that the person is  
22 qualified and to the extent that the work may be necessary and incidental  
23 to the work of the registrant's profession on a specific project. This  
24 exception does not apply to public works projects.

25           Sec. 15. Section 32-144, Arizona Revised Statutes, is amended to  
26 read:

27           32-144. Exemptions and limitations; definition

28           A. Professions and occupations THAT ARE regulated by the board may  
29 be practiced without compliance with the requirements of this chapter by:

- 30           1. An officer or employee of the United States, practicing as such.

1           2. An employee of a registrant or of a person WHO IS exempt from  
2 registration, if such employment does not involve direct responsibility for  
3 design, inspection or supervision.

4           3. A nonregistrant who designs, alters or adds to either of the  
5 following:

6           (a) A detached single family dwelling.

7           (b) An individual unit in a multifamily dwelling if the walls that  
8 are designed, altered or added in the unit are not bearing walls, shear  
9 walls or firewalls, which shall be determined by a registrant following an  
10 evaluation of the walls to be designed, altered or added.

11          4. A nonregistrant who designs a one or two story building or  
12 structure in which the square footage of the floor area measured to the  
13 outside surface of the exterior walls does not exceed three thousand square  
14 feet, that is not intended for occupancy by more than twenty persons on a  
15 continuous basis and in which the maximum span of any structural member  
16 does not exceed twenty feet unless a greater span is achieved by the use of  
17 wood or steel roof or floor trusses or lintels approved by an engineer  
18 ~~registered by the board~~ LICENSED BY THE DEPARTMENT OF ADMINISTRATION  
19 PURSUANT TO TITLE 41, CHAPTER 4, ARTICLE 8.

20          5. A nonregistrant who designs additions or alterations to a one or  
21 two story building or structure subject to the ~~limitations~~ LIMITS set forth  
22 in paragraph 4 of this subsection. A nonregistrant may exceed the maximum  
23 three thousand square foot ~~limitation~~ LIMIT set forth in paragraph 4 of  
24 this subsection for a ~~one-time~~ ONETIME single addition not exceeding one  
25 thousand five hundred square feet as measured to the outside surface of the  
26 exterior walls and designed for the purpose of storage of chattels.

27          6. A nonregistrant who designs a water or wastewater treatment  
28 plant, or extensions, additions, modifications or revisions, or extensions  
29 to water distribution or collection systems, if the total cost of ~~such~~ THE  
30 construction does not exceed ~~twelve thousand five hundred dollars~~ \$12,500.

31          7. A nonregistrant who designs buildings or structures to be erected  
32 on property owned or leased by the nonregistrant or by a person, firm or

1 corporation, including a utility, telephone, mining or railroad company,  
2 ~~which~~ THAT employs the nonregistrant on a full-time basis, if the buildings  
3 or structures are intended solely for the use of the owner or lessee of the  
4 property, are not ordinarily occupied by more than twenty people, are not  
5 for sale to, rental to or use by the public and conform to the building  
6 code adopted by the city, town or county in which the building is to be  
7 erected or altered.

8 8. A nonregistrant who provides horticultural consultations or  
9 prepares planting plans for plant installations.

10 B. A registrant who performs any of the activities described in  
11 subsection A, ~~paragraphs~~ PARAGRAPH 3, ~~through~~ 4, 5, 6, 7 OR 8 of this  
12 section is subject to the requirements of this chapter.

13 C. The requirements of this chapter ~~shall~~ DO not apply to work done  
14 by any communications common carrier or its affiliates or any public  
15 service corporation or manufacturing industry or by full-time employees of  
16 any of them, ~~provided such~~ IF THE work is in connection with or incidental  
17 to the products, systems or nonengineering services of ~~such~~ THE  
18 communications common carrier or its affiliates or public service  
19 corporation or manufacturing industry, ~~and provided that~~ IF the  
20 engineering service is not offered directly to the public.

21 D. An individual shall not perform home inspections unless the  
22 individual is certified as a home inspector pursuant to this chapter,  
23 except that ~~nothing in~~ this chapter ~~prevents~~ DOES NOT PREVENT:

24 1. A person who is licensed, certified or registered pursuant to  
25 this chapter or another chapter in this title from acting within the scope  
26 of the person's license, certification or registration.

27 2. A person who is employed by a governmental entity from inspecting  
28 residential structures if the inspection is within official duties and  
29 responsibilities.

30 3. A person from performing a home inspection if the inspection will  
31 be used solely by a bank, savings and loan association or credit union to

1 monitor progress on the construction of a residential structure, unless  
2 otherwise required by federal law or regulation.

3 4. A person who is employed as a property manager for a residential  
4 structure and whose official duties and responsibilities include inspecting  
5 the residential structure from performing a home inspection on the  
6 structure if the person does not receive separate compensation for the  
7 inspection work.

8 E. ~~NO~~ A person, including a person described in subsection D of this  
9 section, may NOT use any letterhead, advertisement, communication or other  
10 device to represent that the person is a home inspector unless the person  
11 is certified as a home inspector pursuant to this chapter.

12 F. A trained geologist may engage in a geological practice without  
13 being registered under this chapter. A trained geologist may not engage in  
14 a geological practice if any of the following applies:

15 1. The trained geologist has been convicted of a felony in this  
16 state or any other state.

17 2. The trained geologist has been registered or licensed in this  
18 state or any other state and has had the registration or license suspended  
19 or revoked by this state or the other state.

20 3. The trained geologist has been prohibited from engaging in a  
21 geological practice in this state or any other state due to any private,  
22 civil or professional complaint related to an ethical or technical  
23 violation while engaged in the practice of geology.

24 4. The trained geologist fails to disclose to a person employing or  
25 hiring the trained geologist:

26 (a) Any disciplinary action taken against the trained geologist in  
27 this state or any other state due to any private, civil or professional  
28 complaint that is related to an ethical or technical violation while  
29 engaged in the practice of geology.

30 (b) That the trained geologist is not a registered geologist  
31 pursuant to this title.

1           5. The trained geologist is required to be registered by another law  
2 in this state or by federal law.

3           6. State or federal law conditions the issuance of a license or  
4 permit, including permits issued under title 27, 37, 45 or 49, on the  
5 issuance of a report that is sealed by a registered geologist.

6           G. "Trained geologist" means a person who has both:

7           1. Earned a geology degree from an accredited educational  
8 institution.

9           2. Participated in geological work experience outside of an  
10 educational institution for at least four years.

11           Sec. 16. Title 41, chapter 4, Arizona Revised Statutes, is amended  
12 by adding article 8, to read:

13                           ARTICLE 8. ENGINEER LICENSURE

14           41-811. Engineers; licensure; rules; corporate organization;  
15                           disciplinary oversight

16           THE DEPARTMENT SHALL LICENSE ENGINEERS IN A MANNER PRESCRIBED BY RULE  
17 AND SHALL ADOPT RULES TO MAINTAIN A CORPORATE ORGANIZATION UNDER ITS  
18 DIRECTION AND CONTROL TO SERVE AND PROTECT THE PUBLIC WITH RESPECT TO THE  
19 PROVISION OF ENGINEERING. THE CORPORATE ORGANIZATION SHALL OVERSEE ALL  
20 DISCIPLINARY ISSUES REGARDING ENGINEERING ACTIVITIES IN THIS STATE IN  
21 ACCORDANCE WITH CHAPTER 6, ARTICLE 10 OF THIS TITLE.

22           Sec. 17. Exemption from rulemaking; public input

23           A. Notwithstanding any other law, for the purposes of this act, the  
24 department of administration is exempt from the rulemaking requirements of  
25 title 41, chapter 6, Arizona Revised Statutes, for one year after the  
26 effective date of this act.

27           B. Before the department of administration adopts rules for the  
28 purposes of this act, the department must hold at least two public meetings  
29 with the engineering community to receive input on subjects and areas of  
30 regulation to be addressed in rules. Draft rules must be shared with the  
31 public before the rules are submitted to the governor's regulatory review  
32 council.



1           Sec. 18. Retention of rules

2           All rules adopted by the board of technical registration pursuant to  
3 title 32, chapter 1, Arizona Revised Statutes, remain in full force until  
4 amended by the department of administration.

5           Sec. 19. Conforming legislation

6           The legislative council staff shall prepare proposed legislation  
7 conforming the Arizona Revised Statutes to the provisions of this act for  
8 consideration in the fifty-fifth legislature, second regular session."

9 Amend title to conform

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