

REFERENCE TITLE: registrar of contractors; powers

State of Arizona
Senate
Fifty-sixth Legislature
Second Regular Session
2024

SB 1096

Introduced by
Senator Wadsack

AN ACT

AMENDING SECTION 32-1104, ARIZONA REVISED STATUTES; RELATING TO THE
REGISTRAR OF CONTRACTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-1104, Arizona Revised Statutes, is amended to
3 read:

4 32-1104. Powers and duties

5 A. The registrar, in addition to other duties and rights provided
6 for in this chapter, shall:

7 1. Maintain an office in Phoenix and in such other cities and towns
8 in ~~the~~ THIS state as the registrar deems advisable and necessary.

9 2. Maintain a complete indexed record of all applications and
10 licenses THAT ARE issued, renewed, terminated, ~~cancelled~~ CANCELED, revoked
11 or suspended under this chapter, including timely notation of any judicial
12 disposition on appeal, for a period of ~~not less than~~ AT LEAST seven years.

13 3. Furnish a certified copy of any license issued or an affidavit
14 that no license exists or that a license has been ~~cancelled~~ CANCELED or
15 suspended, including information as to the status on appeal of such a
16 cancellation or suspension, on receipt of the prescribed fee. ~~, and~~ That
17 certified copy or affidavit shall be received in all courts and elsewhere
18 as prima facie evidence of the facts stated ~~therein~~ IN THE CERTIFIED COPY
19 OR AFFIDAVIT. The registrar shall also furnish certified copies of
20 license bonds or cash deposit certificates on receipt of the prescribed
21 fee. Fees charged pursuant to this paragraph are \$10 per hour, except
22 that the minimum fee charged pursuant to this paragraph is \$10.

23 4. Employ such deputies, investigators and assistants WHO ARE
24 subject to title 41, chapter 4, article 4, and procure such equipment and
25 records, as are necessary to enforce this chapter. With respect to the
26 enforcement of section 32-1164, the registrar or the registrar's
27 investigators are vested with the authority to issue a citation to any
28 violators of this chapter in accordance with section 13-3903. When the
29 registrar or the registrar's investigators conduct investigations they are
30 authorized to receive criminal history record information from the
31 department of public safety and other law enforcement agencies.

32 5. Make rules the registrar deems necessary to effectually carry
33 out the provisions and intent of this chapter. Such rules shall include
34 the adoption of minimum standards for good and workmanlike construction.
35 In adopting such rules of minimum standards, the registrar shall be guided
36 by established usage and procedure as found in the construction business
37 in this state. If the rules of minimum standards adopted by the registrar
38 are in any manner inconsistent with a building or other code of this
39 state, ~~OR~~ OR a county, city or other political subdivision or local
40 authority of this state, compliance with such code shall constitute good
41 and workmanlike construction for the purposes of this chapter.

42 6. Apply the following to proposed rule changes:

43 (a) The registrar of contractors, at the time the registrar files
44 notice of proposed rule change with the secretary of state in compliance
45 with title 41, chapter 6, shall mail to each trade association that

1 qualifies in accordance with subdivision (b) of this paragraph, and any
2 other individual holding a bona fide contractor's license who qualifies in
3 accordance with subdivision (b) of this paragraph, a copy of the notice of
4 proposed rule change.

5 (b) Every trade association in this state allied with the
6 contracting business that files a written request that a notice be mailed
7 to it and shows that the association has an interest in the rules of the
8 registrar of contractors shall receive a copy ~~thereof~~ OF THE NOTICE OF
9 PROPOSED RULE CHANGE, as set forth in subdivision (a) of this paragraph.
10 Such filing of a request may be made every two years; and ~~it~~ shall
11 contain information as to the nature of the association and its mailing
12 address. Any duly licensed contractor who files a written request shall
13 receive a copy of the proposed rule changes in accordance with this
14 paragraph. Each such request may be made every two years.

15 7. Prepare and furnish decals and business management books when
16 deemed advisable by the registrar. A reasonable fee may be charged for
17 such decals and business management books.

18 8. Refer criminal violations of this chapter to the appropriate law
19 enforcement agency or prosecuting authority.

20 B. The registrar may develop and institute programs to do any of
21 the following:

22 1. Educate the public and contractors licensed pursuant to this
23 chapter regarding statutes, rules, policies and operations of the agency.

24 2. Assist in resolving disputes in an informal process before a
25 reportable written complaint is filed. The registrar must notify the
26 licensed contractor in an alleged dispute before a written complaint is
27 filed and allow the contractor the opportunity to be present at any
28 inspection regarding the alleged dispute. The registrar must give the
29 contractor at least five days' notice before the inspection. Issues in
30 the alleged dispute under this section shall not be limited in number and
31 shall not be considered formal written complaints. The homeowner reserves
32 the right to deny access to the contractor under this informal complaint
33 process. The registrar must notify the contractor and the homeowner in
34 writing of the registrar's findings within five days after the date of the
35 inspection. The registrar may not post any information regarding the
36 informal complaint process as part of a licensee's record on the
37 registrar's website.

38 3. Develop, manage, operate and sponsor ~~construction-related~~
39 CONSTRUCTION-RELATED programs THAT ARE designed to benefit the public in
40 conjunction with other private and public entities.

41 C. The registrar shall publicly post a list of applicants for a
42 contractor license on its website for at least twenty days, commencing on
43 the day designated by the registrar. The registrar shall issue a license
44 if the applicant meets all requirements regardless of the twenty-day
45 posting period. The registrar shall furnish copies of the posting list on

1 written request. A reasonable charge, not to exceed \$2 per month, may be
2 made for compilation, printing and postage for the posting list. The list
3 shall contain the following information:

4 1. The name and address of the applicant.
5 2. The names, addresses and official capacity of all persons
6 required to sign the application under section 32-1122.

7 D. The registrar may accept voluntary gifts, grants or matching
8 monies from public agencies or enterprises for the conduct of programs
9 that are authorized by this section or that are consistent with the
10 purpose of this chapter.

11 E. NOTWITHSTANDING ANY OTHER LAW, THE REGISTRAR MAY INVESTIGATE A
12 COMPLAINT AGAINST A LICENSEE AND MAY HOLD PROCEEDINGS OR HEARINGS RELATING
13 TO THE COMPLAINT TO ENFORCE THIS CHAPTER EVEN IF A CITY, TOWN OR COUNTY
14 HAS PREVIOUSLY APPROVED RELEVANT CONSTRUCTION PLANS RELATING TO THE
15 SUBJECT MATTER OF THE COMPLAINT.