

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
First Regular Session  
2003

CHAPTER 198

**HOUSE BILL 2466**

AN ACT

AMENDING SECTION 12-990, ARIZONA REVISED STATUTES; AMENDING SECTION 32-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 105, SECTION 1; REPEALING SECTION 32-101, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 297, SECTION 2; AMENDING SECTION 32-106.01, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 297, SECTION 4; AMENDING SECTION 32-110, ARIZONA REVISED STATUTES; AMENDING SECTION 32-121, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 105, SECTION 4; REPEALING SECTION 32-121, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 297, SECTION 8; REPEALING SECTION 32-122.03, ARIZONA REVISED STATUTES; RENUMBERING SECTIONS 32-122.04 AND 32-122.05, ARIZONA REVISED STATUTES, AS SECTIONS 32-122.03 AND 32-122.04, RESPECTIVELY; AMENDING SECTIONS 32-122.03 AND 32-122.04, ARIZONA REVISED STATUTES, AS RENUMBERED BY THIS ACT; AMENDING SECTION 32-123, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 297, SECTION 10; AMENDING SECTION 32-125, ARIZONA REVISED STATUTES; AMENDING SECTION 32-127, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 105, SECTION 8; REPEALING SECTION 32-127, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 297, SECTION 12; AMENDING SECTION 32-128, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2002, CHAPTER 297, SECTION 13; AMENDING SECTIONS 32-131, 32-141, 32-143 AND 32-144, ARIZONA REVISED STATUTES; BLENDING MULTIPLE ENACTMENTS; RELATING TO ARCHITECTS, ASSAYERS, ENGINEERS, GEOLOGISTS, HOME INSPECTORS, LANDSCAPE ARCHITECTS AND SURVEYORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)



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

2 Section 1. Section 12-990, Arizona Revised Statutes, is amended to  
3 read:

4 12-990. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Clandestine drug laboratory" means real property on which  
7 methamphetamine, ecstasy or LSD is being manufactured or where a person is  
8 arrested for having on any real property chemicals or equipment used in  
9 manufacturing methamphetamine, ecstasy or LSD. In the case of a space rental  
10 mobile home or recreational vehicle park, clandestine drug laboratory means  
11 the mobile home or recreational vehicle in which methamphetamine, ecstasy or  
12 LSD is being manufactured or where a person is arrested for having in the  
13 mobile home or recreational vehicle chemicals or equipment used in  
14 manufacturing methamphetamine, ecstasy or LSD.

15 2. "Drug laboratory site remediation firm" means a firm that is  
16 registered with the state board of technical registration LICENSED BY THE  
17 REGISTRAR OF CONTRACTORS pursuant to ~~section 32-122.03~~ CHAPTER 10 OF THIS  
18 TITLE and that performs remediation of residual contamination from the  
19 manufacture of methamphetamine, ecstasy or LSD or the storage of chemicals  
20 or equipment used in manufacturing methamphetamine, ecstasy or LSD.

21 3. "Ecstasy" means ~~a dangerous drug listed~~ HAS THE SAME MEANING  
22 PRESCRIBED in section 13-3401, PARAGRAPH 6 and includes any of the precursor  
23 chemicals, regulated chemicals, other substances or equipment used in the  
24 unlawful manufacture of the dangerous drug.

25 4. "Gross contamination" means the chemicals, equipment and other  
26 items that are found in a clandestine drug laboratory and that are removed  
27 by a law enforcement agency or other agency.

28 5. "LSD" means ~~a dangerous drug listed~~ HAS THE SAME MEANING PRESCRIBED  
29 in section 13-3401, PARAGRAPH 6 and includes any of the precursor chemicals,  
30 regulated chemicals, other substances or equipment used in the unlawful  
31 manufacture of the dangerous drug.

32 6. "Methamphetamine" means ~~a dangerous drug listed~~ HAS THE SAME  
33 MEANING PRESCRIBED in section 13-3401, PARAGRAPH 6 and includes any of the  
34 precursor chemicals, regulated chemicals, other substances or equipment used  
35 in the unlawful manufacture of the dangerous drug.

36 7. "Real property" includes the area within a structure and the area  
37 that surrounds a structure and that is within the land boundary or property  
38 lines of any of the following:

39 (a) Property that is used primarily for residential purposes.

40 (b) Property that is governed by the Arizona residential landlord and  
41 tenant act as prescribed by title 33, chapter 10.

42 (c) A mobile home as defined in section 33-1409.

43 (d) A recreational vehicle as defined in section 33-2102.

44 8. "Residually contaminated portion of the real property" means the  
45 structure or unit where gross contamination was removed and the area of any

1 adjacent structure, unit or land where visible evidence of residual  
2 contamination is observed by a peace officer, including any of the following:

3 (a) If gross contamination is removed from a house, mobile home or  
4 recreational vehicle and the notice of removal is posted for the entire  
5 house, mobile home or recreational vehicle, the entire house, mobile home or  
6 recreational vehicle, not just the room or rooms in which the gross  
7 contamination is found.

8 (b) If gross contamination is removed from a detached shed or garage,  
9 the other structures on the land are not affected and the notice of removal  
10 is posted only for the detached shed or garage, the detached shed or garage  
11 unless visible evidence of residual contamination is found in any of the  
12 other structures.

13 (c) If gross contamination is removed from a hotel, motel room or  
14 apartment unit, the adjacent rooms are not affected and the notice of removal  
15 is posted only for the contaminated room or apartment unit, the contaminated  
16 room or apartment unit unless visible evidence of residual contamination is  
17 found in an adjacent room or apartment unit.

18 Sec. 2. Section 32-101, Arizona Revised Statutes, as amended by Laws  
19 2002, chapter 105, section 1, is amended to read:

20 32-101. Purpose; definitions

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

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

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

28 2. "Architect" means a person who, by reason of knowledge of the  
29 mathematical and physical sciences and the principles of architecture and  
30 architectural engineering acquired by professional education and practical  
31 experience, is qualified to engage in the practice of architecture as  
32 attested by registration as an architect.

33 3. "Architect-in-training" means a candidate for registration as a  
34 professional architect who is a graduate of a school approved by the board  
35 or who has five years or more of education or experience, or both, in  
36 architectural work which meets standards specified by the board in its rules.  
37 In addition, the candidate shall have passed the architect-in-training  
38 examination.

39 4. "Architectural practice" means any professional service or creative  
40 work requiring architectural education, training and experience, and the  
41 application of the mathematical and physical sciences and the principles of  
42 architecture and architectural engineering to such professional services or  
43 creative work as consultation, evaluation, design and review of construction  
44 for conformance with contract documents and design, in connection with any  
45 building, planning or site development. A person shall be deemed to practice

1 or offer to practice architecture who in any manner represents that the  
2 person is an architect, or is able to perform any architectural service or  
3 other services recognized by educational authorities as architecture.

4 5. "Assayer" means a person who analyzes metals, ores, minerals, or  
5 alloys in order to ascertain the quantity of gold or silver or any other  
6 substance present in them. A person employed on a full-time basis as an  
7 assayer by an employer engaged in the business of developing, mining or  
8 treating ores or other minerals shall not be deemed to be engaged in assaying  
9 practice for the purposes of this chapter if the person engages in assaying  
10 practice exclusively for and as an employee of such employer and does not  
11 represent that the person is available and is not represented as being  
12 available to perform any assaying services for anyone other than the person's  
13 employer.

14 6. "Assayer-in-training" means a candidate for registration as a  
15 professional assayer who is a graduate of a school and curriculum approved  
16 by the board or who has four years or more of education or experience, or  
17 both, in assaying work which meets standards specified by the board in its  
18 rules. In addition, the candidate shall have passed the assayer-in-training  
19 examination.

20 7. "Assaying practice" means any professional service or work  
21 requiring assaying education, training and experience and the application of  
22 special knowledge of the mineral sciences to such service or work as  
23 consultation and the evaluation of minerals. A person is deemed to practice  
24 or offer to practice assaying who in any manner represents that the person  
25 is an assayer or is able to perform any assaying service or other services  
26 recognized by educational authorities as assaying.

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

28 9. "Certified remediation specialist" means a person who has been  
29 certified by the board to perform, supervise and review environmental  
30 remediations if the use of a certified remediation specialist is specifically  
31 authorized by title 49 and rules adopted pursuant to title 49.

32 10. "DRUG LABORATORY SITE REMEDIATION FIRM" MEANS A FIRM THAT IS  
33 LICENSED BY THE REGISTRAR OF CONTRACTORS PURSUANT TO CHAPTER 10 OF THIS TITLE  
34 AND THAT PERFORMS REMEDIATION OF RESIDUAL CONTAMINATION FROM THE MANUFACTURE  
35 OF METHAMPHETAMINE, ECSTASY OR LSD OR THE STORAGE OF CHEMICALS OR EQUIPMENT  
36 USED IN MANUFACTURING METHAMPHETAMINE, ECSTASY OR LSD. FOR THE PURPOSES OF  
37 THIS PARAGRAPH:

38 (a) "METHAMPHETAMINE" HAS THE SAME MEANING PRESCRIBED IN SECTION  
39 13-3401, PARAGRAPH 6 AND INCLUDES ANY OF THE PRECURSOR CHEMICALS, REGULATED  
40 CHEMICALS, OTHER SUBSTANCES OR EQUIPMENT USED IN THE UNLAWFUL MANUFACTURE OF  
41 THE DANGEROUS DRUG.

42 (b) "ECSTASY" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3401,  
43 PARAGRAPH 6 AND INCLUDES ANY OF THE PRECURSOR CHEMICALS, REGULATED CHEMICALS,  
44 OTHER SUBSTANCES OR EQUIPMENT USED IN THE UNLAWFUL MANUFACTURE OF THE  
45 DANGEROUS DRUG.

1 (c) "LSD" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-3401,  
2 PARAGRAPH 6 AND INCLUDES ANY OF THE PRECURSOR CHEMICALS, REGULATED CHEMICALS,  
3 OTHER SUBSTANCES OR EQUIPMENT USED IN THE UNLAWFUL MANUFACTURE OF THE  
4 DANGEROUS DRUG.

5 ~~10.~~ 11. "Engineer" means a person who, by reason of special knowledge  
6 of the mathematical and physical sciences and the principles and methods of  
7 engineering analysis and design acquired by professional education and  
8 practical experience, is qualified to practice engineering as attested by  
9 registration as a professional engineer.

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

34 ~~12.~~ 13. "Engineer-in-training" means a candidate for registration as  
35 a professional engineer who is a graduate in an approved engineering  
36 curriculum of four years or more of a school approved by the board or who has  
37 had four years or more of education or experience, or both, in engineering  
38 work which meets standards specified by the board in its rules. In addition,  
39 the candidate shall have passed the engineer-in-training examination.

40 ~~13.~~ 14. "Firm" means any ~~two or more individuals, including~~  
41 ~~partnerships, corporations~~ INDIVIDUAL OR PARTNERSHIP, CORPORATION or other  
42 types TYPE of associations ASSOCIATION, including the association of a  
43 nonregistrant and a registrant who offer OFFERS TO THE PUBLIC professional  
44 services regulated by the board.

1       ~~14.~~ 15. "Geological practice" means any professional service or work  
2 requiring geological education, training and experience, and the application  
3 of special knowledge of the earth sciences to such professional services as  
4 consultation, evaluation of mining properties, petroleum properties and  
5 groundwater resources, professional supervision of exploration for mineral  
6 natural resources including metallic and nonmetallic ores, petroleum and  
7 groundwater, and the geological phases of engineering investigations.

8       ~~15.~~ 16. "Geologist" means a person, not of necessity an engineer, who  
9 by reason of special knowledge of the earth sciences and the principles and  
10 methods of search for and appraisal of mineral or other natural resources  
11 acquired by professional education and practical experience is qualified to  
12 practice geology as attested by registration as a professional geologist. A  
13 person employed on a full-time basis as a geologist by an employer engaged  
14 in the business of developing, mining or treating ores and other minerals  
15 shall not be deemed to be engaged in geological practice for the purposes of  
16 this chapter if the person engages in geological practice exclusively for and  
17 as an employee of such employer and does not represent that the person is  
18 available and is not represented as being available to perform any geological  
19 services for persons other than the person's employer.

20       ~~16.~~ 17. "Geologist-in-training" means a candidate for registration as  
21 a professional geologist who is a graduate of a school approved by the board  
22 or who has had four years or more of education or experience, or both, in  
23 geological work which meets standards specified by the board in its rules.  
24 In addition, the candidate shall have passed the geologist-in-training  
25 examination.

26       ~~17.~~ 18. "Home inspection" means a visual analysis for the purposes of  
27 providing a professional opinion of the building, any reasonably accessible  
28 installed components and the operation of the building's systems, including  
29 the controls normally operated by the owner, for the following components of  
30 a residential building of four units or less:

- 31       (a) Heating system.
- 32       (b) Cooling system.
- 33       (c) Plumbing system.
- 34       (d) Electrical system.
- 35       (e) Structural components.
- 36       (f) Foundation.
- 37       (g) Roof covering.
- 38       (h) Exterior and interior components.
- 39       (i) Site aspects as they affect the building.

40       ~~18.~~ 19. "Home inspection report" means a written report that is  
41 prepared for compensation, that is issued after a home inspection and that  
42 clearly describes and identifies the inspected systems, structures and  
43 components of a completed dwelling and any visible major defects found to be  
44 in need of immediate major repair and any recommendations for additional  
45 evaluation by appropriate persons.

1       ~~19.~~ 20. "Home inspector" means an individual who is certified pursuant  
2 to this chapter as a home inspector and who engages in the business of  
3 performing home inspections and writing home inspection reports.

4       ~~20.~~ 21. "Home inspector-in-training" means a candidate for  
5 certification as a home inspector who has completed a course of study  
6 approved by the board and is participating in a training program that  
7 complies with standards recommended by the home inspector rules and standards  
8 committee and approved by the board.

9       ~~25.~~ 22. "Land surveying practice" means the performance of one or more  
10 of the following professional services:

11       (a) Measurement of land to determine the position of any monument or  
12 reference point which marks a property line, boundary or corner for the  
13 purpose of determining the area or description of the land.

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

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

18       (d) Measurement by angles, distances and elevations of natural or  
19 artificial features in the air, on the surface and immediate subsurface of  
20 the earth, within underground workings and on the surface or within bodies  
21 of water for the purpose of determining or establishing their location, size,  
22 shape, topography, grades, contours or water surface and depths, and the  
23 preparation and perpetuation of field note records and maps depicting these  
24 features.

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

27       ~~24.~~ 23. "Land surveyor" means a person who by reason of knowledge of  
28 the mathematical and physical sciences, principles of land surveying and  
29 evidence gathering acquired by professional education or practical  
30 experience, or both, is qualified to practice land surveying as attested by  
31 registration as a land surveyor. A person employed on a full-time basis as  
32 a land surveyor by an employer engaged in the business of developing, mining  
33 or treating ores or other minerals shall not be deemed to be engaged in land  
34 surveying practice for purposes of this chapter if the person engages in land  
35 surveying practice exclusively for and as an employee of such employer and  
36 does not represent that the person is available and is not represented as  
37 being available to perform any land surveying services for persons other than  
38 the person's employer.

39       ~~26.~~ 24. "Land surveyor-in-training" means a candidate for registration  
40 as a professional land surveyor who is a graduate of a school and curriculum  
41 approved by the board, or who has four years or more of education or  
42 experience, or both, in land surveying work which meets standards specified  
43 by the board in its rules. In addition, the candidate shall have passed the  
44 land surveyor-in-training examination.

1       ~~21.~~ 25. "Landscape architect" means a person who, by reason of  
2 professional education or practical experience, or both, is qualified to  
3 engage in the practice of landscape architecture as attested by registration  
4 as a landscape architect.

5       ~~22.~~ 26. "Landscape architect-in-training" means a candidate for  
6 registration as a professional landscape architect who is a graduate of a  
7 school approved by the board or who has had four years or more of education  
8 or experience, or both, in landscape architectural work which meets standards  
9 specified by the board in its rules. In addition, the candidate shall have  
10 passed the landscape architect-in-training examination.

11       ~~23.~~ 27. "Landscape architectural practice" means the performance of  
12 professional services such as consultations, investigation, reconnaissance,  
13 research, planning, design or responsible supervision in connection with the  
14 development of land and incidental water areas where, and to the extent that,  
15 the dominant purpose of such services is the preservation, enhancement or  
16 determination of proper land uses, natural land features, ground cover and  
17 planting, naturalistic and aesthetic values, the settings of and approaches  
18 to buildings, structures, facilities or other improvements, natural drainage  
19 and the consideration and the determination of inherent problems of the land  
20 relating to erosion, wear and tear, light or other hazards. This practice  
21 shall include the location and arrangement of such tangible objects and  
22 features as are incidental and necessary to the purposes outlined in this  
23 paragraph but shall not include the making of cadastral surveys or final land  
24 plats for official recording or approval, nor mandatorily include planning  
25 for governmental subdivisions.

26       28. "ON-SITE SUPERVISOR" MEANS THE EMPLOYEE OF A DRUG LABORATORY SITE  
27 REMEDIATION FIRM WHO IS AUTHORIZED TO OVERSEE ON-SITE WORKERS IN THE  
28 PERFORMANCE OF THEIR DUTIES.

29       29. "ON-SITE WORKER" MEANS AN EMPLOYEE OF A DRUG LABORATORY SITE  
30 REMEDIATION FIRM WHO HAS ON-SITE DUTIES OR WHO HANDLES CONTAMINATED  
31 MATERIALS, CHEMICALS OR CONTAMINATED EQUIPMENT.

32       ~~27.~~ 30. "Person" means any individual, firm, partnership, corporation,  
33 association or other organization.

34       ~~28.~~ 31. "Principal" means an individual who is an officer of the  
35 corporation or is designated by a firm as having full authority and  
36 responsible charge of the services offered by the firm.

37       32. "REGISTRANT" MEANS A PERSON REGISTERED OR CERTIFIED BY THE BOARD.

38       33. "REGISTRATION" MEANS A REGISTRATION OR CERTIFICATION ISSUED BY THE  
39 BOARD.

40       Sec. 3. Repeal

41       Section 32-101, Arizona Revised Statutes, as amended by Laws 2002,  
42 chapter 297, section 2, is repealed.

1           Sec. 4. Section 32-106.01, Arizona Revised Statutes, as amended by  
2 Laws 2002, chapter 297, section 4, is amended to read:

3           32-106.01. Petition for injunction

4           A. The superior court may issue an injunction immediately upon a  
5 petition filed as provided in this section to enjoin the practice of any  
6 board regulated profession or occupation by any person not registered or  
7 certified to practice such THE occupations or exempt pursuant to ~~section~~  
8 ~~32-144~~ THIS CHAPTER from registration requirements.

9           B. In a petition for injunction pursuant to subsection A of this  
10 section, it shall be sufficient to charge that the respondent on a day  
11 certain in a named county engaged in the practice of ~~architecture, assaying,~~  
12 ~~engineering, geology, landscape architecture, home inspection or land~~  
13 ~~surveying~~ ANY BOARD REGULATED PROFESSION OR OCCUPATION without a registration  
14 and without being exempt pursuant to ~~section 32-144~~ THIS CHAPTER from  
15 registration requirements. No showing of damage or injury shall be required.

16           C. Such petition shall be filed in the name of the state by the board  
17 or at the request of the board by the attorney general or any county attorney  
18 in any county where the respondent resides or may be found.

19           D. Issuance of an injunction shall not relieve the respondent from  
20 being subject to any proceedings pursuant to section 32-145, or otherwise.  
21 Any violation of an injunction shall be punished as contempt of court.

22           E. In all other respects, injunction proceedings pursuant to this  
23 section shall be governed by title 12, chapter 10, article 1.

24           Sec. 5. Section 32-110, Arizona Revised Statutes, is amended to read:

25           32-110. Immunity from personal liability

26           Members, agents and employees of the board, and members of advisory  
27 committees and the ~~home inspector rules and standards committee~~ STATUTORILY  
28 ESTABLISHED COMMITTEES OF THE BOARD AND REGISTRANTS VOLUNTEERING PROFESSIONAL  
29 SERVICES TO EMERGENCY SERVICES PERSONNEL AT THE SCENE OF A DISASTER AS PART  
30 OF AN AUTHORIZED BOARD PROGRAM are immune from personal liability with  
31 respect to acts done and actions taken in good faith within the scope of  
32 their authority.

33           Sec. 6. Section 32-121, Arizona Revised Statutes, as amended by Laws  
34 2002, chapter 105, section 4, is amended to read:

35           32-121. Certificate or registration required for practice

36           A person OR FIRM desiring to practice the ~~profession of architecture,~~  
37 ~~assaying, engineering, geology, landscape architecture, home inspection or~~  
38 ~~land surveying~~ shall first secure a certificate of registration ANY BOARD  
39 REGULATED PROFESSION OR OCCUPATION SHALL FIRST SECURE A CERTIFICATE OR  
40 REGISTRATION and shall comply with all the conditions prescribed in this  
41 chapter.

42           Sec. 7. Repeal

43           Section 32-121, Arizona Revised Statutes, as amended by Laws 2002,  
44 chapter 297, section 8, is repealed.

1       Sec. 8. Repeal

2       Section 32-122.03, Arizona Revised Statutes, is repealed.

3       Sec. 9. Renumber

4       Sections 32-122.04 and 32-122.05, Arizona Revised Statutes, are  
5 renumbered as sections 32-122.03 and 32-122.04, respectively.

6       Sec. 10. Section 32-122.03, Arizona Revised Statutes, as renumbered  
7 by this act, is amended to read:

8       32-122.03. Certification of on-site supervisors

9       A. An applicant for certification as a ~~remediation~~ AN ON-SITE  
10 supervisor shall be all of the following:

11       1. At least eighteen years of age.

12       2. Of good moral character and repute.

13       3. Trained pursuant to state and federal occupational safety and  
14 health administration regulations in addition to annual renewal training  
15 required for the handling of and exposure to contaminated materials,  
16 chemicals or contaminated equipment and other requirements as prescribed by  
17 the board.

18       B. An applicant for certification as a ~~remediation~~ AN ON-SITE  
19 supervisor shall file an application on a form provided by the board. The  
20 application shall include ~~both of the following~~:

21       ~~1. proof that the applicant has successfully completed the~~  
22 ~~requirements of subsection A, paragraph 3.~~

23       ~~2. An application fee prescribed by the board.~~

24       Sec. 11. Section 32-122.04, Arizona Revised Statutes, as renumbered  
25 by this act, is amended to read:

26       32-122.04. Certification of on-site workers

27       A. An applicant for ~~registration~~ CERTIFICATION as an on-site worker  
28 shall be all of the following:

29       1. At least eighteen years of age.

30       2. Of good moral character and repute.

31       3. Trained pursuant to state and federal occupational safety and  
32 health administration regulations in addition to annual renewal training  
33 required for the handling of and exposure to contaminated materials,  
34 chemicals or contaminated equipment and other requirements as prescribed by  
35 the board.

36       B. An applicant for ~~registration~~ CERTIFICATION as an on-site worker  
37 shall file a ~~registration~~ AN application on a form provided by the board. The  
38 application shall include ~~both of the following~~:

39       ~~1. proof that the applicant has successfully completed the~~  
40 ~~requirements of subsection A, paragraph 3.~~

41       ~~2. An application fee prescribed by the board.~~

1           Sec. 12. Section 32-123, Arizona Revised Statutes, as amended by Laws  
2 2002, chapter 297, section 10, is amended to read:

3           32-123. Application for registration and certification

4           A. A person desiring to practice any board regulated profession or  
5 occupation shall make application for registration or certification on a form  
6 prescribed by the board, subscribed under penalty of perjury and accompanied  
7 by the APPROPRIATE application fee PRESCRIBED BY THE BOARD. If the evidence  
8 submitted satisfies the board that the applicant is fully qualified to  
9 practice the profession or occupation for which registration or certification  
10 is asked, it shall grant the applicant a certificate of registration or  
11 certification, signed by the chairman and secretary and attested by the  
12 official seal. If the applicant seeks registration as a professional  
13 engineer, the certificate of registration shall list the proficiency  
14 designation in the branch of engineering in which the applicant has  
15 demonstrated proficiency.

16           B. A registered professional engineer who desires to practice land  
17 surveying shall apply for professional registration as a land surveyor and  
18 satisfy the requirements set forth in section 32-122.01, subsection B.

19           C. If in the judgment of the board the applicant has not furnished  
20 satisfactory evidence of qualifications for registration or certification,  
21 it may require additional data or may require the applicant to submit to an  
22 additional oral or written examination specified by the board in its rules.

23           D. If the application is denied, the application fee shall be  
24 returned, less the cost of considering the application, as determined by the  
25 board.

26           Sec. 13. Section 32-125, Arizona Revised Statutes, is amended to read:

27           32-125. Seals for registrants

28           A. The board shall adopt and prescribe seals for use of BY registrants  
29 ~~who hold valid certificates~~ WHO ARE REQUIRED BY THE BOARD TO USE SEALS. Each  
30 seal shall bear the name of the registrant, AND shall state the profession  
31 in which the registrant is permitted to practice and, in the case of  
32 engineering, the branch or branches of engineering in which the registrant  
33 has demonstrated proficiency, and other data the board deems pertinent.

34           B. Plans, specifications, plats or reports prepared by a registrant  
35 or a registrant's bona fide employee shall be issued under the registrant's  
36 seal IF THE BOARD REQUIRES THE REGISTRANT TO USE A SEAL.

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

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

42           E. ~~A~~ IF THE BOARD REQUIRES A REGISTRANT TO USE A SEAL, THE registrant  
43 is responsible for all documents that the registrant signs, stamps or seals,  
44 including those documents prepared by the registrant's bona fide employee.

1       Sec. 14. Section 32-127, Arizona Revised Statutes, as amended by Laws  
2 2002, chapter 105, section 8, is amended to read:

3       32-127. Renewal of certification or registration; delinquency  
4             penalty; inactive status; renewal fees; home  
5             inspector-in-training requirement

6       A. The board shall establish a ~~staggered~~ system for renewing  
7 certification or registration ~~on a triennial basis~~.

8       B. Certificates of registration or certification are invalid after  
9 their expiration date unless renewed by payment of the required renewal fee.  
10 If the renewal fee is not paid prior to the expiration date, it shall be  
11 accompanied by a penalty fee equal to one-sixth of the ~~triennial~~ renewal fee  
12 for each year or fraction of a year of delinquency.

13       C. The board shall cancel a certificate of registration or  
14 certification if it has remained invalid for ~~three years~~ ONE RENEWAL PERIOD  
15 and shall require a new application, accompanied by the application fee for  
16 reregistration or recertification.

17       D. A registrant or ~~home inspector~~ CERTIFICATE HOLDER shall not  
18 practice, offer to practice or ~~imply that the registrant or home inspector~~  
19 ~~can practice architecture, assaying, engineering, geology, home inspection,~~  
20 ~~landscape architecture or land surveying~~ ADVERTISE if the registrant's  
21 certificate of registration or the ~~home inspector's~~ certification is inactive  
22 or invalid.

23       E. A registrant OR CERTIFICATE HOLDER who retires from the active  
24 practice of ~~architecture, assaying, engineering, geology, landscape~~  
25 ~~architecture or land surveying~~ ANY BOARD REGULATED PROFESSION OR OCCUPATION  
26 or who is not currently practicing ~~architecture, assaying, engineering,~~  
27 ~~geology, landscape architecture or land surveying~~ THAT BOARD REGULATED  
28 PROFESSION OR OCCUPATION in this state may request that the board place the  
29 registrant's certificate of registration OR CERTIFICATION on inactive status.  
30 The registrant shall submit the request ~~on a form prescribed by~~ IN WRITING  
31 TO the board.

32       F. If the board has invalidated, pursuant to subsection B of this  
33 section, the certificate of registration of a registrant who seeks to place  
34 the certificate of registration on inactive status, the registrant shall  
35 submit all penalty fees that are due with the registrant's application for  
36 inactive status.

37       G. A registrant shall not place the registrant's certificate of  
38 registration on inactive status if the person's certificate of registration  
39 has been canceled by the board pursuant to subsection C of this section.

40       H. A registrant who holds an inactive certificate of registration may  
41 apply to the board to reactivate the certificate of registration. The board  
42 shall reactivate an inactive certificate of registration if the registrant  
43 submits a completed application on a form prescribed by the board and meets  
44 the qualifications for professional registration set forth in section  
45 32-122.01. A registrant who seeks reactivation of the registrant's

1 certificate of registration and who has not been engaged in the profession  
2 in which the registrant seeks reactivation for the five years immediately  
3 preceding the date of the application for reactivation shall take the  
4 applicable professional examination.

5 I. The board shall establish the ~~triennial~~ renewal fee for each  
6 certificate OR REGISTRATION issued pursuant to this chapter ~~which shall not~~  
7 ~~exceed one hundred fifty dollars.~~

8 ~~J. The board shall establish the annual renewal fee for each home~~  
9 ~~inspector certificate issued pursuant to this chapter that shall not exceed~~  
10 ~~four hundred dollars for each year.~~

11 ~~K. J.~~ The board may not renew the registration of a home  
12 inspector-in-training if the registrant has not passed within two years  
13 preceding renewal application a written examination approved by the board  
14 pursuant to section 32-122.02, subsection A, paragraph 3.

15 Sec. 15. Repeal

16 Section 32-127, Arizona Revised Statutes, as amended by Laws 2002,  
17 chapter 297, section 12, is repealed.

18 Sec. 16. Section 32-128, Arizona Revised Statutes, as amended by Laws  
19 2002, chapter 297, section 13, is amended to read:

20 32-128. Disciplinary action; letter of concern; judicial review

21 A. The board may take the following disciplinary actions, in  
22 combination or alternatively:

23 1. Revocation of a certification or registration.

24 2. Suspension of a certification or registration for a period of not  
25 more than three years.

26 3. Imposition of an administrative penalty of not more than two  
27 thousand dollars for each violation of this chapter or rules adopted pursuant  
28 to this chapter.

29 4. Imposition of restrictions on the scope of the registrant's  
30 practice.

31 5. Imposition of peer review and professional education requirements.

32 6. Imposition of probation requirements that are best adapted to  
33 protect the public safety, health and welfare and that may include a  
34 requirement for restitution payments to professional services clients or to  
35 other persons suffering economic loss resulting from violations of this  
36 chapter or rules adopted pursuant to this chapter.

37 7. Issuance of a letter of reprimand informing a person regulated  
38 under this chapter of a violation of this chapter or rules adopted by the  
39 board.

40 B. The board may issue a letter of concern if the board believes there  
41 is insufficient evidence to support disciplinary action against the  
42 registrant or home inspector but sufficient evidence for the board to notify  
43 the registrant or home inspector of the board's concern. A letter of concern  
44 is a public document.

1 C. The board may take disciplinary action against the holder of a  
2 certificate or registration under this chapter who is charged with the  
3 commission of any of the following acts:

4 1. Fraud or misrepresentation in obtaining a certificate of  
5 qualification, whether in the application or qualification examination.

6 2. Gross negligence, incompetence, bribery or other misconduct in the  
7 practice of the profession.

8 3. Aiding or abetting an unregistered or uncertified person to evade  
9 this chapter or knowingly combining or conspiring with an unregistered or  
10 uncertified person, or allowing one's registration or certification to be  
11 used by an unregistered or uncertified person or acting as agent, partner,  
12 associate or otherwise of an unregistered or uncertified person, with intent  
13 to evade this chapter.

14 4. Violation of this chapter or board rules.

15 5. Failing to pay a collaborating registered professional within seven  
16 calendar days after the registrant receives payment from a client unless  
17 specified otherwise contractually between the prime professional and the  
18 collaborating registered professional. For the purposes of this paragraph,  
19 "collaborating registered professional" means a registered professional with  
20 whom the prime professional has a contract to perform professional services.

21 D. The board may make investigations, employ investigators and expert  
22 witnesses, appoint members of advisory committees and conduct hearings to  
23 determine whether a disciplinary action should be taken against the holder  
24 of a certificate or registration under this chapter.

25 E. An investigation may be initiated on receipt of an oral or written  
26 complaint. The board, on its own motion, may direct the executive director  
27 to file a verified complaint charging a person with a violation of this  
28 chapter or board rules and shall give notice of the hearing pursuant to title  
29 41, chapter 6, article 10. The secretary or executive director shall then  
30 serve upon the accused, by either personal service or certified mail, a copy  
31 of the complaint together with notice setting forth the charge or charges to  
32 be heard and the time and place of the hearing, which shall not be less than  
33 thirty days after the service or mailing of notice.

34 F. A person who has been notified of charges pending against the  
35 person shall file with the board an answer in writing to the charges not more  
36 than thirty days after service of the complaint and notice of hearing. If  
37 a person fails to answer in writing, it is deemed an admission by the person  
38 of the act or acts charged in the complaint and notice of hearing. The board  
39 may then take disciplinary action pursuant to this chapter without a hearing.

40 G. A disciplinary action may be informally settled by the board and  
41 the accused either before or after initiation of hearing proceedings.

42 H. On its determination that any person has violated this chapter or  
43 a rule adopted pursuant to this chapter, the board may assess the person with  
44 its reasonable costs and expenses, INCLUDING ATTORNEY FEES, incurred in  
45 conducting the investigation and administrative hearing. All monies

1 collected pursuant to this subsection shall be deposited, pursuant to  
2 sections 35-146 and 35-147, in the technical registration fund established  
3 by section 32-109 and shall only be used by the board to defray its expenses  
4 in connection with INVESTIGATION RELATED TRAINING, disciplinary  
5 investigations and hearings. Notwithstanding section 35-143.01, these monies  
6 may be spent without legislative appropriation.

7 I. The board shall immediately notify the secretary of state and clerk  
8 of the board of supervisors of each county in the state of the suspension or  
9 revocation of a certificate or of the reissuance of a suspended or revoked  
10 certificate.

11 J. Except as provided in section 41-1092.08, subsection H, final  
12 decisions of the board are subject to judicial review pursuant to title 12,  
13 chapter 7, article 6.

14 Sec. 17. Section 32-131, Arizona Revised Statutes, is amended to read:  
15 32-131. Remediation specialist certification program

16 ~~A. Until the effective date of rules that establish a test for~~  
17 ~~certification under the permanent program for certification of remediation~~  
18 ~~specialists, the board shall apply the following standards for the interim~~  
19 ~~certification and regulation of remediation specialists:~~

20 ~~1. Notwithstanding the provisions of section 32-124, a person desiring~~  
21 ~~to be certified as a remediation specialist shall apply for certification on~~  
22 ~~a form prescribed by the board, subscribed under oath and accompanied by the~~  
23 ~~application fee in an amount determined by the board. If the board~~  
24 ~~determines that the applicant is qualified and complies with the board's~~  
25 ~~rules of professional conduct, the board shall certify the applicant as a~~  
26 ~~remediation specialist. If in the judgment of the board the applicant has~~  
27 ~~not furnished satisfactory evidence of qualification, the board may require~~  
28 ~~additional information. If the application is denied, the application fee~~  
29 ~~shall be returned, less the cost of considering the application as determined~~  
30 ~~by the board.~~

31 ~~2. An applicant for interim certification as a remediation specialist~~  
32 ~~shall be a registered engineer or geologist pursuant to section 32-121 and~~  
33 ~~shall have at least three years of professional experience in supervision of~~  
34 ~~environmental remediations. A person is not eligible for certification as~~  
35 ~~a remediation specialist if any of the following applies:~~

36 ~~(a) The person has been convicted of a felony involving a transaction~~  
37 ~~in securities or consumer fraud in any state or federal jurisdiction within~~  
38 ~~the seven year period immediately preceding the application.~~

39 ~~(b) The person has been convicted of a felony, the essential elements~~  
40 ~~of which consisted of fraud, misrepresentation or theft by false pretenses~~  
41 ~~in any state or federal jurisdiction within the seven year period immediately~~  
42 ~~preceding the application.~~

43 ~~(c) The person has been subject to an injunction, judgment, decree or~~  
44 ~~permanent order of any state or federal court within the seven year period~~

1 ~~immediately preceding the application that related to a violation of fraud~~  
2 ~~or consumer fraud laws or a violation of securities law of that jurisdiction.~~

3 ~~(d) The person has been convicted of a felony or misdemeanor that had~~  
4 ~~a reasonable relationship to the person's occupation or to the environment~~  
5 ~~within the seven year period immediately preceding the application.~~

6 ~~(e) The person has violated any provision of this chapter or rule~~  
7 ~~adopted pursuant to this chapter.~~

8 ~~3. The board shall waive the application fee for any applicant who is~~  
9 ~~an employee of the department of environmental quality during the term of the~~  
10 ~~applicant's employment by the department.~~

11 ~~B. Interim certification as a remediation specialist for the~~  
12 ~~greenfields pilot program under title 49, chapter 1, article 4 does not~~  
13 ~~ensure eventual certification under any permanent certification program.~~

14 ~~C. A. The board shall establish a permanent program for certification~~  
15 ~~of remediation specialists. The REMEDIATION SPECIALIST CERTIFICATION program~~  
16 ~~shall provide for certification of persons who have a combined total of at~~  
17 ~~least eight years of appropriate education and professional experience in~~  
18 ~~remediation including three years of experience supervising remediations. A~~  
19 ~~person is deemed to have appropriate education if the person has an~~  
20 ~~undergraduate A BACCALAUREATE degree in biology, chemistry, environmental~~  
21 ~~sciences, geology, hydrogeology, engineering, earth sciences, soil sciences,~~  
22 ~~toxicology, hazardous waste management or hydrology, or other disciplines as~~  
23 ~~established by the board by rule.~~

24 ~~D. Applicants are eligible for certification by the board on adoption~~  
25 ~~by the board of a rule that establishes the written test for the permanent~~  
26 ~~program for certification of remediation specialists.~~

27 ~~B. A PERSON DESIRING TO PRACTICE AS A REMEDIATION SPECIALIST PURSUANT~~  
28 ~~TO TITLE 49, CHAPTER 1, ARTICLE 4 SHALL APPLY FOR REGISTRATION ON A FORM~~  
29 ~~PRESCRIBED BY THE BOARD. APPLICANTS SHALL PASS EXAMINATIONS REQUIRED BY THE~~  
30 ~~BOARD FOR CERTIFICATION UNDER THE PROGRAM.~~

31 ~~E. C. A person is not eligible for certification as a remediation~~  
32 ~~specialist under the permanent program if any of the following applies:~~

33 ~~1. The person has been convicted of a felony involving a transaction~~  
34 ~~in securities or consumer fraud in any state or federal jurisdiction within~~  
35 ~~the seven year period immediately preceding the application.~~

36 ~~2. The person has been convicted of a felony, the essential elements~~  
37 ~~of which consisted of fraud, misrepresentation or theft by false pretenses~~  
38 ~~in any state or federal jurisdiction within the seven year period immediately~~  
39 ~~preceding the application.~~

40 ~~3. The person has been subject to an injunction, judgment, decree or~~  
41 ~~permanent order of any state or federal court within the seven year period~~  
42 ~~immediately preceding the application that related to a violation of fraud~~  
43 ~~or consumer fraud laws or a violation of securities law of that jurisdiction.~~

1           4. The person has been convicted of a felony or misdemeanor that had  
2 a reasonable relationship to the person's occupation or to the environment  
3 within the seven year period immediately preceding the application.

4           5. The person has violated any provision of this chapter or rule RULES  
5 adopted pursuant to this chapter.

6           ~~F. D.~~ Each applicant for certification under ~~the permanent program~~  
7 shall pay a fee as determined by the board and shall submit a full set of  
8 fingerprints to the board for the purpose of obtaining a state and federal  
9 criminal records check pursuant to section 41-1750 and Public Law  
10 92-544. The department of public safety may exchange this fingerprint data  
11 with the federal bureau of investigation.

12           ~~G. E.~~ Except for any documents and information relating to the state  
13 and federal criminal records check prescribed by subsection ~~F- D~~ of this  
14 section, documents and information provided to the board of technical  
15 registration pursuant to this section are public records.

16           ~~H. A remediation specialist is subject to this chapter and rules~~  
17 ~~adopted pursuant to this chapter. If a certified remediation specialist~~  
18 ~~under the interim certification program ceases to be a registered engineer or~~  
19 ~~geologist pursuant to section 32-121, the board shall revoke the person's~~  
20 ~~interim certification as a remediation specialist.~~

21           ~~I. The board may obtain outside professional and administrative~~  
22 ~~services to certify remediation specialists pursuant to this section.~~

23           ~~J. For the purposes of the interim certification program for~~  
24 ~~remediation specialists, "remediation specialist" means an engineer or~~  
25 ~~geologist who is registered pursuant to this chapter and who is certified by~~  
26 ~~the board to supervise or review environmental remediations.~~

27           Sec. 18. Section 32-141, Arizona Revised Statutes, is amended to read:

28           32-141. Firm registration

29           A. No A firm shall NOT engage in the practice of architecture,  
30 assaying, geology, engineering, landscape architecture or land surveying ANY  
31 BOARD REGULATED PROFESSION OR OCCUPATION unless the firm is registered with  
32 the board and the professional services are conducted under the full  
33 authority and responsible charge of a principal of the firm, who is also a  
34 registrant.

35           B. A person shall file a registration application for each branch  
36 office that is located in this state and that is PART of a firm registered  
37 with the board. The branch office application shall list a designated  
38 registrant having full authority and responsible charge of the professional  
39 services of that branch office. The designated registrant in a branch office  
40 need not be a principal of the firm.

41           C. A firm wishing to offer professional services in this state shall  
42 file with the board an application for registration on a form provided by the  
43 board AND ACCOMPANIED BY THE APPROPRIATE APPLICATION FEE AS PRESCRIBED BY THE  
44 BOARD. Firms shall also identify responsible registrants by the firm's  
45 REGISTRANT'S registration certificate numbers NUMBER. Each firm shall list

1 a description of the services the firm is offering to the public. The board  
2 shall be notified in writing within thirty days of any change occurring in  
3 the registered principals, or any change in the firm's name or address or any  
4 change in a branch office address or designated registrant. A new  
5 application shall be filed each year by the firm within thirty days of the  
6 anniversary date of the original firm registration.

7 D. No firm may advertise its availability to perform home inspections  
8 by home inspectors certified pursuant to this chapter unless each home  
9 inspection is performed by a home inspector certified pursuant to this  
10 chapter and each home inspection report is prepared as a result of the  
11 inspector's on-site observation.

12 E. A DRUG LABORATORY SITE REMEDIATION FIRM SHALL PROVIDE BOTH OF THE  
13 FOLLOWING:

14 1. THE NAME OF THE ON-SITE SUPERVISOR WHO IS AUTHORIZED AND  
15 RESPONSIBLE FOR THE SERVICES BEING OFFERED.

16 2. PROOF THAT THE FIRM IS LICENSED BY THE REGISTRAR OF CONTRACTORS  
17 PURSUANT TO CHAPTER 10 OF THIS TITLE.

18 Sec. 19. Section 32-143, Arizona Revised Statutes, is amended to read:  
19 32-143. Exceptions

20 A registrant AN ARCHITECT, GEOLOGIST, ENGINEER OR LANDSCAPE ARCHITECT  
21 REGISTERED under this chapter may engage in practice in another category  
22 regulated pursuant to this chapter only to the extent that the person is  
23 qualified and to the extent that the work may be necessary and incidental to  
24 the work of the registrant's profession on a specific project. This  
25 exception does not apply to public works projects.

26 Sec. 20. Section 32-144, Arizona Revised Statutes, is amended to read:  
27 32-144. Exemptions and limitations

28 A. ~~Architecture, engineering, geology, assaying, landscape~~  
29 ~~architecture or land surveying~~ PROFESSIONS AND OCCUPATIONS REGULATED BY THE  
30 BOARD may be practiced without compliance with the requirements of this  
31 chapter by:

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

33 2. An employee of a registrant or of a person exempt from  
34 registration, if such employment does not involve direct responsibility for  
35 design, inspection or supervision.

36 3. A nonregistrant who designs, alters or adds to a detached single  
37 family dwelling.

38 4. A nonregistrant who designs a one or two story building or  
39 structure in which the square footage of the floor area measured to the  
40 outside surface of the exterior walls does not exceed three thousand square  
41 feet, that is not intended for occupancy by more than twenty persons on a  
42 continuous basis and in which the maximum span of any structural member does  
43 not exceed twenty feet unless a greater span is achieved by the use of wood  
44 or steel roof or floor trusses or lintels approved by an engineer registered  
45 by the board.

1           5. A nonregistrant who designs additions or alterations to a one or  
2 two story building or structure subject to the limitations set forth in  
3 paragraph 4 of this subsection. A nonregistrant may exceed the maximum three  
4 thousand square foot limitation set forth in paragraph 4 of this subsection  
5 for a one-time single addition not exceeding one thousand five hundred square  
6 feet as measured to the outside surface of the exterior walls and designed  
7 for the purpose of storage of chattels.

8           6. A nonregistrant who designs a water or wastewater treatment plant,  
9 or extensions, additions, modifications or revisions, or extensions to water  
10 distribution or collection systems, if the total cost of such construction  
11 does not exceed twelve thousand five hundred dollars.

12           7. A nonregistrant who designs buildings or structures to be erected  
13 on property owned or leased by the nonregistrant or by a person, firm or  
14 corporation, including a utility, telephone, mining or railroad company,  
15 which employs the nonregistrant on a full-time basis, if the buildings or  
16 structures are intended solely for the use of the owner or lessee of the  
17 property, are not ordinarily occupied by more than twenty people, are not for  
18 sale to, rental to or use by the public and conform to the building code  
19 adopted by the city, town or county in which the building is to be erected  
20 or altered.

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

23           B. A registrant who performs any of the activities described in  
24 subsection A, paragraphs 3 through 8 is subject to the requirements of this  
25 chapter.

26           C. The requirements of this chapter shall not apply to work done by  
27 any communications common carrier or its affiliates or any public service  
28 corporation or manufacturing industry or by full-time employees of any of  
29 them, provided such work is in connection with or incidental to the products,  
30 systems or ~~non-engineering~~ NONENGINEERING services of such communications  
31 common carrier or its affiliates or public service corporation or  
32 manufacturing industry, and provided that the engineering service is not  
33 offered directly to the public.

34           D. An individual shall not perform home inspections unless the  
35 individual is certified as a home inspector pursuant to this chapter, except  
36 that nothing in this chapter prevents:

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

40           2. A person who is employed by a governmental entity from inspecting  
41 residential structures if the inspection is within official duties and  
42 responsibilities.

43           3. A person from performing a home inspection if the inspection will  
44 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 structure  
6 if the person does not receive separate compensation for the inspection work.

7 E. No person including a person described in subsection D may use any  
8 letterhead, advertisement, communication or other device to represent that  
9 the person is a home inspector unless the person is certified as a home  
10 inspector pursuant to this chapter.

11 Sec. 21. Retroactivity

12 A. Sections 32-101, 32-121, 32-122.03, 32-122.04, 32-123 and 32-127,  
13 Arizona Revised Statutes, as amended by this act, apply retroactively to from  
14 and after June 30, 2003.

15 B. Sections 2, 6, 7, 8 and 14 of this act are effective retroactively  
16 to from and after June 30, 2003.

APPROVED BY THE GOVERNOR MAY 12, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 13, 2003.



Passed the House March 12, 2003,

Passed the Senate May 1, 2003

by the following vote: 50 Ayes,

by the following vote: 28 Ayes,

7 Nays, 3 Not Voting

1 Nays, 1 Not Voting

Jake Flake  
Speaker of the House

Klu Bluneth  
President of the Senate

Norman L. Moore  
Chief Clerk of the House

Charmine Bellington  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

           day of           , 20  ,

at            o'clock            M.

            
Secretary to the Governor

Approved this            day of

          , 20  ,

at            o'clock            M.

            
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this            day of           , 20  ,

at            o'clock            M.

            
Secretary of State

H.B. 2466

HOUSE CONCURS IN SENATE AMENDMENTS  
AND FINAL PASSAGE

May 7, 2003,

by the following vote: 52 Ayes,  
3 Nays, 5 Not Voting

Jake Flake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

7 day of May, 2003

at 4:26 o'clock P M.

Sandra Day  
Secretary to the Governor

Approved this 12 day of

May, 2003,

at 9:15 o'clock A M.

JT Noyes  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 13 day of May, 2003,

at 4:03 o'clock P M.

Janice L. Brewer  
Secretary of State

H.B. 2466