

House Engrossed Senate Bill

FILED

**JANICE K. BREWER
SECRETARY OF STATE**

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

CHAPTER 96

SENATE BILL 1047

AN ACT

AMENDING SECTION 32-2409, ARIZONA REVISED STATUTES; RELATING TO PRIVATE INVESTIGATORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 32-2409, Arizona Revised Statutes, is amended to
3 read:

4 32-2409. Exemptions

5 This chapter does not apply to:

6 1. An officer or employee of the federal government, this state or a
7 political subdivision of this state, while engaged in the official
8 performance of the officer's or employee's duties.

9 2. A person, firm or corporation, or an employee of a person, firm or
10 corporation, engaged in the business of obtaining and furnishing financial
11 ratings and RELATED personal information for others, INCLUDING A CONSUMER
12 REPORTING AGENCY AS DEFINED IN THE FAIR CREDIT REPORTING ACT (15 UNITED
13 STATES CODE SECTION 1681a), IF THE PERSON, FIRM OR CORPORATION DOES NOT
14 ENGAGE IN OTHER INVESTIGATIVE RESEARCH THAT IS AN INVESTIGATIVE CONSUMER
15 REPORT AS DEFINED IN THE FAIR CREDIT REPORTING ACT (15 UNITED STATES CODE
16 SECTION 1681a) AND if the employee is not employed or connected with any
17 private investigator or private investigator's business.

18 3. A practicing attorney involved in a case for which the attorney has
19 been retained or a person employed under an employee-employer relationship
20 with a practicing attorney, in the employee's performance of duties related
21 to a case for which the attorney has been retained.

22 4. A collection agency licensed in this state, or its employee while
23 acting within the scope of employment, while making an investigation
24 incidental to the business of the agency, including an investigation of the
25 location of a debtor or the debtor's property if the contract with an
26 assignor creditor is for the collection of claims owed or due or asserted to
27 be owed or due or its equivalent.

28 5. Insurance brokers, adjusters and agents licensed by this state in
29 performing their duties in connection with insurance transacted by them.

30 6. The legal owner of personal property that has been sold under a
31 sales agreement in making investigations relating to the sales agreement.

32 7. A member of the news media and its employees when engaged in
33 obtaining information for the purpose of disseminating news to the public.

34 8. Public service corporations engaged in transmitting messages,
35 furnishing public telegraph or telephone service or investigating the use or
36 misuse of their equipment and facilities or the use or misuse of the
37 equipment and facilities of any connecting telecommunications company.

38 9. Private process servers who are duly registered and performing
39 their duties pursuant to the Arizona rules of civil procedure.

40 10. A person, firm or corporation, or an employee of a person, firm or
41 corporation, that, for any consideration, observes consumer purchases of
42 products or services in the public environments of a business establishment
43 for the purpose of evaluating customer service, operational procedures,
44 cleanliness, product quality and availability if all of the following apply:

1 (a) The information is obtained from questionnaires that the business
2 establishment approves in advance of use.

3 (b) The obtained information is used for employee training or
4 incentives.

5 (c) The obtained information is not used for prosecution of an
6 employee.

7 (d) The business establishment does not use a single evaluation as the
8 only basis for an employee's termination from employment.

9 11. A person or entity THAT IS performing duties pursuant to statute
10 AND that is certified or registered by the supreme court.

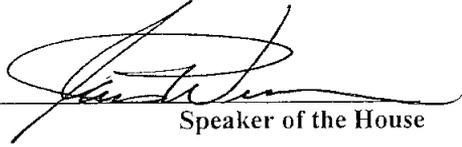
APPROVED BY THE GOVERNOR APRIL 18, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 18, 2007.

Passed the House April 2, 20 07,

by the following vote: 55 Ayes,

0 Nays, 5 Not Voting


Speaker of the House

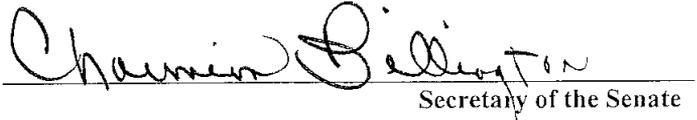

Chief Clerk of the House

Passed the Senate January 22, 20 07,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting


President of the Senate


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

S.B. 1047

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 12, 20 07

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Timothy S. Bee
President of the Senate

Charmian Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

12th day of April, 2007

at 11:41 o'clock a. M.

Wendee Ybarra
Secretary to the Governor

Approved this 18 day of

April

at 2²⁰ o'clock P. M.

Jan Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 18 day of April, 2007

at 3:33 o'clock P. M.

Janice K. Brewer
Secretary of State