House Engrossed Senate Bill

FILED
MICHELE REAGAN
SECRETARY OF STATE

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Second Regular Session
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CHAPTER 167

SENATE BILL 1422

AN ACT

AMENDING SECTIONS 32-101 AND 32-102, ARIZONA REVISED STATUTES; REPEALING SECTION 32-108, ARIZONA REVISED STATUTES; AMENDING SECTIONS 32-111, 32-122, 32-122.01, 32-122.02, 32-123, 32-127, 32-129 AND 32-152, ARIZONA REVISED STATUTES; RELATING TO THE STATE BOARD OF TECHNICAL REGISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 32-101, Arizona Revised Statutes, is amended to read:

32-101. Purpose; definitions

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

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

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

2. "Alarm" or "alarm system":

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

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

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

3. "Alarm agent":

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

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

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

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

4. "Alarm business":

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

(i) Providing alarm monitoring services.

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

(b) Does not include any of the following:

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

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

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

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

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

5. "Alarm subscriber" means any person who:

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

(b) Leases or rents an alarm system.

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

6. "Architect" means a person who, by reason of knowledge of the mathematical and physical sciences and the principles of architecture and architectural engineering acquired by professional education and practical experience, is qualified to engage in the practice of architecture ~~as attested by registration as an architect~~ AND IS REGISTERED AS AN ARCHITECT PURSUANT TO THIS CHAPTER.

~~7. "Architect-in-training" means a candidate for registration as a professional architect who is a graduate of a school approved by the board or who has five years or more of education or experience, or both, in architectural work which meets standards specified by the board in its rules. In addition, the candidate shall have passed the architect-in-training examination.~~

~~8.~~ 7. "Architectural practice" means any professional service or creative work requiring architectural education, training and experience, and the application of the mathematical and physical sciences and the principles of architecture and architectural engineering to such professional services or creative work as consultation, evaluation, design and review of construction for conformance with contract documents and design, in connection with any building, planning or site development. A person shall be deemed to practice or offer to practice architecture who in any manner represents that the person is an architect~~,~~ or is able to perform any architectural service or other services recognized by educational authorities as architecture.

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

available to perform any assaying services for anyone other than the person's employer.

~~10.~~ 9. "Assayer-in-training" means a candidate for registration as a professional assayer who is a graduate of a school and curriculum approved by the board or who has four years or more of education or experience, or both, in assaying work ~~which~~ THAT meets standards specified by the board in its rules. In addition, the candidate shall have passed the assayer-in-training examination.

~~11.~~ 10. "Assaying practice" means any professional service or work requiring assaying education, training and experience and the application of special knowledge of the mineral sciences to such service or work as consultation and the evaluation of minerals. A person is deemed to practice or offer to practice assaying who in any manner represents that the person is an assayer or is able to perform any assaying service or other services recognized by educational authorities as assaying.

~~12.~~ 11. "Board" means the state board of technical registration.

~~13.~~ 12. "Certified remediation specialist" means a person who has been certified by the board to perform, supervise and review environmental remediations if the use of a certified remediation specialist is specifically authorized by title 49 and rules adopted pursuant to title 49.

~~14.~~ 13. "Controlling person":

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

(b) Does not include an alarm agent.

~~15.~~ 14. "Drug laboratory site remediation firm" means a firm that is licensed by the registrar of contractors pursuant to chapter 10 of this title and that performs remediation of residual contamination from the manufacture of methamphetamine, ecstasy or LSD or the storage of chemicals or equipment used in manufacturing methamphetamine, ecstasy or LSD. For the purposes of this paragraph:

(a) "Ecstasy" has the same meaning prescribed in section 13-3401, paragraph 6 and includes any of the precursor chemicals, regulated chemicals, other substances or equipment used in the unlawful manufacture of the dangerous drug.

(b) "LSD" has the same meaning prescribed in section 13-3401, paragraph 6 and includes any of the precursor chemicals, regulated chemicals, other substances or equipment used in the unlawful manufacture of the dangerous drug.

(c) "Methamphetamine" has the same meaning prescribed in section 13-3401, paragraph 6 and includes any of the precursor chemicals, regulated chemicals, other substances or equipment used in the unlawful manufacture of the dangerous drug.

~~16.~~ 15. "Engineer" means a person who, by reason of special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design acquired by professional education and practical experience, is qualified to practice engineering ~~as attested by~~

~~registration as a professional engineer~~ AND IS REGISTERED AS A PROFESSIONAL ENGINEER PURSUANT TO THIS CHAPTER.

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

~~18.~~ 17. "Engineer-in-training" means a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more of a school approved by the board or who has ~~had~~ four years or more of education or experience, or both, in engineering work ~~which~~ THAT meets standards specified by the board in its rules. In addition, the candidate shall have passed the engineer-in-training examination.

~~19.~~ 18. "Firm" means any individual or partnership, corporation or other type of association, including the association of a nonregistrant and a registrant who offers to the public professional services regulated by the board.

~~20.~~ 19. "Geological practice" means any professional service or work requiring geological education, training and experience~~,~~ and the application of special knowledge of the earth sciences to such professional services as consultation, evaluation of mining properties, petroleum properties and groundwater resources, professional supervision of exploration for mineral natural resources including metallic and nonmetallic ores, petroleum and groundwater, and the geological phases of engineering investigations.

~~21.~~ 20. "Geologist" means a person, not of necessity an engineer, who by reason of special knowledge of the earth sciences and the principles and

methods of search for and appraisal of mineral or other natural resources acquired by professional education and practical experience is qualified to practice geology as attested by registration as a professional geologist. A person employed on a full-time basis as a geologist by an employer engaged in the business of developing, mining or treating ores and other minerals shall not be deemed to be engaged in geological practice for the purposes of this chapter if the person engages in geological practice exclusively for and as an employee of such employer and does not represent that the person is available and is not represented as being available to perform any geological services for persons other than the person's employer.

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

~~23.~~ 22. "Home inspection" means a visual analysis for the purposes of providing a professional opinion of the building, any reasonably accessible installed components and the operation of the building's systems, including the controls normally operated by the owner, for the following components of a residential building of four units or less:

(a) Heating system.
(b) Cooling system.
(c) Plumbing system.
(d) Electrical system.
(e) Structural components.
(f) Foundation.
(g) Roof covering.
(h) Exterior and interior components.
(i) Site aspects as they affect the building.
(j) Pursuant to rules adopted by the board, swimming pool and spa.

~~24.~~ 23. "Home inspection report" means a written report that is prepared for compensation, that is issued after a home inspection and that clearly describes and identifies the inspected systems, structures and components of a completed dwelling and any visible major defects found to be in need of immediate major repair and any recommendations for additional evaluation by appropriate persons.

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

~~26. "Home inspector-in-training" means a candidate for certification as a home inspector who has completed a course of study approved by the board and who is participating in a training program that complies with standards recommended by the home inspector rules and standards committee and approved by the board.~~

~~27.~~ 25. "Land surveying practice" means the performance of one or more of the following professional services:

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

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

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

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

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

~~28.~~ 26. "Land surveyor" means a person who by reason of knowledge of the mathematical and physical sciences, principles of land surveying and evidence gathering acquired by professional education or practical experience, or both, is qualified to practice land surveying as attested by registration as a land surveyor. A person employed on a full-time basis as a land surveyor by an employer engaged in the business of developing, mining or treating ores or other minerals shall not be deemed to be engaged in land surveying practice for purposes of this chapter if the person engages in land surveying practice exclusively for and as an employee of such employer and does not represent that the person is available and is not represented as being available to perform any land surveying services for persons other than the person's employer.

~~29.~~ 27. "Land surveyor-in-training" means a candidate for registration as a professional land surveyor who is a graduate of a school and curriculum approved by the board~~,~~ or who has four years or more of education or experience, or both, in land surveying work ~~which~~ THAT meets standards specified by the board in its rules. In addition, the candidate shall have passed the land surveyor-in-training examination.

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

~~31. "Landscape architect-in-training" means a candidate for registration as a professional landscape architect who is a graduate of a school approved by the board or who has had four years or more of education or experience, or both, in landscape architectural work which meets standards~~

~~specified by the board in its rules. In addition, the candidate shall have passed the landscape architect-in-training examination.~~

~~32.~~ 29. "Landscape architectural practice" means the performance of professional services such as consultations, investigation, reconnaissance, research, planning, design or responsible supervision in connection with the development of land and incidental water areas where, and to the extent that, the dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and planting, naturalistic and aesthetic values, the settings of and approaches to buildings, structures, facilities or other improvements, natural drainage and the consideration and the determination of inherent problems of the land relating to erosion, wear and tear, light or other hazards. This practice shall include the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in this paragraph but shall not include the making of cadastral surveys or final land plats for official recording or approval, nor mandatorily include planning for governmental subdivisions.

~~33.~~ 30. "Monitored alarm" means a device that is designed for the detection of an entry on any premises and that if activated generates a notification signal.

~~34.~~ 31. "On-site supervisor" means the employee of a drug laboratory site remediation firm who is authorized to oversee on-site workers in the performance of their duties.

~~35.~~ 32. "On-site worker" means an employee of a drug laboratory site remediation firm who has on-site duties or who handles contaminated materials, chemicals or contaminated equipment.

~~36.~~ 33. "Person" means any individual, firm, partnership, corporation, association or other organization.

~~37.~~ 34. "Principal" means an individual who is an officer of the corporation or is designated by a firm as having full authority and responsible charge of the services offered by the firm.

~~38.~~ 35. "Proprietor alarm" means any alarm or alarm system that is owned by an alarm subscriber who has not contracted with an alarm business.

~~39.~~ 36. "Registrant" means a person registered or certified by the board.

~~40.~~ 37. "Registration" means a registration or certification issued by the board.

Sec. 2. Section 32-102, Arizona Revised Statutes, is amended to read:

32-102. Board of technical registration; vacancies; terms

A. ~~A~~ THE state board of technical registration is established consisting of members WHO ARE appointed by the governor as follows:

1. Two architects.

2. Three professional engineers, ONE OF WHOM IS A CIVIL ENGINEER AND two of whom are representatives of branches of engineering other than civil engineering and are registered in those branches pursuant to this chapter.

3. One public member.
4. One landscape architect.
5. One geologist or assayer.
6. One land surveyor.

B. ~~Upon~~ ON the expiration of any of the terms, a successor~~,~~ WHO IS qualified pursuant to subsection A~~,~~ OF THIS SECTION shall be appointed for a full term of three years. The governor may remove a member of the board for misconduct, incapacity or neglect of duty. Appointment to fill a vacancy caused other than by expiration of term shall be for the unexpired portion of the term.

C. No member may serve more than two consecutive terms.

Sec. 3. Repeal

Section 32-108, Arizona Revised Statutes, is repealed.

Sec. 4. Section 32-111, Arizona Revised Statutes, is amended to read:

32-111. Home inspector rules and standards committee

A. ~~A~~ THE home inspector rules and standards committee of the state board of technical registration is established and consists of:

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

(a) Has at least forty members WHO ARE actively engaged in the practice of home inspection in this state.

(b) Holds regular elections.

(c) Publishes bylaws.

(d) Maintains a code of ethics.

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

(a) An architect member ~~of the board~~ or an engineer member of the board WHO IS appointed by the chairman.

(b) The public member.

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

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

D. The committee is responsible for drafting and recommending to the board ~~of technical registration~~:

1. Criteria for home inspector certification.
2. Standards for home inspection reports.
3. Standards for written examinations.

4. Standards for educational programs, including course of study, ~~home inspector-in-training~~ programs and continuing education.

5. Rules defining conduct.

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

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

~~E. The committee shall make its initial recommendations within six months of appointment or the board may proceed without these recommendations. Thereafter the committee shall make recommendations within six months of a board request for recommendations. The committee may initiate recommendations at any time it deems appropriate.~~

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

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

Sec. 5. Section 32-122, Arizona Revised Statutes, is amended to read:

32-122. Qualifications for in-training designation

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

1. Be of good moral character and repute.

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

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

B. An applicant for in-training ~~registration~~ DESIGNATION as an assayer ~~or land surveyor~~ shall:

1. Be of good moral character and repute.

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

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

~~C. An applicant for in-training registration as a home inspector-in-training shall:~~

~~1. Be of good moral character and repute.~~

~~2. Meet the requirements of section 32-122.02, subsection A, paragraphs 1 through 7.~~

Sec. 6. Section 32-122.01, Arizona Revised Statutes, is amended to read:

32-122.01. Qualifications for professional registration

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

1. Be of good moral character and repute.

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

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

B. An applicant for professional registration as an assayer or land surveyor shall:

1. Be of good moral character and repute.

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

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

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

1. Each year of study THAT IS satisfactorily completed in an architectural, engineering, geological or landscape architectural school approved by the board is equivalent to one year of active engagement up to a maximum of five years. One year or more of teaching architectural, engineering, geological or landscape architectural subjects in a school approved by the board is equivalent to one year of active engagement.

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

D. Except as provided in subsection E of this section, experience credited by the board under this section and sections 32-101, 32-122 and 32-126 must be attained under the direct supervision of a professional who is satisfactory to the board and registered in this state, another state or a foreign country in the profession in which the applicant is seeking registration, except that up to one year's experience may be attained under the direct supervision of a professional who is satisfactory to the board and registered in another profession regulated under this chapter in this state, another state or a foreign country.

E. By A two-thirds majority vote, the board may allow an applicant except for an architect applicant to meet the requirements of subsection D of this section by crediting comparable experience satisfactory to the board

that the applicant attained without direct supervision of a registered professional.

Sec. 7. Section 32-122.02, Arizona Revised Statutes, is amended to read:

32-122.02. Certification of home inspectors; insurance

A. An applicant for certification as a home inspector shall:

1. Be at least eighteen years of age.

2. Be of good moral character and repute.

3. Have passed within two years preceding application~~, or within five years preceding application if the application is made by December 31, 2002,~~ a written examination that is approved by the board and that meets the competency standards recommended by the home inspector rules and standards committee and adopted by the board.

4. Have passed a course of study ~~and a home inspector-in-training program~~ that meets the standards recommended by the home inspector rules and standards committee and approved by the board.

5. Pay a fee as determined by the board and shall submit a full set of fingerprints to the board for the purpose of obtaining a state and federal criminal records check pursuant to section 41-1750 and Public Law 92-544. The department of public safety may exchange this fingerprint data with the federal bureau of investigation. Any documents and information relating to the state and federal criminal records check required by this section are not public records.

6. Not have had a certificate denied or revoked pursuant to this chapter within one year immediately preceding the application.

7. Have received an absolute discharge from sentence at least five years before the application if the person has been convicted of one or more felonies, provided the board determines the applicant is of good moral character and repute.

8. Provide evidence of the applicant's ability to obtain financial assurance as provided by subsection B of this section.

B. Within sixty days after certification AND BEFORE ANY FEE-BASED HOME INSPECTION IS PERFORMED, a home inspector certified pursuant to this chapter shall file one of the following financial assurances pursuant to rules recommended by the home inspector rules and standards committee and adopted by the board:

1. Errors and omissions insurance for negligent acts committed in the course of a home inspection in an amount of two hundred thousand dollars in the aggregate and one hundred thousand dollars per occurrence.

2. A bond THAT IS RETROACTIVE TO THE CERTIFICATION DATE in the amount of twenty-five thousand dollars or proof that minimum net assets have a value of at least twenty-five thousand dollars.

~~3. A financial assurance mechanism with a value of at least twenty-five thousand dollars recommended by the home inspector rules and standards committee and approved by the board.~~

C. If a home inspector loses or otherwise fails to maintain a required financial assurance, the certification shall be automatically suspended and shall be reinstated if a financial assurance is obtained within ninety days. If a financial assurance is not obtained within ninety days, the certification shall be automatically revoked.

D. A home inspector is subject to this chapter and rules adopted pursuant to this chapter.

Sec. 8. Section 32-123, Arizona Revised Statutes, is amended to read:

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

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

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

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

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

Sec. 9. Section 32-127, Arizona Revised Statutes, is amended to read:

32-127. Renewal of certification or registration; penalty fee; cancellation; inactive status; renewal fees; home inspector exam requirement

A. The board shall establish a system for renewing certification or registration.

B. Except as provided in section 32-4301, certificates of registration or certification are invalid after their expiration date unless renewed by payment of the required renewal fee. If the renewal fee is not paid prior to the expiration date, it shall be accompanied by a penalty fee equal to one-sixth of the renewal fee for each year or fraction of a year of delinquency.

C. The board shall cancel a certificate of registration or certification if ~~it~~ THE REGISTRATION OR CERTIFICATION has remained invalid for AT LEAST one renewal period. ~~and shall require a new application, accompanied by the application fee for reregistration or recertification.~~ BEFORE THE BOARD MAY ISSUE A VALID REGISTRATION OR CERTIFICATION:

1. IF THE REGISTRATION OR CERTIFICATION HAS BEEN INVALID FOR LESS THAN FIVE YEARS OR HAS BEEN INVALID FOR AT LEAST FIVE YEARS BUT THE PERSON HAS PRACTICED AS A LICENSED, CERTIFIED OR REGISTERED PROFESSIONAL IN THAT PROFESSION IN ANOTHER JURISDICTION FOR THE FIVE YEARS IMMEDIATELY BEFORE THE DATE OF THE PERSON'S APPLICATION WITH THE BOARD:

(a) THE PERSON SHALL APPLY AS A NEW CANDIDATE AND PAY THE APPLICATION FEE.

(b) THE PERSON IS NOT REQUIRED TO TAKE AND PASS THE APPLICABLE PROFESSIONAL EXAMINATION.

2. IF THE REGISTRATION OR CERTIFICATION HAS BEEN INVALID FOR AT LEAST FIVE YEARS AND THE PERSON HAS NOT PRACTICED AS A LICENSED, CERTIFIED OR REGISTERED PROFESSIONAL IN THAT PROFESSION IN ANY OTHER JURISDICTION FOR THE FIVE YEARS IMMEDIATELY BEFORE THE DATE OF THE PERSON'S APPLICATION WITH THE BOARD, THE PERSON SHALL APPLY AS A NEW CANDIDATE, PAY THE APPLICATION FEE AND TAKE AND PASS THE PROFESSIONAL EXAMINATION.

D. A registrant shall not practice, offer to practice or advertise if the certificate of registration or the certification is inactive or invalid.

E. A registrant who retires from the active practice of any ~~board regulated~~ BOARD-REGULATED profession or occupation or who is not currently practicing that ~~board regulated~~ BOARD-REGULATED profession or occupation in this state may request that the board place the registrant's certificate of registration or certification on inactive status. The registrant shall submit the request in writing to the board.

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

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

H. A registrant who holds an inactive certificate of registration may apply to the board to reactivate the certificate of registration. The board shall reactivate an inactive certificate of registration if the registrant submits a completed application on a form prescribed by the board and meets the qualifications for professional registration set forth in section 32-122.01. A registrant who seeks reactivation of the registrant's certificate of registration and who has not been engaged in the profession in which the registrant seeks reactivation for the five years immediately

preceding the date of the application for reactivation shall take the applicable professional examination.

I. The board shall establish the renewal fee for each certificate or registration issued pursuant to this chapter.

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

J. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, A HOME INSPECTOR WHO HAS HAD A CERTIFICATION CANCELED PURSUANT TO SUBSECTION C OF THIS SECTION SHALL APPLY AS A NEW CANDIDATE AND PAY THE APPLICATION FEE. IF THE APPLICANT HAS NOT TAKEN AND PASSED THE BOARD-APPROVED NATIONAL EXAMINATION WITHIN THE TWO YEARS IMMEDIATELY PRECEDING THE DATE OF APPLICATION, THE APPLICANT SHALL TAKE AND PASS THE EXAMINATION FOR CERTIFICATION.

Sec. 10. Section 32-129, Arizona Revised Statutes, is amended to read:

32-129. Confidentiality

A. Examination material, file records of examination grading and performance, transcripts of educational institutions, letters of inquiry and reference concerning applicants and board inquiry forms concerning applicants are confidential and are not subject to inspection pursuant to title 39, chapter 1, article 2.

B. Investigation files of any investigation are confidential and are not subject to inspection pursuant to title 39, chapter 1, article 2 until the matter is final, a hearing notice is issued pursuant to title 41, chapter 6, article 10 or the matter is settled by consent order. However, the registrant shall be informed of ~~the investigation~~ AND HAVE ACCESS TO THE COMPLAINT AND INVESTIGATIVE ASSESSMENTS and the public may obtain information that an investigation is being conducted and of its general nature.

C. Informal conferences held by advisory committees are confidential and are not open to the public. All information, including any minutes or reports created or obtained pursuant to an informal conference, is confidential until the matter is final, a hearing notice is issued pursuant to title 41, chapter 6, article 10 or the matter is settled by consent order. The board may discuss matters that are being reviewed by an advisory committee in open session but may not introduce confidential documents into public board records.

Sec. 11. Section 32-152, Arizona Revised Statutes, is amended to read:

32-152. Record documents; definition

A. If a person or firm that is registered or certified by the board is required to provide ~~as-built plans~~ RECORD DOCUMENTS for improvements or grading, and the plans show changes during the construction process, the following apply:

1. If the registered or certified professional provided construction phase services on the project that include supervision of the construction of engineering structures, the plans shall be based on field observations of the

registered or certified professional or the professional's agents and information received from the project owner, project contractors and public agencies.

2. If the registered or certified professional did not provide construction phase services on the project that include supervision of the construction of engineering structures, the plans shall be based on information received from the project owner, project contractors and public agencies, but need not be based on a field verification or investigation of the improvements or grades unless the registered or certified professional is engaged to provide the field verification services.

3. The registered or certified professional shall not be required to include a certificate or statement on ~~as-built plans~~ RECORD DOCUMENTS that is inconsistent with or varies from ~~the provisions of~~ this section.

B. For the purposes of this section, ~~"as-built plans"~~ "RECORD DOCUMENTS" means plans that document the registered or certified professional's final plans and that include all changes made to the plans in the actual project construction. ~~As-built plans~~ RECORD DOCUMENTS include ~~as constructed~~ AS-CONSTRUCTED plans ~~and record~~ OR AS-BUILT plans.

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.

Passed the House May 5, 2016,

by the following vote: 59 Ayes,

1 Nays, 1 Not Voting

Speaker of the House

Jim Drake

Chief Clerk of the House

Passed the Senate February 22, 2016,

by the following vote: 30 Ayes,

0 Nays, 0 Not Voting

President of the Senate

Susan Craves

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. 1422

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 5, 2016

by the following vote: 29 Ayes,

0 Nays, 1 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

5th day of May, 2016

at 4:10 o'clock P. M.

Secretary to the Governor

Approved this 11th day of

May

at 10:51 o'clock A. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 12 day of May, 2016

at 8:53 o'clock A M.

Secretary of State

S.B. 1422