

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

REFERENCE TITLE:

SB _____

Introduced by

AN ACT

AMENDING SECTION 32-101, ARIZONA REVISED STATUTES; AMENDING SECTION 32-102, ARIZONA REVISED STATUTES; AMENDING SECTION 32-103, ARIZONA REVISED STATUTES; AMENDING TITLE 32, CHAPTER 1, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-122.05; AMENDING SECTION 32-125, ARIZONA REVISED STATUTES; AMENDING SECTION 32-126, ARIZONA REVISED STATUTES; AMENDING SECTION 32-144, ARIZONA REVISED STATUTES; RELATING TO INTERIOR DESIGN.

(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 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. "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.

3. "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.

4. "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.

5. "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.

6. "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

meets standards specified by the board in its rules. In addition, the candidate shall have passed the assayer-in-training examination.

7. "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.

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

9. "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.

10. "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.

11. "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.

12. "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 22, subdivisions (d) and (e), 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.

13. "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 meets standards specified by the board in its rules. In addition, the candidate shall have passed the engineer-in-training examination.

14. "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.

15. "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.

16. "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.

17. "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 meets standards specified by the board in its rules. In addition, the candidate shall have passed the geologist-in-training examination.

18. "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.

19. "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.

20. "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.

21. "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 is participating in a training program that complies with standards recommended by the home inspector rules and standards committee and approved by the board.

22. "INTERIOR DESIGN DOCUMENTS" MEANS _____

22. "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 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.

23. "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.

24. "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 meets standards specified by the board in its rules. In addition, the candidate shall have passed the land surveyor-in-training examination.

25. "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.

26. "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.

27. "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.

28. "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.

29. "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.

30. "Person" means any individual, firm, partnership, corporation, association or other organization.

31. "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.

32. "REGISTERED INTERIOR DESIGNER" MEANS A PERSON REGISTERED PURSUANT TO THIS CHAPTER WHO IS QUALIFIED BY THE BOARD BASED ON EDUCATION, EXPERIENCE AND EXAMINATION TO PROVIDE SERVICES PURSUANT TO THIS CHAPTER.

~~32~~ 33. "Registrant" means a person registered or certified by the board.

~~33~~ 34. "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

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

1. Two architects.

2. Three professional engineers, 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.

7. ONE REGISTERED INTERIOR DESIGNER.

B. Upon the expiration of any of the terms a successor, qualified pursuant to subsection A, 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 Section 32-103 Arizona Revised Statutes is amended to read:

32-103. Qualifications of members

A. Each professional member of the board shall:

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

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

B. Each member who is an architect, geologist, an assayer, a landscape architect, a professional engineer or a land surveyor shall have had at least five years' active professional experience as attested by registration under this chapter. BEGINNING JANUARY 1, 2015, A MEMBER WHO IS A REGISTERED INTERIOR DESIGNER SHALL HAVE AT LEAST FIVE YEARS ACTIVE PROFESSIONAL EXPERIENCE AS ATTESTED BY REGISTRATION UNDER THIS CHAPTER.

Sec. 4 Title 32, chapter 1, article 1, Arizona Revised Statutes is amended by adding Section 32-113, to read:

A. AN APPLICANT FOR REGISTRATION AS AN INTERIOR DESIGNER SHALL:

1. BE AT LEAST EIGHTEEN YEARS OF AGE.
2. BE OF GOOD MORAL CHARACTER AND REPUTE.

3. HAVE PASSED A WRITTEN EXAMINATION THAT IS APPROVED BY THE BOARD, EXCEPT AS PROVIDED BY SECTION 32-126. THE WRITTEN EXAMINATION MUST TEST FOR MINIMUM COMPETENCY IN INTERIOR DESIGN WITHIN NATIONALLY ACCEPTABLE TESTING STANDARDS AND BE NATIONALLY RECOGNIZED.

4. HAVE PASSED A COURSE OF STUDY WITH A MINIMUM OF FORTY SEMESTER HOURS OR SIXTY QUARTER HOURS OF INTERIOR DESIGN RELATED COURSEWORK THAT CULMINATES IN A CERTIFICATE, DEGREE OR DIPLOMA.

5. POSSESS AT LEAST THREE THOUSAND FIVE HUNDRED TWENTY HOURS OF DIVERSIFIED PRACTICAL INTERIOR DESIGN EXPERIENCE.

6. NOT HAVE HAD A REGISTRATION DENIED OR REVOKED PURSUANT TO THIS CHAPTER WITHIN ONE YEAR IMMEDIATELY PROCEEDING THE APPLICATION.

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

32-125. Seals for registrants

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

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

C. INTERIOR DESIGN DOCUMENTS BEING FILED WITH ANY STATE OR LOCAL BUILDING DEPARTMENT FOR THE PURPOSE OF OBTAINING A BUILDING PERMIT SHALL BEAR THE SEAL OF AN ENGINEER, ARCHITECT, OR A REGISTERED INTERIOR DESIGNER WHO PREPARED OR APPROVED THE DOCUMENT AND THE DATE ON WHICH THEY WERE SEALED.

⊖ D. It is unlawful for a registrant whose certificate has expired or has been revoked or suspended to use the seal.

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

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

Sec. 6 Section 32-126 Arizona Revised Statutes is amended to read:

32-126. Exemptions from examination requirement

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

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

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

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

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

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

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

C. An applicant for professional registration as a land surveyor who satisfies any one of the requirements of subsection A shall pass the part of the professional land surveyor examination relating to surveying methods and legal principles in this state prescribed by the board in its rules.

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

E. FOR AN APPLICANT WHO APPLIES TO THE BOARD WITHIN EIGHTEEN MONTHS OF THE EFFECTIVE DATE OF THIS ACT, THE BOARD MAY WAIVE THE EXAMINATION, EDUCATION, OR EXPERIENCE REQUIREMENTS FOR AN APPLICANT FOR A REGISTRATION AS AN INTERIOR DESIGNER IF:

1. THE APPLICANT IS ACTIVELY ENGAGED AS AN INTERIOR DESIGNER ON THE EFFECTIVE DATE OF THIS ACT; AND

2. THE BOARD DETERMINES THAT THE APPLICANT HAS SUFFICIENT COMPETENCY.

Sec. 7 Section 32-144 Arizona Revised Statutes is amended to read:

32-144. Exemptions and limitations

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

1. An officer or employee of the United States, practicing as such.
 2. An employee of a registrant or of a person exempt from registration, if such employment does not involve direct responsibility for design, inspection or supervision.
 3. A nonregistrant who designs, alters or adds to a detached single family dwelling.
 4. A nonregistrant who designs a one or two story building or structure in which the square footage of the floor area measured to the outside surface of the exterior walls does not exceed three thousand square feet, that is not intended for occupancy by more than twenty persons on a continuous basis and in which the maximum span of any structural member does not exceed twenty feet unless a greater span is achieved by the use of wood or steel roof or floor trusses or lintels approved by an engineer registered by the board.
 5. A nonregistrant who designs additions or alterations to a one or two story building or structure subject to the limitations set forth in paragraph 4 of this subsection. A nonregistrant may exceed the maximum three thousand square foot limitation set forth in paragraph 4 of this subsection for a one-time single addition not exceeding one thousand five hundred square feet as measured to the outside surface of the exterior walls and designed for the purpose of storage of chattels.
 6. A nonregistrant who designs a water or wastewater treatment plant, or extensions, additions, modifications or revisions, or extensions to water distribution or collection systems, if the total cost of such construction does not exceed twelve thousand five hundred dollars.
 7. A nonregistrant who designs buildings or structures to be erected on property owned or leased by the nonregistrant or by a person, firm or corporation, including a utility, telephone, mining or railroad company, which employs the nonregistrant on a full-time basis, if the buildings or structures are intended solely for the use of the owner or lessee of the property, are not ordinarily occupied by more than twenty people, are not for sale to, rental to or use by the public and conform to the building code adopted by the city, town or county in which the building is to be erected or altered.
 8. A nonregistrant who provides horticultural consultations or prepares planting plans for plant installations.
- B. A registrant who performs any of the activities described in subsection A, paragraphs 3 through 8 is subject to the requirements of this chapter.
9. A NONREGISTRANT WHO DESIGNS THE INTERIOR OF EITHER A DETACHED SINGLE FAMILY DWELLING OR A COMMERCIAL SPACE IF THE WORK DOES NOT INVOLVE ISSUES OF CODE COMPLIANCE REQUIRING THE AFFIXING OF A SEAL AND DOES NOT REQUIRE THE PLANS BE FILED, REVIEWED, AND APPROVED BEFORE THE ISSUANCE OF A BUILDING PERMIT IN ACCORDANCE WITH THE BUILDING CODES OF THE POLITICAL SUBDIVISION HAVING JURISDICTION OVER THE WORK.
 10. A NONREGISTRANT FROM RENDERING INTERIOR DESIGN SERVICES PROVIDED SUCH PERSON SHALL NOT BE IDENTIFIED AS A REGISTERED INTERIOR DESIGNER.
- C. The requirements of this chapter shall not apply to work done by any communications common carrier or its affiliates or any public service corporation or manufacturing industry or by full-time employees of any of them, provided such work is in connection with or incidental to the products, systems or nonengineering services of such

communications common carrier or its affiliates or public service corporation or manufacturing industry, and provided that the engineering service is not offered directly to the public.

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

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

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

3. A person from performing a home inspection if the inspection will be used solely by a bank, savings and loan association or credit union to monitor progress on the construction of a residential structure, unless otherwise required by federal law or regulation.

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

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