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)

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

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

32-2409. Exemptions

This chapter does not apply to:

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

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

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

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

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

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

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

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

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

10. A person, firm or corporation, or an employee of a person, firm or corporation, that, for any consideration, observes consumer purchases of products or services in the public environments of a business establishment for the purpose of evaluating customer service, operational procedures, 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.