

HOUSE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

March 6, 2019

Committee on Business Affairs & Labor.

After consideration on the merits, the Committee recommends the following:

HB19-1086 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1 Amend printed bill, page 2, strike lines 2 through 19.

2 Page 3, strike lines 1 through 8 and substitute:

3 "SECTION 1. In Colorado Revised Statutes, 12-58-108, **amend**
4 (2); and **add** (3) as follows:

5 **12-58-108. Renewal - reinstatement - rules.** (2) (a) Any license
6 or registration that has lapsed is ~~deemed to have~~ expired.

7 (b) (I) Prior to reinstatement OF AN EXPIRED LICENSE OR
8 REGISTRATION, the board ~~is authorized to~~ MAY require the licensee OR
9 REGISTRANT to demonstrate competency.

10 (II) THIS SUBSECTION (2)(b)(II) DOES NOT APPLY TO WATER
11 CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS. TO
12 REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR TWO
13 OR MORE YEARS, A PERSON MUST DEMONSTRATE COMPETENCY BY:

14 (A) PROVIDING VERIFICATION OF A LICENSE IN GOOD STANDING
15 FROM ANOTHER STATE AND PROOF OF ACTIVE PRACTICE IN THAT STATE
16 FOR THE YEAR PREVIOUS TO THE DATE OF RECEIPT OF THE REINSTATEMENT
17 APPLICATION;

18 (B) SATISFACTORILY PASSING THE STATE PLUMBING EXAMINATION
19 IN ACCORDANCE WITH SECTION 12-58-107; OR

20 (C) ANY OTHER MEANS APPROVED BY THE BOARD.

21 (III) TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN
22 EXPIRED FOR LESS THAN TWO YEARS, A PERSON MUST COMPLY WITH

1 SUBSECTION (3)(a) OF THIS SECTION; EXCEPT THAT THIS SUBSECTION
2 (2)(b)(III) DOES NOT APPLY TO WATER CONDITIONING INSTALLERS AND
3 WATER CONDITIONING PRINCIPALS.

4 (c) Licenses and registrations ~~shall be renewed or reinstated~~
5 ~~pursuant to~~ ARE SUBJECT TO RENEWAL OR REINSTATEMENT IN
6 ACCORDANCE WITH a schedule established by the director of the division
7 of professions and occupations within the department of regulatory
8 agencies and pursuant to section 24-34-102 (8). ~~C.R.S.~~ The director ~~of the~~
9 ~~division of professions and occupations within the department of~~
10 ~~regulatory agencies~~ may establish renewal fees and delinquency fees for
11 reinstatement pursuant to section 24-34-105. ~~C.R.S.~~

12 (d) If a person fails to renew his or her license or registration
13 pursuant to the schedule established by the director, ~~of the division of~~
14 ~~professions and occupations~~, the license or registration ~~shall expire~~
15 EXPIRES. Any person whose license or registration has expired is subject
16 to the penalties provided in this ~~article~~ ARTICLE 58 or section 24-34-102
17 (8). ~~C.R.S.~~

18 (3) (a) ON OR AFTER MAY 1, 2021, THE BOARD SHALL NOT RENEW
19 OR REINSTATE A LICENSE UNLESS THE APPLICANT HAS COMPLETED EIGHT
20 HOURS OF CONTINUING EDUCATION FOR EVERY TWELVE MONTHS THAT
21 HAVE PASSED AFTER THE LATER OF THE LAST DATE OF RENEWAL OR
22 REINSTATEMENT. THIS SUBSECTION (3)(a) DOES NOT APPLY TO THE FIRST
23 RENEWAL OR REINSTATEMENT OF A LICENSE FOR WHICH, AS A CONDITION
24 OF ISSUANCE, THE APPLICANT SUCCESSFULLY COMPLETED A LICENSING
25 EXAMINATION PURSUANT TO SECTION 12-58-107.

26 (b) ON OR BEFORE JULY 1, 2020, THE BOARD, IN COLLABORATION
27 WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY
28 REPRESENTATIVES, SHALL ADOPT RULES ESTABLISHING CONTINUING
29 EDUCATION REQUIREMENTS AND STANDARDS. THE REQUIREMENTS AND
30 STANDARDS MUST INCLUDE COURSE WORK RELATED TO THE CODE,
31 INCLUDING CORE COMPETENCIES, AS DETERMINED BY THE BOARD. THE
32 BOARD MAY COUNT A LICENSED PLUMBER'S ENROLLMENT IN A COURSE
33 DESIGNED TO HELP THE PLUMBER ATTAIN NATIONALLY RECOGNIZED
34 PLUMBING AND BUILDING INSPECTION CERTIFICATIONS TOWARDS THE
35 PLUMBER'S CONTINUING EDUCATION REQUIREMENTS. A RENEWAL OR
36 REINSTATEMENT LICENSE APPLICANT MUST FURNISH, OR CAUSE TO BE
37 FURNISHED, TO THE BOARD, IN A FORM AND MANNER DETERMINED BY THE
38 BOARD, DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS
39 SUBSECTION (3) AND RULES PROMULGATED TO IMPLEMENT THIS
40 SUBSECTION (3).

41 (c) TO ENSURE CONSUMER PROTECTION, THE BOARD'S RULES MAY

1 INCLUDE AUDIT STANDARDS FOR LICENSEE COMPLIANCE WITH CONTINUING
2 EDUCATION REQUIREMENTS AND REQUIREMENTS PERTAINING TO THE
3 TESTING OF LICENSEES BY THE CONTINUING EDUCATION VENDOR."

4 Page 4, line 7, after "DIRECTOR" insert "OF THE DIVISION OF PROFESSIONS
5 AND OCCUPATIONS".

6 Page 4, line 8, strike "POSTED." and substitute "POSTED OR, IF AN
7 INSPECTING ENTITY DOES NOT HAVE A WEBSITE, PROVIDE ITS CURRENT
8 PROCEDURES TO THE DIRECTOR FOR POSTING ON THE BOARD'S WEBSITE."

9 Page 4, strike lines 11 through 22 and substitute:

10 "SECTION 3. In Colorado Revised Statutes, 12-155-112, **amend**
11 **as relocated by House Bill 19-1172 (2); and add (3) as follows:**

12 **12-155-112. License renewal - fees - reinstatement - rules.**

13 (2) (a) Licenses and registrations issued pursuant to this article 155 are
14 subject to the renewal, expiration, reinstatement, and delinquency fee
15 provisions specified in section 12-20-202 (1) and (2). Any person whose
16 license or registration has expired is subject to the penalties provided in
17 this article 155 or section 12-20-202 (1).

18 (b) THIS SUBSECTION (2)(b) DOES NOT APPLY TO WATER
19 CONDITIONING INSTALLERS AND WATER CONDITIONING PRINCIPALS. TO
20 REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN EXPIRED FOR TWO
21 OR MORE YEARS, A PERSON MUST DEMONSTRATE COMPETENCY BY:

22 (I) PROVIDING VERIFICATION OF A LICENSE IN GOOD STANDING
23 FROM ANOTHER STATE AND PROOF OF ACTIVE PRACTICE IN THAT STATE
24 FOR THE YEAR PREVIOUS TO THE DATE OF RECEIPT OF THE REINSTATEMENT
25 APPLICATION;

26 (II) SATISFACTORILY PASSING THE STATE PLUMBING EXAMINATION
27 IN ACCORDANCE WITH SECTION 12-58-107; OR

28 (III) ANY OTHER MEANS APPROVED BY THE BOARD.

29 (c) TO REINSTATE A LICENSE OR REGISTRATION THAT HAS BEEN
30 EXPIRED FOR LESS THAN TWO YEARS, A PERSON MUST COMPLY WITH
31 SUBSECTION (3)(a) OF THIS SECTION; EXCEPT THAT THIS SUBSECTION (2)(c)
32 DOES NOT APPLY TO WATER CONDITIONING INSTALLERS AND WATER
33 CONDITIONING PRINCIPALS.

34 (3) (a) ON OR AFTER MAY 1, 2021, THE BOARD SHALL NOT RENEW
35 OR REINSTATE A LICENSE UNLESS THE APPLICANT HAS COMPLETED EIGHT
36 HOURS OF CONTINUING EDUCATION FOR EVERY TWELVE MONTHS THAT
37 HAVE PASSED AFTER THE LATER OF THE LAST DATE OF RENEWAL OR

1 REINSTATEMENT. THIS SUBSECTION (3)(a) DOES NOT APPLY TO THE FIRST
2 RENEWAL OR REINSTATEMENT OF A LICENSE FOR WHICH, AS A CONDITION
3 OF ISSUANCE, THE APPLICANT SUCCESSFULLY COMPLETED A LICENSING
4 EXAMINATION PURSUANT TO SECTION 12-155-110.

5 (b) ON OR BEFORE JULY 1, 2020, THE BOARD, IN COLLABORATION
6 WITH ESTABLISHED INDUSTRY TRAINING PROGRAMS AND INDUSTRY
7 REPRESENTATIVES, SHALL ADOPT RULES ESTABLISHING CONTINUING
8 EDUCATION REQUIREMENTS AND STANDARDS. THE REQUIREMENTS AND
9 STANDARDS MUST INCLUDE COURSE WORK RELATED TO THE CODE,
10 INCLUDING CORE COMPETENCIES, AS DETERMINED BY THE BOARD. THE
11 BOARD MAY COUNT A LICENSED PLUMBER'S ENROLLMENT IN A COURSE
12 DESIGNED TO HELP THE PLUMBER ATTAIN NATIONALLY RECOGNIZED
13 PLUMBING AND BUILDING INSPECTION CERTIFICATIONS TOWARDS THE
14 PLUMBER'S CONTINUING EDUCATION REQUIREMENTS. A RENEWAL OR
15 REINSTATEMENT LICENSE APPLICANT MUST FURNISH, OR CAUSE TO BE
16 FURNISHED, TO THE BOARD, IN A FORM AND MANNER DETERMINED BY THE
17 BOARD, DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THIS
18 SUBSECTION (3) AND RULES PROMULGATED TO IMPLEMENT THIS
19 SUBSECTION (3).

20 (c) TO ENSURE CONSUMER PROTECTION, THE BOARD'S RULES MAY
21 INCLUDE AUDIT STANDARDS FOR LICENSEE COMPLIANCE WITH CONTINUING
22 EDUCATION REQUIREMENTS AND REQUIREMENTS PERTAINING TO THE
23 TESTING OF LICENSEES BY THE CONTINUING EDUCATION VENDOR.

24 **SECTION 4.** In Colorado Revised Statutes, 12-155-120, **add as**
25 **relocated by House Bill 19-1172** (10) as follows:

26 **12-155-120. Inspection - application - standards.** (10) (a) AN
27 INSPECTOR PERFORMING AN INSPECTION FOR THE STATE, AN
28 INCORPORATED TOWN OR CITY, COUNTY, CITY AND COUNTY, OR QUALIFIED
29 STATE INSTITUTION OF HIGHER EDUCATION, REFERRED TO IN THIS
30 SUBSECTION (10) AS AN "INSPECTING ENTITY", SHALL VERIFY COMPLIANCE
31 WITH THIS ARTICLE 155.

32 (b) (I) INSPECTIONS PERFORMED BY AN INSPECTING ENTITY MUST
33 INCLUDE, FOR EACH PROJECT, A CONTEMPORANEOUS REVIEW TO ENSURE
34 COMPLIANCE WITH SECTIONS 12-155-108 AND 12-155-124. A
35 CONTEMPORANEOUS REVIEW MAY INCLUDE A FULL OR PARTIAL REVIEW OF
36 THE PLUMBERS AND APPRENTICES WORKING AT A JOB SITE BEING
37 INSPECTED.

38 (II) TO ENSURE THAT ENFORCEMENT IS CONSISTENT, TIMELY, AND
39 EFFICIENT, EACH INSPECTING ENTITY EMPLOYING INSPECTORS SHALL
40 DEVELOP STANDARD PROCEDURES TO ADVISE ITS INSPECTORS ON HOW TO
41 CONDUCT A CONTEMPORANEOUS REVIEW. AN INSPECTING ENTITY'S

1 STANDARD PROCEDURES NEED NOT REQUIRE A CONTEMPORANEOUS
2 REVIEW FOR EACH INSPECTION OF A PROJECT, BUT THE PROCEDURES MUST
3 PRESERVE AN INSPECTOR'S ABILITY TO VERIFY COMPLIANCE WITH
4 SECTIONS 12-155-108 AND 12-155-124 AT ANY TIME. EACH INSPECTING
5 ENTITY SUBJECT TO THIS SUBSECTION (10)(b)(II), INCLUDING THE STATE,
6 SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS
7 REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE AND PROVIDE
8 THE DIRECTOR WITH A LINK TO THE WEB PAGE ON WHICH THE PROCEDURES
9 HAVE BEEN POSTED OR, IF AN INSPECTING ENTITY DOES NOT HAVE A
10 WEBSITE, PROVIDE ITS CURRENT PROCEDURES TO THE DIRECTOR FOR
11 POSTING ON THE BOARD'S WEBSITE.

12 (III) AN INSPECTOR MAY FILE A COMPLAINT WITH THE BOARD FOR
13 ANY VIOLATION OF THIS ARTICLE 155.

14 **SECTION 5. Act subject to petition - effective date.** (1) Except
15 as otherwise provided in subsection (2) of this section, this act takes
16 effect January 1, 2020; except that, if a referendum petition is filed
17 pursuant to section 1 (3) of article V of the state constitution against this
18 act or an item, section, or part of this act within the ninety-day period
19 after final adjournment of the general assembly, then the act, item,
20 section, or part will not take effect unless approved by the people at the
21 general election to be held in November 2020 and, in such case, will take
22 effect on the date of the official declaration of the vote thereon by the
23 governor.

24 (2) (a) Sections 1 and 2 of this act take effect only if House Bill
25 19-1172 does not become law.

26 (b) Sections 3 and 4 of this act take effect only if House Bill
27 19-1172 becomes law."

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