

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0282.01 Christy Chase x2008

HOUSE BILL 22-1346

HOUSE SPONSORSHIP

Duran and Mullica,

SENATE SPONSORSHIP

Danielson,

House Committees

Business Affairs & Labor
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING STATE REQUIREMENTS APPLICABLE TO CERTAIN**
102 **LICENSED CONSTRUCTION PROFESSIONALS, AND, IN CONNECTION**
103 **THEREWITH, REQUIRING THE STATE ELECTRICAL BOARD AND**
104 **THE STATE PLUMBING BOARD TO DIRECT ENFORCEMENT OF**
105 **STATE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO**
106 **REQUIREMENTS AND SPECIFYING WHO IS AUTHORIZED TO APPLY**
107 **FOR ELECTRICAL AND PLUMBING PERMITS, AND MAKING AN**
108 **APPROPRIATION.** ■

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

<http://leg.colorado.gov>.)

Sections 2 and 6 of the bill authorize the director of the division of professions and occupations in the department of regulatory agencies to appoint or employ individuals who are licensed or, if not licensed, who demonstrate substantial work experience in the electrical, plumbing, or construction industry to:

- Conduct compliance checks to ensure compliance with licensing and supervisor-to-apprentice ratio requirements applicable to electricians and plumbers on projects throughout the state; and
- Prioritize for compliance checks projects that provide or will provide critical needs to state residents.

The bill also:

- Specifies that only a homeowner performing work on the homeowner's home or a licensed master electrician or plumber who is either a registered electrical or plumbing contractor or directly employed by a registered electrical or plumbing contractor may apply for an electrical or a plumbing permit (**sections 3 and 7**);
- Prohibits a licensed master electrician or plumber who is not a registered electrical or plumbing contractor and who is working as an independent contractor from applying for an electrical or a plumbing permit (**sections 3 and 7**) and makes a violation of this prohibition specific grounds for discipline by the electrical or plumbing board, as applicable (**sections 4 and 5**);
- Requires the entity issuing the permit to verify that the applicant meets the qualifications to apply for the permit (**sections 3 and 7**); and
- Requires inspecting entity procedures to include a provision allowing the inspecting entity to request worker documentation indicating compliance with worker license requirements and the supervisor-to-apprentice ratio (**sections 3 and 7**).

Additionally, current law specifies that a single licensed electrician or plumber may supervise no more than 3 apprentices on any one job site. For nonresidential electrical and plumbing work, **sections 1 and 8** reduce the supervisor-to-apprentice ratio to 1-to-2 starting July 1, 2025, and to 1-to-1 on and after July 1, 2028.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2



1 **SECTION 1.** In Colorado Revised Statutes, 12-115-119, **amend**
2 (1)(a)(II) and (2); and **add** (1)(a)(I.5) and (3) as follows:

3 **12-115-119. Inspectors - qualifications - enforcement of**
4 **licensing and apprentice-supervision-ratio requirements - rules -**
5 **legislative declaration - definitions - repeal.** (1) (a) (I.5) FOR PURPOSES
6 OF CONDUCTING COMPLIANCE CHECKS SPECIFIED IN SUBSECTION (3) OF
7 THIS SECTION, THE DIRECTOR SHALL APPOINT OR EMPLOY TWO
8 INDIVIDUALS TO CONDUCT THE COMPLIANCE CHECKS. THE DIRECTOR MAY
9 APPOINT OR EMPLOY INDIVIDUALS WHO ARE LICENSED UNDER THIS
10 ARTICLE 115 OR MAY APPOINT OR EMPLOY INDIVIDUALS WHO ARE NOT
11 LICENSED UNDER THIS ARTICLE 115 BUT WHO DEMONSTRATE SUBSTANTIAL
12 PRIOR WORK EXPERIENCE IN THE ELECTRICAL OR CONSTRUCTION
13 INDUSTRY. INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO THIS
14 SUBSECTION (1)(a)(I.5) SHALL LIMIT THEIR ACTIVITIES TO CONDUCTING
15 COMPLIANCE CHECKS OF MATTERS SPECIFIED IN SAID SUBSECTION (3).

16 (II) ~~The~~ STATE ELECTRICAL inspectors AND INDIVIDUALS
17 PERFORMING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (3) OF THIS
18 SECTION may be employed either on a full-time or on a part-time basis as
19 the circumstances in each case ~~shall~~ warrant; except that the director ~~of~~
20 ~~the division~~ may contract with any electrical inspector regularly engaged
21 as such and certify ~~him or her~~ THE ELECTRICAL INSPECTOR to make
22 inspections in a designated area at such compensation as ~~shall be~~ fixed by
23 the director. State electrical inspectors AND INDIVIDUALS PERFORMING
24 COMPLIANCE CHECKS PURSUANT TO SUBSECTION (3) OF THIS SECTION have
25 the right of ingress and egress to and from all public and private premises
26 during reasonable working hours where this ~~law~~ ARTICLE 115 applies for
27 the purpose of making electrical inspections, CONDUCTING COMPLIANCE

1 CHECKS PURSUANT TO SUBSECTION (3) OF THIS SECTION, or otherwise
2 determining compliance with ~~the provisions of this article 115~~. In order
3 to avoid conflicts of interest, a state electrical inspector hired under this
4 section shall not inspect any electrical work in which the inspector has
5 any financial or other personal interest and shall not ~~be engaged~~ ENGAGE
6 in the electrical business by contracting, supplying material, or
7 performing electrical work. ~~as defined in this article 115~~.

8 (2) (a) State electrical inspectors appointed or employed pursuant
9 to subsection (1) of this section may:

10 (a) (I) Conduct inspections and investigations pursuant to section
11 12-115-122 (2) on behalf of the program director; AND

12 (b) (II) Provide service of process for a citation served pursuant
13 to section 12-115-122 (4)(b) in compliance with rule 4 of the Colorado
14 rules of civil procedure.

15 (b) INDIVIDUALS APPOINTED OR EMPLOYED PURSUANT TO
16 SUBSECTION (1)(a)(I.5) OF THIS SECTION WHO ARE NOT LICENSED MASTER
17 OR JOURNEYMAN ELECTRICIANS BUT WHO DEMONSTRATE SUBSTANTIAL
18 PRIOR WORK EXPERIENCE IN THE ELECTRICAL OR CONSTRUCTION
19 INDUSTRY MAY CONDUCT COMPLIANCE CHECKS PURSUANT TO SUBSECTION
20 (3) OF THIS SECTION.

21 (3) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT IT IS
22 A MATTER OF STATEWIDE CONCERN TO PROTECT PUBLIC SAFETY AND
23 HEALTH BY ENSURING THAT INDIVIDUALS WHO PERFORM ELECTRICAL
24 WORK HAVE THE SKILLS NECESSARY TO PERFORM THE WORK. THE
25 GENERAL ASSEMBLY THEREFORE DETERMINES THAT BOARD ENFORCEMENT
26 OF THE LICENSING REQUIREMENTS IN THIS ARTICLE 115 AND THE LIMITS ON
27 THE NUMBER OF APPRENTICES A LICENSED ELECTRICIAN IS PERMITTED TO

1 SUPERVISE SPECIFIED IN SECTION 12-115-115 (1) IS ESSENTIAL TO PROTECT
2 PUBLIC SAFETY AND HEALTH.

3 (b) THE BOARD SHALL DIRECT INDIVIDUALS APPOINTED OR
4 EMPLOYED PURSUANT TO SUBSECTION (1)(a)(I.5) OF THIS SECTION TO:

5 (I) CONDUCT COMPLIANCE CHECKS TO ENSURE COMPLIANCE WITH
6 THE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS
7 SPECIFIED IN THIS ARTICLE 115 ON PROJECTS THROUGHOUT THE STATE
8 WHERE ELECTRICAL WORK IS BEING PERFORMED, REGARDLESS OF
9 WHETHER THE PERMIT FOR THE ELECTRICAL WORK WAS ISSUED BY THE
10 BOARD, AN INCORPORATED TOWN OR CITY, A COUNTY, A CITY AND
11 COUNTY, OR A QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION; AND

12 (II) PRIORITIZE FOR COMPLIANCE CHECKS PROJECTS THAT PROVIDE
13 OR WILL PROVIDE CRITICAL SERVICES TO RESIDENTS OF THE STATE.

14 (c) TO ENSURE COMPLIANCE WITH THE LICENSING AND
15 SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS PURSUANT TO
16 SUBSECTION (3)(b)(I) OF THIS SECTION, INDIVIDUALS APPOINTED OR
17 EMPLOYED PURSUANT TO SUBSECTION (1)(a)(I.5) OF THIS SECTION SHALL
18 CONDUCT COMPLIANCE CHECKS AT PROJECTS THROUGHOUT THE STATE
19 WHERE ELECTRICAL WORK IS BEING PERFORMED TO ENSURE THAT:

20 (I) THE INDIVIDUAL PERFORMING THE ELECTRICAL WORK IS
21 LICENSED AS A MASTER ELECTRICIAN, JOURNEYMAN ELECTRICIAN, OR
22 RESIDENTIAL WIREMAN OR IS A REGISTERED APPRENTICE BEING DIRECTLY
23 SUPERVISED BY A LICENSED MASTER ELECTRICIAN, JOURNEYMAN
24 ELECTRICIAN, OR RESIDENTIAL WIREMAN; AND

25 (II) A MASTER ELECTRICIAN, JOURNEYMAN ELECTRICIAN, OR
26 RESIDENTIAL WIREMAN IS COMPLYING WITH THE LIMIT ON THE NUMBER OF
27 APPRENTICES THE ELECTRICIAN MAY SUPERVISE PER JOB SITE SPECIFIED IN

1 SECTION 12-115-115 (1).

2 (d) NOTHING IN THIS SUBSECTION (3) AFFECTS THE ABILITY OF A
3 LOCAL GOVERNMENT TO PERMIT OR INSPECT ELECTRICAL WORK IN
4 ACCORDANCE WITH SECTION 12-115-120 (1).

5 (e) AS USED IN THIS SUBSECTION (3):

6 (I) "LOCAL GOVERNMENT" MEANS AN INCORPORATED TOWN OR
7 CITY, A COUNTY, OR A CITY AND COUNTY.

8 (II) "PROJECT THAT PROVIDES OR WILL PROVIDE CRITICAL
9 SERVICES" MEANS A PROJECT INVOLVING THE ERECTION, CONSTRUCTION,
10 ALTERATION, REPAIR, OR IMPROVEMENT OF ANY PUBLIC STRUCTURE,
11 BUILDING, ROAD, OR OTHER PUBLIC IMPROVEMENT OF ANY KIND,
12 INCLUDING:

13 (A) A PUBLIC BUILDING;

14 (B) A PUBLIC SCHOOL OR INSTITUTION OF HIGHER EDUCATION;

15 (C) AN AIRPORT;

16 (D) A TRAIN STATION OR PUBLIC TRANSIT STATION;

17 (E) A HOSPITAL, NURSING FACILITY, ASSISTED LIVING RESIDENCE,
18 OR OTHER HEALTH-CARE FACILITY REQUIRED TO BE LICENSED OR
19 CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
20 UNDER TITLE 25;

21 (F) A RENEWABLE ENERGY INSTALLATION OR A PROJECT OF A
22 UTILITY REGULATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
23 TITLE 40; AND

24 (G) ANY OTHER COMMERCIAL OR MULTIFAMILY RESIDENTIAL
25 PUBLIC PROJECT SPECIFIED BY THE BOARD BY RULE.

26 **SECTION 2.** In Colorado Revised Statutes, 12-115-120, **amend**
27 (1)(a), (2)(b), (3), (6), and (10)(b); and **add** (11) as follows:

1 **12-115-120. Inspection - electrical permits - application -**
2 **standard - definition.** (1) (a) (I) An individual required to have
3 electrical inspection under this article 115 shall apply to the board for an
4 electrical permit, REFERRED TO WITHIN THIS SECTION AS A "PERMIT",
5 except where an incorporated town or city, county, city and county, or
6 qualified state institution of higher education has a building department
7 that meets the minimum standards of this article 115 and that processes
8 applications for building permits and inspections, in which case the
9 individual shall apply to the building department.

10 (II) A qualified state institution of higher education with a
11 building department that meets or exceeds the minimum standards
12 adopted by the board under this article 115 shall process applications for
13 permits and inspections only from the institution and from contractors
14 working for the benefit of the institution and shall conduct inspections
15 only of work performed for the benefit of the institution. Each inspection
16 must include a contemporaneous review to ensure that the requirements
17 of this article 115, and specifically section 12-115-115, have been met.

18 (III) (A) ONLY A QUALIFIED APPLICANT MAY APPLY FOR A PERMIT.
19 A LICENSED MASTER ELECTRICIAN WHO IS NOT A REGISTERED ELECTRICAL
20 CONTRACTOR AND WHO IS OPERATING AS AN INDEPENDENT CONTRACTOR
21 FOR ANOTHER BUSINESS SHALL NOT APPLY FOR A PERMIT.

22 (B) BEFORE ISSUING A PERMIT PURSUANT TO THIS SUBSECTION (1),
23 THE BOARD OR, IF APPLICABLE, THE BUILDING DEPARTMENT OF AN
24 INCORPORATED TOWN OR CITY, COUNTY, CITY AND COUNTY, OR QUALIFIED
25 STATE INSTITUTION OF HIGHER EDUCATION SHALL VERIFY THAT THE
26 PERMIT APPLICANT IS A QUALIFIED APPLICANT.

27 (C) THE ENTITY ISSUING THE PERMIT MAY USE THE PERMIT

1 APPLICATION PROCESS TO VERIFY COMPLIANCE WITH THIS SUBSECTION (1).

2 (2) (b) A state electrical inspector shall inspect any new
3 construction, remodeling, or repair subject to this subsection (2) within
4 three working days after the receipt of the application for inspection. Prior
5 to the commencement of any electrical installation, the person making the
6 installation, WHO MUST BE A QUALIFIED APPLICANT, shall apply for ~~an~~
7 ~~electrical~~ A permit and pay the required permit fee.

8 (3) (a) A state electrical inspector shall inspect the work
9 performed, and, if the work meets the minimum standards set forth in the
10 national electrical code referred to in section 12-115-107 (2)(a), THE
11 INSPECTOR SHALL ISSUE a certificate of approval. ~~shall be issued by the~~
12 ~~inspector.~~

13 (b) (I) If the installation is disapproved, THE INSPECTOR SHALL
14 GIVE written notice ~~thereof together with~~ OF THE DISAPPROVAL AND OF the
15 reasons for the disapproval ~~shall be given by the inspector~~ to the
16 QUALIFIED applicant. If the installation is hazardous to life or property,
17 the inspector disapproving it may order the electrical service ~~thereto~~ TO
18 THE INSTALLATION discontinued until the installation is rendered safe and
19 shall send a copy of the notice of disapproval and order for
20 discontinuance of service to the supplier of electricity. The QUALIFIED
21 applicant may appeal the disapproval to the board, and THE BOARD shall
22 ~~be granted~~ GRANT a hearing ~~by the board~~ within seven days after notice
23 of appeal is filed with the board.

24 (II) After ~~removal of~~ REMOVING the cause of the disapproval, the
25 QUALIFIED applicant shall ~~make application~~ APPLY for reinspection in the
26 same manner as for the original inspection and pay the required
27 reinspection fee.

1 (6) (a) All ~~inspection~~ permits issued by the board ~~shall be~~ ARE
2 valid for a period of twelve months, and the board shall cancel the permit
3 and remove it from its files at the end of the twelve-month period, except
4 in the following circumstances:

5 (I) If ~~an~~ A QUALIFIED applicant ~~makes a showing~~ DEMONSTRATES
6 at the time of application for a permit that the electrical work is
7 substantial and is likely to take longer than twelve months, the board may
8 issue a permit to be valid for a period longer than twelve months, but not
9 exceeding three years.

10 (II) If the QUALIFIED applicant notifies the board prior to the
11 expiration of the twelve-month period of extenuating circumstances, as
12 determined by the board, during the twelve-month period, the board may
13 extend the validity of the permit for a period not to exceed six months.

14 (b) If A QUALIFIED APPLICANT REQUESTS an inspection ~~is requested~~
15 ~~by an applicant~~ after a permit has expired or has been canceled, THE
16 QUALIFIED APPLICANT MUST APPLY FOR AND BE ISSUED a new permit ~~must~~
17 ~~be applied for and granted~~ before an inspection is performed.

18 (10) (b) (I) To ensure that enforcement is consistent, timely, and
19 efficient, each entity, including the state, as described in this subsection
20 (10), shall develop standard procedures to advise its inspectors how to
21 conduct a contemporaneous review. Each entity's standard procedures
22 need not require a contemporaneous review for each and every inspection
23 of a project, but the procedures must preserve an inspector's ability to
24 verify compliance with sections 12-115-109 and 12-115-115 at any time.
25 Each entity's procedures must also include provisions that allow for
26 inspectors to:

27 (A) Conduct occasional, random, on-site inspections while actual

1 electrical work is being conducted, with a focus on large commercial and
2 multi-family residential projects permitted by the entity; AND

3 (B) REQUEST DOCUMENTATION INDICATING WHO PERFORMED THE
4 ELECTRICAL WORK TO ENSURE COMPLIANCE WITH SECTIONS 12-115-109
5 AND 12-115-115.

6 (II) Each entity, including the state, shall post its current
7 procedures regarding contemporaneous reviews in a prominent location
8 on its public website. Each entity shall provide a website link to or an
9 electronic copy of its procedures to the board, and the board shall post all
10 of the procedures on a single location on the department's website.

11 (11) AS USED IN THIS SECTION, "QUALIFIED APPLICANT" MEANS:

12 (a) A LICENSED MASTER ELECTRICIAN, INCLUDING A LICENSED
13 MASTER ELECTRICIAN WHO IS OPERATING AS A SOLE PROPRIETOR, SO LONG
14 AS THE LICENSED MASTER ELECTRICIAN IS ALSO A REGISTERED
15 ELECTRICAL CONTRACTOR;

16 (b) A LICENSED MASTER ELECTRICIAN WHO IS DIRECTLY EMPLOYED
17 BY A REGISTERED ELECTRICAL CONTRACTOR; OR

18 (c) A HOMEOWNER PERFORMING WORK ON THE HOMEOWNER'S
19 HOME.

20 **SECTION 3.** In Colorado Revised Statutes, 12-115-122, **add**
21 (1)(q) as follows:

22 **12-115-122. Violations - citations - settlement agreements -**
23 **hearings - fines - rules.** (1) The board may take disciplinary or other
24 action as authorized by section 12-20-404 in regard to any license or
25 registration issued or applied for under the provisions of this article 115
26 or may issue a citation to a licensee, registrant, or applicant for licensure
27 for any of the following reasons:

1 (q) APPLYING FOR AN ELECTRICAL PERMIT PURSUANT TO SECTION
2 12-115-120 (1) IF THE APPLICANT IS NOT A QUALIFIED APPLICANT, AS
3 DEFINED IN SECTION 12-115-120 (11).

4 **SECTION 4.** In Colorado Revised Statutes, 12-155-113, **add**
5 (1)(r) as follows:

6 **12-155-113. Disciplinary action by board - procedures -**
7 **cease-and-desist orders.** (1) The board may take disciplinary or other
8 action as authorized by section 12-20-404 for any of the following
9 reasons:

10 (r) APPLYING FOR A PLUMBING PERMIT PURSUANT TO SECTION
11 12-155-120 (1) IF THE APPLICANT IS NOT A QUALIFIED APPLICANT, AS
12 DEFINED IN SECTION 12-155-120 (11).

13 **SECTION 5.** In Colorado Revised Statutes, 12-155-119, **amend**
14 (1), (2), and (4)(b); and **add** (5) as follows:

15 **12-155-119. Plumbing inspectors - qualifications - enforcement**
16 **of licensing and apprentice-supervision-ratio requirements - rules -**
17 **legislative declaration - definitions.** (1) (a) The director is authorized
18 to appoint or employ competent persons licensed under this article 155 as
19 journeyman or master plumbers as state plumbing inspectors.

20 (b) FOR PURPOSES OF CONDUCTING COMPLIANCE CHECKS
21 SPECIFIED IN SUBSECTION (5) OF THIS SECTION, THE DIRECTOR SHALL
22 APPOINT OR EMPLOY TWO INDIVIDUALS TO CONDUCT THE COMPLIANCE
23 CHECKS. THE DIRECTOR MAY APPOINT OR EMPLOY INDIVIDUALS WHO ARE
24 LICENSED UNDER THIS ARTICLE 155 OR MAY APPOINT OR EMPLOY
25 INDIVIDUALS WHO ARE NOT LICENSED UNDER THIS ARTICLE 155 BUT WHO
26 DEMONSTRATE SUBSTANTIAL PRIOR WORK EXPERIENCE IN THE PLUMBING
27 OR CONSTRUCTION INDUSTRY. INDIVIDUALS APPOINTED OR EMPLOYED

1 PURSUANT TO THIS SUBSECTION (1)(b) SHALL LIMIT THEIR ACTIVITIES TO
2 CONDUCTING COMPLIANCE CHECKS OF MATTERS SPECIFIED IN SAID
3 SUBSECTION (5).

4 (2) ~~The STATE PLUMBING inspector~~ INSPECTORS AND INDIVIDUALS
5 CONDUCTING COMPLIANCE CHECKS PURSUANT TO SUBSECTION (5) OF THIS
6 SECTION may be employed either on a full-time or on a part-time basis as
7 the circumstances in each case warrant. State plumbing inspectors AND
8 INDIVIDUALS CONDUCTING COMPLIANCE CHECKS PURSUANT TO
9 SUBSECTION (5) OF THIS SECTION have the right of ingress and egress to
10 and from all public and private premises during reasonable working hours
11 where this article 155 applies for the purpose of making plumbing
12 inspections, CONDUCTING COMPLIANCE CHECKS PURSUANT TO
13 SUBSECTION (5) OF THIS SECTION, or otherwise determining compliance
14 with ~~the provisions of~~ this article 155.

15 (4) (b) As part of their duties, plumbing inspectors performing
16 inspections who are employed by a qualified state institution of higher
17 education have the authority to verify the plumbing licenses or
18 apprenticeship registration cards issued by the state for those people
19 performing the plumbing work on a project AND TO VERIFY COMPLIANCE
20 WITH SECTION 12-155-124 (1).

21 (5) (a) CONSISTENT WITH SECTION 12-155-101 AND THE STATE'S
22 DUTY TO SAFEGUARD THE PUBLIC HEALTH BY ENSURING THAT
23 INDIVIDUALS WHO PLAN, INSTALL, ALTER, EXTEND, REPAIR, OR MAINTAIN
24 PLUMBING SYSTEMS HAVE THE SKILLS NECESSARY TO PERFORM THOSE
25 TASKS, THE GENERAL ASSEMBLY FINDS AND DETERMINES THAT BOARD
26 ENFORCEMENT OF THE LICENSING REQUIREMENTS IN THIS ARTICLE 155
27 AND THE LIMITS ON THE NUMBER OF PLUMBING APPRENTICES A LICENSED

1 PLUMBER IS PERMITTED TO SUPERVISE SPECIFIED IN SECTION 12-155-124
2 (1) IS A MATTER OF STATEWIDE CONCERN AND IS ESSENTIAL TO PROTECT
3 PUBLIC HEALTH.

4 (b) THE BOARD SHALL DIRECT INDIVIDUALS APPOINTED OR
5 EMPLOYED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION TO:

6 (I) CONDUCT COMPLIANCE CHECKS TO ENSURE COMPLIANCE WITH
7 THE LICENSING AND SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS
8 SPECIFIED IN THIS ARTICLE 155 ON PROJECTS THROUGHOUT THE STATE
9 WHERE PLUMBING SYSTEMS ARE BEING PLANNED, INSTALLED, ALTERED,
10 EXTENDED, REPAIRED, OR MAINTAINED, REGARDLESS OF WHETHER THE
11 PERMIT FOR THE PLUMBING WORK WAS ISSUED BY THE BOARD, AN
12 INCORPORATED TOWN OR CITY, A COUNTY, A CITY AND COUNTY, OR A
13 QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION; AND

14 (II) PRIORITIZE FOR COMPLIANCE CHECKS PROJECTS THAT PROVIDE
15 OR WILL PROVIDE CRITICAL SERVICES TO RESIDENTS OF THE STATE.

16 (c) TO ENSURE COMPLIANCE WITH THE LICENSING AND
17 SUPERVISOR-TO-APPRENTICE RATIO REQUIREMENTS PURSUANT TO
18 SUBSECTION (5)(a)(I) OF THIS SECTION, INDIVIDUALS APPOINTED OR
19 EMPLOYED PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION SHALL
20 CONDUCT COMPLIANCE CHECKS AT PROJECTS THROUGHOUT THE STATE
21 WHERE PLUMBING IS BEING PERFORMED TO ENSURE THAT:

22 (I) THE INDIVIDUAL PERFORMING THE PLUMBING WORK IS
23 LICENSED AS A MASTER, JOURNEYMAN, OR RESIDENTIAL PLUMBER OR IS A
24 REGISTERED PLUMBING APPRENTICE BEING SUPERVISED BY A LICENSED
25 MASTER, JOURNEYMAN, OR RESIDENTIAL PLUMBER; AND

26 (II) A MASTER, JOURNEYMAN, OR RESIDENTIAL PLUMBER IS
27 COMPLYING WITH THE LIMIT ON THE NUMBER OF PLUMBING APPRENTICES

1 THE PLUMBER MAY SUPERVISE PER JOB SITE SPECIFIED IN SECTION
2 12-155-124 (1).

3 (d) NOTHING IN THIS SUBSECTION (5) AFFECTS THE ABILITY OF A
4 LOCAL GOVERNMENT TO PERMIT OR INSPECT PLUMBING OR GAS PIPING
5 INSTALLATIONS IN ANY NEW CONSTRUCTION OR REMODELING OR REPAIR
6 LOCATED WITHIN THE BOUNDARIES OF THE LOCAL GOVERNMENT.

7 (e) AS USED IN THIS SUBSECTION (5):

8 (I) "LOCAL GOVERNMENT" MEANS AN INCORPORATED TOWN OR
9 CITY, A COUNTY, OR A CITY AND COUNTY.

10 (II) "PROJECT THAT PROVIDES OR WILL PROVIDE CRITICAL
11 SERVICES" MEANS A PROJECT INVOLVING THE ERECTION, CONSTRUCTION,
12 ALTERATION, REPAIR, OR IMPROVEMENT OF ANY PUBLIC STRUCTURE,
13 BUILDING, ROAD, OR OTHER PUBLIC IMPROVEMENT OF ANY KIND,
14 INCLUDING:

15 (A) A PUBLIC BUILDING;

16 (B) A PUBLIC SCHOOL OR INSTITUTION OF HIGHER EDUCATION;

17 (C) AN AIRPORT;

18 (D) A TRAIN STATION OR PUBLIC TRANSIT STATION;

19 (E) A HOSPITAL, NURSING FACILITY, ASSISTED LIVING RESIDENCE,
20 OR OTHER HEALTH-CARE FACILITY LICENSED OR CERTIFIED BY THE
21 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT UNDER TITLE 25;

22 (F) A RENEWABLE ENERGY INSTALLATION OR A PROJECT OF A
23 UTILITY REGULATED BY THE PUBLIC UTILITIES COMMISSION PURSUANT TO
24 TITLE 40; AND

25 (G) ANY OTHER COMMERCIAL OR MULTIFAMILY RESIDENTIAL
26 PUBLIC PROJECT SPECIFIED BY THE BOARD BY RULE.

27 **SECTION 6.** In Colorado Revised Statutes, 12-155-120, **amend**

1 (1), (2), (3), (7)(a), and (10)(b); and **add** (11) as follows:

2 **12-155-120. Inspection - plumbing permits - application -**
3 **standards - definition.** (1) (a) Any plumbing or gas piping installation
4 in any new construction or remodeling or repair, other than manufactured
5 units inspected in accordance with the provisions of part 7 of article 32
6 of title 24, AND except for ~~the~~ new construction or remodeling or repair
7 in any incorporated town or city, county, or city and county, or in a
8 building owned or leased or on land owned by a qualified state institution
9 of higher education where the local entity or qualified state institution of
10 higher education conducts inspections and issues PLUMBING permits,
11 REFERRED TO WITHIN THIS SECTION AS "PERMITS", must be inspected by
12 a state plumbing inspector. A state plumbing inspector shall inspect any
13 new construction, remodeling, or repair subject to the provisions of this
14 subsection (1) within three working days after the receipt of the
15 application for inspection.

16 (b) (I) Prior to the commencement of any plumbing or gas piping
17 installation, the person making the installation, WHO MUST BE A QUALIFIED
18 APPLICANT, shall apply for a permit and pay the required fee.

19 (II) (A) ONLY A QUALIFIED APPLICANT MAY APPLY FOR A PERMIT
20 PURSUANT TO THIS SUBSECTION (1). A LICENSED MASTER PLUMBER WHO
21 IS NOT A REGISTERED PLUMBING CONTRACTOR AND WHO IS OPERATING AS
22 AN INDEPENDENT CONTRACTOR FOR ANOTHER BUSINESS SHALL NOT APPLY
23 FOR A PERMIT PURSUANT TO THIS SUBSECTION (1).

24 (B) BEFORE ISSUING A PERMIT PURSUANT TO THIS SUBSECTION (1),
25 THE BOARD OR, IF APPLICABLE, THE LOCAL ENTITY OR QUALIFIED STATE
26 INSTITUTION OF HIGHER EDUCATION THAT CONDUCTS INSPECTIONS AND
27 ISSUES PERMITS SHALL VERIFY THAT THE PERMIT APPLICANT IS A

1 QUALIFIED APPLICANT.

2 (C) THE ENTITY ISSUING THE PERMIT MAY USE THE PERMIT
3 APPLICATION PROCESS TO VERIFY COMPLIANCE WITH THIS SUBSECTION (1).

4 (c) Every mobile home or movable structure owner shall have the
5 plumbing and gas piping hookup for the mobile home or movable
6 structure inspected prior to obtaining new or different plumbing or gas
7 service.

8 (d) A qualified state institution of higher education with a building
9 department that meets or exceeds the minimum standards adopted by the
10 board under this article 155 shall process applications for permits and
11 inspections only from the institution and from contractors working for the
12 benefit of the institution, and shall conduct inspections only of work
13 performed for the benefit of the institution. Each inspection must include
14 a contemporaneous review to ensure that the requirements of section
15 12-155-108 have been met. A qualified state institution of higher
16 education shall enforce standards that are at least as stringent as any
17 minimum standards adopted by the board.

18 (2) (a) A state plumbing inspector shall inspect the work
19 performed, and, if the work meets the minimum standards set forth in the
20 Colorado plumbing code referred to in section 12-155-106, THE
21 INSPECTOR SHALL ISSUE a certificate of approval. ~~shall be issued by the~~
22 ~~inspector.~~

23 (b) (I) If the installation is disapproved, THE INSPECTOR SHALL
24 GIVE written notice together with the reasons for the disapproval ~~shall be~~
25 ~~given by the inspector~~ to the QUALIFIED applicant. If the installation is
26 hazardous to life or property, the inspector disapproving it may order the
27 plumbing or gas service ~~thereto~~ TO THE INSTALLATION discontinued until

1 the installation is rendered safe. The QUALIFIED applicant may appeal the
2 disapproval to the board, and THE BOARD shall ~~be granted~~ GRANT THE
3 QUALIFIED APPLICANT a hearing ~~by the board~~ within seven days after
4 notice of appeal is filed with the board.

5 (II) After ~~removal of~~ REMOVING the cause of the disapproval, the
6 QUALIFIED applicant shall ~~make application~~ APPLY for reinspection in the
7 same manner as for the original inspection and pay the required
8 reinspection fee.

9 (3) (a) All ~~inspection~~ permits issued by the board are valid for a
10 period of twelve months. The board shall close a permit and mark its
11 status as "expired" at the end of the twelve-month renewal period, except
12 in the following circumstances:

13 (I) If ~~an~~ A QUALIFIED applicant ~~makes a showing~~ DEMONSTRATES
14 at the time of application for a permit that the plumbing or gas piping
15 work is substantial and is likely to take longer than twelve months, the
16 board may issue a permit to be valid for a period longer than twelve
17 months, but not exceeding three years.

18 (II) If the QUALIFIED applicant notifies the board prior to the
19 expiration of the twelve-month period of extenuating circumstances, as
20 determined by the board, during the twelve-month period, the board may
21 extend the validity of the permit for a period not to exceed six months.

22 (b) If A QUALIFIED APPLICANT REQUESTS an inspection ~~is requested~~
23 ~~by an applicant~~ after a permit has expired or has been canceled, THE
24 QUALIFIED APPLICANT MUST APPLY FOR AND BE GRANTED a new permit
25 ~~must be applied for and granted~~ before an inspection is performed.

26 (7) (a) Any person claiming to be aggrieved by the failure of a
27 state plumbing inspector to inspect ~~his or her~~ THE PERSON'S property after

1 proper application or by notice of disapproval without setting forth the
2 reasons for denying the ~~inspection~~ permit may request the program
3 administrator to review the actions of the plumbing inspector or the
4 manner of the inspection. The request may be made by the person's
5 authorized representative and shall be in writing.

6 (10) (b) (I) Inspections performed by an inspecting entity must
7 include, for each project, a contemporaneous review to ensure compliance
8 with sections 12-155-108 and 12-155-124. A contemporaneous review
9 may include a full or partial review of the plumbers and apprentices
10 working at a job site being inspected.

11 (II) To ensure that enforcement is consistent, timely, and efficient,
12 each inspecting entity employing inspectors shall develop standard
13 procedures to advise its inspectors on how to conduct a contemporaneous
14 review. An inspecting entity's standard procedures need not require a
15 contemporaneous review for each inspection of a project, but the
16 procedures must preserve an inspector's ability to verify compliance with
17 sections 12-155-108 and 12-155-124 at any time. Each inspecting entity's
18 procedures must include provisions that allow for inspectors to:

19 (A) Conduct occasional, random, on-site inspections while actual
20 plumbing work is being conducted, with a focus on large commercial and
21 multi-family residential projects permitted by the inspecting entity; AND

22 (B) REQUEST DOCUMENTATION INDICATING WHO PERFORMED THE
23 PLUMBING WORK TO ENSURE COMPLIANCE WITH SECTIONS 12-155-108
24 AND 12-155-124.

25 (III) Each inspecting entity subject to ~~this~~ subsection (10)(b)(II)
26 OF THIS SECTION, including the state, shall post its current procedures
27 regarding contemporaneous reviews in a prominent location on its public

1 website and provide the director with a link to the web page on which the
2 procedures have been posted or, if an inspecting entity does not have a
3 website, provide its current procedures to the director for posting on the
4 board's website.

5 ~~(HH)~~ (IV) An inspector may file a complaint with the board for any
6 violation of this article 155.

7 (11) AS USED IN THIS SECTION, "QUALIFIED APPLICANT" MEANS:

8 (a) A LICENSED MASTER PLUMBER, INCLUDING A LICENSED MASTER
9 PLUMBER WHO IS OPERATING AS A SOLE PROPRIETOR, SO LONG AS THE
10 LICENSED MASTER PLUMBER IS ALSO A REGISTERED PLUMBING
11 CONTRACTOR;

12 (b) A LICENSED MASTER PLUMBER WHO IS DIRECTLY EMPLOYED BY
13 A REGISTERED PLUMBING CONTRACTOR; OR

14 (c) A HOMEOWNER PERFORMING WORK ON THE HOMEOWNER'S
15 HOME.

16

17 **SECTION 7. Appropriation.** (1) For the 2022-23 state fiscal
18 year, \$237,372 is appropriated to the department of regulatory agencies.
19 This appropriation is from the division of professions and occupations
20 cash fund created in section 12-20-105 (3), C.R.S. To implement this act,
21 the department may use this appropriation as follows:

22 (a) \$127,110 for use by the division of professions and
23 occupations for personal services, which amount is based on an
24 assumption that the division will require an additional 2.0 FTE;

25 (b) \$72,194 for use by the division of professions and occupations
26 for operating expenses; and

27 (c) \$38,068 for the purchase of vehicle lease services.

1 (2) For the 2022-23 state fiscal year, \$38,068 is appropriated to
2 the department of personnel. This appropriation is from reappropriated
3 funds received from the department of regulatory agencies under
4 subsection (1)(c) of this section. To implement this act, the department of
5 personnel may use this appropriation to provide vehicle replacement
6 lease/purchase services to the department of regulatory agencies.

7 **SECTION 8. Act subject to petition - effective date.** This act
8 takes effect January 1, 2023; except that, if a referendum petition is filed
9 pursuant to section 1 (3) of article V of the state constitution against this
10 act or an item, section, or part of this act within the ninety-day period
11 after final adjournment of the general assembly, then the act, item,
12 section, or part will not take effect unless approved by the people at the
13 general election to be held in November 2022 and, in such case, will take
14 effect January 1, 2023, or on the date of the official declaration of the
15 vote thereon by the governor, whichever is later.