

ARTICLE 25 120
ENGINEERS, SURVEYORS, AND ARCHITECTS

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PART 1
GENERAL PROVISIONS

1 **12-120-101. Applicability of common provisions.** ARTICLES 1 AND 20 OF THIS TITLE
2 12 APPLY, ACCORDING TO THEIR TERMS, TO THIS ARTICLE 120.

3
4 **12-120-102. Definitions.** AS USED IN THIS ARTICLE 120, UNLESS THE CONTEXT
5 OTHERWISE REQUIRES:

6 (1) **[Formerly 12-25-102 (1) and similar to 12-25-202 (1.5) and 12-25-302 (2)]**
7 "Board" means the state board of licensure for architects, professional engineers, and
8 professional land surveyors, created in section ~~12-25-106~~ **12-120-103**.

9 (2) **[Formerly 12-25-302 (12)]** "Surveyor quorum of the board" means not less than
10 the three professional land surveyor members of the board and one of the nonengineering,
11 non-land surveyor members of the board.

12
13 **12-120-103. State board of licensure for architects, professional engineers, and**
14 **professional land surveyors - creation - composition - appointment of members - terms**
15 **- meetings - program director and staff - subject to termination - repeal of article.**

16 (1) **Board creation.** **[Formerly 12-25-106 (1)]** A state board of licensure for architects,
17 professional engineers, and professional land surveyors is hereby created, the duty of which
18 shall be to administer the provisions of this article ~~Duties of the board shall include those~~
19 ~~provided in sections 12-25-107, 12-25-207, and 12-25-307~~ **120**, INCLUDING THE DUTIES AND
20 POWERS SPECIFIED IN SECTION 12-120-104.

21 (2) **Sunset.** **[Formerly 12-25-106 (2)]** (a) The provisions of section 24-34-104

1 ~~C.R.S.~~, concerning the termination schedule for regulatory bodies of the state, unless
2 extended as provided in that section, are applicable to the board created by this section.

3 (b) This article *120* is repealed, effective September 1, 2024.

4 (3) **Board composition. [Formerly 12-25-106 (3)]** The board shall consist of thirteen
5 members. Four members shall be professional engineers, with no more than two of the four
6 engaged in the same discipline of engineering service or practice; three members shall be
7 practicing professional land surveyors; three members shall be practicing licensed architects;
8 and three members shall be citizens of the United States and residents of this state for at least
9 one year who have not practiced architecture, engineering, or land surveying.

10 (4) (a) **Professional engineer members. [Formerly 12-25-106 (4)]** Each
11 professional engineer member of the board shall be a citizen of the United States and a
12 resident of this state for at least one year and shall have been licensed as a professional
13 engineer and practicing as such for at least five years. ~~Professional land surveyor members~~
14 ~~of the board shall have the qualifications outlined in section 12-25-206.~~

15 (b) **Professional land surveyor members. [Formerly 12-25-206 (1)]** (I) A
16 professional land surveyor who is a member of the board shall be a citizen of the United
17 States and a resident of Colorado for at least one year.

18 (II) **[Formerly 12-25-206 (2)]** A professional land surveyor who is designated as a
19 land surveyor member of the board shall have been licensed as a land surveyor for at least
20 five years.

21 (III) **[Formerly 12-25-206 (3)]** NOTWITHSTANDING SUBSECTION (6) OF THIS SECTION,
22 the board shall have a surveyor quorum of the board. ~~as defined in section 12-25-202 (12).~~
23 The surveyor quorum shall advise the board concerning issues relating to land surveyors. THE
24 SURVEYOR QUORUM OF THE BOARD SHALL ELECT OR APPOINT ANNUALLY A CHAIR__, A
25 VICE-CHAIR__, AND A SECRETARY.

26 (c) **Architect members. [Formerly 12-25-306 (1)]** To be eligible for membership
27 on the board, an architect shall be:

28 (a) (I) A United States citizen and a resident of Colorado for at least one year; and

29 (b) (II) A licensed architect in the state of Colorado and have practiced architecture
30 for at least three years prior to ~~their~~ THE appointment.

31 (5) **Governor appointments. [Formerly 12-25-106 (5)]** (a) Appointments to the
32 board shall be made by the governor and shall be made to provide for staggering of terms of
33 members so that not more than three members' terms expire each year. Thereafter
34 appointments shall be for terms of four years. Each board member shall hold office until the
35 expiration of the term for which ~~such~~ THE member is appointed or until a successor has been
36 duly appointed and qualified. Appointees shall be limited to two full terms. The governor
37 may remove any member of the board for misconduct, incompetence, or neglect of duty.

1 (b) **Appointments of professional land surveyor members.** (I) [Formerly
2 **12-25-206 (4)**] The governor, in making appointments of professional land surveyors to the
3 board, shall endeavor to select the highest qualified members of the profession willing to
4 serve on the board. Staggered appointments shall be made so that not more than one
5 PROFESSIONAL LAND SURVEYOR member's term expires in any one year, and thereafter
6 appointments shall be for terms of four years each. ~~Appointees shall be limited to two full~~
7 ~~terms each. Each board member shall hold office until the expiration of the term for which~~
8 ~~such member is appointed or until a successor has been duly appointed.~~

9 (II) [Formerly **12-25-206 (5)**] In the event of a professional land surveyor vacancy
10 on the board due to resignation, death, or any cause resulting in an unexpired term, the
11 governor shall fill the vacancy promptly to allow the surveyor quorum of the board to
12 function.

13 (c) **Appointments of architect members.** (I) [Formerly **12-25-306 (2)**] The
14 governor, in making appointments of architects to the board, shall endeavor to select the most
15 highly qualified members of the profession willing to serve on the board. Staggered
16 appointments shall be made so that not more than one member's term expires in any one year,
17 and thereafter appointments shall be for terms of four years each. ~~Appointees shall be limited~~
18 ~~to two full terms each. Except as otherwise provided in subsection (3) or (4) of this section,~~
19 ~~each board member shall hold office until the expiration of the term for which such member~~
20 ~~is appointed or until a successor has been duly appointed, whichever occurs first.~~

21 (II) [Formerly **12-25-306 (3)**] In the event of an architecture vacancy on the board
22 due to resignation, death, or any cause resulting in an unexpired term, the governor shall fill
23 such vacancy promptly.

24 (d) [Formerly **12-25-106 (6)**] **Certificate of appointment.** Each appointee shall
25 receive a certificate of his appointment from the governor.

26 (6) [Formerly **12-25-107 (1)(i)**] THE BOARD shall hold at least six regular meetings
27 each year. Special meetings shall be held at such times as the bylaws of the board may
28 provide. The board shall elect annually a chair, a vice-chair, and a secretary. A quorum of the
29 board shall consist of not less than seven members.

30 (7) [Formerly **12-25-106 (7)**] The director ~~of the division of professions and~~
31 ~~occupations~~ shall appoint a program director for the board and such other personnel as are
32 deemed necessary for the board to perform its statutory duties, pursuant to section 13 of
33 article XII of the state constitution.

34
35 **12-120-104. [Formerly 12-25-107 and similar to 12-25-207 and**
36 **12-25-307] Powers and duties of the board and division.** (1) **General powers and**
37 **duties.** In order to carry into effect the provisions of this ~~part~~ ARTICLE 120, the board shall:

1 (a) ~~Adopt and promulgate, under the provisions of section 24-4-103, C.R.S., such~~
2 ~~rules and regulations as it may deem necessary or proper to carry out the provisions of this~~
3 ~~article PURSUANT TO SECTION 12-20-204; <{Redundant with general rule-making common~~
4 ~~provision, 12-20-204.}~~>

5 (b) IN ADDITION TO RULES ADOPTED PURSUANT TO SECTION 12-20-204, adopt:

6 (I) RULES FOR DISCIPLINING LICENSED ARCHITECTS; AND

7 (II) Rules of professional conduct for professional engineers, PROFESSIONAL LAND
8 SURVEYORS, AND ARCHITECTS under the provisions of section 24-4-103. ~~C.R.S., which~~ THE
9 rules OF PROFESSIONAL CONDUCT FOR PROFESSIONAL ENGINEERS shall be published, AND such
10 publication shall constitute due notice to all professional engineers.

11 (c) Keep a record of its proceedings and of all applications FOR LICENSING UNDER
12 THIS ARTICLE 120. The application record for each applicant shall include:

13 (I) Name, age, and residence of the applicant;

14 (II) Date of application;

15 (III) Place of business of the applicant;

16 (IV) Education of the applicant;

17 (V) (A) FOR AN APPLICANT FOR AN ENGINEERING LICENSE, THE APPLICANT'S
18 engineering experience; ~~of the applicant;~~

19 (B) FOR AN APPLICANT FOR A LAND SURVEYOR LICENSE, THE APPLICANT'S SURVEYING
20 AND OTHER APPLICABLE EXPERIENCE;

21 (C) FOR AN APPLICANT FOR AN ARCHITECT LICENSE, THE APPLICANT'S ARCHITECTURE
22 AND OTHER APPLICABLE EXPERIENCE;

23 (VI) FOR LAND SURVEYOR AND ARCHITECT APPLICANTS, THE TYPE OF EXAMINATION
24 REQUIRED;

25 ~~(VII)~~ (VII) Date and type of action taken by the board; AND

26 ~~(VIII)~~ (VIII) Such other information as may be deemed necessary by the board;

27 ~~(d)~~ ~~(Deleted by amendment, L. 2004, p. 1294, § 12, effective May 28, 2004.)~~

28 ~~(e)~~ ~~(I)~~ ~~(Deleted by amendment, L. 2003, p. 1305, § 1, effective April 22, 2003.)~~

29 (d) Make available through printed or electronic means the following:

30 ~~(A)~~ ~~(Deleted by amendment, L. 2004, p. 1294, § 12, effective May 28, 2004.)~~

31 ~~(B)~~ (I) Statutes administered by the board FOR EACH OF THE PROFESSIONS REGULATED
32 UNDER THIS ARTICLE 120;

33 ~~(C)~~ (II) A list of the names and addresses of record of all CURRENTLY LICENSED
34 professional engineers, PROFESSIONAL LAND SURVEYORS, AND ARCHITECTS; _____

35 ~~(D)~~ ~~(Deleted by amendment, L. 2003, p. 1305, § 1, effective April 22, 2003.)~~

36 ~~(E)~~ (III) Rules of the board;

37 ~~(F)~~ (IV) Such other pertinent information as the board deems necessary; AND

1 ~~(G)~~ (V) The rules of professional conduct adopted pursuant to ~~paragraph (b) of this~~
2 ~~subsection (1)~~ SUBSECTION (1)(b)(II) OF THIS SECTION; AND

3 ~~(e)~~ ADOPT AND HAVE AN OFFICIAL SEAL.

4 **(2) Board powers and duties regarding professional engineers.** FOR PURPOSES OF
5 ADMINISTERING PART 2 OF THIS ARTICLE 120 PERTAINING TO THE REGULATION OF
6 PROFESSIONAL ENGINEERS, THE BOARD SHALL:

7 ~~(f)~~ (a) Provide information to the public regarding the requirements for compliance
8 with ~~this part † 2~~ OF THIS ARTICLE 120;

9 ~~(g)~~ (b) Provide for examinations OF PROFESSIONAL ENGINEER LICENSE APPLICANTS
10 in the "fundamentals of engineering" and the "principles and practice of engineering".
11 Examinations shall be given as often as practicable. The board shall ensure that the passing
12 score for any examination is set to measure the level of minimum competency. An applicant
13 who fails to pass the prescribed examination may be reexamined.

14 ~~(h) Adopt and have an official seal;~~

15 ~~(i) Hold at least six regular meetings each year. Special meetings shall be held at such~~
16 ~~times as the bylaws of the board may provide. The board shall elect annually a chair, a~~
17 ~~vice-chair, and a secretary. A quorum of the board shall consist of not less than seven~~
18 ~~members.~~ <{moved to board creation statute, 12-120-103 (6)}>

19 ~~(j)~~ (c) Participate in the affairs of the national council of examiners for engineering
20 and surveying and send a minimum of one delegate to the national meeting annually.

21 **(3) Board powers and duties regarding professional land surveyors.** FOR
22 PURPOSES OF ADMINISTERING PART 3 OF THIS ARTICLE 120 PERTAINING TO THE REGULATION
23 OF PROFESSIONAL LAND SURVEYORS, THE BOARD SHALL:

24 (a) REQUIRE EACH APPLICANT FOR PROFESSIONAL LAND SURVEYOR LICENSING TO
25 DEMONSTRATE COMPETENCE BY MEANS OF EXAMINATION AND EDUCATION AND MAY REQUIRE
26 WORK EXAMPLES AS IT DEEMS NECESSARY AND SUFFICIENT FOR LICENSING; AND <{moved
27 from 12-25-207 (1)(b)}>

28 (b) PROVIDE FOR AND ADMINISTER EXAMINATIONS TO APPLICANTS FOR PROFESSIONAL
29 LAND SURVEYOR LICENSING TO BE GIVEN AS OFTEN AS PRACTICABLE. EXAMINATIONS MUST
30 BE IDENTIFIED ONLY BY NUMBERS AND ANONYMOUSLY GRADED. AFTER REVIEWING AND
31 APPROVING THE EXAMINATION RESULTS, THE BOARD SHALL RECORD AND COMMUNICATE EACH
32 EXAMINEE'S EXAMINATION RESULTS TO THE EXAMINEE. THE BOARD SHALL ENSURE THAT THE
33 PASSING SCORE ON SURVEYING EXAMINATIONS IS SET TO MEASURE THE LEVEL OF MINIMUM
34 COMPETENCY. THE BOARD SHALL PUBLISH AND MAKE AVAILABLE TO INTERESTED APPLICANTS
35 A LIST OF THE SUBJECTS INCLUDED IN THE SURVEYING EXAMINATIONS THAT ARE DEVELOPED
36 BY THE BOARD, WHICH SUBJECTS MUST BE CONSISTENT WITH AND RELATED TO THE VARIOUS
37 ASPECTS OF SURVEYING. <{moved from 12-25-207 (1)(e)}>

1 (4) **Board powers and duties regarding architects.** FOR PURPOSES OF
2 ADMINISTERING PART 4 OF THIS ARTICLE 120 PERTAINING TO THE REGULATION OF
3 ARCHITECTS, THE BOARD IS AUTHORIZED TO:

4 (a) EXAMINE AND LICENSE DULY QUALIFIED APPLICANTS FOR ARCHITECT LICENSURE,
5 AND RENEW THE LICENSES OF DULY QUALIFIED ARCHITECTS; <{*moved from 12-25-307*
6 *(1)(b)*>

7 (b) CONDUCT HEARINGS UPON COMPLAINTS CONCERNING THE CONDUCT OF
8 ARCHITECTS; <{*moved from 12-25-307 (1)(c)*>

9 (c) CAUSE THE PROSECUTION OF ALL PERSONS VIOLATING PART 4 OF THIS ARTICLE 120
10 BY THE DISTRICT ATTORNEY OR BY THE ATTORNEY GENERAL PURSUANT TO SECTION
11 12-120-405; AND <{*moved from 12-25-307 (1)(d)*>

12 (d) REQUIRE EVERY LICENSED ARCHITECT TO HAVE A STAMP AS PRESCRIBED BY THE
13 BOARD. <{*moved from 12-25-307 (1)(e)*>

14 (2) (5) **Division to employ investigators.** The division of ~~professions and~~
15 ~~occupations in the department of regulatory agencies~~ may employ at least one investigator
16 qualified to investigate complaints relative to the provisions of ~~this part~~ PART 2 OF THIS
17 ARTICLE 120 AND AT LEAST ONE INVESTIGATOR TO INVESTIGATE COMPLAINTS RELATIVE TO
18 THE PROVISIONS OF PART 3 OF THIS ARTICLE 120.

19
20 **12-120-105. Prior actions.** (1) [Formerly 12-25-119 (1) and similar to
21 **12-25-219 (1)**] The board shall take over, assume, and continue all actions and requirements
22 regarding engineers from its predecessor, the state board of registration for professional
23 engineers and land surveyors. There shall be no legal discontinuity, and previously licensed
24 engineers AND LAND SURVEYORS shall continue their licensure as professional engineers,
25 PROFESSIONAL LAND SURVEYORS, AND ARCHITECTS, RESPECTIVELY.

26 (2) [Formerly 12-25-119 (2) and similar to 12-25-219 (2)] The name change from
27 the state board of licensure for professional engineers and professional land surveyors to the
28 state board of licensure for architects, professional engineers, and professional land surveyors
29 shall not be construed to change the entity. There shall be no legal discontinuity, and
30 previously licensed engineers AND LAND SURVEYORS shall continue their licensure as
31 professional engineers OR LAND SURVEYORS, AS APPLICABLE, and any obligations of the
32 board or of persons to the board shall not be affected by the name change.

33 (3) [Formerly 12-25-319] Any person holding a valid license to practice architecture
34 in Colorado before July 1, 2006, shall be licensed under ~~this part~~ 4 OF THIS ARTICLE 120.
35 All official actions of the state board of examiners of architects made or taken before July
36 1, 2006, are expressly ratified.

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PART 2
ENGINEERS

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12-120-201. [Formerly 12-25-101] General provisions. In order to safeguard life, health, and property and to promote the public welfare, the practice of engineering is declared to be subject to regulation in the public interest. It shall be deemed that the right to engage in the practice of engineering is a privilege granted by the state through the state board of licensure for architects, professional engineers, and professional land surveyors, created in section ~~12-25-106~~ **12-120-103**; that the profession involves personal skill and presupposes a period of intensive preparation, internship, due examination, and admission; and that a professional engineer's license is solely ~~such~~ **THE** professional engineer's own and is nontransferable.

12-120-202. [Formerly 12-25-102] Definitions. As used in this part ~~1~~ **2**, unless the context otherwise requires:

(1) "~~Board~~" means the state board of licensure for architects, professional engineers, and professional land surveyors, created in section ~~12-25-106~~. <**Moved to 12-120-102, above.**>

(2) (1) "Certificate" means the media issued by the board to evidence licensing of a professional engineer.

(3) (2) "Engineer" means a person who, by reason of intensive preparation in the use of mathematics, chemistry, physics, and engineering sciences, including the principles and methods of engineering analysis and design, is qualified to perform engineering work as defined in this part ~~1~~ **2**.

(4) (3) "Engineering" means analysis or design work requiring intensive preparation and experience in the use of mathematics, chemistry, and physics and the engineering sciences.

(5) (4) "Engineering experience", in addition to the practice of engineering, ~~as defined in subsection (1) of this section~~, may include:

(a) Up to four years of undergraduate engineering study, as approved by the board, in mathematics, basic science, engineering science, engineering design, and engineering practice;

(b) Up to two years of graduate engineering study as approved by the board if the study results in the award of an advanced degree;

(c) Teaching at the instructor level, or at a higher level, of courses in engineering science, design, or engineering practice at a college or university offering an engineering curriculum of four or more years ~~which~~ **THAT** is approved by the board or at a college

1 offering courses transferable to a board-approved college. This experience must result from
2 a full-time position in teaching or teaching and research.

3 (d) Engineering research, including that performed by a teacher at the instructor level
4 or at a higher level. The research done by the teacher must be part of ~~his~~ THE TEACHER'S
5 assigned duties in a full-time position in teaching and research.

6 ~~(6)~~ (5) "Engineer-intern" means a person who has complied with the requirements of
7 sections ~~12-25-111 and 12-25-112~~ **12-120-210** AND **12-120-211** and is duly enrolled as an
8 "engineer-intern".

9 ~~(7) (Deleted by amendment, L. 2004, p. 1293, § 8, effective May 28, 2004.)~~

10 ~~(8)~~ (6) "License" means the formal legal permission to practice engineering granted
11 by the board.

12 ~~(9) Repealed.~~

13 ~~(10)~~ (7) (a) "Practice of engineering" means the performance for others of any
14 professional service or creative work requiring engineering education, training, and
15 experience and the application of special knowledge of the mathematical and engineering
16 sciences to such professional services or creative work, including consultation, investigation,
17 evaluation, planning, design, and the observation of construction to evaluate compliance with
18 plans and specifications in connection with the utilization of the forces, energies, and
19 materials of nature in the development, production, and functioning of engineering processes,
20 apparatus, machines, equipment, facilities, structures, buildings, works, or utilities, or any
21 combination or aggregations thereof, employed in or devoted to public or private enterprise
22 or uses.

23 (b) An individual practices or offers to practice "professional engineering" within the
24 meaning and intent of this section if the individual, by oral claim, sign, advertisement,
25 letterhead, card, or in any other way, represents himself or herself to be a professional
26 engineer, through the use of any other means implies that the individual is licensed under this
27 part ~~1~~ **2**, or performs engineering services.

28 ~~(11)~~ (8) "Professional engineer" means an engineer duly licensed pursuant to this part
29 ~~1~~ **2**.

30 ~~(12) and (13) (Deleted by amendment, L. 2004, p. 1293, § 8, effective May 28, 2004.)~~

31 ~~(14)~~ (9) "Responsible charge" means personal responsibility for the control and
32 direction of engineering work within a professional engineer's scope of competence.
33 Experience may only be classified as "responsible charge" if the engineer is licensed pursuant
34 to this part ~~1~~ **2**, unless the work involves an activity exempted pursuant to section ~~12-25-103~~
35 **12-120-203**.

36
37 **12-120-203. [12-25-103] Exemptions.** (1) This part ~~1~~ **2** does not affect any of the

1 following:

- 2 (a) Individuals who normally operate and maintain machinery or equipment;
- 3 (b) Individuals who perform engineering services for themselves;
- 4 (c) Partnerships, professional associations, joint stock companies, limited liability
5 companies, or corporations, or the employees of any such organizations, who perform
6 engineering services for themselves or their affiliates;
- 7 (d) Individuals who perform engineering services under the responsible charge of a
8 professional engineer;
- 9 (e) Work of a strictly agricultural nature ~~which~~ THAT is not required to be of public
10 record;
- 11 (f) Professional land surveying as defined in section ~~12-25-202(6)~~ **12-120-302 (6)**;
- 12 (g) Individuals who are employed by and perform engineering services solely for a
13 county, city and county, or municipality;
- 14 ~~(h) (Deleted by amendment, L. 94, p. 1482, § 3, effective July 1, 1994.)~~
- 15 ~~(h)~~ (h) Individuals who are employed by and perform engineering services solely for
16 the federal government;
- 17 ~~(i)~~ (i) Individuals who practice architecture as defined in section ~~12-25-302(6)~~
18 **12-120-402 (5)**;
- 19 ~~(j)~~ (j) Utilities or their employees or contractors when performing services for
20 another utility during times of natural disasters or emergency situations; or
- 21 ~~(k)~~ (k) Individuals who practice landscape architecture as defined in section
22 ~~12-45-103(8)~~ **12-130-104 (6)**.

23
24 **12-120-204. [Formerly 12-25-104] Forms of organizations permitted to practice.**

25 A partnership, corporation, limited liability company, joint stock association, or other entity
26 is not eligible for licensure under this part ~~†~~ 2. An entity may practice or offer to practice
27 engineering in Colorado only if the individual in responsible charge of the entity's
28 engineering activities performed in Colorado is a professional engineer licensed in Colorado.
29 All engineering documents, plats, and reports issued by or for the entity in connection with
30 engineering work performed in this state must bear the seal and signature of the
31 Colorado-licensed professional engineer who is in responsible charge of and directly
32 responsible for the engineering work.
33

34 **12-120-205. [Formerly 12-25-105] Unlawful practice - penalties - enforcement.**

35 (1) It is unlawful for any individual to hold himself or herself out to the public as a
36 professional engineer unless ~~such~~ THE individual has complied with the provisions contained
37 in this part ~~†~~ 2.

1 (2) It is unlawful for any individual, partnership, professional association, joint stock
2 company, limited liability company, or corporation to practice, or offer to practice,
3 engineering in this state unless the individual in responsible charge has complied with the
4 provisions of this part † 2.

5 (3) Unless licensed or exempted pursuant to this part † 2, it is unlawful for any
6 individual, partnership, professional association, joint stock company, limited liability
7 company, or corporation to use any of the following titles: Civil engineer, structural engineer,
8 chemical engineer, petroleum engineer, mining engineer, mechanical engineer, or electrical
9 engineer. In addition, unless licensed pursuant to this part † 2, it is unlawful for any
10 individual, partnership, professional association, joint stock company, limited liability
11 company, or corporation to use the words "engineer", "engineered", or "engineering" in any
12 offer to the public to perform the services set forth in section ~~12-25-102 (10)~~ **12-120-202 (7)**.
13 Nothing in this subsection (3) shall prohibit the general use of the words "engineer",
14 "engineered", and "engineering" so long as such words are not being used in an offer to the
15 public to perform the services set forth in section ~~12-25-102 (10)~~ **12-120-202 (7)**.

16 ~~(4) Repeated.~~

17 ~~(5)~~ (4) It is unlawful for any individual to use in any manner a certificate or certificate
18 number ~~which~~ THAT has not been issued to ~~such~~ THE individual by the board.

19 ~~(6)~~ (5) The practice of professional engineering in violation of any of the provisions
20 of this part † 2 shall be either:

21 (a) Restrained by injunction in an action brought by the attorney general or by the
22 district attorney of the proper district in the county in which the violation occurs
23 ACCORDANCE WITH SECTION 12-20-406; or <{Adding reference to injunctive relief common
24 provision, 12-20-406.}>

25 (b) ~~(H)~~ Ceased by order of the board pursuant to section ~~12-25-109 (8.2) to (8.9)~~
26 **12-20-405.** <{Updating citation to refer to cease-and-desist orders common provision,
27 12-20-405.}>

28 ~~(H) (Deleted by amendment, L. 2006, p. 782, § 16, effective July 1, 2006.)~~

29 ~~(7)~~ (6) Any person who practices or offers or attempts to practice professional
30 engineering without an active license issued under this part † commits a class 2 misdemeanor
31 and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and,
32 for the second or any subsequent offense, the person commits a class 6 felony and shall be
33 punished as provided in section 18-1.3-401, C.R.S. 2 IS SUBJECT TO PENALTIES PURSUANT TO
34 SECTION 12-20-407 (1)(a). <{Redundant with unauthorized practice common provision,
35 12-20-407.}>

36 ~~(8) Repeated.~~

37 ~~(9)~~ (7) After finding that an individual, partnership, professional association, joint

1 stock company, limited liability company, or corporation has unlawfully engaged in the
2 practice of engineering, the board may jointly and severally assess a fine against ~~such~~ THE
3 unlawfully engaged party in an amount not less than fifty dollars and not more than five
4 thousand dollars for each violation proven by the board. ~~Any moneys collected as an~~
5 ~~administrative fine pursuant to this subsection (9) shall be transmitted to the state treasurer,~~
6 ~~who shall credit such moneys to the general fund.~~ <{Second sentence redundant with
7 disposition of fines common provision, 12-20-404 (6).}>

8 (10) (8) An individual practicing professional engineering who is not licensed or
9 exempt shall not collect compensation of any kind for ~~such~~ THE practice, and, if
10 compensation has been paid, the compensation shall be refunded in full.

11
12 **~~12-25-106. State board of licensure - subject to termination - repeal of article.~~**

13 (1) ~~A state board of licensure for architects, professional engineers, and professional land~~
14 ~~surveyors is hereby created, the duty of which shall be to administer the provisions of this~~
15 ~~article. Duties of the board shall include those provided in sections 12-25-107, 12-25-207,~~
16 ~~and 12-25-307.~~

17 (2) (a) ~~The provisions of section 24-34-104, C.R.S., concerning the termination~~
18 ~~schedule for regulatory bodies of the state, unless extended as provided in that section, are~~
19 ~~applicable to the board created by this section.~~

20 (b) ~~This article is repealed, effective September 1, 2024.~~

21 (3) ~~The board shall consist of thirteen members. Four members shall be professional~~
22 ~~engineers, with no more than two of the four engaged in the same discipline of engineering~~
23 ~~service or practice; three members shall be practicing professional land surveyors; three~~
24 ~~members shall be practicing licensed architects; and three members shall be citizens of the~~
25 ~~United States and residents of this state for at least one year who have not practiced~~
26 ~~architecture, engineering, or land surveying.~~

27 (4) ~~Each professional engineer member of the board shall be a citizen of the United~~
28 ~~States and a resident of this state for at least one year and shall have been licensed as a~~
29 ~~professional engineer and practicing as such for at least five years. Professional land surveyor~~
30 ~~members of the board shall have the qualifications outlined in section 12-25-206.~~

31 (5) ~~Appointments to the board shall be made by the governor and shall be made to~~
32 ~~provide for staggering of terms of members so that not more than three members' terms~~
33 ~~expire each year. Thereafter appointments shall be for terms of four years. Each board~~
34 ~~member shall hold office until the expiration of the term for which such member is appointed~~
35 ~~or until a successor has been duly appointed and qualified. Appointees shall be limited to two~~
36 ~~full terms. The governor may remove any member of the board for misconduct,~~
37 ~~incompetence, or neglect of duty.~~

1 ~~(6) Each appointee shall receive a certificate of his appointment from the governor.~~

2 ~~(7) The director of the division of professions and occupations shall appoint a~~
3 ~~program director for the board and such other personnel as are deemed necessary for the~~
4 ~~board to perform its statutory duties, pursuant to section 13 of article XII of the state~~
5 ~~constitution. <{Moved section to 12-120-103 and consolidated with 12-25-206 and~~
6 ~~12-25-306.>~~

7
8 ~~**12-25-107. Powers and duties of the board.** (1) In order to carry into effect the~~
9 ~~provisions of this part 1, the board shall:~~

10 ~~(a) Adopt and promulgate, under the provisions of section 24-4-103, C.R.S., such~~
11 ~~rules and regulations as it may deem necessary or proper to carry out the provisions of this~~
12 ~~article;~~

13 ~~(b) Adopt rules of professional conduct for professional engineers under the~~
14 ~~provisions of section 24-4-103, C.R.S., which rules shall be published. Such publication shall~~
15 ~~constitute due notice to all professional engineers.~~

16 ~~(c) Keep a record of its proceedings and of all applications. The application record~~
17 ~~for each applicant shall include:~~

- 18 ~~(I) Name, age, and residence of the applicant;~~
- 19 ~~(II) Date of application;~~
- 20 ~~(III) Place of business of the applicant;~~
- 21 ~~(IV) Education of the applicant;~~
- 22 ~~(V) Engineering experience of the applicant;~~
- 23 ~~(VI) Date and type of action taken by the board;~~
- 24 ~~(VII) Such other information as may be deemed necessary by the board;~~
- 25 ~~(d) (Deleted by amendment, L. 2004, p. 1294, § 12, effective May 28, 2004.)~~
- 26 ~~(e) (I) (Deleted by amendment, L. 2003, p. 1305, § 1, effective April 22, 2003.)~~
- 27 ~~(II) Make available through printed or electronic means the following:~~
 - 28 ~~(A) (Deleted by amendment, L. 2004, p. 1294, § 12, effective May 28, 2004.)~~
 - 29 ~~(B) Statutes administered by the board;~~
 - 30 ~~(C) A list of the names and addresses, of record, of all professional engineers;~~
 - 31 ~~(D) (Deleted by amendment, L. 2003, p. 1305, § 1, effective April 22, 2003.)~~
 - 32 ~~(E) Rules of the board;~~
 - 33 ~~(F) Such other pertinent information as the board deems necessary;~~
 - 34 ~~(G) The rules of professional conduct adopted pursuant to paragraph (b) of this~~
35 ~~subsection (1);~~

36 ~~(f) Provide information to the public regarding the requirements for compliance with~~
37 ~~this part 1;~~

1 (g) Provide for examinations in the "fundamentals of engineering" and the "principles
2 and practice of engineering". Examinations shall be given as often as practicable. The board
3 shall ensure that the passing score for any examination is set to measure the level of
4 minimum competency. An applicant who fails to pass the prescribed examination may be
5 reexamined.

6 (h) ~~Adopt and have an official seal;~~

7 (i) ~~Hold at least six regular meetings each year. Special meetings shall be held at such~~
8 ~~times as the bylaws of the board may provide. The board shall elect annually a chair, a~~
9 ~~vice-chair, and a secretary. A quorum of the board shall consist of not less than seven~~
10 ~~members.~~

11 (j) ~~Participate in the affairs of the national council of examiners for engineering and~~
12 ~~surveying and send a minimum of one delegate to the national meeting annually.~~

13 (2) ~~The division of professions and occupations in the department of regulatory~~
14 ~~agencies may employ at least one investigator qualified to investigate complaints relative to~~
15 ~~the provisions of this part 1. <{Moved section to 12-120-104 and consolidated with~~
16 ~~12-25-207 and 12-25-307.}~~>

17
18 **12-120-206. [Formerly 12-25-108] Disciplinary actions - grounds for discipline.**

19 (1) ~~The board has the power to deny, suspend, revoke, or refuse to renew the license and~~
20 ~~certificate of licensure or enrollment of, MAY TAKE DISCIPLINARY OR OTHER ACTION AS~~
21 ~~AUTHORIZED BY SECTION 12-20-404 AGAINST, OR limit the scope of practice of, or place on~~
22 ~~probation, any professional engineer or engineer-intern for: <{Redundant with disciplinary~~
23 ~~actions common provision, 12-20-404.}~~>

24 (a) Engaging in fraud, misrepresentation, or deceit in obtaining or attempting to
25 obtain a license or enrollment;

26 (b) Failing to meet the generally accepted standards of engineering practice whether
27 through act or omission;

28 (c) A felony that is related to the ability to practice engineering; except that the board
29 shall be governed by the provisions of ~~section~~ SECTIONS 12-20-202 (5) AND 24-5-101 C.R.S.,
30 in considering ~~such~~ THE conviction or plea. A certified copy of the judgment of a court of
31 competent jurisdiction of ~~such~~ THE conviction or plea shall be presumptive evidence of ~~such~~
32 THE conviction or plea for the purposes of any hearing under this part † 2. A plea of nolo
33 contendere, or its equivalent, accepted by the court shall be considered as a conviction.

34 (d) ~~(Deleted by amendment, L. 88, p. 504, § 4, effective July 1, 1988.)~~

35 (e) (d) Violating, or aiding or abetting in the violation of, the provisions of this part
36 † 2, any rule or regulation adopted by the board in conformance with the provisions of this
37 part 1 OF THIS ARTICLE 120 OR THIS PART 2, or any order of the board issued in conformance

1 with the provisions of this part † 2;

2 (†) (e) Using false, deceptive, or misleading advertising;

3 (†) (f) Performing services beyond one's competency, training, or education;

4 (†) (g) Failing to report to the board any professional engineer known to have violated
5 any provision of this part † 2 or any board order or rule;

6 (†) (h) Habitual or excessive use or abuse of alcohol, controlled substances, or any
7 habit-forming drug;

8 (†) (i) Using any schedule I controlled substance, as set forth in section 18-18-203;
9 ~~C.R.S.;~~

10 (†) (j) Failing to report to the board any malpractice claim against ~~such~~ THE
11 professional engineer or any partnership, corporation, limited liability company, or joint stock
12 association of which ~~such~~ THE professional engineer is a member, that is settled or in which
13 judgment is rendered, within sixty days of the effective date of ~~such~~ THE settlement or
14 judgment, if ~~such~~ THE claim concerned engineering services performed or supervised by ~~such~~
15 THE engineer;

16 (†) (k) Failing to pay any fine assessed pursuant to this ~~article~~ PART 2;

17 (†) (l) Violating any law or regulation governing the practice of engineering in
18 another state or jurisdiction. A plea of nolo contendere or its equivalent accepted by the
19 board of another state or jurisdiction may be considered to be the same as a finding of guilty
20 for purposes of any hearing under this part † 2.

21 (†) (m) Using in any manner an expired, suspended, or revoked license, certificate,
22 or seal, practicing or offering to practice when not qualified, or falsely claiming that the
23 individual is licensed.

24 (2) (a) ~~When a complaint or investigation discloses an instance of misconduct that,~~
25 ~~in the opinion of the board, does not warrant formal action by the board but that should not~~
26 ~~be dismissed as being without merit, The board may issue and send a letter of admonition by~~
27 ~~first-class mail to the A professional engineer or engineer-intern at his or her last-known~~
28 ~~address UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE WITH SECTION~~
29 ~~12-20-404 (4).~~

30 ~~(b) When the board sends a letter of admonition to a professional engineer or~~
31 ~~engineer-intern, the board shall advise the professional engineer or engineer-intern that he~~
32 ~~or she has the right to request in writing, within twenty days after receipt of the letter, that~~
33 ~~formal disciplinary proceedings be initiated to adjudicate the propriety of the conduct upon~~
34 ~~which the letter of admonition is based.~~

35 ~~(c) If the request for adjudication is timely made, the letter of admonition shall be~~
36 ~~deemed vacated and the matter shall be processed by means of formal disciplinary~~
37 ~~proceedings. <{Redundant with letter of admonition common provision, 12-20-404 (4).}>~~

1 ~~(3) (Deleted by amendment, L. 94, p. 1486, § 8, effective July 1, 1994.)~~

2 ~~(4)(a) (3)~~ In addition to any other penalty that may be imposed pursuant to this article
3 **120**, the board may fine any professional engineer violating any provision of this article **120**
4 or any rule promulgated pursuant to this article **120** OR SECTION 12-20-204 not less than fifty
5 dollars and not more than five thousand dollars for each violation proven by the board.

6 ~~(b) All fines collected pursuant to this subsection (4) shall be credited to the general~~
7 ~~fund. <{**Redundant with disposition of fines common provision, 12-20-404 (6).**>~~

8 ~~(5) (4)~~ The board may issue a letter of concern to a professional engineer or an
9 engineer-intern based on any of the grounds specified in subsection (1) of this section
10 without conducting a hearing as specified in section ~~12-25-109 (4)~~ **12-120-207** when an
11 instance of potentially unsatisfactory conduct comes to the board's attention but, in the
12 board's judgment, does not warrant formal action by the board. Letters of concern shall be
13 confidential and shall not be disclosed to members of the public or in any court action unless
14 the board is a party.

15
16 **12-120-207. [Formerly 12-25-109] Disciplinary proceedings - injunctive relief**
17 **procedure.** (1) SECTION 12-20-403 APPLIES TO INVESTIGATIONS AND HEARINGS UNDER THIS
18 SECTION. <{**Adding reference to disciplinary procedures common provision, 12-20-403.**>

19 ~~(1)~~ (2) The board upon its own motion may, and upon the receipt of a signed
20 complaint in writing from any person shall, investigate the activities of any professional
21 engineer, engineer-intern, or other person who presents grounds for disciplinary action as
22 specified in this part ~~1~~ **2**.

23 ~~(2) Repealed.~~

24 (3) All charges, unless dismissed by the board, shall be referred to an administrative
25 hearing by the board within five years after the date on which they were filed.

26 (4) Disciplinary hearings shall be conducted by the board or by an administrative law
27 judge appointed pursuant to part 10 of article 30 of title 24, C.R.S., and shall be held in the
28 manner prescribed in article 4 of title 24, C.R.S. <{**Redundant with disciplinary procedures**
29 **common provision, 12-20-403.**>

30 ~~(5) and (6) Repealed.~~

31 ~~(7)(a) The board or an administrative law judge shall have the power to administer~~
32 ~~oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of~~
33 ~~witnesses and the production of all relevant papers, books, records, documentary evidence,~~
34 ~~and materials in any hearing, investigation, accusation, or other matter coming before the~~
35 ~~board pursuant to this part 1.~~

36 ~~(b) Upon failure of any witness to comply with such subpoena or process, the district~~
37 ~~court of the county in which the subpoenaed person or licensee resides or conducts business,~~

1 upon application by the board or director with notice to the subpoenaed person or licensee,
2 may issue to the person or licensee an order requiring that person or licensee to appear before
3 the board or director; to produce the relevant papers, books, records, documentary evidence,
4 or materials if so ordered; or to give evidence touching the matter under investigation or in
5 question. Failure to obey the order of the court may be punished by the court as a contempt
6 of court. <{Redundant with disciplinary procedures common provision, 12-20-403.}>

7 (8) (4) (a) The board is authorized to apply for injunctive relief in _____ the manner
8 provided by the Colorado rules of civil procedure, ACCORDANCE WITH SECTION 12-20-406
9 _____ to enforce the provisions of this part 2 or to restrain any violation thereof. ~~In such~~
10 ~~proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law~~
11 ~~does not exist or that substantial or irreparable damage would result from the continued~~
12 ~~violation thereof. The members of the board, its staff, and the attorney general shall not be~~
13 ~~held personally liable in any such proceeding.~~ <{Redundant with injunctive relief common
14 provision, 12-20-406.}>

15 (b) (H) If the board has reason to believe that any individual has engaged in, or is
16 engaging in, any act or practice which THAT constitutes a violation of any provision of this
17 article PART 2, the board may initiate proceedings to determine if such a violation has
18 occurred. Hearings shall be conducted in accordance with the provisions of article 4 of title
19 24, C.R.S. <{Last sentence is redundant with disciplinary procedures common provision,
20 12-20-403.}>

21 (H) (Deleted by amendment, L. 2006, p. 782, § 17, effective July 1, 2006.)

22 (c) In any action brought pursuant to this subsection (8) (4), evidence of the
23 commission of a single act prohibited by this article 120 shall be sufficient to justify the
24 issuance of an injunction or a cease-and-desist order.

25 (8.2) (a) If it appears to the board, based upon credible evidence as presented in a
26 written complaint by any person, that a licensee is acting in a manner that is an imminent
27 threat to the health and safety of the public or a person is acting or has acted without the
28 required license, the board may issue an order to cease and desist such activity. The order
29 shall set forth the statutes and rules alleged to have been violated, the facts alleged to have
30 constituted the violation, and the requirement that all unlawful acts or unlicensed practices
31 immediately cease.

32 (b) Within ten days after service of the order to cease and desist pursuant to paragraph
33 (a) of this subsection (8.2), the respondent may request a hearing on the question of whether
34 acts or practices in violation of this part 1 have occurred. Such hearing shall be conducted
35 pursuant to sections 24-4-104 and 24-4-105, C.R.S.

36 (8.4) (a) If it appears to the board, based upon credible evidence as presented in a
37 written complaint by any person, that a person has violated any other portion of this part 1,

1 then, in addition to any specific powers granted pursuant to this part 1, the board may issue
2 to such person an order to show cause as to why the board should not issue a final order
3 directing such person to cease and desist from the unlawful act or unlicensed practice.

4 (b) ~~A person against whom an order to show cause has been issued pursuant to~~
5 ~~paragraph (a) of this subsection (8.4) shall be promptly notified by the board of the issuance~~
6 ~~of the order, along with a copy of the order, the factual and legal basis for the order, and the~~
7 ~~date set by the board for a hearing on the order. Such notice may be served by personal~~
8 ~~service, by first-class United States mail, postage prepaid, or as may be practicable upon any~~
9 ~~person against whom such order is issued. Personal service or mailing of an order or~~
10 ~~document pursuant to this subsection (8.4) shall constitute notice thereof to the person.~~

11 (c) (I) ~~The hearing on an order to show cause shall be commenced no sooner than ten~~
12 ~~and no later than forty-five calendar days after the date of transmission or service of the~~
13 ~~notification by the board as provided in paragraph (b) of this subsection (8.4). The hearing~~
14 ~~may be continued by agreement of all parties based upon the complexity of the matter,~~
15 ~~number of parties to the matter, and legal issues presented in the matter, but in no event shall~~
16 ~~the hearing commence later than sixty calendar days after the date of transmission or service~~
17 ~~of the notification.~~

18 (H) ~~If a person against whom an order to show cause has been issued pursuant to~~
19 ~~paragraph (a) of this subsection (8.4) does not appear at the hearing, the board may present~~
20 ~~evidence that notification was properly sent or served upon such person pursuant to~~
21 ~~paragraph (b) of this subsection (8.4) and such other evidence related to the matter as the~~
22 ~~board deems appropriate. The board shall issue the order within ten days after the board's~~
23 ~~determination related to reasonable attempts to notify the respondent, and the order shall~~
24 ~~become final as to that person by operation of law. Such hearing shall be conducted pursuant~~
25 ~~to sections 24-4-104 and 24-4-105, C.R.S.~~

26 (HH) ~~If the board reasonably finds that the person against whom the order to show~~
27 ~~cause was issued is acting or has acted without the required license or has or is about to~~
28 ~~engage in acts or practices constituting violations of this part 1, a final cease-and-desist order~~
29 ~~may be issued directing such person to cease and desist from further unlawful acts or~~
30 ~~unlicensed practice.~~

31 (IV) ~~The board shall provide notice, in the manner set forth in paragraph (b) of this~~
32 ~~subsection (8.4), of the final cease-and-desist order within ten calendar days after the hearing~~
33 ~~conducted pursuant to this paragraph (c) to each person against whom the final order has~~
34 ~~been issued. The final order issued pursuant to subparagraph (H) of paragraph (c) of this~~
35 ~~subsection (8.4) shall be effective when issued and shall be a final order for purposes of~~
36 ~~judicial review.~~

37 (8.5) ~~If it appears to the board, based upon credible evidence presented to the board,~~

1 that a person has engaged in or is about to engage in any unlicensed act or practice, any act
2 or practice constituting a violation of this part 1, any rule promulgated pursuant to this part
3 1, any order issued pursuant to this part 1, or any act or practice constituting grounds for
4 administrative sanction pursuant to this part 1, the board may enter into a stipulation with
5 such person:

6 (8.7) If any person fails to comply with a final cease-and-desist order or a stipulation,
7 the board may request the attorney general or the district attorney for the judicial district in
8 which the alleged violation exists to bring, and if so requested such attorney shall bring, suit
9 for a temporary restraining order and for injunctive relief to prevent any further or continued
10 violation of the final order:

11 (8.9) A person aggrieved by the final cease-and-desist order may seek judicial review
12 of the board's determination or of the board's final order as provided in subsection (10) of this
13 section:

14 (5) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES
15 AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Redundant
16 with *cease-and-desist order common provision, 12-20-405.*>

17 (9) Repealed:

18 (10) (6) The court of appeals shall have initial jurisdiction to review SECTION
19 12-20-408 GOVERNS JUDICIAL REVIEW OF all final actions and orders OF THE BOARD that are
20 subject to judicial review. of the board. Such proceedings shall be conducted in accordance
21 with section 24-4-106 (11), C.R.S. <{Redundant with *judicial review common provision,*
22 *12-20-408.*>

23 (11) When a complaint or an investigation discloses an instance of misconduct that,
24 in the opinion of the board, warrants formal action, the complaint shall not be resolved by
25 a deferred settlement, action, judgment, or prosecution. <{Redundant with *no deferment*
26 *common provision, 12-20-404 (2).*>

27 (12) (7) When a complaint or investigation discloses an instance of conduct that does
28 not warrant formal action by the board and, in the opinion of the board, the complaint should
29 be dismissed, but the board has noticed indications of possible errant conduct by the licensee
30 that could lead to serious consequences if not corrected, THE BOARD MAY SEND a confidential
31 letter of concern may be issued and sent to the A licensee UNDER THE CIRCUMSTANCES
32 SPECIFIED IN SECTION 12-20-404 (5). <{Redundant with *confidential letter of concern*
33 *common provision, 12-20-404 (5).*>

34
35 **12-120-208. [Formerly 12-25-109.5] Reconsideration and review of board action.**
36 The board, on its own motion or upon application, at any time after the imposition of any
37 discipline as provided in section ~~12-25-109~~ **12-120-207**, may reconsider its prior action and

1 reinstated or restore ~~such~~ THE license or terminate probation or reduce the severity of its prior
2 disciplinary action. The taking of any such further action, or the holding of a hearing with
3 respect thereto, shall rest in the sole discretion of the board.
4

5 **12-120-209. [Formerly 12-25-110] Application for license.** (1) The board shall
6 prescribe and furnish the means by which a person may apply for licensure. All applications
7 must be made under oath and accompanied by the appropriate fee. Each application must
8 contain a statement indicating whether the applicant has ever been convicted of a felony in
9 this or any other state, or has ever had a license to practice engineering revoked or suspended
10 in this or any other state. Applications that are not complete are defective and may not be
11 accepted by the board. The board shall take no action on defective applications, except to
12 give notice to the applicant of defects. The board shall retain all fees submitted with
13 applications, whether or not the applications are acted upon.

14 (2) No new application shall be required of any individual requiring reexamination
15 by the board, and ~~any such~~ THE individual shall be notified when the next examination will
16 be held.

17 (3) When considering applications, personal interviews may be required by the board
18 only if the application fails to demonstrate that the applicant possesses the minimum
19 qualifications necessary to qualify to take the written examination.

20 (4) Whenever the board is reviewing or considering the conviction of a crime, it shall
21 be governed by the provisions of ~~section~~ SECTIONS 12-20-202 (5) AND 24-5-101. ~~C.R.S.~~

22 ~~(5) No individual whose license or enrollment has been revoked shall be allowed to~~
23 ~~reapply for licensure or enrollment earlier than two years after the effective date of the~~
24 ~~revocation.~~ <{Redundant with waiting period common provision, 12-20-404 (3).}>
25

26 **12-120-210. [Formerly 12-25-111] Eligibility for engineer-intern.** To be eligible
27 for enrollment as an engineer-intern, an applicant shall provide documentation of ~~such~~ THE
28 applicant's technical competence.
29

30 **12-120-211. [Formerly 12-25-112] Qualifications for engineer-intern.** (1)(a) An
31 applicant may qualify for enrollment as an engineer-intern by endorsement if ~~such~~ THE
32 applicant is enrolled in good standing in another jurisdiction requiring qualifications
33 substantially equivalent to those currently required of applicants under this part ~~±~~ 2 or if, at
34 the time of initial enrollment in ~~such~~ THE OTHER jurisdiction, ~~such~~ THE applicant met the
35 requirements for enrollment then in existence under Colorado law.

36 (b) Upon completion of the application and approval by the board, the applicant shall
37 be enrolled as an engineer-intern if the applicant is otherwise qualified pursuant to section

1 ~~12-25-111~~ **12-120-210.**

2 (2) (a) An applicant may qualify for enrollment as an engineer-intern by graduation
3 and examination if ~~such~~ THE applicant passes the fundamentals of engineering examination.

4 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
5 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the applicant must:

6 (I) Have graduated from a board-approved engineering or engineering technology
7 curriculum of four or more years; or

8 (II) Have senior status in a board-approved engineering or engineering technology
9 curriculum of four or more years.

10 (c) Upon passing the examination and the submission of official transcripts verifying
11 graduation or impending graduation, the applicant shall be enrolled as an engineer-intern if
12 the applicant is otherwise qualified pursuant to section ~~12-25-111~~ **12-120-210.**

13 (3) (a) An applicant may qualify for enrollment as an engineer-intern by graduation,
14 experience, and examination if ~~such~~ THE applicant passes the fundamentals of engineering
15 examination and possesses a total of six years of progressive engineering experience, of
16 which educational study may be a part.

17 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
18 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION, the applicant must:

19 ~~(I) (Deleted by amendment, L. 2004, p. 1295, § 13, effective May 28, 2004.)~~

20 ~~(H)(A)~~ (I) Have graduated from an engineering curriculum of four or more years not
21 approved by the board or from a related science curriculum of four or more years; and

22 ~~(B)~~ (II) Have four years of progressive engineering experience, of which educational
23 study may be a part.

24 (c) Upon passing the examination and the submission of evidence of experience
25 satisfactory to the board, the applicant shall be enrolled as an engineer-intern if the applicant
26 is otherwise qualified pursuant to section ~~12-25-111~~ **12-120-210.**

27 (4) (a) An applicant may qualify for enrollment as an engineer-intern by experience
28 and examination if ~~such~~ THE applicant passes the fundamentals of engineering examination.

29 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
30 ~~subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION, the applicant must:

31 (I) Have graduated from high school or its equivalent; and

32 (II) Have six years of progressive engineering experience, of which educational study
33 may be a part.

34 (c) Upon passing the examination and the submission of evidence of experience
35 satisfactory to the board, the applicant shall be enrolled as an engineer-intern if the applicant
36 is otherwise qualified pursuant to section ~~12-25-111~~ **12-120-210.**

1 **12-120-212. [Formerly 12-25-113] Eligibility for professional engineer.** To be
2 eligible for licensing as a professional engineer, an applicant shall provide documentation
3 of ~~such~~ THE applicant's technical competence.
4

5 **12-120-213. [Formerly 12-25-114] Qualifications for professional engineer.**
6 (1) (a) An applicant may qualify for licensing as a professional engineer by endorsement if
7 ~~such~~ THE applicant is licensed in good standing in another jurisdiction requiring
8 qualifications substantially equivalent to those currently required of applicants under this part
9 ~~† 2~~ or if, at the time of initial licensure in ~~such~~ THE OTHER jurisdiction, ~~such~~ THE applicant
10 met the requirements for licensure then in existence under Colorado law.

11 (b) Upon completion of the application and approval by the board, the applicant shall
12 be licensed as a professional engineer if the applicant is otherwise qualified pursuant to
13 section ~~†2-25-†13~~ **12-120-212.**

14 (2) (a) An applicant may qualify for licensing as a professional engineer by
15 graduation, experience, and examination if ~~such~~ THE applicant passes the principles and
16 practice of engineering examination.

17 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
18 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the applicant must:

19 (I) (A) Have graduated from a board-approved engineering curriculum of four or
20 more years; and

21 (B) Have eight years of progressive engineering experience, of which educational
22 study may be a part; and

23 (C) Have been enrolled as an engineer-intern in this state; or

24 (II) (A) Have graduated from a board-approved engineering technology curriculum
25 of four or more years; and

26 (B) Have ten years of progressive engineering experience, of which educational study
27 may be a part; and

28 (C) Have been enrolled as an engineer-intern in this state; or

29 (III) (A) Have graduated from an engineering curriculum of four or more years not
30 approved by the board or from a related science curriculum of four or more years; and

31 (B) Have ten years of progressive engineering experience, of which educational study
32 may be a part; and

33 (C) Have been enrolled as an engineer-intern in this state; or

34 (IV) (A) Have graduated from an engineering curriculum of four or more years or
35 from a related science curriculum of four or more years; and

36 (B) Have twenty years of progressive engineering experience, of which educational
37 study may be a part.

1 (c) Upon passing the examination and the submission of evidence of experience
2 satisfactory to the board, the applicant shall be licensed as a professional engineer if the
3 applicant is otherwise qualified pursuant to section ~~12-25-113~~ **12-120-212**.

4 (3) (a) An applicant may qualify for licensing as a professional engineer by
5 experience and examination if ~~such~~ THE applicant passes the principles and practice of
6 engineering examination.

7 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
8 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION, the applicant must:

9 (I) Have twelve years of progressive engineering experience, of which educational
10 study may be a part; and

11 (II) Have been enrolled as an engineer-intern in this state.

12 (c) Upon passing the examination and the submission of evidence of experience
13 satisfactory to the board, the applicant shall be licensed as a professional engineer if the
14 applicant is otherwise qualified pursuant to section ~~12-25-113~~ **12-120-212**.

15 (4) (a) A professional engineer who has been duly licensed to practice engineering
16 in this state and who is over sixty-five years of age, upon application, may be classified as
17 a retired professional engineer. Individuals who are so classified shall lose their licensure,
18 ~~and~~ shall not practice engineering, and shall pay a fee to retain retired professional engineer
19 status.

20 (b) (I) A retired professional engineer shall be reinstated to the status of a
21 professional engineer upon payment of the renewal fee. No other fee shall be assessed
22 against ~~such~~ THE retired professional engineer as a penalty.

23 (II) For any professional engineer who has been retired for two or more years, the
24 board may require reexamination unless the board is satisfied of ~~such~~ THE retired professional
25 engineer's continued competence.

26
27 **12-120-214. [Formerly 12-25-115] Licenses - certificates.** (1) The board, upon
28 acceptance of an applicant who has demonstrated competence in professional engineering
29 and upon receipt of payment of the required fee, shall license and issue a unique license
30 number to ~~said~~ THE applicant.

31 (2) The board, upon acceptance of a qualified engineer-intern and upon receipt of
32 payment of the required fee, shall enroll the applicant.

33 (3) A license may be issued at any time ~~but shall expire in conformance with~~ AND IS
34 SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS
35 SPECIFIED IN section 24-34-102 (8), C.R.S. A license shall be renewed at the time of such
36 expiration 12-20-202 (1) AND (2). _____

37 (4) Licenses shall be renewed or reinstated pursuant to a schedule established by the

1 director of the division of professions and occupations within the department of regulatory
2 agencies and shall be renewed or reinstated pursuant to section 24-34-102 (8), C.R.S. The
3 director of the division of professions and occupations within the department of regulatory
4 agencies may establish renewal fees and delinquency fees for reinstatement pursuant to
5 section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant to the
6 schedule established by the director of the division of professions and occupations, such
7 license shall expire. Any person whose license has expired shall be subject to the penalties
8 provided in this article or section 24-34-102 (8), C.R.S. PART 2 OR SECTION 12-20-202 (1).
9 <{Redundant with renewal/reinstatement common provisions, 12-20-202 (1) and (2).}>

10 (5) and (6) Repeated:

11 (7) (5) A professional engineer shall give notice to the board, in writing, of any
12 change of address within thirty days after the change.

13
14 **12-20-215. [Formerly 12-25-116] Fees - disposition.** (1) Pursuant to section
15 24-34-105, C.R.S., **12-20-105**, the board shall charge and collect fees for the following:

16 (a) With respect to professional engineers:

17 (I) Renewal of a license;

18 (II) Replacement of a physical certificate of licensure, if requested by the licensee;

19 (III) Application for licensure by endorsement;

20 (IV) Application for the principles and practice of engineering examination;

21 (V) Issuance of a physical certificate of licensure, if requested by the licensee;

22 (VI) Late renewal of a license;

23 (VII) Reexamination for the principles and practice of engineering examination;

24 (VIII) Renewal REINSTATEMENT of an expired license; <{Technical correction
25 agreed to at 10/10 meeting.}>

26 (IX) Listing as a retired professional engineer;

27 (b) With respect to engineer-interns:

28 (I) (Deleted by amendment, L. 2004, p. 1296, § 17, effective May 28, 2004.)

29 (II) (Deleted by amendment, L. 94, p. 1493, § 16, effective July 1, 1994.)

30 (HH) (I) Application for the fundamentals of engineering examination;

31 (HV) (II) Reexamination for the fundamentals of engineering examination;

32 (V) (III) Application for enrollment by endorsement.

33 (2) All moneys collected by the board shall be transmitted to the state treasurer, who
34 shall credit the same pursuant to section 24-34-105, C.R.S., and the general assembly shall
35 make annual appropriations pursuant to said section for expenditures of the board required
36 to perform its duties under this part 1, which expenditures shall be made from such
37 appropriations upon vouchers and warrants drawn pursuant to law. The division shall

1 employ, subject to section 13 of article XII of the state constitution, such clerical or other
2 assistants as are necessary for the proper performance of its work. <{Redundant with
3 common provisions on collection and deposit of fees, 12-20-105, and employment of staff,
4 12-20-103 (4).}>

5 (3) and (4) Repeated.
6

7 **12-120-216. [Formerly 12-25-117] Professional engineer's seal - rules.** (1) Upon
8 receiving a license from the board, a professional engineer may obtain a crimp type seal, a
9 rubber stamp type seal, or an electronic type seal of a design approved by the board. The seal
10 must contain the licensed professional engineer's name and license number and the
11 designation "Colorado licensed professional engineer". Colorado professional engineers
12 licensed before July 1, 2004, may continue to use their prior existing seals.

13 (2) Repeated.

14 (3) (2) A professional engineer shall use a seal and signature only when the work to
15 which the seal is applied was prepared under the engineer's responsible charge.

16 (4) (Deleted by amendment, L. 94, p. 1493, § 17, effective July 1, 1994.)

17 (5) (3) The board shall adopt rules governing use of the seal and the retention, use,
18 and distribution of sealed documents and copies thereof.
19

20 ~~**12-25-118. Immunity in professional review.** Any member of the board, any~~
21 ~~member of the board's staff, any person acting as a witness or consultant to the board, any~~
22 ~~witness testifying in a proceeding authorized under this part 1, and any person who lodges~~
23 ~~a complaint pursuant to this part 1 shall be immune from liability in any civil action brought~~
24 ~~against him or her for acts occurring while acting in his or her capacity as board member,~~
25 ~~staff, consultant, or witness, respectively, if such individual was acting in good faith within~~
26 ~~the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the~~
27 ~~matter as to which he or she acted, and acted in the reasonable belief that the action taken by~~
28 ~~him or her was warranted by the facts. Any person participating in good faith in lodging a~~
29 ~~complaint or participating in any investigative or administrative proceeding pursuant to this~~
30 ~~part 1 shall be immune from any civil or criminal liability that may result from such~~
31 ~~participation pursuant to this part 1. <{Redundant with immunity common provision,~~
32 ~~12-20-402.}>~~
33

34 ~~**12-25-119. Prior actions.** (1) The board shall take over, assume, and continue all~~
35 ~~actions and requirements regarding engineers from its predecessor, the state board of~~
36 ~~registration for professional engineers and land surveyors. There shall be no legal~~
37 ~~discontinuity, and previously licensed engineers shall continue their licensure as professional~~

1 engineers.

2 (2) ~~The name change from the state board of licensure for professional engineers and~~
3 ~~professional land surveyors to the state board of licensure for architects, professional~~
4 ~~engineers, and professional land surveyors shall not be construed to change the entity. There~~
5 ~~shall be no legal discontinuity, and previously licensed engineers shall continue their~~
6 ~~licensure as professional engineers, and any obligations of the board or of persons to the~~
7 ~~board shall not be affected by the name change. <{Consolidated with 12-25-119 and~~
8 ~~12-25-319 and moved to 12-120-105.}~~>

9
10 PART 3

11 LAND SURVEYORS

12
13 **12-120-301. [Formerly 12-25-201] General provisions.** In order to safeguard life,
14 health, and property and to promote the public welfare, the practice of professional land
15 surveying in Colorado is hereby declared to be subject to regulation. It shall be unlawful for
16 any individual to practice professional land surveying in Colorado or to use in connection
17 with ~~such~~ THE individual's name, or to otherwise assume, or to advertise any title or
18 description tending to convey the impression that ~~such~~ THE individual is a professional land
19 surveyor, unless ~~such~~ THE individual has been duly licensed or is exempted under the
20 provisions of this part ~~2~~ 3. The practice of professional land surveying shall be deemed a
21 privilege granted by the state of Colorado based on the qualifications of the individual as
22 evidenced by ~~such~~ THE individual's licensing.

23
24 **12-120-302. [Formerly 12-25-202] Definitions.** As used in this part ~~2~~ 3, unless the
25 context otherwise requires:

26 (1) "Basic control for engineering projects" means survey markers set on or in the
27 vicinity of a construction project to enable all components of the project to be built in
28 compliance with plans and specifications with respect to the project location, orientation,
29 elevation, and relationship to property, easement, or right-of-way boundaries.

30 (1.5) ~~"Board" means the state board of licensure for architects, professional~~
31 ~~engineers, and professional land surveyors, created by section 12-25-106. <{Moved to~~
32 ~~12-120-102.}~~>

33 (2) ~~(Deleted by amendment, L. 2004, p. 1297, § 20, effective May 28, 2004.)~~

34 (3) (2) "Certificate" means the media issued by the board to evidence licensing or
35 enrollment.

36 (3.3) (3) "Geodetic surveying" means the performance of surveys in which measure
37 or account is taken of the shape, size, and gravitational forces of the earth to determine or

1 predetermine the horizontal or vertical positions of points, monuments, or stations for use in
2 the practice of professional land surveying or for stating the geodetic position of control
3 points, monuments, or stations by using a coordinate system or derivative thereof recognized
4 by the national geodetic survey.

5 ~~(3.5)~~ (4) "Land surveyor-intern" means an individual enrolled by the board after
6 demonstrating ~~such~~ THE individual's competency, as required by section 12-25-212.

7 ~~(4)~~ (5) "License" means the formal legal permission to practice land surveying
8 granted by the board.

9 ~~(5) Repeated.~~

10 (6) (a) "Professional land surveying" means the application of special knowledge of
11 principles of mathematics, methods of measurement, and law for the determination and
12 preservation of land boundaries. "Professional land surveying" specifically includes:

13 (I) Restoration and rehabilitation of corners and boundaries in the United States
14 public land survey system;

15 (II) Obtaining and evaluating boundary evidence;

16 (III) Determination of the areas and elevations of land parcels;

17 (IV) Subdivision of land parcels into smaller parcels and layout of alignment and
18 grades for streets or roads to serve ~~such~~ THE smaller parcels;

19 (V) Measuring and platting underground mine workings;

20 (VI) Preparation of the boundary control portions of geographic information systems
21 and land information systems except as allowed otherwise by section 38-51-109.3; ~~C.R.S.~~;

22 (VII) Establishment, restoration, and rehabilitation of land survey monuments and
23 bench marks;

24 (VIII) Preparation of land survey plats, condominium plats, monument records,
25 property descriptions that result from the practice of professional land surveying, and survey
26 reports;

27 (IX) Surveying, monumenting, and platting of easements and rights-of-way;

28 (X) Geodetic surveying;

29 ~~(X.5)~~ (XI) Basic control for engineering projects; and

30 ~~(XI)~~ (XII) Any other activities incidental to and necessary for the adequate
31 performance of the services described in this ~~paragraph (a)~~ SUBSECTION (6)(a).

32 (b) An individual practices or offers to practice "professional land surveying" within
33 the meaning and intent of this part ~~2~~ 3 if the individual engages therein or, by oral claim,
34 sign, letterhead, or card or in any other way holds himself or herself out to be a professional
35 land surveyor or as being able to perform any professional land surveying service or if the
36 individual performs any professional land surveying service or work.

37 (c) Professional land surveying may include other types of surveying.

1 (7) "Professional land surveyor" means an individual who practices professional land
2 surveying and who is currently licensed with the board after demonstrating competency to
3 practice, as required by section ~~12-25-214~~ **12-120-212**.

4 ~~(8) and (9) (Deleted by amendment, L. 2004, p. 1297, § 20, effective May 28, 2004.)~~

5 ~~(10)~~ (8) "Responsible charge" means personal responsibility for the control and
6 direction of professional land surveying work.

7 ~~(11) (Deleted by amendment, L. 94, p. 1495, § 20, effective July 1, 1994.)~~

8 ~~(12) "Surveyor quorum of the board" means not less than the three professional land~~
9 ~~surveyor members of the board and one of the nonengineering, non-land surveyor members~~
10 ~~of the board. <{Moved to 12-120-102, common definitions for the article.}>~~

11
12 **12-120-303. [Formerly 12-25-203] Exemptions.** (1) This part ~~2~~ **3** shall not be
13 construed to prevent or to affect:

14 (a) The work of an employee or subordinate of a professional land surveyor if ~~such~~
15 THE work is performed under the responsible charge of the professional land surveyor;

16 (b) The practice of employees of the federal government duly authorized under 43
17 U.S.C. sec. 772 and 43 CFR 9180.0-3, while engaged in the practice of surveying within the
18 course of their federal employment in the state of Colorado; or

19 (c) The rights of any other legally recognized profession.

20
21 **12-120-304. [Formerly 12-25-204] Forms of organizations permitted to practice.**

22 (1) A partnership, corporation, limited liability company, joint stock association, or other
23 entity is not eligible for licensure under this part ~~2~~ **3**.

24 (2) An entity may practice or offer to practice land surveying in this state only if the
25 individual in responsible charge of the entity's land surveying activities in this state is a
26 professional land surveyor. All professional land surveying documents, plats, and reports
27 issued by or for the entity must bear the seal and signature of the professional land surveyor
28 who is in responsible charge of and directly responsible for the land surveying work.

29
30 **12-120-305. [Formerly 12-25-205] Unlawful practice - penalties - enforcement.**

31 (1) It is unlawful for any individual to practice or offer to practice professional land
32 surveying in Colorado without being licensed in accordance with the provisions of this part
33 ~~2~~ **3**, or for any individual or entity to use or employ the words "land surveyor", "land
34 surveying", or "professional land surveyor" or words of similar meaning or any modification
35 or derivative except as authorized in this part ~~2~~ **3**.

36 (2) It is unlawful for any individual, partnership, professional association, joint stock
37 company, limited liability company, or corporation to practice, or offer to practice, land

1 surveying in this state unless the individual in responsible charge has complied with the
2 provisions of this part 2 3.

3 ~~(3) Repealed.~~

4 ~~(3.5)~~ (3) The practice of professional land surveying in violation of any of the
5 provisions of this part 2 3 shall be either:

6 (a) Restrained by injunction in an action brought by the attorney general or by the
7 district attorney of the proper district _____ in the county in which the violation occurs
8 ACCORDANCE WITH SECTION 12-20-406; or

9 (b) ~~(H)~~ Ceased by order of the board pursuant to section ~~12-25-209 (8.2) to (8.9)~~
10 ~~12-20-405.~~

11 ~~(H) (Deleted by amendment, L. 2006, p. 784, § 18, effective July 1, 2006.)~~

12 (4) Any person who practices or offers or attempts to practice professional land
13 surveying without an active license issued under this part 2 commits a class 2 misdemeanor
14 and shall be punished as provided in section 18-1.3-501, C.R.S., for the first offense, and,
15 for the second or any subsequent offense, the person commits a class 6 felony and shall be
16 punished as provided in section 18-1.3-401, C.R.S. 3 IS SUBJECT TO PENALTIES PURSUANT TO
17 SECTION 12-20-407 (1)(a). <{Redundant with unauthorized practice common provision,
18 12-20-407.}>

19 (5) It is the duty of all duly constituted officers of the law of Colorado, or any
20 political subdivision thereof, to enforce the provisions of this part 2 3 and to prosecute any
21 person violating this part 2 3.

22 (6) The attorney general or the attorney general's assistant shall act as legal advisor
23 to the board and render ~~such~~ timely legal assistance as may be necessary in carrying out the
24 provisions of this part 2 3. With the concurrence of the attorney general, the board may
25 employ counsel and assistance necessary to aid in the enforcement of this part 2 3, and the
26 compensation and expenses therefor shall be paid from the funds of the board.

27 (7) Any individual practicing professional land surveying, as defined in this part 2 3,
28 who is not licensed or exempt shall not collect compensation of any kind for ~~such~~ THE
29 practice, and, if compensation has been paid, ~~such~~ THE compensation shall be refunded in
30 full.

31 (8) After finding that an individual has unlawfully engaged in the practice of
32 professional land surveying, the board may assess a fine against ~~such~~ THE unlawfully
33 engaged individual in an amount not less than fifty dollars and not more than five thousand
34 dollars for each violation proven by the board. ~~Any moneys collected as an administrative~~
35 ~~fine pursuant to this subsection (8) shall be transmitted to the state treasurer, who shall credit~~
36 ~~such moneys to the general fund.~~ <{Redundant with disposition of fines common provision,
37 12-20-404 (6).}>

1 ~~**12-25-206. Board composition appointments terms.**~~ (1) A professional land
2 surveyor who is a member of the board shall be a citizen of the United States and a resident
3 of Colorado for at least one year.

4 (2) A professional land surveyor who is designated as a land surveyor member of the
5 board shall have been licensed as a land surveyor for at least five years.

6 (3) ~~The board shall have a surveyor quorum of the board, as defined in section~~
7 ~~12-25-202 (12). The surveyor quorum shall advise the board concerning issues relating to~~
8 ~~land surveyors.~~

9 (4) ~~The governor, in making appointments of professional land surveyors to the~~
10 ~~board, shall endeavor to select the highest qualified members of the profession willing to~~
11 ~~serve on the board. Staggered appointments shall be made so that not more than one~~
12 ~~member's term expires in any one year, and thereafter appointments shall be for terms of four~~
13 ~~years each. Appointees shall be limited to two full terms each. Each board member shall hold~~
14 ~~office until the expiration of the term for which such member is appointed or until a~~
15 ~~successor has been duly appointed.~~

16 (5) ~~In the event of a professional land surveyor vacancy on the board due to~~
17 ~~resignation, death, or any cause resulting in an unexpired term, the governor shall fill such~~
18 ~~vacancy promptly to allow the surveyor quorum of the board to function.~~

19 (6) ~~The governor may remove any professional land surveyor member of the board~~
20 ~~for official misconduct, incompetence, or neglect of duty.~~

21 (7) ~~The surveyor quorum of the board shall elect or appoint annually a chairman, a~~
22 ~~vice-chairman, and a secretary. <{Moved to 12-120-103 and consolidated with 12-23-106~~
23 ~~and 12-25-306>~~

24
25 ~~**12-25-207. Powers and duties of the board.**~~ (1) In order to carry into effect this part
26 ~~2, the board shall:~~

27 (a) ~~Promulgate under the provisions of section 24-4-103, C.R.S., such rules as it may~~
28 ~~deem necessary and proper;~~

29 (b) ~~Require each applicant for licensing to demonstrate competence by means of~~
30 ~~examination and education and may require work examples as it deems necessary and~~
31 ~~sufficient for licensing;~~

32 (c) ~~Keep a record of its proceedings and of all applications for licensing under this~~
33 ~~part 2. The application record for each applicant shall include:~~

34 ~~(I) Name, age, and residence of the applicant;~~

35 ~~(II) Date of application;~~

36 ~~(III) Place of business;~~

37 ~~(IV) Education of the applicant;~~

- 1 ~~(V) Surveying and other applicable experience of the applicant;~~
- 2 ~~(VI) Type of examination required;~~
- 3 ~~(VII) Date and type of action by the board;~~
- 4 ~~(VIII) Repealed.~~
- 5 ~~(IX) Such other information as may be deemed necessary by the board.~~
- 6 ~~(d) (I) (Deleted by amendment, L. 2003, p. 1306, § 2, effective April 22, 2003.)~~
- 7 ~~(H) Make available through printed or electronic means the following:~~
- 8 ~~(A) The surveying statutes administered by the board;~~
- 9 ~~(B) A list of the names and addresses of record of all currently licensed professional~~
- 10 ~~land surveyors;~~
- 11 ~~(C) A list containing the license numbers in numerical sequence and the names of all~~
- 12 ~~current and previously licensed professional land surveyors;~~
- 13 ~~(D) The rules of conduct for professional land surveyors adopted pursuant to~~
- 14 ~~paragraph (a) of this subsection (1); and~~
- 15 ~~(E) The rules of the board and such other pertinent information as the board deems~~
- 16 ~~necessary.~~
- 17 ~~(e) Provide for and administer examinations to be given as often as practicable.~~
- 18 ~~Examinations must be identified only by numbers and anonymously graded. After reviewing~~
- 19 ~~and approving the examination results, the board shall record and communicate each~~
- 20 ~~examinee's examination results to the examinee. The board shall ensure that the passing score~~
- 21 ~~on surveying examinations is set to measure the level of minimum competency. The board~~
- 22 ~~shall publish and make available to interested applicants a list of the subjects included in the~~
- 23 ~~surveying examinations that are developed by the board, such subjects being consistent with~~
- 24 ~~and related to the various aspects of surveying.~~
- 25 ~~(f) Adopt and have an official seal.~~
- 26 ~~(2) The division of professions and occupations in the department of regulatory~~
- 27 ~~agencies may employ at least one investigator to investigate complaints relative to the~~
- 28 ~~provisions of this part 2.~~
- 29 ~~<{Moved to 12-20-104 and consolidated with 12-25-107 and 12-25-307.}>~~

31 **12-120-306. [Formerly 12-25-208] Disciplinary actions - grounds for discipline.**

32 (1) ~~The board has the power to deny, suspend, revoke, or refuse to renew the license of, or~~

33 ~~place on probation~~ MAY TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED BY SECTION

34 12-20-404, limit the scope of practice of, or require additional training of any professional

35 land surveyor or land surveyor-intern for: <{Redundant with disciplinary authority common

36 provision, 12-20-404.}>

37 (a) Engaging in fraud, misrepresentation, or deceit in obtaining or attempting to

1 obtain a license or enrollment;

2 (b) Failing to meet the generally accepted standards of the practice of land surveying
3 through act or omission;

4 (c) A felony that is related to the ability to practice land surveying. A certified copy
5 of the judgment of a court of competent jurisdiction of ~~such~~ THE conviction or plea shall be
6 presumptive evidence of ~~such~~ THE conviction or plea for the purposes of any hearing under
7 this part ~~2~~ 3. A plea of nolo contendere, or its equivalent, accepted by the court shall be
8 considered as a conviction.

9 ~~(d) (Deleted by amendment, L. 88, p. 510, § 18, effective July 1, 1988.)~~

10 ~~(e)~~ (d) Violating, attempting to violate, or aiding or abetting the violation or
11 attempted violation of:

12 (I) Any provision of this part ~~2~~ 3 or article 50, 51, 52, or 53 of title 38; ~~C.R.S.;~~

13 (II) Any rule adopted by the board in conformance with the provisions of this part 2
14 PART 1 OF THIS ARTICLE 120 OR THIS PART 3; or

15 (III) Any order of the board issued in conformance with the provisions of this part ~~2~~
16 3;

17 ~~(f)~~ (e) Using false, deceptive, or misleading advertising;

18 ~~(g)~~ (f) Performing services beyond one's competency, training, or education;

19 ~~(h)~~ (g) Failing to report to the board any professional land surveyor known to have
20 violated any provision of this part ~~2~~ 3 or any board order or rule;

21 ~~(i)~~ (h) Habitual or excessive use or abuse of alcohol, controlled substances, or any
22 habit-forming drug;

23 ~~(j)~~ (i) Using any schedule I controlled substance, as set forth in section 18-18-203;
24 ~~C.R.S.;~~

25 ~~(k)~~ (j) Failing to report to the board any malpractice claim against ~~such~~ THE
26 professional land surveyor or any partnership, limited liability company, corporation, or joint
27 stock association of which ~~such~~ THE professional land surveyor is a member, which claim is
28 settled or in which judgment is rendered, within sixty days after the effective date of ~~such~~
29 THE settlement or judgment, if ~~such~~ THE claim concerned surveying services performed or
30 supervised by ~~such~~ THE land surveyor;

31 ~~(l)~~ (k) Failing to pay any fine assessed pursuant to this ~~article~~ PART 3;

32 ~~(m)~~ (l) Violating any law or regulation governing the practice of professional land
33 surveying in another state or jurisdiction. A plea of nolo contendere or its equivalent accepted
34 by the board of another state or jurisdiction may be considered to be the same as a finding
35 of guilty for purposes of any hearing under this part ~~2~~ 3.

36 ~~(n)~~ (m) Attempting to use an expired, revoked, suspended, or nonexistent license,
37 practicing or offering to practice when not qualified, or falsely claiming that the individual

1 is licensed; or

2 (⊖) (n) Using in any manner a license, license number, or certificate that has not been
3 issued to the individual by the board.

4 (2) (a) ~~When a complaint or investigation discloses an instance of misconduct that,~~
5 ~~in the opinion of the board, does not warrant formal action by the board but that should not~~
6 ~~be dismissed as being without merit, The board may issue and send a letter of admonition by~~
7 ~~first-class mail to the~~ A professional land surveyor or land surveyor-intern at his or her
8 last-known address UNDER THE CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE WITH
9 SECTION 12-20-404 (4).

10 (b) ~~When the board sends a letter of admonition to a professional land surveyor or~~
11 ~~land surveyor-intern, the board shall advise the professional land surveyor or land~~
12 ~~surveyor-intern that he or she has the right to request in writing, within twenty days after~~
13 ~~receipt of the letter, that formal disciplinary proceedings be initiated to adjudicate the~~
14 ~~propriety of the conduct upon which the letter of admonition is based.~~

15 (c) ~~If the request for adjudication is timely made, the letter of admonition shall be~~
16 ~~deemed vacated and the matter shall be processed by means of formal disciplinary~~
17 ~~proceedings. <{**Redundant with letters of admonition common provision, 12-20-404 (4).**>~~

18 (3) ~~(Deleted by amendment, L. 94, p. 1499, § 26, effective July 1, 1994.)~~

19 (4) (a) (3) In addition to any other penalty that may be imposed pursuant to this
20 section, the board may fine any professional land surveyor violating any provision of this
21 article **120** or any rule promulgated pursuant to this article **120** not less than fifty dollars and
22 not more than five thousand dollars for each violation proven by the board.

23 (b) ~~All fines collected pursuant to this subsection (4) shall be credited to the general~~
24 ~~fund. <{**Redundant with disposition of fines common provision, 12-20-404 (6).**>~~

25 (5) (4) The board may issue a letter of concern to a professional land surveyor or land
26 surveyor-intern based on any of the grounds specified in subsection (1) of this section
27 without conducting a hearing as specified in section ~~12-25-209 (4)~~ **12-120-307** when an
28 instance of potentially unsatisfactory conduct comes to the board's attention but, in the
29 board's judgment, does not warrant formal action by the board. Letters of concern shall be
30 confidential and shall not be disclosed to members of the public or in any court action unless
31 the board is a party.

32
33 **12-120-307. [Formerly 12-25-209] Disciplinary proceedings - injunctive relief**
34 **procedure.** (1) SECTION 12-20-403 APPLIES TO INVESTIGATIONS AND HEARINGS UNDER THIS
35 SECTION. <{**Adding reference to disciplinary procedures common provision, 12-20-403.**>

36 (⊕) (2) The board upon its own motion may, and upon the receipt of a signed
37 complaint in writing from any person shall, investigate the activities of any professional land

1 surveyor, land surveyor-intern, or other person who presents grounds for disciplinary action
2 as specified in this part ~~2~~ 3.

3 ~~(2) Repealed.~~

4 (3) All charges, unless dismissed by the board, shall be referred to administrative
5 hearing by the board within five years after the date on which said charges were filed.

6 ~~(4) Disciplinary hearings shall be conducted by the board or by an administrative law
7 judge appointed pursuant to part 10 of article 30 of title 24, C.R.S., and shall be held in the
8 manner prescribed in article 4 of title 24, C.R.S. <{Redundant with disciplinary procedures
9 common provision, 12-20-403.>~~

10 ~~(5) and (6) Repealed.~~

11 ~~(7) (a) The board or an administrative law judge shall have the power to administer
12 oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of
13 witnesses and the production of all relevant papers, books, records, documentary evidence,
14 and materials in any hearing, investigation, accusation, or other matter coming before the
15 board pursuant to this part 2.~~

16 ~~(b) Upon failure of any witness to comply with such subpoena or process, the district
17 court of the county in which the subpoenaed person or licensee resides or conducts business,
18 upon application by the board or director with notice to the subpoenaed person or licensee,
19 may issue to the person or licensee an order requiring that person or licensee to appear before
20 the board or director; to produce the relevant papers, books, records, documentary evidence,
21 or materials if so ordered; or to give evidence touching the matter under investigation or in
22 question. Failure to obey the order of the court may be punished by the court as a contempt
23 of court. <{Redundant with disciplinary procedures common provision, 12-20-403.>~~

24 ~~(8) (4) (a) The board is authorized to apply for injunctive relief in the manner
25 provided by the Colorado rules of civil procedure, ACCORDANCE WITH SECTION 12-20-406
26 _____ to enforce the provisions of this part ~~2~~ 3, or to restrain any violation thereof. In such
27 proceedings, it shall not be necessary to allege or prove either that an adequate remedy at law
28 does not exist or that substantial or irreparable damage would result from the continued
29 violation thereof. The members of the board, its staff, and the attorney general shall not be
30 held personally liable in any such proceeding. <{Redundant with injunctive relief common
31 provision, 12-20-406.>~~

32 ~~(b) (†) If the board has reason to believe that any individual has engaged in, or is
33 engaging in, any act or practice which THAT constitutes a violation of any provision of this
34 article 120, the board may initiate proceedings to determine if such a violation has occurred.
35 Hearings shall be conducted in accordance with the provisions of article 4 of title 24, C.R.S.
36 <{Redundant with disciplinary procedures common provision, 12-20-403.>~~

37 ~~(H) (Deleted by amendment, L. 2006, p. 785, § 19, effective July 1, 2006.)~~

1 (c) In any action brought pursuant to this subsection ~~(8) (4)~~, evidence of the
2 commission of a single act prohibited by this article **120** shall be sufficient to justify the
3 issuance of an injunction or a cease-and-desist order.

4 ~~(8.2) (a) If it appears to the board, based upon credible evidence as presented in a~~
5 ~~written complaint by any person, that a licensee is acting in a manner that is an imminent~~
6 ~~threat to the health and safety of the public or a person is acting or has acted without the~~
7 ~~required license, the board may issue an order to cease and desist such activity. The order~~
8 ~~shall set forth the statutes and rules alleged to have been violated, the facts alleged to have~~
9 ~~constituted the violation, and the requirement that all unlawful acts or unlicensed practices~~
10 ~~immediately cease.~~

11 ~~(b) Within ten days after service of the order to cease and desist pursuant to paragraph~~
12 ~~(a) of this subsection (8.2), the respondent may request a hearing on the question of whether~~
13 ~~acts or practices in violation of this part 2 have occurred. Such hearing shall be conducted~~
14 ~~pursuant to sections 24-4-104 and 24-4-105, C.R.S.~~

15 ~~(8.4) (a) If it appears to the board, based upon credible evidence as presented in a~~
16 ~~written complaint by any person, that a person has violated any other portion of this part 2,~~
17 ~~then, in addition to any specific powers granted pursuant to this part 2, the board may issue~~
18 ~~to such person an order to show cause as to why the board should not issue a final order~~
19 ~~directing such person to cease and desist from the unlawful act or unlicensed practice.~~

20 ~~(b) A person against whom an order to show cause has been issued pursuant to~~
21 ~~paragraph (a) of this subsection (8.4) shall be promptly notified by the board of the issuance~~
22 ~~of the order, along with a copy of the order, the factual and legal basis for the order, and the~~
23 ~~date set by the board for a hearing on the order. Such notice may be served by personal~~
24 ~~service, by first-class United States mail, postage prepaid, or as may be practicable upon any~~
25 ~~person against whom such order is issued. Personal service or mailing of an order or~~
26 ~~document pursuant to this subsection (8.4) shall constitute notice thereof to the person.~~

27 ~~(c) (I) The hearing on an order to show cause shall be commenced no sooner than ten~~
28 ~~and no later than forty-five calendar days after the date of transmission or service of the~~
29 ~~notification by the board as provided in paragraph (b) of this subsection (8.4). The hearing~~
30 ~~may be continued by agreement of all parties based upon the complexity of the matter,~~
31 ~~number of parties to the matter, and legal issues presented in the matter, but in no event shall~~
32 ~~the hearing commence later than sixty calendar days after the date of transmission or service~~
33 ~~of the notification.~~

34 ~~(H) If a person against whom an order to show cause has been issued pursuant to~~
35 ~~paragraph (a) of this subsection (8.4) does not appear at the hearing, the board may present~~
36 ~~evidence that notification was properly sent or served upon such person pursuant to~~
37 ~~paragraph (b) of this subsection (8.4) and such other evidence related to the matter as the~~

1 board deems appropriate. The board shall issue the order within ten days after the board's
2 determination related to reasonable attempts to notify the respondent, and the order shall
3 become final as to that person by operation of law. Such hearing shall be conducted pursuant
4 to sections ~~24-4-104 and 24-4-105~~, C.R.S.

5 (III) ~~If the board reasonably finds that the person against whom the order to show
6 cause was issued is acting or has acted without the required license or has or is about to
7 engage in acts or practices constituting violations of this part 2, a final cease-and-desist order
8 may be issued directing such person to cease and desist from further unlawful acts or
9 unlicensed practices.~~

10 (IV) ~~The board shall provide notice, in the manner set forth in paragraph (b) of this
11 subsection (8.4), of the final cease-and-desist order within ten calendar days after the hearing
12 conducted pursuant to this paragraph (c) to each person against whom the final order has
13 been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall
14 be effective when issued and shall be a final order for purposes of judicial review.~~

15 (8.5) ~~If it appears to the board, based upon credible evidence presented to the board,
16 that a person has engaged in or is about to engage in any unlicensed act or practice, any act
17 or practice constituting a violation of this part 2, any rule promulgated pursuant to this part
18 2, any order issued pursuant to this part 2, or any act or practice constituting grounds for
19 administrative sanction pursuant to this part 2, the board may enter into a stipulation with
20 such person.~~

21 (8.7) ~~If any person fails to comply with a final cease-and-desist order or a stipulation,
22 the board may request the attorney general or the district attorney for the judicial district in
23 which the alleged violation exists to bring, and if so requested such attorney shall bring, suit
24 for a temporary restraining order and for injunctive relief to prevent any further or continued
25 violation of the final order.~~

26 (8.9) ~~A person aggrieved by the final cease-and-desist order may seek judicial review
27 of the board's determination or of the board's final order as provided in subsection (10) of this
28 section.~~

29 (5) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES
30 AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{Redundant
31 with *cease-and-desist order common provision, 12-20-405.*>

32 (9) ~~Repealed.~~

33 (10) ~~(6) The court of appeals shall have initial jurisdiction to review SECTION~~
34 ~~12-40-408 GOVERNS JUDICIAL REVIEW OF all final actions and orders OF THE BOARD that are~~
35 ~~subject to judicial review. of the board. Such proceedings shall be conducted in accordance~~
36 ~~with section 24-4-106 (11), C.R.S. <{Redundant with *judicial review common provision,*~~
37 ~~12-20-408.>~~

1 ~~(11) When a complaint or an investigation discloses an instance of misconduct that,~~
2 ~~in the opinion of the board, warrants formal action, the complaint shall not be resolved by~~
3 ~~a deferred settlement, action, judgment, or prosecution. <{Redundant with no deferment~~
4 ~~common provision, 12-20-404 (2).>~~

5 ~~(12) (7) When a complaint or investigation discloses an instance of conduct that does~~
6 ~~not warrant formal action by the board and, in the opinion of the board, the complaint should~~
7 ~~be dismissed, but the board has noticed indications of possible errant conduct by the licensee~~
8 ~~that could lead to serious consequences if not corrected; THE BOARD MAY SEND A CONFIDENTIAL~~
9 ~~letter of concern may be issued and sent to the A licensee UNDER THE CIRCUMSTANCES~~
10 ~~SPECIFIED IN SECTION 12-20-404 (5). <{Redundant with confidential letter of concern~~
11 ~~common provision, 12-20-404 (5).>~~

12
13 **12-120-308. [Formerly 12-25-209.5] Reconsideration and review of board**
14 **actions.** The board, on its own motion or upon application, at any time after the imposition
15 of any discipline as provided in section ~~12-25-209~~ **12-120-307**, may reconsider its prior
16 action and reinstate or restore ~~such~~ THE license or terminate probation or reduce the severity
17 of its prior disciplinary action. The taking of any such further action, or the holding of a
18 hearing with respect thereto, shall rest in the sole discretion of the board. ~~The professional~~
19 ~~land surveyor or land surveyor-intern in any action before the board shall have the right to~~
20 ~~appeal any decision of the board to a court of competent jurisdiction. <{Redundant with~~
21 ~~judicial review common provision, 12-20-408.>~~

22
23 **12-120-309. [Formerly 12-25-210] Application for licensing.** (1) Each application
24 for licensing shall be in a form specified by the board and shall contain statements made
25 under oath showing the applicant's education and showing a detailed summary of the
26 applicant's surveying experience. Each application must contain a statement indicating
27 whether the applicant has ever been convicted of a felony in this or in any other state, or has
28 ever had a surveyor's license revoked, suspended, or not renewed, or has been reprimanded
29 or fined relative to surveying in this or any other state. Applications that are not complete are
30 defective, and the board shall take no action on defective applications except to give notice
31 to the applicant of the defects. A nonrefundable application fee in an amount set by the board
32 shall accompany each application.

33 (2) No new application shall be required of an individual requiring reexamination by
34 the board, and ~~such~~ THE individual shall be notified when the next examination will be held.

35 (3) Whenever the board is reviewing or considering the conviction of a crime, it shall
36 be governed by the provisions of section ~~24-5-101, C.R.S.~~ SECTIONS 12-20-202 (5) AND
37 24-5-101. <{Redundant with 12-20-202 (5) and 24-5-101.>

1 ~~(4) No individual whose license or enrollment has been revoked shall be allowed to~~
2 ~~reapply for licensure or enrollment earlier than two years after the effective date of the~~
3 ~~revocation. <{Redundant with waiting period common provision, 12-20-404 (3).>~~

4
5 **12-120-310. [Formerly 12-25-211] Eligibility for land surveyor-intern.** To be
6 eligible for enrollment as a land surveyor-intern, an applicant shall provide documentation
7 of the applicant's technical competence.
8

9 **12-120-311. [Formerly 12-25-212] Qualifications for land surveyor-interns.**
10 (1) (a) An applicant may qualify for enrollment as a land surveyor-intern by endorsement
11 if the applicant is enrolled in good standing in another jurisdiction requiring qualifications
12 substantially equivalent to those currently required of applicants under this part ~~2~~ 3 or if, at
13 the time of initial enrollment in ~~such~~ THE OTHER jurisdiction, the applicant met the
14 requirements for enrollment then in existence under Colorado law.

15 (b) Upon completion of the application and approval by the board, the applicant shall
16 be enrolled as a land surveyor-intern if the applicant is otherwise qualified pursuant to
17 section ~~12-25-211~~ **12-120-310**.

18 (2) (a) An applicant may qualify for enrollment as a land surveyor-intern by
19 graduation and examination if the applicant passes the fundamentals of surveying
20 examination.

21 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
22 ~~subsection (2)~~ SUBSECTION (2)(a) OF THIS SECTION, the applicant must have satisfied either
23 of the following requirements:

24 (I) The applicant graduated from a board-approved surveying or surveying technology
25 curriculum that is at least four years.

26 (II) The applicant has senior status in a board-approved surveying or surveying
27 technology curriculum that is at least four years.

28 (c) Upon passing the examination and upon submission of official transcripts to the
29 board verifying graduation or impending graduation, the applicant shall be enrolled as a land
30 surveyor-intern if the applicant is otherwise qualified pursuant to section ~~12-25-211~~
31 **12-120-310**.

32 (3) (a) An applicant may qualify for enrollment as a land surveyor-intern by
33 education, experience, and examination if ~~such~~ THE applicant passes the fundamentals of
34 surveying examination.

35 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
36 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION, the applicant must:

37 (I) (A) Have graduated from high school or the equivalent; and

1 (B) Have a cumulative record of four years or more of progressive land surveying
2 experience, of which a maximum of one year of educational credit may be substituted; or

3 (II) (A) Have graduated from a board-approved two-year surveying curriculum; and

4 (B) Have a cumulative record of two years or more of progressive land surveying
5 experience.

6 (c) Upon passing the examination and the submission of evidence of experience
7 satisfactory to the board, the applicant shall be enrolled as a land surveyor-intern if the
8 applicant is otherwise qualified pursuant to section ~~12-25-211~~ **12-120-310**.

9
10 **12-120-312. [Formerly 12-25-213] Eligibility for professional land surveyor.** To
11 be eligible for licensing as a professional land surveyor, an applicant shall provide
12 documentation of technical competence.

13
14 **12-120-313. [Formerly 12-25-214] Qualifications for professional land surveyor**
15 **- repeal.** (1) (a) An applicant may qualify for licensing as a professional land surveyor by
16 endorsement and examination if ~~such~~ THE applicant passes the required examination or
17 examinations pertaining to Colorado law.

18 (b) In order to be admitted to the examination pursuant to ~~paragraph (a) of this~~
19 ~~subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, the applicant shall be licensed in good
20 standing in another jurisdiction requiring qualifications substantially equivalent to those
21 currently required of applicants under this part ~~2 3~~ or, at the time of initial licensure in ~~such~~
22 THE OTHER jurisdiction, have met the requirements for licensure then in existence under
23 Colorado law.

24 (c) Upon passing the examination, the applicant shall be licensed as a professional
25 land surveyor if the applicant is otherwise qualified pursuant to section ~~12-25-213~~
26 **12-120-312**.

27 (2) (a) An applicant may qualify for licensing as a professional land surveyor by
28 education, experience, and examination if ~~such~~ THE applicant passes the principle and
29 practice of surveying examination and the examination pertaining to Colorado law.

30 (b) To be admitted to an examination pursuant to ~~paragraph (a) of this subsection (2)~~
31 SUBSECTION (2)(a) OF THIS SECTION, the applicant shall meet the requirements stated in at
32 least one of the following:

33 (I) (A) Have graduated from a board-approved surveying curriculum of four or more
34 years; and

35 (B) Have two years of progressive land surveying experience under the supervision
36 of a professional land surveyor or an exempted federal employee defined in section
37 ~~12-25-203 (1)(b)~~ **12-120-303 (2)(b)**; and

1 (C) Have been enrolled as a land surveyor-intern in this state; or

2 ~~(D) Repeated.~~

3 (II) (A) Have graduated from a nonboard-approved surveying curriculum of four or
4 more years; and

5 (B) Have four years of progressive land surveying experience of which at least two
6 must be under the supervision of a professional land surveyor or an exempted federal
7 employee as defined in section ~~12-25-203 (1)(b)~~ **12-120-303 (2)(b)**; and

8 (C) Have been enrolled as a land surveyor-intern in this state; or

9 ~~(D) Repeated.~~

10 (III) (A) Have graduated from a board-approved two-year surveying curriculum or
11 from a four-year engineering curriculum that included surveying course work as specified
12 by the board by rule; and

13 (B) Have six years of progressive land surveying experience of which four years shall
14 have been under the supervision of a professional land surveyor or an exempt federal
15 employee as defined under ~~12-25-203 (1)(b)~~ **12-120-303 (1)(b)**; and

16 (C) Have been enrolled as a land surveyor-intern in this state; or

17 (IV) (A) Have obtained a bachelor's degree in a nonsurveying curriculum;

18 (B) Have completed surveying and other related course work, as specified by the
19 board by rule;

20 (C) Have six years of progressive land surveying experience, of which four years
21 shall have been under the supervision of a professional land surveyor or an exempted federal
22 employee as defined in section ~~12-25-203~~ **12-120-303 (1)(b)**; and

23 (D) Have been enrolled as a land surveyor-intern in this state.

24 (c) Upon passing the examinations and the submission of evidence of experience
25 satisfactory to the board, the applicant shall be licensed as a professional land surveyor if
26 ~~such~~ THE applicant is otherwise qualified pursuant to section ~~12-25-213~~ **12-120-312**.

27 (3) The board may allow an applicant to substitute for one year of experience the
28 satisfactory completion of one academic year in a curriculum approved by the board. The
29 substitution of education for experience shall not exceed three years.

30 (4) (a) An applicant may qualify for licensure as a professional land surveyor by
31 experience and examination if ~~such~~ THE applicant passes the principles and practice of land
32 surveying examination and the examination pertaining to Colorado law.

33 (b) In order to be admitted to an examination pursuant to ~~paragraph (a) of this~~
34 ~~subsection (4)~~ SUBSECTION (4)(a) OF THIS SECTION, the applicant shall:

35 (I) Have graduated from high school or its equivalent;

36 (II) Have ten years of progressive land surveying experience of which at least six
37 years must have been under the supervision of a professional land surveyor or an exempted

1 federal employee as defined in section ~~12-25-203 (1)(b)~~ **12-120-303 (1)(b)**; and

2 (III) Have been enrolled as a land surveyor-intern in this state.

3 (c) Upon passage of the examination pursuant to ~~paragraph (a) of this subsection (4)~~
4 SUBSECTION (4)(a) OF THIS SECTION, the applicant shall be licensed as a professional land
5 surveyor if ~~such~~ THE applicant is otherwise qualified pursuant to section ~~12-25-213~~
6 **12-120-312**.

7 (d) The board may allow an applicant to substitute for one year of experience the
8 satisfactory completion of one academic year in a curriculum approved by the board. The
9 substitution of education for experience shall not exceed three years.

10 (e) This subsection (4) is repealed, effective July 1, 2020.

11 (5) (a) A professional land surveyor who has been duly licensed to practice
12 professional land surveying in this state and who is over sixty-five years of age, upon
13 application, may be classified as a retired professional land surveyor. Individuals who are so
14 classified shall lose their licensure, shall not practice professional land surveying, and shall
15 pay a fee to retain retired professional land surveyor status.

16 (b) (I) A retired professional land surveyor shall be reinstated to the status of a
17 professional land surveyor upon payment of the renewal fee. No other fee shall be assessed
18 against ~~such~~ THE retired professional land surveyor as a penalty.

19 (II) For any professional land surveyor who has been retired for two or more years,
20 the board may require reexamination unless the board is satisfied of the retired professional
21 land surveyor's continued competence.

22 ~~(6) (Deleted by amendment, L. 2004, p. 1302, § 30, effective May 28, 2004.)~~

23
24 **12-120-314. [Formerly 12-25-215] Licenses.** (1) The board, upon acceptance of an
25 applicant who has demonstrated competence in professional land surveying and upon receipt
26 of payment of the required fee, shall license and issue a unique license number to the
27 applicant.

28 (2) The board, upon acceptance of a qualified land surveyor-intern and upon receipt
29 of payment of the required fee, shall enroll the qualified land surveyor-intern.

30 (3) A license may be issued at any time but shall expire in conformance with AND IS
31 SUBJECT TO THE RENEWAL, EXPIRATION, REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS
32 SPECIFIED IN section ~~24-34-102, C.R.S.~~ A license shall be renewed at the time of such
33 expiration 12-120-202 (1) AND (2).

34 ~~(4) All licenses shall be renewed or reinstated pursuant to a schedule established by~~
35 ~~the director of the division of professions and occupations within the department of~~
36 ~~regulatory agencies and shall be renewed or reinstated pursuant to section 24-34-102 (8),~~
37 ~~C.R.S. The director of the division of professions and occupations within the department of~~

1 regulatory agencies may establish renewal fees and delinquency fees for reinstatement
2 pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her license pursuant
3 to the schedule established by the director of the division of professions and occupations, the
4 license shall expire. Any person whose license has expired is subject to the penalties
5 provided in this article or section 24-34-102 (8), C.R.S. PART 3 OR SECTION 12-20-202 (1).
6 <{Redundant with renewal/reinstatement common provisions, 12-20-202 (1) and (2).}>

7 (5) Repealed.

8 (6) (5) A professional land surveyor shall give notice to the board, in writing, of any
9 change of address within thirty days after the change.

10
11 **12-120-315. [Formerly 12-25-216] Fees - disposition.** (1) Pursuant to section
12 24-34-105, C.R.S. ~~12-20-105~~, the board shall charge and collect fees for the following:

13 (a) With respect to professional land surveyors:

14 (I) Renewal of a license;

15 (II) Replacement of a paper certificate or renewal card, if requested by the licensee;

16 (III) Application for licensure by endorsement and examination;

17 (IV) Application for the principles and practice of surveying examination or the legal
18 aspects of surveying examination;

19 (V) Issuance of a paper certificate of licensure, if requested by the licensee;

20 (VI) Late renewal of a license;

21 (VII) Reexamination for the principles and practice of surveying examination or the
22 legal aspects of surveying examination;

23 (VIII) ~~Renewal~~ REINSTATEMENT of an expired license; <{Technical correction
24 approved at 10/10 meeting.}>

25 (IX) Listing as a retired professional land surveyor;

26 (b) With respect to land surveyor-interns:

27 (f) ~~(Deleted by amendment, L. 2004, p. 1303, § 32, effective May 28, 2004.)~~

28 (H) ~~(Deleted by amendment, L. 94, p. 1506, § 34, effective July 1, 1994.)~~

29 (HH) (I) Application for the fundamentals of surveying examination;

30 (HV) (II) Reexamination for the fundamentals of surveying examination;

31 (V) (III) Application for enrollment as a land surveyor-intern by endorsement.

32 (2) ~~All moneys collected by the board in administering this part 2 shall be transmitted~~
33 ~~to the state treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and~~
34 ~~the general assembly shall make annual appropriations pursuant to said section for~~
35 ~~expenditures required for the administration of this part 2, which expenditures shall be made~~
36 ~~from such appropriations upon vouchers and warrants drawn pursuant to law. The division~~
37 ~~shall employ, subject to section 13 of article XII of the state constitution, such clerical or~~

1 other assistants as are necessary for the performance of its duties. <{Redundant with
2 common provisions on collection and deposit of fees, 12-20-105, and employment of staff,
3 12-20-103 (4).}>

4 (3) Repeated.
5

6 **12-120-316. [Formerly 12-25-217] Professional land surveyor's seal - rules.**

7 (1) Upon receiving a license from the board, a professional land surveyor may obtain a crimp
8 type seal, a rubber stamp type seal, or an electronic type seal of a design approved by the
9 board. The seal must contain the licensed professional land surveyor's name and license
10 number and the designation "Colorado licensed professional land surveyor". Colorado land
11 surveyors licensed before July 1, 2004, may continue to use their prior existing seals.

12 (2) All documents, plats, and reports resulting from the practice of land surveying
13 shall be identified with and bear the seal or exact copy thereof, signature, and date of
14 signature of the land surveyor in responsible charge.

15 (3) A professional land surveyor shall use a seal and signature only when the work
16 to which the seal is applied was prepared under the professional land surveyor's responsible
17 charge.

18 (4) The board shall adopt rules governing use of the seal and the retention, use, and
19 distribution of sealed documents and copies thereof.
20

21 ~~**12-25-218. Immunity in professional review.** Any member of the board, any
22 member of the board's staff, any person acting as a witness or consultant to the board, any
23 witness testifying in a proceeding authorized under this part 2, and any person who lodges
24 a complaint pursuant to this part 2 shall be immune from liability in any civil action brought
25 against him or her for acts occurring while acting in his or her capacity as board member,
26 staff, consultant, or witness, respectively, if such individual was acting in good faith within
27 the scope of his or her respective capacity, made a reasonable effort to obtain the facts of the
28 matter as to which he or she acted, and acted in the reasonable belief that the action taken by
29 him or her was warranted by the facts. Any person participating in good faith in lodging a
30 complaint or participating in any investigative or administrative proceeding pursuant to this
31 part 2 shall be immune from any civil or criminal liability that may result from such
32 participation. <{Redundant with immunity common provision, 12-20-402.}>~~
33

34 ~~**12-25-219. Prior actions.** (1) The board shall take over, assume, and continue all
35 actions and requirements regarding land surveyors from its predecessor, the state board of
36 registration for professional engineers and professional land surveyors. There shall be no
37 legal discontinuity, and previously licensed land surveyors shall continue their licensure as~~

1 professional land surveyors.

2 (2) The name change from the state board of licensure for professional engineers and
3 professional land surveyors to the state board of licensure for architects, professional
4 engineers, and professional land surveyors shall not be construed to change the entity. There
5 shall be no legal discontinuity, and previously licensed land surveyors shall continue their
6 licensure as land surveyors, and any obligations of the board or of persons to the board shall
7 not be affected by the name change.

8 <{Consolidated with 12-25-119 and 12-25-319 and moved to 12-120-105.}>

9
10 PART 4
11 ARCHITECTS
12

13 **12-120-401. [Formerly 12-25-301] General provisions.** The regulatory authority
14 established by this part 3 4 is necessary to safeguard the life, health, property, and public
15 welfare of the people of this state and to protect them against unauthorized, unqualified, and
16 improper practice of architecture.

17
18 **12-120-402. [Formerly 12-25-302] Definitions.** As used in this part 3 4, unless the
19 context otherwise requires:

20 (1) "Architect" means a person licensed under this part 3 4 and entitled thereby to
21 conduct a practice of architecture in the state of Colorado.

22 (2) "Board" means the state board of licensure for architects, professional engineers,
23 and professional land surveyors, created in section 12-25-106. <{Moved to 12-120-102.}>

24 (3) (2) "Buildings" means buildings of any type for public or private use, including
25 the structural, mechanical, and electrical systems, utility services, and other facilities required
26 for said THE buildings.

27 (4) (3) "Drawings" means the original documents produced to describe a project.
28 Such THE original documents may be produced by computer assisted design and drafting
29 software, commonly known as "CADD", or other means.

30 (5) (4) "Dwellings" means private residences intended for permanent occupancy by
31 one or more families but does not include apartment houses, lodging houses, hotels, or
32 motels.

33 (6) (5) (a) The "practice of architecture" means providing any of the following
34 services in connection with the design, construction, enlargement, or alteration of a building
35 or group of buildings and the space within and the site surrounding those buildings, which
36 have as their principal purpose human occupancy or habitation:

37 (I) Predesign;

1 (II) Programming;

2 (III) Planning;

3 (IV) Providing designs, drawings, specifications, and other technical submissions;

4 (V) Administering construction contracts; and

5 (VI) Coordinating any elements of technical submissions prepared by others.

6 (b) An architect's professional services, unless performed pursuant to the exemptions
7 set forth in section ~~12-25-303~~ **12-120-403** by a person who is not an architect, may include
8 any or all of the following:

9 (I) Investigations, evaluations, schematic and preliminary studies, designs, working
10 drawings, and specifications for construction, or for one or more buildings, and for the space
11 within and surrounding the buildings or structures;

12 (II) Coordination of the work of technical and special consultants;

13 (III) Compliance with generally applicable codes and regulations and assistance in
14 the governmental review process;

15 (IV) Technical assistance in the preparation of bid documents and agreements
16 between clients and contractors;

17 (V) Contract administration; and

18 (VI) Construction observation.

19 (c) An individual practices or offers to practice architecture within the meaning and
20 intent of this subsection ~~(6)~~ **(5)** if the individual, by oral claim, sign, advertisement,
21 letterhead, card, or in any other way, represents himself or herself to be an architect, implies
22 that he or she is licensed under this part ~~3 4~~, or performs or offers to perform a service listed
23 in ~~paragraph (b) of this subsection (6)~~ SUBSECTION (5)(b) OF THIS SECTION.

24 ~~(7)~~ (6) "Responsible control" means that amount of control over and detailed
25 knowledge of the content of plans, designs, drawings, specifications, and reports during their
26 preparation as is ordinarily exercised by a licensed architect applying the required standard
27 of care.

28
29 **12-120-403. [Formerly 12-25-303] Exemptions.** (1) Nothing in this part ~~3 4~~ shall
30 prevent any person, firm, corporation, or association from preparing plans and specifications
31 for, designing, planning, or administering the construction contracts for construction,
32 alterations, remodeling, additions to, or repair of, any of the following:

33 (a) One-, two-, three-, and four-family dwellings, including accessory buildings
34 commonly associated with ~~such~~ THOSE dwellings;

35 (b) Garages, industrial buildings, offices, farm buildings, and buildings for the
36 marketing, storage, or processing of farm products, and warehouses, that do not exceed one
37 story in height, exclusive of a one-story basement, and, under applicable building codes, are

1 not designed for occupancy by more than ten persons;

2 (c) Additions, alterations, or repairs to the buildings referred to in ~~paragraphs (a) and~~
3 ~~(b) of this subsection (1)~~ SUBSECTIONS (1)(a) AND (1)(b) OF THIS SECTION that do not cause
4 the completed buildings to exceed the applicable limitations set forth in this subsection (1);

5 (d) Nonstructural alterations of any nature to any building if ~~such~~ THE alterations do
6 not affect the life safety of the occupants of the building.

7 (2) Nothing in this part ~~3~~ **4** shall prevent, prohibit, or limit any municipality or county
8 of this state, home rule or otherwise, from adopting such building codes as may, in the
9 reasonable exercise of the police power of said governmental unit, be necessary for the
10 protection of the inhabitants of ~~said~~ THE municipality or county.

11 (3) Nothing in this part ~~3~~ **4** shall be construed as curtailing or extending the rights of
12 any other profession or craft, including the practice of landscape architecture by landscape
13 architects pursuant to article ~~45~~ **130** of this title.

14 (4) Nothing in this part ~~3~~ **4** shall be construed as prohibiting the practice of
15 architecture by any employee of the United States government or any bureau, division, or
16 agency thereof while in the discharge of his or her official duties.

17 (5) Nothing in this part ~~3~~ **4** shall be construed to prevent the independent employment
18 of a licensed professional engineer practicing pursuant to part ~~1~~ **2** of this article **120**.

19 (6) (a) Except as provided in ~~paragraph (b) of this subsection (6)~~ SUBSECTION (6)(b)
20 OF THIS SECTION, nothing in this part ~~3~~ **4** shall be construed to prevent an interior designer
21 from preparing interior design documents and specifications for interior finishes and
22 nonstructural elements within and surrounding interior spaces of a building or structure of
23 any size, height, and occupancy and filing ~~such~~ THE documents and specifications for the
24 purpose of obtaining approval for a building permit as provided by law from the appropriate
25 city, city and county, or regional building authority, which may approve or reject ~~any such~~
26 THE filing in the same manner as for other professions.

27 (b) Interior designers shall not be engaged in the construction of the structural frame
28 system supporting a building; mechanical, plumbing, heating, air conditioning, ventilation,
29 or electrical vertical transportation systems; fire-rated vertical shafts in any multi-story
30 structure; fire-related protection of structural elements; smoke evacuation and
31 compartmentalization; emergency sprinkler systems; emergency alarm systems; or any other
32 alteration affecting the life safety of the occupants of a building. Any interior designer shall,
33 as a condition of filing interior design documents and specifications for the purpose of
34 obtaining approval for a building permit, provide to the responsible building official of the
35 jurisdiction a current copy of the interior designer's professional liability insurance coverage
36 that is in force. No interior designer shall be subject to any of the restrictions set forth in
37 ~~paragraphs (b) and (d) of subsection (1)~~ SUBSECTIONS (1)(b) AND (1)(d) of this section.

1 (c) As used in this subsection (6), "interior designer" means a person who:

2 (I) Engages in:

3 (A) Consultation, study, design analysis, drawing, space planning, and specification
4 for nonstructural or nonseismic interior construction with due concern for the life safety of
5 the occupants of the building;

6 (B) Preparing and submitting interior design documents for the purpose of obtaining
7 approval for a building permit as provided by law for nonstructural or nonseismic interior
8 construction, materials, finishes, space planning, furnishings, fixtures, equipment, lighting,
9 and reflected ceiling plans;

10 (C) Designing for fabrication nonstructural elements within and surrounding interior
11 spaces of buildings; or

12 (D) The administration of design construction and contract documents, as the clients'
13 agent, relating to the functions described in ~~sub-subparagraphs (A) to (C) of this~~
14 ~~subparagraph (I)~~ SUBSECTIONS (6)(c)(I)(A) TO (6)(c)(I)(C) OF THIS SECTION, and
15 collaboration with specialty consultants and licensed practitioners in other areas of technical
16 expertise; and

17 (II) Possesses written documentation that he or she:

18 (A) Has graduated with a degree in interior design from a college or university
19 offering ~~such~~ AN INTERIOR DESIGN program consisting of four or more years of study and has
20 completed two years of interior design experience; or

21 (B) Has graduated with a degree in interior design from a college or university
22 offering ~~such~~ AN INTERIOR DESIGN program consisting of two or more years of study and has
23 completed four years of interior design experience; and

24 (C) Has met the education and experience requirements of, and has subsequently
25 passed, the qualification examination promulgated by the national council for interior design
26 qualification or its successor organization.

27 (d) As used in this subsection (6), "nonstructural or nonseismic" includes interior
28 elements or components that are not load-bearing or that do not assist in the seismic design
29 and do not require design computations for a building's structure. Common nonstructural or
30 nonseismic elements or components include, but are not limited to, ceiling and partition
31 systems that employ normal and typical bracing conventions and are not part of the structural
32 integrity of the building.

33 (7) Nothing in this article **120** shall prohibit a person who is licensed to practice
34 architecture in another jurisdiction of the United States from soliciting work in Colorado. The
35 person shall not perform the practice of architecture in this state without first having obtained
36 a license from the board or having associated with an architect licensed in this state who is
37 associated with the project at all stages of the project.

1 **12-120-404. [Formerly 12-25-304] Forms of organizations permitted to practice**
2 **- requirements.** (1) Except as otherwise provided in this section, no firm, partnership,
3 entity, or group of persons shall be licensed to practice architecture; except that a partnership,
4 entity, or group of persons may use the term "architects" in its business name if a majority
5 of the individual officers and directors or members or partners are either licensed architects
6 under this part ~~3 4~~ or persons who qualify for a license by endorsement under section
7 ~~12-25-314 (3)~~ **12-120-413 (3)**.

8 (2) The practice of architecture by the following entities is permitted, subject to
9 subsection (3) of this section:

10 (a) A corporation that complies with the "Colorado Business Corporation Act",
11 articles 101 to 117 of title 7; ~~C.R.S.~~;

12 (b) A limited liability company that complies with the "Colorado Limited Liability
13 Company Act", article 80 of title 7; ~~C.R.S.~~;

14 (c) A registered limited liability partnership that has registered in accordance with
15 section 7-60-144 ~~C.R.S.~~, or qualified in accordance with section 7-64-1002. ~~C.R.S.~~

16 (3) An entity listed in subsection (2) of this section may practice architecture, but only
17 if:

18 (a) The practice of architecture by ~~such~~ THE entity is under the direct supervision of
19 an architect, licensed in the state of Colorado, who is an officer of the corporation, a member
20 of the limited liability company, or a partner in the registered limited liability partnership;

21 (b) ~~Such~~ THE architect remains individually responsible to the board and the public
22 for his or her professional acts and conduct; and

23 (c) All architectural plans, designs, drawings, specifications, or reports that are
24 involved in ~~such~~ THE practice, issued by or for ~~such~~ THE entity, bear the seal and signature
25 of an architect in responsible control of, and directly responsible for, ~~such~~ THE architectural
26 work when issued.

27 (4) (a) Nothing in this part ~~3 4~~ shall be construed as prohibiting the formation of a
28 corporation, limited liability company, registered limited liability partnership, joint venture,
29 partnership, or association consisting of one or several architects or corporations meeting the
30 requirements of subsection (3) of this section and one or several professional engineers, all
31 duly licensed under the respective provisions of the applicable laws of this state.

32 (b) It is lawful for ~~such~~ an entity DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION
33 to use in its title the words "architects and engineers".

34 (c) No identifying media used by any member of ~~such~~ THE entity shall mislead the
35 public as to the fact that ~~such~~ THE member is licensed as an architect or as a professional
36 engineer.

37

1 **12-120-405. [Formerly 12-25-305] Unauthorized practice - penalties -**
2 **enforcement.** (1) Unless exempted under section ~~12-25-303 (7)~~ **12-120-403 (7)**, any person
3 who practices or offers or attempts to practice architecture without an active license issued
4 under this part ~~3~~ **commits a class 2 misdemeanor and shall be punished as provided in section**
5 ~~18-1.3-501, C.R.S., for the first offense, and, for the second or any subsequent offense, the~~
6 ~~person commits a class 6 felony and shall be punished as provided in section 18-1.3-401,~~
7 ~~C.R.S. 4~~ IS SUBJECT TO PENALTIES AS SPECIFIED IN SECTION 12-20-407 (1)(a). <{Redundant
8 with unauthorized practice common provision, 12-20-407.}>

9 ~~(a) to (c) Repealed.~~
10 ~~(1.5) and (2) Repealed.~~

11 ~~(2.5)~~ (2) (a) It is unlawful for any individual to hold himself or herself out to the
12 public as an architect unless the individual has complied with this part ~~3~~ **4**.

13 (b) It is unlawful for any person to practice, or offer to practice, architecture in this
14 state unless the individual in responsible control has complied with this part ~~3~~ **4**.

15 (c) (I) Unless licensed pursuant to this part ~~3~~ **4**, it is unlawful for any person to:

16 (A) Use any of the following titles: "Architect", "architects", "architecture",
17 "architectural", or "licensed architect"; ~~In addition, unless licensed pursuant to this part 3, it~~
18 ~~is unlawful for any person to~~ OR

19 (B) Use the words "architect", "architects", "architecture", "architectural", or
20 "licensed architect" in any offer to the public to perform the services set forth in section
21 ~~12-25-302 (6)~~ **12-120-402 (5)**.

22 (II) Nothing in this subsection ~~(2.5)~~ **(2)** prohibits the general use of the words
23 "architect", "architecture", or "architectural", including the specific use of the term
24 "architectural intern", by an individual who is working under the supervision of an architect
25 and is in the process of completing required practice hours in preparation for the architect
26 licensing examination, so long as those words are not being used in an offer to the public to
27 perform the services set forth in section ~~12-25-302 (6)~~ **12-120-402 (5)**.

28 (3) The attorney general or the attorney general's assistant shall act as legal advisor
29 to the board and render such timely legal assistance as may be necessary in carrying out this
30 part ~~3~~ **4**. With the concurrence of the attorney general, the board may employ counsel and
31 assistance necessary to aid in the enforcement of this part ~~3~~ **4**, and the compensation and
32 expenses therefor shall be paid from the funds of the board.

33 ~~(4) (a) If it appears to the board, based upon credible evidence as presented in a~~
34 ~~written complaint by any person, that a licensee is acting in a manner that is an imminent~~
35 ~~threat to the health and safety of the public or a person is acting or has acted without the~~
36 ~~required license, the board may issue an order to cease and desist such activity. The order~~
37 ~~shall set forth the statutes and rules alleged to have been violated, the facts alleged to have~~

1 constituted the violation, and the requirement that all unlawful acts or unlicensed practices
2 immediately cease.

3 (b) ~~Within ten days after service of the order to cease and desist pursuant to paragraph~~
4 ~~(a) of this subsection (4), the licensee or person alleged to have acted without a license may~~
5 ~~request a hearing on the question of whether acts or practices in violation of this part 3 have~~
6 ~~occurred. Such hearing shall be conducted pursuant to sections 24-4-104 and 24-4-105,~~
7 ~~C.R.S.~~

8 (5) (a) ~~If it appears to the board, based upon credible evidence as presented in a~~
9 ~~written complaint by any person, that a person has violated any other provision of this part~~
10 ~~3, then, in addition to any specific powers granted pursuant to this part 3, the board may issue~~
11 ~~to such person an order to show cause as to why the board should not issue a final order~~
12 ~~directing such person to cease and desist from the unlawful act or unlicensed practice.~~

13 (b) ~~A person against whom an order to show cause has been issued pursuant to~~
14 ~~paragraph (a) of this subsection (5) shall be promptly notified by the board of the issuance~~
15 ~~of the order, along with a copy of the order, the factual and legal basis for the order, and the~~
16 ~~date set by the board for a hearing on the order. Such notice may be served by personal~~
17 ~~service, by first-class United States mail, postage prepaid, or as may be practicable upon any~~
18 ~~person against whom such order is issued. Personal service or mailing of an order or~~
19 ~~document pursuant to this subsection (5) shall constitute notice thereof to the person.~~

20 (c) (I) ~~The hearing on an order to show cause shall be commenced no sooner than ten~~
21 ~~and no later than forty-five calendar days after the date of transmission or service of the~~
22 ~~notification by the board as provided in paragraph (b) of this subsection (5). The hearing may~~
23 ~~be continued by agreement of all parties based upon the complexity of the matter, number~~
24 ~~of parties to the matter, and legal issues presented in the matter, but in no event shall the~~
25 ~~hearing commence later than sixty calendar days after the date of transmission or service of~~
26 ~~the notification.~~

27 (H) ~~If a person against whom an order to show cause has been issued pursuant to~~
28 ~~paragraph (a) of this subsection (5) does not appear at the hearing, the board may present~~
29 ~~evidence that notification was properly sent or served upon such person pursuant to~~
30 ~~paragraph (b) of this subsection (5) and such other evidence related to the matter as the board~~
31 ~~deems appropriate. The board shall issue the order within ten days after the board's~~
32 ~~determination related to reasonable attempts to notify such person, and the order shall~~
33 ~~become final as to that person by operation of law. Such hearing shall be conducted pursuant~~
34 ~~to sections 24-4-104 and 24-4-105, C.R.S.~~

35 (III) ~~If the board reasonably finds that the person against whom the order to show~~
36 ~~cause was issued is acting or has acted without the required license or has or is about to~~
37 ~~engage in acts or practices constituting violations of this part 3, a final cease-and-desist order~~

1 may be issued directing such person to cease and desist from further unlawful acts or
2 unlicensed practices.

3 (IV) The board shall provide notice, in the manner set forth in paragraph (b) of this
4 subsection (5), of the final cease-and-desist order within ten calendar days after the hearing
5 conducted pursuant to this paragraph (c) to each person against whom the final order has
6 been issued. The final order issued pursuant to subparagraph (III) of this paragraph (c) shall
7 be effective when issued and shall be a final order for purposes of judicial review.

8 (6) If it appears to the board, based upon credible evidence presented to the board,
9 that a person has engaged in or is about to engage in an unlicensed act or practice, any act
10 or practice constituting a violation of this part 3, any rule promulgated pursuant to this part
11 3, any order issued pursuant to this part 3, or any act or practice constituting grounds for
12 administrative sanction pursuant to this part 3, the board may enter into a stipulation with
13 such person.

14 (7) If any person fails to comply with a final cease-and-desist order or a stipulation,
15 the board may request the attorney general or the district attorney for the judicial district in
16 which the alleged violation exists to bring, and if so requested such attorney shall bring, suit
17 for a temporary restraining order and for injunctive relief to prevent any further or continued
18 violation of the final order.

19 (8) A person aggrieved by the final cease-and-desist order may seek judicial review
20 of the board's determination or of the board's final order in a court of competent jurisdiction.

21 (4) THE BOARD MAY ISSUE CEASE-AND-DESIST ORDERS UNDER THE CIRCUMSTANCES
22 AND IN ACCORDANCE WITH THE PROCEDURES SPECIFIED IN SECTION 12-20-405. <{**Subsections**
23 **(4) to (8) redundant with cease-and-desist orders common provision, 12-20-405.**>

24 (9) (5) After finding that a person has unlawfully engaged in the practice of
25 architecture, the board may jointly and severally assess against the person a fine of not less
26 than fifty dollars and not more than five thousand dollars for each violation proven by the
27 board. The board shall transmit the moneys collected pursuant to this subsection (9) to the
28 state treasurer, who shall credit them to the general fund. <{**Redundant with disposition of**
29 **finances common provision, 12-20-404 (6).**>

30 (10) (6) An individual practicing architecture who is not licensed or exempt from
31 licensure shall not collect compensation of any kind for such THE practice, and, if
32 compensation has been paid, the individual shall refund the compensation in full.

33
34 ~~12-25-306. Board – composition – appointments – terms.~~ (1) To be eligible for
35 membership on the board, an architect shall be:

36 (a) A United States citizen and a resident of Colorado for at least one year; and

37 (b) A licensed architect in the state of Colorado and have practiced architecture for

1 at least three years prior to their appointment.

2 ~~(2) The governor, in making appointments of architects to the board, shall endeavor~~
3 ~~to select the most highly qualified members of the profession willing to serve on the board.~~
4 ~~Staggered appointments shall be made so that not more than one member's term expires in~~
5 ~~any one year, and thereafter appointments shall be for terms of four years each. Appointees~~
6 ~~shall be limited to two full terms each. Except as otherwise provided in subsection (3) or (4)~~
7 ~~of this section, each board member shall hold office until the expiration of the term for which~~
8 ~~such member is appointed or until a successor has been duly appointed, whichever occurs~~
9 ~~first.~~

10 ~~(3) In the event of an architecture vacancy on the board due to resignation, death, or~~
11 ~~any cause resulting in an unexpired term, the governor shall fill such vacancy promptly.~~

12 ~~(4) The governor may remove an architect member of the board for official~~
13 ~~misconduct, incompetence, or neglect of duty. <{Moved to 12-120-103 and consolidated~~
14 ~~with 12-23-106 and 12-25-206}>~~

15
16 **~~12-25-307. Powers and duties of the board.~~** (1) ~~The board is authorized to:~~

17 ~~(a) Adopt such rules as may be necessary to implement this part 3, including rules for~~
18 ~~disciplining licensed architects;~~

19 ~~(b) Examine and license duly qualified applicants, and renew the licenses of duly~~
20 ~~qualified architects;~~

21 ~~(c) Conduct hearings upon complaints concerning the conduct of architects;~~

22 ~~(d) Cause the prosecution of all persons violating this part 3 by the district attorney~~
23 ~~or by the attorney general pursuant to section 12-25-305;~~

24 ~~(e) Require every licensed architect to have a stamp as prescribed by the board.~~

25 ~~(2) The board shall:~~

26 ~~(a) Keep a record of its proceedings and of all applications for licensing under this~~
27 ~~part 3. The application record for each applicant shall include:~~

28 ~~(I) Name, age, and residence of the applicant;~~

29 ~~(II) Date of application;~~

30 ~~(III) Place of business;~~

31 ~~(IV) Education of the applicant;~~

32 ~~(V) Architecture and other applicable experience of the applicant;~~

33 ~~(VI) Type of examination required;~~

34 ~~(VII) Date and type of action by the board; and~~

35 ~~(VIII) Such other information as may be deemed necessary by the board;~~

36 ~~(b) Make available through printed or electronic means the following:~~

37 ~~(I) The architect statutes administered by the board;~~

1 ~~(H) A list of the names and addresses of record of all currently licensed architects;~~
2 ~~(HH) The rules of conduct for architects adopted pursuant to paragraph (a) of~~
3 ~~subsection (1) of this section; and~~
4 ~~(IV) The rules of the board and such other pertinent information as the board deems~~
5 ~~necessary. <{Moved to 12-120-104 and consolidated with 12-23-107 and 12-25-207}>~~
6

7 **12-120-406. [Formerly 12-25-308] Disciplinary actions - grounds for discipline.**
8 (1) The board may ~~deny, suspend, revoke, or refuse to renew the license of, place on~~
9 ~~probation~~ TAKE DISCIPLINARY OR OTHER ACTION AS AUTHORIZED BY SECTION 12-20-404
10 AGAINST, or limit the scope of practice of, a licensee for the following: <{Redundant with
11 disciplinary actions common provision, 12-20-404.}>

12 (a) Fraud, misrepresentation, deceit, or material misstatement of fact in procuring or
13 attempting to procure a license;

14 (b) Any act or omission that fails to meet the generally accepted standards of the
15 practice of architecture, as evidenced by conduct that endangers life, health, property, or the
16 public welfare;

17 (c) Conviction of, or pleading guilty or nolo contendere to, a felony in Colorado
18 concerning the practice of architecture or an equivalent crime outside Colorado. A certified
19 copy of the judgment of a court of competent jurisdiction of ~~such~~ THE conviction or plea shall
20 be presumptive evidence of ~~such~~ THE conviction or plea in any hearing under this part ~~3~~ **4**.
21 The board shall be governed by ~~section~~ SECTIONS 12-20-202 (5) AND 24-5-101 C.R.S.; in
22 considering ~~such~~ THE conviction or plea.

23 (d) Affixing a seal or allowing a seal to be affixed to any document of which the
24 architect was neither the author nor in responsible control of preparation;

25 (e) Violation of, or aiding or abetting in the violation of, this part ~~3~~ **4** or any rule
26 promulgated by the board in conformance with this part 3 PART 1 OF THIS ARTICLE 120 OR
27 THIS PART 4 or any order of the board issued in conformance with this part ~~3~~ **4**;

28 (f) Use of false, deceptive, or misleading advertising;

29 (g) Performing services beyond one's competency, training, or education;

30 (h) Failure to render adequate professional control of persons practicing architecture
31 under the responsible control of a licensed architect;

32 (i) Habitual or excessive use or abuse of alcohol, controlled substances, or any
33 habit-forming drug;

34 (j) Any use of a schedule I controlled substance, as defined in section 18-18-203;
35 C.R.S.;

36 (k) Violation of the notification requirements in section ~~12-25-312~~ **12-120-411**;

37 (l) Failure to pay a fine assessed under this part ~~3~~ **4**;

1 (m) Failure to report to the board any architect known to have violated any provision
2 of this article **120** or any board order or rule; ~~or regulation;~~

3 (n) Fraud or deceit in the practice of architecture;

4 ~~(o) Repeated.~~

5 ~~(p)~~ (o) Making or offering to make any gift (other than a gift of nominal value such
6 as reasonable entertainment or hospitality), donation, payment, or other valuable
7 consideration to influence a prospective or existing client or employer regarding the
8 employment of the architect; except that nothing in this ~~paragraph (p)~~ SUBSECTION (1)(o)
9 shall restrict an employer's ability to reward an employee for work obtained or performed;

10 ~~(q)~~ (p) Selling or fraudulently obtaining or furnishing a license or renewal of a license
11 to practice architecture;

12 ~~(r)~~ (q) Engaging in conduct that is intended or reasonably might be expected to
13 mislead the public into believing that the person is an architect; or

14 ~~(s)~~ (r) Engaging in the practice of an architect as a corporation or partnership or group
15 of persons, unless such THE entity meets the requirements of section ~~12-25-304~~ **12-120-404**.

16 ~~(2)~~ (a) ~~When a complaint or investigation discloses an instance of misconduct that,~~
17 ~~in the opinion of the board, does not warrant formal action by the board but that should not~~
18 ~~be dismissed as being without merit, The board may issue and send a letter of admonition by~~
19 ~~first-class mail to the A licensee at the licensee's last-known address UNDER THE~~
20 ~~CIRCUMSTANCES SPECIFIED IN AND IN ACCORDANCE WITH SECTION 12-20-404 (4).~~

21 ~~(b) When the board sends a letter of admonition to a licensee, the board shall advise~~
22 ~~the licensee that he or she has the right to request in writing, within twenty days after receipt~~
23 ~~of the letter, that formal disciplinary proceedings be initiated to adjudicate the propriety of~~
24 ~~the conduct upon which the letter of admonition is based.~~

25 ~~(c) If the request for adjudication is timely made, the letter of admonition shall be~~
26 ~~deemed vacated and the matter shall be processed by means of formal disciplinary~~
27 ~~proceedings. <{(2)(a) to (2)(c) redundant with letters of admonition common provision,~~
28 ~~12-20-404 (4).}>~~

29 ~~(d)~~ ~~(3)~~ ~~When a complaint or investigation discloses an instance of conduct that does~~
30 ~~not warrant formal action by the board and, in the opinion of the board, the complaint should~~
31 ~~be dismissed, but the board has noticed indications of possible errant conduct by the licensee~~
32 ~~that could lead to serious consequences if not corrected, THE BOARD MAY SEND a confidential~~
33 ~~letter of concern may be issued and sent to the A licensee UNDER THE CIRCUMSTANCES~~
34 ~~SPECIFIED IN SECTION 12-20-404 (5). <{(2)(d) redundant with confidential letters of concern~~
35 ~~common provision, 12-20-404 (5).}>~~

36 ~~(3)~~ ~~(4)~~ Any disciplinary action in another state or jurisdiction on grounds substantially
37 similar to those that would constitute a violation under this part ~~3~~ **4** shall be prima facie

1 evidence of grounds for disciplinary action, including denial of licensure, under this section.

2 ~~(4)(a)~~ (5) In addition to the penalties provided for in ~~subsection (2)~~ of this section,
3 any person violating any provision of this part ~~3 4~~ or any standards or rules promulgated
4 pursuant to this part ~~3 4~~ may be punished by a fine of not less than fifty dollars and not more
5 than five thousand dollars upon a finding of misconduct by the board, made pursuant to
6 article 4 of title 24, C.R.S.

7 ~~(b)~~ All fines collected pursuant to this section shall be transferred to the state
8 treasurer, who shall credit such moneys to the general fund. <{Redundant with *disposition*
9 of fines common provision, 12-20-404 (6).}>

10 ~~(5)~~ (6) If, as a result of a proceeding held pursuant to article 4 of title 24, C.R.S., the
11 board determines that a person licensed to practice architecture pursuant to this part ~~3 4~~ has
12 acted in such a manner as to be subject to disciplinary action, the board may, in lieu of or in
13 addition to other forms of disciplinary action that may be authorized by this section, require
14 a licensee to take courses of training or education relating to his or her profession. The board
15 shall determine the conditions that may be imposed on ~~such~~ THE licensee, including, but not
16 limited to, the type and number of hours of training or education. All training or education
17 courses are subject to approval by the board, and the licensee shall be required to furnish
18 satisfactory proof of completion of ~~any such~~ THE training or education.

19
20 **12-120-407. [Formerly 12-25-309] Disciplinary proceedings - injunctions.**

21 (1) SECTION 12-20-403 APPLIES TO INVESTIGATIONS AND HEARINGS UNDER THIS SECTION.
22 <{Adding reference to *disciplinary procedures common provision, 12-20-403.*}>

23 ~~(1)~~ (2) The board upon its own motion may, and upon the receipt of a signed
24 complaint in writing from any person shall, investigate the activities of any licensee or other
25 person that present grounds for disciplinary action as specified in this part ~~3 4~~.

26 (2) Disciplinary hearings shall be conducted by the board or by an administrative law
27 judge appointed pursuant to part 10 of article 30 of title 24, C.R.S., and shall be held in the
28 manner prescribed in article 4 of title 24, C.R.S. <{Redundant with *disciplinary procedures*
29 common provision, 12-20-403, and Administrative Procedure Act requirements.}>

30 ~~(3)(a)~~ (3)(a) The board or an administrative law judge shall have the power to administer
31 oaths, take affirmations of witnesses, and issue subpoenas to compel the attendance of
32 witnesses and the production of all relevant papers, books, records, documentary evidence,
33 and materials in any hearing, investigation, accusation, or other matter coming before the
34 board.

35 ~~(b)~~ (b) Upon failure of any witness to comply with such subpoena or process, the district
36 court of the county in which the subpoenaed person or licensee resides or conducts business,
37 upon application by the board or director of the division of professions and occupations

1 within the department of regulatory agencies with notice to the subpoenaed person or
2 licensee, may issue to the person or licensee an order requiring that person or licensee to
3 appear before the board or director; to produce the relevant papers, books, records,
4 documentary evidence, or materials if so ordered; or to give evidence touching the matter
5 under investigation or in question. Failure to obey the order of the court may be punished by
6 the court as a contempt of court. <{Redundant with disciplinary procedures common
7 provision, 12-20-403, and Administrative Procedure Act requirements.}>

8 (4) (3) The board may in the name of the people of the state of Colorado, through the
9 attorney general of the state of Colorado, apply for an injunction _____ in any court of
10 competent jurisdiction IN ACCORDANCE WITH SECTION 12-20-406, BUT ONLY to enjoin any
11 person from committing any act declared to be a misdemeanor by this part 3 4. In order to
12 obtain such injunction the board need not prove irreparable injury. <{Added reference to
13 injunctive relief common provision, 12-20-406.}>

14 (5) (4) The court of appeals shall have initial jurisdiction to review SECTION
15 12-20-408 GOVERNS JUDICIAL REVIEW OF all final actions and orders of the board that are
16 subject to judicial review. Such proceedings shall be conducted in accordance with section
17 24-4-106 (11), C.R.S. <{Redundant with judicial review common provision, 12-20-408.}>

18 (6) ~~When a complaint or an investigation discloses an instance of misconduct that,~~
19 ~~in the opinion of the board, warrants formal action, the complaint shall not be resolved by~~
20 ~~a deferred settlement, action, judgment, or prosecution.~~ <{Redundant with no deferment
21 common provision, 12-20-404 (2).}>

22
23 **12-120-408. [Formerly 12-25-309.5] Reconsideration and review of board**
24 **actions.** The board, on its own motion or upon application, at any time after the imposition
25 of any discipline as provided in this section PART 4, may reconsider its prior action and
26 reinstate or restore such THE license or terminate probation or reduce the severity of its prior
27 disciplinary action. The taking of any such further action, or the holding of a hearing with
28 respect thereto, shall rest in the sole discretion of the board.

29
30 **12-120-409. [Formerly 12-25-310] Application for licensing.** (1) An applicant
31 shall submit an application that includes evidence of education and practical experience as
32 required by section ~~12-25-314~~ **12-120-413** and the rules of the board. The application shall
33 also include a statement that the applicant has never been denied licensure as an architect or
34 been disciplined with regard to the practice of architecture or practiced architecture in
35 violation of the law. If the board determines that an applicant has committed any of the acts
36 specified as grounds for discipline under section ~~12-25-308 (1)~~ **12-120-406 (1)**, it may deny
37 an application for examination or licensure. The board shall notify the applicant if it

1 determines that the application is incomplete or otherwise defective and shall specify the
2 grounds for the determination.

3 (2) When the board is reviewing or considering conviction of a crime, it shall be
4 governed by ~~section~~ SECTIONS 12-20-202 (5) AND 24-5-101. C.R.S.

5 ~~(3) A licensee whose license is revoked may reapply for licensure, but the board shall~~
6 ~~not consider the application until two years after the effective date of the revocation.~~
7 <{Redundant with waiting period common provision, 12-20-404 (3).}>

8
9 **12-120-410. [Formerly 12-25-311] Professional liability.** (1) The shareholders,
10 members, or partners of an entity that practices architecture are liable for the acts, errors, and
11 omissions of the employees, members, and partners of the entity except when the entity
12 maintains a qualifying policy of professional liability insurance as set forth in subsection (2)
13 of this section.

14 (2) (a) A qualifying policy of professional liability insurance shall meet the following
15 minimum standards:

16 (I) The policy insures the entity against liability imposed upon it by law for damages
17 arising out of the negligent acts, errors, and omissions of all professional and nonprofessional
18 employees, members, and partners; and

19 (II) The insurance is in a policy amount of at least seventy-five thousand dollars
20 multiplied by the total number of architects and engineers in or employed by the entity, up
21 to a maximum of five hundred thousand dollars.

22 (b) In addition, the policy may include:

23 (I) A provision that it shall not apply to the following:

24 (A) A dishonest, fraudulent, criminal, or malicious act or omission of the insured
25 entity or any stockholder, employee, member, or partner;

26 (B) The conduct of a business enterprise that is not the practice of architecture by the
27 insured entity;

28 (C) The conduct of a business enterprise in which the insured entity may be a partner
29 or that may be controlled, operated, or managed by the insured entity in its own or in a
30 fiduciary capacity, including, but not limited to, the ownership, maintenance, or use of
31 property;

32 (D) Bodily injury, sickness, disease, or death of a person; or

33 (E) Damage to, or destruction of, tangible property owned by the insured entity;

34 (II) Any other reasonable provisions with respect to policy periods, territory, claims,
35 conditions, and ministerial matters.

36
37 **12-120-411. [Formerly 12-25-312] Notification to board.** Each architect shall report

1 to the board any malpractice claim against the architect, or against any entity of which the
2 architect is a member, that is settled or in which judgment is rendered, within sixty days after
3 the effective date of the settlement or judgment, if the claim concerned the practice of
4 architecture performed or supervised by the architect; except that a licensee is not required
5 to report any claim that was dismissed by a court of law.

6
7 **12-120-412. [Formerly 12-25-313] Eligibility for architect.** To be eligible for
8 licensing as an architect, an applicant shall provide documentation of technical competence.

9
10 **12-120-413. [Formerly 12-25-314] Qualifications for architect licensure.** (1) The
11 board shall set minimum educational and experience requirements for applicants within the
12 following guidelines:

13 (a) The board may require:

14 (I) No more than three years of practical experience under the direct supervision of
15 a licensed architect or an architect exempt under the provisions of section ~~12-25-303 (4)~~
16 **12-120-403 (4)** and either:

17 (A) A professional degree from a program accredited by the national architectural
18 accrediting board or its successor; or

19 (B) Substantially equivalent education or experience approved by the board, with the
20 board requiring no more than five years of ~~such~~ THE education and experience; or

21 (II) No more than ten years of practical experience under the direct supervision of a
22 licensed architect or an architect exempt under the provisions of section ~~12-25-303 (4)~~
23 **12-120-403 (4)**; or

24 (III) A combination of ~~such~~ practical experience and education, which combination
25 shall not exceed ten years.

26 (b) Up to one year of the required experience may be in on-site building construction
27 operations, physical analyses of existing buildings, or teaching or research in a program
28 accredited by the national architectural accreditation board or its successor.

29 (c) Full credit shall be given for education obtained in four-year baccalaureate
30 programs in architecture or environmental design.

31 (2) (a) An applicant shall pass an examination or examinations developed or adopted
32 by the board. The board shall ensure that the passing score for any examination is set to
33 measure the level of minimum competency.

34 (b) The examination shall be given at least twice a year. The board shall designate a
35 time and location for examinations and shall notify applicants of this time and location in a
36 timely fashion and, as necessary, may contract for assistance in administering the
37 examination.

1 (3) An applicant for licensure by endorsement must hold a license in good standing
2 in a jurisdiction requiring qualifications substantially equivalent to those currently required
3 for licensure by examination as provided in section ~~12-25-310 (1)~~ **12-120-409 (1)** and
4 subsections (1) and (2) of this section and shall submit an application as prescribed by the
5 board. The board shall provide procedures for an applicant to apply directly to the board. The
6 board may also provide an alternative application procedure so that an applicant may, at his
7 or her option, instead apply to a national clearinghouse designated by the board. The national
8 clearinghouse shall then forward the application to the board.

9
10 **12-120-414 [Formerly 12-25-314.5] Retired architects - classification - fees.**

11 (1) An architect who has been duly licensed and is over sixty-five years of age may apply
12 to the board for classification as a retired architect. Retired architects shall not practice
13 architecture and shall pay a fee established by the board to be listed with and retain retired
14 architect status. A person classified as a retired architect may hold himself or herself out as
15 a retired architect.

16 (2) A retired architect shall be reinstated to the status of an architect upon payment
17 of the renewal fee established pursuant to section ~~24-34-105, C.R.S.~~ SECTIONS 12-20-105
18 AND 12-20-202 (1). The board shall not assess any additional fees.

19 (3) The board may require reexamination of a retired architect who has been retired
20 for two or more years and is seeking reinstatement pursuant to subsection (2) of this section
21 unless the board is satisfied with the retired architect's competence to practice, as required
22 by section ~~24-34-102 (8)(d)(II), C.R.S.~~ **12-20-202 (2)(a)(II)**.

23
24 **12-120-415. [Formerly 12-25-315] Licenses.** (1) The board shall issue a license
25 whenever an applicant for a license to practice architecture in Colorado successfully qualifies
26 for ~~such~~ THE license as provided in this part ~~3~~ **4**.

27 (2) An architect may renew a license by paying to the board the license renewal fee
28 established pursuant to section ~~24-34-105, C.R.S.~~ **12-20-105**, and the board shall then renew
29 the license. A LICENSE ISSUED UNDER THIS PART 4 IS SUBJECT TO THE RENEWAL, EXPIRATION,
30 REINSTATEMENT, AND DELINQUENCY FEE PROVISIONS SPECIFIED IN SECTION 12-20-202 (1)
31 AND (2).

32 (3) ~~The license of any architect shall be renewed or reinstated pursuant to a schedule~~
33 ~~established by the director of the division of professions and occupations within the~~
34 ~~department of regulatory agencies and shall be renewed or reinstated pursuant to section~~
35 ~~24-34-102 (8), C.R.S. The director of the division of professions and occupations within the~~
36 ~~department of regulatory agencies may establish renewal fees and delinquency fees for~~
37 ~~reinstatement pursuant to section 24-34-105, C.R.S. If a person fails to renew his or her~~

1 license pursuant to the schedule established by the director of the division of professions and
2 occupations, such license shall expire. Any person whose license has expired shall be subject
3 to the penalties provided in this part 3 4 or section 24-34-102 (8), C.R.S. 12-20-202 (1).
4 <{Redundant with renewal/reinstatement and fees common provisions, 12-20- 105 and
5 12-20-202.}>

6 (4) (3) An architect shall give notice to the board, in a manner prescribed by the
7 board, of any change of address within thirty days after the change.
8

9 **12-120-416. [Formerly 12-25-315.5] Continuing education - rules.** (1) No later
10 than December 31, 2008, The board shall adopt rules establishing requirements for
11 continuing education that an architect shall complete in order to renew a license to practice
12 architecture in Colorado, on or after July 1, 2009. The rules shall require the architect to
13 participate in a process or procedure that demonstrates whether the architect retained the
14 material presented in the continuing education program or course. <{After discussion at
15 10/10 meeting, agreed OK to strike dates in this provision.}>

16 (2) and (3) Repealed.
17

18 **12-25-316. Disposition of fees – expenses of board.** (1) ~~All moneys collected under~~
19 ~~this part 3, except as provided in section 12-25-308 (4), shall be transmitted to the state~~
20 ~~treasurer, who shall credit the same pursuant to section 24-34-105, C.R.S., and the general~~
21 ~~assembly shall make annual appropriations pursuant to said section for expenditures of the~~
22 ~~board.~~

23 (2) ~~The director of the division of professions and occupations within the department~~
24 ~~of regulatory agencies may employ such technical, clerical, investigative, or other assistance~~
25 ~~as is necessary for the proper performance of the board's work, subject to section 13 of article~~
26 ~~XII of the state constitution, and may make expenditures for any purpose that is reasonably~~
27 ~~necessary for the proper performance of the board's duties under this part 3.~~

28 (3) ~~The board may charge fees for licensure by examination, reexamination, and~~
29 ~~endorsement. The board may also charge fees for renewal and reinstatement of a license.~~
30 <{Redundant with common provisions on fees, disposition, thereof, and employment of
31 staff, 12-20-103 (4), 12-20-105, 12-20-201.}>
32

33 **12-120-417. [Formerly 12-25-317] Architect's seal - rules.** (1) Upon receiving a
34 license from the board, an architect may obtain a crimp type seal, a rubber stamp type seal,
35 or an electronic type seal in a design approved by the board. The seal must contain the
36 architect's name and license number and the designation "Colorado licensed architect".
37 Architects licensed before July 1, 2013, may continue to use their existing seals.

1 (2) An architect shall use his or her seal, signature, and the date of signature only
2 when the work to which the seal is applied was prepared under the architect's responsible
3 control.

4 (3) The board shall adopt rules governing use of the seal and the retention, use, and
5 distribution of sealed documents and copies thereof.

6
7 ~~**12-25-318. Immunity.** Any member of the board, any member of the board's staff,
8 any person acting as a witness or consultant to the board, any witness testifying in a
9 proceeding authorized under this part 3, and any person who lodges a complaint pursuant to
10 this part 3 shall be immune from liability in any civil action brought against him or her for
11 acts occurring while acting in his or her capacity as board member, staff, consultant, or
12 witness, respectively, if such individual was acting in good faith within the scope of his or
13 her respective capacity, made a reasonable effort to obtain the facts of the matter as to which
14 he or she acted, and acted in the reasonable belief that the action taken by him or her was
15 warranted by the facts. A person participating in good faith in lodging a complaint or
16 participating in any investigative or administrative proceeding pursuant to this part 3 shall
17 be immune from any civil or criminal liability that may result from such participation.
18 <{Redundant with immunity common provision, 12-20-402.}>~~

19
20 ~~**12-25-319. Previous licenses – prior actions.** Any person holding a valid license to
21 practice architecture in Colorado before July 1, 2006, shall be licensed under this part 3. All
22 official actions of the state board of examiners of architects made or taken before July 1,
23 2006, are expressly ratified. <{Combined with 12-25-119 and 12-25-219 and moved to
24 12-120-105.}>~~