

CHAPTER 109

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 19-1086

BY REPRESENTATIVE(S) Duran, Bird, Esgar, Galindo, Gonzales-Gutierrez, Hooton, Jaquez Lewis, Kennedy, Lontine, Melton, Michaelson Jenet, Mullica, Snyder, Sullivan, Benavidez, Kraft-Tharp, Weissman;
also SENATOR(S) Pettersen, Bridges, Fenberg, Winter, Zenzinger.

AN ACT**CONCERNING THE CONDUCT OF PLUMBING INSPECTIONS TO ENSURE COMPLIANCE WITH THE PLUMBING LAW.**

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

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

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

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

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

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

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

(C) ANY OTHER MEANS APPROVED BY THE BOARD.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

(c) Licenses and registrations ~~shall be renewed or reinstated pursuant to~~ ARE SUBJECT TO RENEWAL OR REINSTATEMENT IN ACCORDANCE WITH A SCHEDULE ESTABLISHED BY THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES AND PURSUANT TO SECTION 24-34-102 (8). ~~C.R.S.~~ The director of the division of professions and occupations within the department of regulatory agencies may establish renewal fees and delinquency fees for reinstatement pursuant to section 24-34-105. ~~C.R.S.~~

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

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

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

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

SECTION 2. In Colorado Revised Statutes, 12-58-114.5, **add** (10) as follows:

12-58-114.5. Inspection - application - standards. (10) (a) AN INSPECTOR PERFORMING AN INSPECTION FOR THE STATE, AN INCORPORATED TOWN OR CITY,

COUNTY, CITY AND COUNTY, OR QUALIFIED STATE INSTITUTION OF HIGHER EDUCATION, REFERRED TO IN THIS SUBSECTION (10) AS AN "INSPECTING ENTITY", SHALL VERIFY COMPLIANCE WITH THIS ARTICLE 58.

(b) (I) INSPECTIONS PERFORMED BY AN INSPECTING ENTITY MUST INCLUDE, FOR EACH PROJECT, A CONTEMPORANEOUS REVIEW TO ENSURE COMPLIANCE WITH SECTIONS 12-58-105 AND 12-58-117. A CONTEMPORANEOUS REVIEW MAY INCLUDE A FULL OR PARTIAL REVIEW OF THE PLUMBERS AND APPRENTICES WORKING AT A JOB SITE BEING INSPECTED.

(II) TO ENSURE THAT ENFORCEMENT IS CONSISTENT, TIMELY, AND EFFICIENT, EACH INSPECTING ENTITY EMPLOYING INSPECTORS SHALL DEVELOP STANDARD PROCEDURES TO ADVISE ITS INSPECTORS ON HOW TO CONDUCT A CONTEMPORANEOUS REVIEW. AN INSPECTING ENTITY'S STANDARD PROCEDURES NEED NOT REQUIRE A CONTEMPORANEOUS REVIEW FOR EACH INSPECTION OF A PROJECT, BUT THE PROCEDURES MUST PRESERVE AN INSPECTOR'S ABILITY TO VERIFY COMPLIANCE WITH SECTIONS 12-58-105 AND 12-58-117 AT ANY TIME. EACH INSPECTING ENTITY'S PROCEDURES MUST INCLUDE PROVISIONS THAT ALLOW FOR INSPECTORS TO CONDUCT OCCASIONAL, RANDOM, ON-SITE INSPECTIONS WHILE ACTUAL PLUMBING WORK IS BEING CONDUCTED, WITH A FOCUS ON LARGE COMMERCIAL AND MULTI-FAMILY RESIDENTIAL PROJECTS PERMITTED BY THE INSPECTING ENTITY. EACH INSPECTING ENTITY SUBJECT TO THIS SUBSECTION (10)(b)(II), INCLUDING THE STATE, SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE AND PROVIDE THE DIRECTOR OF THE DIVISION OF PROFESSIONS AND OCCUPATIONS WITH A LINK TO THE WEB PAGE ON WHICH THE PROCEDURES HAVE BEEN POSTED OR, IF AN INSPECTING ENTITY DOES NOT HAVE A WEBSITE, PROVIDE ITS CURRENT PROCEDURES TO THE DIRECTOR FOR POSTING ON THE BOARD'S WEBSITE.

(III) AN INSPECTOR MAY FILE A COMPLAINT WITH THE BOARD FOR ANY VIOLATION OF THIS ARTICLE 58.

(c) THE BOARD SHALL ENSURE COMPLIANCE WITH THIS SECTION. IF THE BOARD DETERMINES, AS A RESULT OF A FORMAL COMPLAINT, THAT AN INSPECTING ENTITY IS CONDUCTING PLUMBING INSPECTIONS THAT DO NOT COMPLY WITH THIS SECTION, THE BOARD MAY ISSUE TO THE INSPECTING ENTITY AN ORDER TO SHOW CAUSE, IN ACCORDANCE WITH SECTION 12-58-104 (1)(m), AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE INSPECTING ENTITY TO CEASE AND DESIST CONDUCTING PLUMBING INSPECTIONS UNTIL THE INSPECTING ENTITY COMES INTO COMPLIANCE TO THE SATISFACTION OF THE BOARD. IF THE USE OF STATE PLUMBING INSPECTORS IS REQUIRED AFTER THE ISSUANCE OF A FINAL CEASE-AND-DESIST ORDER PURSUANT TO THIS SUBSECTION (10)(c), THE INSPECTING ENTITY SHALL REIMBURSE THE BOARD FOR ANY EXPENSES INCURRED IN PERFORMING THE INSPECTING ENTITY'S INSPECTIONS, IN ADDITION TO TRANSMITTING THE REQUIRED PERMIT FEES.

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

12-155-112. License renewal - fees - reinstatement - rules. (2) (a) Licenses and registrations issued pursuant to this article 155 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section

12-20-202 (1) and (2). Any person whose license or registration has expired is subject to the penalties provided in this article 155 or section 12-20-202 (1).

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

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

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

(III) ANY OTHER MEANS APPROVED BY THE BOARD.

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

(3)(a) ON OR AFTER MAY 1, 2021, THE BOARD SHALL NOT RENEW OR REINSTATE A LICENSE UNLESS THE APPLICANT HAS COMPLETED EIGHT HOURS OF CONTINUING EDUCATION FOR EVERY TWELVE MONTHS THAT HAVE PASSED AFTER THE LATER OF THE LAST DATE OF RENEWAL OR REINSTATEMENT. THIS SUBSECTION (3)(a) DOES NOT APPLY TO THE FIRST RENEWAL OR REINSTATEMENT OF A LICENSE FOR WHICH, AS A CONDITION OF ISSUANCE, THE APPLICANT SUCCESSFULLY COMPLETED A LICENSING EXAMINATION PURSUANT TO SECTION 12-155-110.

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

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

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

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

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

(II) TO ENSURE THAT ENFORCEMENT IS CONSISTENT, TIMELY, AND EFFICIENT, EACH INSPECTING ENTITY EMPLOYING INSPECTORS SHALL DEVELOP STANDARD PROCEDURES TO ADVISE ITS INSPECTORS ON HOW TO CONDUCT A CONTEMPORANEOUS REVIEW. AN INSPECTING ENTITY'S STANDARD PROCEDURES NEED NOT REQUIRE A CONTEMPORANEOUS REVIEW FOR EACH INSPECTION OF A PROJECT, BUT THE PROCEDURES MUST PRESERVE AN INSPECTOR'S ABILITY TO VERIFY COMPLIANCE WITH SECTIONS 12-155-108 AND 12-155-124 AT ANY TIME. EACH INSPECTING ENTITY'S PROCEDURES MUST INCLUDE PROVISIONS THAT ALLOW FOR INSPECTORS TO CONDUCT OCCASIONAL, RANDOM, ON-SITE INSPECTIONS WHILE ACTUAL PLUMBING WORK IS BEING CONDUCTED, WITH A FOCUS ON LARGE COMMERCIAL AND MULTI-FAMILY RESIDENTIAL PROJECTS PERMITTED BY THE INSPECTING ENTITY. EACH INSPECTING ENTITY SUBJECT TO THIS SUBSECTION (10)(b)(II), INCLUDING THE STATE, SHALL POST ITS CURRENT PROCEDURES REGARDING CONTEMPORANEOUS REVIEWS IN A PROMINENT LOCATION ON ITS PUBLIC WEBSITE AND PROVIDE THE DIRECTOR WITH A LINK TO THE WEB PAGE ON WHICH THE PROCEDURES HAVE BEEN POSTED OR, IF AN INSPECTING ENTITY DOES NOT HAVE A WEBSITE, PROVIDE ITS CURRENT PROCEDURES TO THE DIRECTOR FOR POSTING ON THE BOARD'S WEBSITE.

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

(c) THE BOARD SHALL ENSURE COMPLIANCE WITH THIS SECTION. IF THE BOARD DETERMINES, AS A RESULT OF A FORMAL COMPLAINT, THAT AN INSPECTING ENTITY IS CONDUCTING PLUMBING INSPECTIONS THAT DO NOT COMPLY WITH THIS SECTION, THE BOARD MAY ISSUE TO THE INSPECTING ENTITY AN ORDER TO SHOW CAUSE, IN ACCORDANCE WITH SECTION 12-155-105 (1)(m), AS TO WHY THE BOARD SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE INSPECTING ENTITY TO CEASE AND DESIST CONDUCTING PLUMBING INSPECTIONS UNTIL THE INSPECTING ENTITY COMES INTO COMPLIANCE TO THE SATISFACTION OF THE BOARD. IF THE USE OF STATE PLUMBING INSPECTORS IS REQUIRED AFTER THE ISSUANCE OF A FINAL CEASE-AND-DESIST ORDER PURSUANT TO THIS SUBSECTION (10)(c), THE INSPECTING ENTITY SHALL REIMBURSE THE BOARD FOR ANY EXPENSES INCURRED IN PERFORMING THE INSPECTING ENTITY'S INSPECTIONS, IN ADDITION TO TRANSMITTING THE REQUIRED PERMIT FEES.

SECTION 5. Act subject to petition - effective date. (1) Except as otherwise provided in subsection (2) of this section, this act takes effect January 1, 2020; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the

ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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

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

Approved: April 16, 2019