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HOUSE BILL 24-1329

BY REPRESENTATIVE(S) Bird and Lindstedt, Frizell, Lieder, Ricks, Duran, Froelich, Jodeh, Marshall, Parenti, Sirota, Snyder, Titone, McCluskie;
also SENATOR(S) Marchman, Buckner, Hansen, Jaquez Lewis, Liston, Mullica, Pelton B., Priola, Roberts.

CONCERNING THE CONTINUATION OF THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS CONTAINED IN THE 2023 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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

SECTION 1. In Colorado Revised Statutes, 24-34-104, **repeal** (25)(a)(IV); and **add** (34)(a)(X) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (25) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2024:

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.

(IV) ~~The state board of licensure for architects, professional engineers, and professional land surveyors in the department of regulatory agencies created in section 12-120-103;~~

(34) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2033:

(X) THE STATE BOARD OF LICENSURE FOR ARCHITECTS, PROFESSIONAL ENGINEERS, AND PROFESSIONAL LAND SURVEYORS IN THE DEPARTMENT OF REGULATORY AGENCIES CREATED IN SECTION 12-120-103.

SECTION 2. In Colorado Revised Statutes, 12-120-103, **amend** (2) and (4)(a); and **repeal** (4)(b)(I) and (4)(c)(I) as follows:

12-120-103. State board of licensure for architects, professional engineers, and professional land surveyors - creation - composition - appointment of members - terms - meetings - program director and staff - subject to review - repeal of article. (2) **Sunset.** This article 120 is repealed, effective ~~September 1, 2024~~ SEPTEMBER 1, 2033. Before the repeal, this article 120 is scheduled for review in accordance with section 24-34-104.

(4)(a) **Professional engineer members.** Each professional engineer member of the board ~~shall be a citizen of the United States and a resident of this state for at least one year~~ and shall have been licensed as a professional engineer and practicing as such for at least five years.

(b) **Professional land surveyor members.** (I) ~~A professional land surveyor who is a member of the board shall be a citizen of the United States and a resident of Colorado for at least one year.~~

(c) **Architect members.** To be eligible for membership on the board, an architect shall be:

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

SECTION 3. In Colorado Revised Statutes, 12-120-104, **amend** (1)(c) introductory portion, (2)(b), and (3)(a); **repeal** (1)(c)(III); and **add** (3)(c) as follows:

12-120-104. Powers and duties of the board and division.

(1) **General powers and duties.** In order to carry into effect the provisions of this article 120, the board shall:

(c) Keep a record of its proceedings and of all applications for licensing under this article 120. The application record for each applicant ~~shall~~ MUST include:

(III) ~~Place of business of the applicant;~~

(2) **Board powers and duties regarding professional engineers.**

For purposes of administering part 2 of this article 120 pertaining to the regulation of professional engineers, the board shall:

(b) Provide for examinations of professional engineer license applicants. ~~in the "fundamentals of engineering" and the "principles and practice of engineering".~~ THE BOARD SHALL ADOPT THE APPROPRIATE EXAMINATIONS. Examinations ~~shall~~ MUST be given as often as practicable. The board shall ensure that the passing score for any examination is set to measure the level of minimum competency. An applicant who fails to pass the prescribed examination may be reexamined.

(3) **Board powers and duties regarding professional land surveyors.** For purposes of administering part 3 of this article 120 pertaining to the regulation of professional land surveyors, the board shall:

(a) Require each applicant for professional land surveyor licensing to demonstrate competence by means of examination and education and may require work examples as it deems necessary and sufficient for licensing; ~~and~~

(c) PROMULGATE RULES TO ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR PROFESSIONAL LAND SURVEYORS AS A CONDITION OF LICENSE RENEWAL.

SECTION 4. In Colorado Revised Statutes, 12-120-203, **amend** (1) introductory portion as follows:

12-120-203. Exemptions. (1) ~~This part 2 does not affect any of~~ NOTHING IN THIS PART 2 REQUIRES LICENSURE AS A PROFESSIONAL ENGINEER

FOR the following:

SECTION 5. In Colorado Revised Statutes, 12-120-206, **add** (1)(n) as follows:

12-120-206. Disciplinary actions - grounds for discipline. (1) The board may take disciplinary or other action as authorized by section 12-20-404 against, or limit the scope of practice of, any professional engineer or engineer-intern for:

(n) FAILING TO RESPOND TO THE ALLEGATIONS IN A COMPLAINT WITHIN THE LENGTH OF TIME SPECIFIED IN THE LETTER ISSUED BY THE BOARD IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

SECTION 6. In Colorado Revised Statutes, 12-120-211, **amend** (2)(a), (3)(a), and (4)(a); and **repeal** (1) as follows:

12-120-211. Qualifications for engineer-interns. (1) ~~An applicant may qualify for enrollment as an engineer-intern by endorsement if the applicant satisfies the requirements of the occupational credential portability program.~~

(2)(a) An applicant may qualify for enrollment as an engineer-intern by graduation and examination if the applicant passes the ~~fundamentals of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

(3)(a) An applicant may qualify for enrollment as an engineer-intern by graduation, experience, and examination if the applicant passes the ~~fundamentals of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b) and possesses a total of six years of progressive engineering experience, of which educational study may be a part.

(4)(a) An applicant may qualify for enrollment as an engineer-intern by experience and examination if the applicant passes the ~~fundamentals of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

SECTION 7. In Colorado Revised Statutes, 12-120-213, **amend**

(2)(a) and (3)(a); and **repeal** (1) as follows:

12-120-213. Qualifications for professional engineer. (1) ~~An applicant may qualify for licensing as a professional engineer by endorsement if the applicant satisfies the requirements of the occupational credential portability program.~~

(2) (a) An applicant may qualify for licensing as a professional engineer by graduation, experience, and examination if the applicant passes the ~~principles and practice of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

(3) (a) An applicant may qualify for licensing as a professional engineer by experience and examination if the applicant passes the ~~principles and practice of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

SECTION 8. In Colorado Revised Statutes, 12-120-215, **amend** (1)(a)(IV), (1)(a)(VII), (1)(b)(I), and (1)(b)(II); and **repeal** (1)(a)(III) and (1)(b)(III) as follows:

12-120-215. Fees - disposition. (1) Pursuant to section 12-20-105, the board shall charge and collect fees for the following:

(a) With respect to professional engineers:

(III) ~~Application for licensure pursuant to the occupational credential portability program;~~

(IV) Application for the ~~principles and practice of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(VII) Reexamination for the ~~principles and practice of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(b) With respect to engineer-interns:

(I) Application for the ~~fundamentals of engineering~~ APPROPRIATE

examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(II) ~~Reexamination for the fundamentals of engineering~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(III) ~~Application for enrollment pursuant to the occupational credential portability program.~~

SECTION 9. In Colorado Revised Statutes, 12-120-306, **amend** (1) introductory portion, (1)(m), and (1)(n); and **add** (1)(o) as follows:

12-120-306. Disciplinary actions - grounds for discipline. (1) The board may take disciplinary or other action as authorized by section 12-20-404 AGAINST, limit the scope of practice of, or require additional training of any professional land surveyor or land surveyor-intern for:

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

(n) Using in any manner a license, license number, or certificate that has not been issued to the individual by the board; OR

(o) FAILING TO RESPOND TO ALLEGATIONS IN A COMPLAINT WITHIN THE LENGTH OF TIME SPECIFIED IN THE LETTER ISSUED BY THE BOARD IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

SECTION 10. In Colorado Revised Statutes, 12-120-311, **amend** (2)(a) and (3)(a); and **repeal** (1) as follows:

12-120-311. Qualifications for land surveyor-interns. (1) ~~An applicant may qualify for enrollment as a land surveyor-intern by endorsement if the applicant satisfies the requirements of the occupational credential portability program.~~

(2) (a) An applicant may qualify for enrollment as a land surveyor-intern by graduation and examination if the applicant passes the ~~fundamentals of surveying~~ APPROPRIATE examination AS ADOPTED BY THE

BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

(3) (a) An applicant may qualify for enrollment as a land surveyor-intern by education, experience, and examination if the applicant passes the ~~fundamentals of surveying~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b).

SECTION 11. In Colorado Revised Statutes, 12-120-313, **amend** (2)(a); and **repeal** (1) as follows:

12-120-313. Qualifications for professional land surveyor.

(1) ~~An applicant may qualify for licensing as a professional land surveyor by endorsement if the applicant satisfies the requirements of the occupational credential portability program.~~

(2) (a) An applicant may qualify for licensing as a professional land surveyor by education, experience, and examination if the applicant passes the ~~principles and practice of surveying~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b) and the examination pertaining to Colorado law.

SECTION 12. In Colorado Revised Statutes, 12-120-315, **amend** (1)(a)(IV), (1)(a)(VII), (1)(b)(I), and (1)(b)(II); and **repeal** (1)(a)(III) and (1)(b)(III) as follows:

12-120-315. Fees - disposition. (1) Pursuant to section 12-20-105, the board shall charge and collect fees for the following:

(a) With respect to professional land surveyors:

(III) ~~Application for licensure pursuant to the occupational credential portability program;~~

(IV) ~~Application for the principles and practice of surveying examination or the legal aspects of surveying~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(VII) ~~Reexamination for the principles and practice of surveying examination or the legal aspects of surveying~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(b) With respect to land surveyor-interns:

(I) Application for the ~~fundamentals of surveying~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(II) Reexamination for the ~~fundamentals of surveying~~ APPROPRIATE examination AS ADOPTED BY THE BOARD IN ACCORDANCE WITH SECTION 12-120-104 (2)(b);

(III) ~~Application for enrollment as a land surveyor-intern pursuant to the occupational credential portability program.~~

SECTION 13. In Colorado Revised Statutes, 12-120-406, **amend** (1)(q) and (1)(r); and **add** (1)(s) as follows:

12-120-406. Disciplinary actions - grounds for discipline. (1) The board may take disciplinary or other action as authorized by section 12-20-404 against, or limit the scope of practice of, a licensee for the following:

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

(r) Engaging in the practice of an architect as a corporation or partnership or group of persons, unless the entity meets the requirements of section 12-120-404; OR

(s) FAILING TO RESPOND TO ALLEGATIONS IN A COMPLAINT WITHIN THE LENGTH OF TIME SPECIFIED IN THE LETTER ISSUED BY THE BOARD IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION.

SECTION 14. In Colorado Revised Statutes, 12-120-413, **amend** (3) as follows:

12-120-413. Qualifications for architect licensure. (3) ~~An applicant may obtain licensure by endorsement if the applicant satisfies the requirements of the occupational credential portability program.~~ AN APPLICANT FOR LICENSURE BY ENDORSEMENT MUST HOLD A LICENSE IN

GOOD STANDING IN A JURISDICTION THAT REQUIRES QUALIFICATIONS THAT ARE SUBSTANTIALLY EQUIVALENT TO THE REQUIREMENTS FOR LICENSURE SET FORTH IN SUBSECTIONS (1) AND (2) OF THIS SECTION. AN APPLICANT FOR LICENSURE BY ENDORSEMENT SHALL SUBMIT AN APPLICATION TO THE BOARD IN A FORM AND MANNER PRESCRIBED BY THE BOARD. The board may ~~also~~ provide an ~~alternative~~ application procedure so that an applicant may ~~at the applicant's option, instead~~ apply to a national clearinghouse designated by the board. The national clearinghouse shall then forward the application to the board.

SECTION 15. In Colorado Revised Statutes, 12-120-202, **amend** (6)(b) as follows:

12-120-202. Definitions. As used in this part 2, unless the context otherwise requires:

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

SECTION 16. In Colorado Revised Statutes, 12-120-205, **amend** (1) as follows:

12-120-205. Unlawful practice - penalties - enforcement. (1) It is unlawful for any individual to hold ~~himself or herself~~ ONESELF out to the public as a professional engineer unless the individual has complied with ~~the provisions contained in~~ this part 2.

SECTION 17. In Colorado Revised Statutes, 12-120-206, **amend** (2) as follows:

12-120-206. Disciplinary actions - grounds for discipline. (2) The board may issue and send a letter of admonition by first-class mail to a professional engineer or engineer-intern at ~~his or her~~ THE INDIVIDUAL'S last-known address under the circumstances specified in and in accordance with section 12-20-404 (4).

SECTION 18. In Colorado Revised Statutes, 12-120-302, **amend** (5)(b) as follows:

12-120-302. Definitions. As used in this part 3, unless the context otherwise requires:

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

SECTION 19. In Colorado Revised Statutes, 12-120-306, **amend** (2) as follows:

12-120-306. Disciplinary actions - grounds for discipline. (2) The board may issue and send a letter of admonition by first-class mail to a professional land surveyor or land surveyor-intern at ~~his or her~~ THE INDIVIDUAL'S last-known address under the circumstances specified in and in accordance with section 12-20-404 (4).

SECTION 20. In Colorado Revised Statutes, 12-120-402, **amend** (5)(c) as follows:

12-120-402. Definitions. As used in this part 4, unless the context otherwise requires:

(5) (c) An individual practices or offers to practice architecture within the meaning and intent of this subsection (5) if the individual, by oral claim, sign, advertisement, letterhead, card, or in any other way, represents ~~himself or herself~~ ONESELF to be an architect, implies that ~~he or she~~ THE INDIVIDUAL is licensed under this part 4, or performs or offers to perform a service listed in subsection (5)(b) of this section.

SECTION 21. In Colorado Revised Statutes, 12-120-403, **amend** (4) as follows:

12-120-403. Exemptions - definitions. (4) Nothing in this part 4

shall be construed as prohibiting the practice of architecture by any employee of the United States government or any bureau, division, or agency thereof OF THE UNITED STATES GOVERNMENT while in the discharge of his or her THE EMPLOYEE'S official duties.

SECTION 22. In Colorado Revised Statutes, 12-120-404, **amend** (3)(b) as follows:

12-120-404. Forms of organizations permitted to practice - requirements. (3) An entity listed in subsection (2) of this section may practice architecture, but only if:

(b) The architect remains individually responsible to the board and the public for his or her THE ARCHITECT'S professional acts and conduct; and

SECTION 23. In Colorado Revised Statutes, 12-120-405, **amend** (2)(a) as follows:

12-120-405. Unauthorized practice - penalties - enforcement. (2) (a) It is unlawful for any individual to hold himself or herself ONESELF out to the public as an architect unless the individual has complied with this part 4.

SECTION 24. In Colorado Revised Statutes, 12-120-406, **amend** (6) as follows:

12-120-406. Disciplinary actions - grounds for discipline. (6) If, as a result of a proceeding held pursuant to article 4 of title 24, the board determines that a person licensed to practice architecture pursuant to this part 4 has acted in such a manner as to be subject to disciplinary action, the board may, in lieu of or in addition to other forms of disciplinary action that may be authorized by this section, require a licensee to take courses of training or education relating to his or her THE LICENSEE'S profession. The board shall determine the conditions that may be imposed on the licensee, including, but not limited to, the type and number of hours of training or education. All training or education courses are subject to approval by the board, and the licensee shall be IS required to furnish satisfactory proof of completion of the training or education.

SECTION 25. In Colorado Revised Statutes, 12-120-414, **amend**

(1) as follows:

12-120-414. Retired architects - classification - fees. (1) An architect who has been duly licensed and is over sixty-five years of age may apply to the board for classification as a retired architect. Retired architects shall not practice architecture and shall pay a fee established by the board to be listed with and retain retired architect status. A person classified as a retired architect may hold ~~himself or herself~~ ONESELF out as a retired architect.

SECTION 26. In Colorado Revised Statutes, 12-120-417, **amend** (2) as follows:

12-120-417. Architect's seal - rules. (2) An architect shall use ~~his or her~~ THE ARCHITECT'S seal AND signature and the date of signature only when the work to which the seal is applied was prepared under the architect's responsible control.

SECTION 27. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; 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 such period, 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 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO