

CHAPTER 296

LABOR AND INDUSTRY

HOUSE BILL 01-1373

BY REPRESENTATIVE(S) Larson, Paschall, Borodkin, Fairbank, Jameson, Kester, Marshall, Miller, Rhodes, Webster, White, Williams T., Jahn, Mace, and Smith;
also SENATOR(S) Taylor, Dyer (Durango), Entz, and Matsunaka.

AN ACT

CONCERNING THE CREATION OF THE DIVISION OF OIL AND PUBLIC SAFETY IN THE DEPARTMENT OF LABOR AND EMPLOYMENT, AND, IN CONNECTION THEREWITH, ELIMINATING THE OFFICE OF STATE INSPECTOR OF OILS.

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

SECTION 1. 24-1-121 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

24-1-121. Department of labor and employment - creation. (3) The department of labor and employment shall consist of the following divisions:

(e) THE DIVISION OF OIL AND PUBLIC SAFETY, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, WHICH DIVISION AND OFFICE ARE CREATED PURSUANT TO SECTION 8-20-101, C.R.S. THE DIVISION AND THE DIRECTOR SHALL EXERCISE THEIR POWERS AND PERFORM THEIR DUTIES AND FUNCTIONS SPECIFIED BY LAW UNDER THE DEPARTMENT OF LABOR AND EMPLOYMENT AS IF THE SAME WERE TRANSFERRED TO THE DEPARTMENT BY A **TYPE 2** TRANSFER.

SECTION 2. The introductory portion to 24-1-121 (4) and 24-1-121 (4) (b) and (4) (c), Colorado Revised Statutes, are amended to read:

24-1-121. Department of labor and employment - creation. (4) The division of ~~labor~~ OIL AND PUBLIC SAFETY shall include the following:

(b) The division of boiler inspection, created by article 4 of title 9, C.R.S. Said division and its powers, duties, and functions are transferred by a **type 2** transfer to the department of labor and employment and allocated to the division of ~~labor~~ OIL

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AND PUBLIC SAFETY as a section thereof.

~~(c) The office of state inspector of oils, created by part 1 of article 20 of title 8, C.R.S. Said office and its powers, duties, and functions are transferred by a type 1 transfer to the department of labor and employment and allocated to the division of labor as a section thereof.~~

SECTION 3. 8-20-101, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

8-20-101. Division of oil and public safety - creation - appointment of director - transfer of duties. (1) THERE IS HEREBY CREATED WITHIN THE DEPARTMENT OF LABOR AND EMPLOYMENT THE DIVISION OF OIL AND PUBLIC SAFETY, THE HEAD OF WHICH SHALL BE THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LABOR AND EMPLOYMENT AND SHALL NOT HAVE AN INTEREST IN THE MANUFACTURE, SALE, OR DISTRIBUTION OF OILS.

(2) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, ON AND AFTER JULY 1, 2001, SHALL EXECUTE, ADMINISTER, PERFORM, AND ENFORCE THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED PRIOR TO JULY 1, 2001, IN THE STATE INSPECTOR OF OILS, THE STATE BOILER INSPECTOR, AND, WITH RESPECT TO ARTICLES 6 AND 7 OF TITLE 9, C.R.S., THE DIRECTOR OF THE DIVISION OF LABOR. ON JULY 1, 2001, ALL EMPLOYEES OF THE STATE INSPECTOR OF OILS, THE STATE BOILER INSPECTOR, AND, WITH RESPECT TO DUTIES PERFORMED PURSUANT TO ARTICLES 6 AND 7 OF TITLE 9, C.R.S., THE DIRECTOR OF THE DIVISION OF LABOR, WHOSE PRINCIPAL DUTIES ARE CONCERNED WITH THE DUTIES AND FUNCTIONS TO BE PERFORMED BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY AND WHOSE EMPLOYMENT BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY IS DEEMED NECESSARY BY THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY TO CARRY OUT THE PURPOSES OF ARTICLES 20 AND 20.5 OF THIS TITLE AND ARTICLES 4, 6, AND 7 OF TITLE 9, C.R.S., SHALL BE TRANSFERRED TO THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY AND SHALL BECOME EMPLOYEES THEREOF. SUCH EMPLOYEES SHALL RETAIN ALL RIGHTS TO THE STATE PERSONNEL SYSTEM AND RETIREMENT BENEFITS UNDER THE LAWS OF THIS STATE, AND THEIR SERVICES SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. ALL TRANSFERS AND ANY ABOLISHMENT OF POSITIONS IN THE STATE PERSONNEL SYSTEM SHALL BE MADE AND PROCESSED IN ACCORDANCE WITH STATE PERSONNEL SYSTEM LAWS AND RULES.

(3) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL ASCERTAIN, FIX, AND ORDER SUCH REASONABLE STANDARDS OR RULES FOR THE CONSTRUCTION, REPAIR, AND MAINTENANCE OF CARNIVALS AND AMUSEMENT PARKS AND PROVIDE FOR ANNUAL REGISTRATION FEES, NOT TO EXCEED ONE HUNDRED DOLLARS, AND FOR THE FINANCIAL RESPONSIBILITIES OF OPERATORS. ALL FEES COLLECTED BY THE DIVISION PURSUANT TO THIS SUBSECTION (3) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE PUBLIC SAFETY INSPECTION FUND CREATED PURSUANT TO SECTION 8-1-151. AFTER NOTIFYING THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, ANY CARNIVAL OR AMUSEMENT PARK THAT IS INSPECTED AND LICENSED OR ISSUED A PERMIT BY A HOME RULE MUNICIPALITY FOR OPERATION WITHIN THAT JURISDICTION SHALL BE EXEMPT FROM THE REQUIREMENTS

OF THIS SUBSECTION (3).

(4) THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL ENFORCE THE PROVISIONS OF SECTIONS 22-32-124 AND 23-71-122, C.R.S.

SECTION 4. 8-20-102, Colorado Revised Statutes, is amended to read:

8-20-102. Duties of the director of the division of oil and public safety.

(1) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall make, promulgate, and enforce ~~regulations~~ RULES setting forth minimum and general standards covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing liquid fuel products. Said ~~regulations~~ RULES shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using such materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such ~~regulations~~ RULES shall be adopted by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY in compliance with section 24-4-103, C.R.S.

(2) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall enforce the provisions of section 8-20-213 concerning recycled and used motor oil.

SECTION 5. 8-20-201 (1.5), Colorado Revised Statutes, is amended to read:

8-20-201. Definitions. As used in this part 2, unless the context otherwise requires:

(1.5) "Department" means the oil inspection section, division of ~~labor~~ OIL AND PUBLIC SAFETY.

SECTION 6. 8-20-206, Colorado Revised Statutes, is amended to read:

8-20-206. Shipper notify director of division of oil and public safety. (1) Any person who ships fuel products included in classes A and B into the state, or who ships such fuel products from any refinery or pipeline terminal within the state to another point within the state, shall notify the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY of the shipment within twenty-four hours after the shipment has been billed for departure in the case of tank cars, or after the shipment has been loaded for departure in the case of barrels, trucks, or tank wagons. At the same time, ~~he~~ SUCH PERSON shall forward to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY a true sample of the contents of the shipment weighing at least eight ounces, with the specifications thereof and the number and initial of the tank car, or if some other method of transportation is used, an adequate description of the means of conveyance or container, so as to enable identification of the shipment. Any person who diverts a shipment of such fuel products into the state of Colorado from outside the state shall give the same notice and forward the same type of sample to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY within twenty-four hours after the billing of the shipment is changed to a Colorado destination.

(2) If more than one car of fuel products included in classes A and B is shipped at the same time from the same source and refinery run, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may accept one sample for all or any part of such shipment.

SECTION 7. 8-20-207, Colorado Revised Statutes, is amended to read:

8-20-207. Method of tests. Tests made by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall be made in accordance with the most recent standard methods of tests of the American society for testing materials. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY is not required in every case to make a complete analysis to ascertain every form of impurities, such as sulphur and tar-like matter, but when in the opinion of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, a more complete analysis is necessary or advisable, ~~he~~ THE DIRECTOR may make a detailed chemical analysis to determine exactly the impurities or imperfections. The ~~state inspector of oils~~ DIRECTOR in his OR HER discretion is authorized to make inspections of petroleum products loaded for shipment into this state, at points outside of this state.

SECTION 8. The introductory portion to 8-20-208 (1), Colorado Revised Statutes, is amended to read:

8-20-208. Director to keep record. (1) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall keep a record of all inspections made, showing:

SECTION 9. 8-20-209 (1), Colorado Revised Statutes, is amended to read:

8-20-209. Access to premises - records. (1) Any duly authorized agent or employee of the ~~state inspector of oils~~ DIVISION OF OIL AND PUBLIC SAFETY shall have authority to enter in or upon the premises of any manufacturer, vendor, or dealer in fuel products during regular business hours and inspect any such product intended for sale or use.

SECTION 10. 8-20-210, Colorado Revised Statutes, is amended to read:

8-20-210. Records of carriers - access. Every agent or employee of any railroad company or other transportation company, having the custody of books or records showing the shipment or receipt of fuel products, shall permit the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or ~~his~~ THE DIRECTOR'S agents and employees free access to such books and records to determine the amount of fuel products shipped and received. All clerks, bookkeepers, express agents or officials, railroad agents, employees of common carriers, or other persons shall render TO the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or ~~his~~ THE DIRECTOR'S employees all the assistance in their power when so requested in tracing, finding, and inspecting such shipments.

SECTION 11. 8-20-212, Colorado Revised Statutes, is amended to read:

8-20-212. Loading lines to be cleaned. Any loading or unloading line once used

for one class of fuel products shall not be used for loading or unloading other classes of fuel products until the lines have been thoroughly cleaned and approved by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY.

SECTION 12. 8-20-214, Colorado Revised Statutes, is amended to read:

8-20-214. Inspectors - business forbidden. No person employed by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY to make inspections under this part 2 shall engage directly or indirectly in the business of dealing in petroleum products.

SECTION 13. 8-20-218, Colorado Revised Statutes, is amended to read:

8-20-218. Calibration of transport, tank truck, or delivery trucks. (1) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall calibrate transport, trailer, and delivery truck tanks to determine the legal capacity of each compartment, allowing for expansion outage to conform to I.C.C. regulations, except in the case of delivery truck tanks where two percent outage will suffice. Each tank compartment shall have affixed and spot-welded by the owner or operator thereof a capacity marker which shall be set by measuring with a steel rule from the bottom of a steel bar set across the fill opening to the bottom of the marker (floated). The compartment gallonage shall be marked or stenciled with paint in figures at least one inch in height on each compartment dome collar.

(2) All new or additional vehicular tanks purchased or leased after April 6, 1955, by any person for hauling class A, B, or C petroleum products within or into the state shall be calibrated by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY and a certificate of calibration shall be issued to the owner ~~and/or~~ OR operator thereof before such equipment is put in service. A copy of the certificate of calibration must accompany the tank at all times.

(3) Whenever a certificate of calibration has been lost or mutilated, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall issue a duplicate of the original which shall serve the purpose of the original. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may order, after proper inspection, a calibration or a recalibration of any transport, trailer, or delivery truck tank operating in the state, whether calibrated by ~~him~~ THE DIRECTOR previously or not, when inspection by ~~himself~~ THE DIRECTOR or ~~his~~ THE DIRECTOR'S deputy reveals that tank compartments or capacity markers have been altered intentionally or accidentally, and the owner or operator shall comply with such order within ten days. If the owner or operator of a delivery truck tank has available calibrating equipment acceptable to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, the tanks shall be calibrated in the presence of the ~~state inspector of oils~~ DIRECTOR or ~~his~~ THE DIRECTOR'S deputy, at or near the place of business of the owner or operator, and the ~~state inspector~~ DIRECTOR shall issue a certificate of calibration for said tank.

SECTION 14. 8-20-222, Colorado Revised Statutes, is amended to read:

8-20-222. Improvers of products. All materials, fluids, or substances offered for sale or exposed for sale, purporting to be substances for, or improvers of gasoline,

naphtha, motor spirits, or any products of petroleum to be used for power, heating, lubricating, or illuminating purposes, before being sold, exposed, or offered for sale, shall be submitted to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for examination and inspection, and shall only be sold or offered for sale when properly ~~labeled~~ LABELED with a label, the form and contents of which label has been approved by the ~~said state inspector of oils~~ DIRECTOR in writing.

SECTION 15. 8-20-223, Colorado Revised Statutes, is amended to read:

8-20-223. Containers - inspection. It is the duty of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY and ~~his~~ THE DIRECTOR'S deputies to inspect all containers or storage tanks from which products of petroleum to be used for illuminating or power purposes are retained. When such containers or storage tanks are found to be placed in an unsafe position or to contain water or foreign matter, ~~he~~ THE DIRECTOR shall make a written order to have the same properly cleaned or removed, and upon failure of the owner to comply with said order within ten days from the date thereof, the ~~inspector~~ DIRECTOR shall confiscate and cause the same to be destroyed or removed. All vendors of classes A, B, and C fuel products shall have fire extinguishers in their establishments.

SECTION 16. 8-20-223.5 (1) and (2), Colorado Revised Statutes, are amended to read:

8-20-223.5. Emission inspection. (1) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall conduct the emission inspection of any underground storage tank which is required to have installed pollution control equipment. Such inspection shall only be conducted in the ozone nonattainment area as defined pursuant to the authority contained in section 25-7-107, C.R.S. Such inspection shall be for the purpose of verifying the installation of such pollution control equipment and for the purpose of assuring its proper use.

(2) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall contract with the department of public health and environment for the purpose of submitting inspection reports, determining the frequency of certain inspections, assisting in the enforcement of the "Colorado Air Quality Control Act" as it pertains to underground storage tank pollution control equipment violations, and transmitting the payment for the costs of administering the program aspects in the department of public health and environment.

SECTION 17. 8-20-224, Colorado Revised Statutes, is amended to read:

8-20-224. Empty containers - removal. It is the duty of the ~~state inspector of oils~~ THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or ~~his~~ THE DIRECTOR'S deputies to notify the owner or person having in his OR HER possession empty oil barrels and other containers which are stored or placed in a position dangerous to property to remove the same to a place of safety.

SECTION 18. 8-20-225 (1), Colorado Revised Statutes, is amended to read:

8-20-225. Measuring device - sealing - approval of prover and procedure.
(1) No person, or agent or employee of any person, shall use any meter or

mechanical device for the measurement of oil, gasoline, or liquid fuels unless the same has been proved in a manner acceptable to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY and sealed as correct by the ~~state inspector of oils~~ DIRECTOR or one of ~~his~~ THE DIRECTOR'S deputies. The ~~state inspector of oils~~ DIRECTOR AND THE DIRECTOR'S deputies are further authorized, if any such meter or mechanical device fails to comply with any of the provisions of this part 2, to seal the meter or mechanical device in ~~such~~ a manner ~~which~~ THAT prohibits its use until such meter or mechanical device complies with all of the provisions of this part 2, at which time the seal shall be removed by the ~~state inspector of oils~~ DIRECTOR or ~~his~~ THE DIRECTOR'S deputies. Any person, or agent or employee of any person, who changes or in any way tampers with the seal shall be subject to the penalties provided in section 8-20-229, except as provided for in section 8-20-408 (2).

SECTION 19. 8-20-228 (1) and (2), Colorado Revised Statutes, are amended to read:

8-20-228. Hazardous, dangerous conditions - duty of director. (1) It is the duty of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, whenever ~~he~~ THE DIRECTOR has reasonable and probable grounds to believe that a hazardous or dangerous condition exists due to deterioration of fuel products storage and piping facilities which are endangering human and environmental life to determine the reason for the condition. The ~~inspector~~ DIRECTOR may order the person responsible for the hazardous or dangerous condition to take corrective measures within a reasonable period of time to alleviate or eliminate the condition, and if the measures are not taken within such time, the ~~inspector~~ DIRECTOR may act to alleviate or eliminate the same.

(2) If any person fails or refuses to comply with any such order of the ~~state inspector of oils~~, ~~the inspector~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, THE DIRECTOR, in the name of the people of the state of Colorado and through the attorney general, may apply to any district court having jurisdiction for a mandatory injunction to compel compliance with such order to alleviate or eliminate such hazardous or dangerous condition.

SECTION 20. 8-20-230 (1), Colorado Revised Statutes, is amended to read:

8-20-230. Submittal of plans. (1) Plans for all installations utilizing liquid fuel products, except for those liquid fuel products which are defined as regulated substances and regulated pursuant to article 20.5 of this title, in storage containers of an aggregate of over fifteen hundred gallons water capacity, including gasoline stations, garages, stores, and all other places where said products are dispensed, shall be submitted to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for ~~his~~ approval before construction ~~thereof~~ begins.

SECTION 21. 8-20-231, Colorado Revised Statutes, is amended to read:

8-20-231. Minimum standards. The design, construction, location, installation, and operation of liquid fuel systems and equipment, and the transporting and handling of liquid fuels shall conform to the minimum standards as prescribed by the applicable sections of the current edition of the national fire code published by the

national fire protection association, as revised by the association from time to time. The minimum standards as prescribed shall also apply to marine and pipeline terminals, natural gasoline plants, refineries, tank farms, underground storage facilities, aboveground storage facilities, and ~~to~~ chemical plants utilizing liquid fuels; except that the gallon limitations in such minimum standards shall not apply to aboveground storage facilities associated with mining, oil and gas production facilities, asphalt or concrete production, construction projects, and activities related thereto. Copies of the ~~said~~ codes shall be kept and maintained in the office of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY at all times for examination by any interested person.

SECTION 22. 8-20-234, Colorado Revised Statutes, is amended to read:

8-20-234. Temperature compensator permanent. Whenever a temperature compensating meter is used to determine the amount of liquid fuels or liquefied petroleum gas offered for sale in the liquid state, ~~it~~ SUCH COMPENSATING METER shall be installed permanently on all meters within a geographical location owned by a user in Colorado and used exclusively for at least a period of one year and the temperature compensating devices shall not be disconnected, deactivated, or removed at any time except for repairs or for tests by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. If a temperature compensating device is disconnected, deactivated, or removed for reasons other than repair, it shall not be reactivated for a period of one year from the date of removal. Notification of such removal or installation shall be in accordance with the provisions of section 8-20-408 (2).

SECTION 23. 8-20-402, Colorado Revised Statutes, is amended to read:

8-20-402. Rules of the director of the division of oil and public safety. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall make, promulgate, and enforce ~~regulations~~ RULES setting forth minimum general standards not inconsistent with the provisions of section 8-20-405 covering the design, construction, location, installation, and operation of equipment for storing, handling, transporting by tank truck or tank trailer, and utilizing liquefied petroleum gases, and specifying the odorization of said gases and the degree thereof and the odorizing agent to be used therein. These ~~regulations~~ RULES shall be such as are reasonably necessary for the protection of the health, welfare, and safety of the public and persons using these materials, and shall be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. Such ~~regulations~~ RULES shall be adopted by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY only after a public hearing thereon.

SECTION 24. 8-20-403, Colorado Revised Statutes, is amended to read:

8-20-403. Penalty for violation. It is unlawful for any person, firm, association, or corporation to violate any of the provisions of sections 8-20-401 to 8-20-404 or of the ~~regulations~~ RULES of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY made pursuant thereto. Any person, firm, association, or corporation violating any of the provisions of sections 8-20-401 to 8-20-404, or ~~said~~ ~~regulations~~ RULES made under sections 8-20-402 and 8-20-404, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars.

SECTION 25. 8-20-405, Colorado Revised Statutes, is amended to read:

8-20-405. Minimum standards. The design, construction, location, installation, and operation of liquefied petroleum gas systems and equipment, and the transportation and handling of liquefied petroleum gas, and the odorization of liquefied petroleum gas, the degree thereof, and the odorizing agent to be used therein, shall conform to the minimum standards therefor as prescribed by the applicable sections of the current edition of the national fire code published by the national fire protection association, ~~60 Battery March Street, Boston 10~~ 1 BATTERYMARCH PARK, QUINCY, Massachusetts as revised by the association from time to time. The minimum standards as prescribed in this section shall also apply to marine and pipeline terminals, natural gasoline plants, refineries, tank farms, underground storage facilities such as salt and coal mines, aboveground storage facilities, and to chemical plants utilizing liquefied petroleum gas in the manufacture of their products. Copies of the pamphlets shall be kept and maintained in the office of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY at all times for examination by any interested person.

SECTION 26. 8-20-406 (1) and the introductory portion to 8-20-406 (2), Colorado Revised Statutes, are amended to read:

8-20-406. Submittal of plans. (1) Plans for all installations utilizing liquefied petroleum gas storage containers of over two thousand gallons water capacity shall be submitted to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for ~~his~~ approval before construction ~~thereof~~ OF SUCH INSTALLATIONS begins.

(2) Plans for any of the following shall be submitted to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for ~~his~~ approval before installation:

SECTION 27. 8-20-407, Colorado Revised Statutes, is amended to read:

8-20-407. Reports of accidents. (1) Reports of accidents, fires, explosions, injuries, damage to property, or loss of life at installations using liquefied petroleum gas shall be reported to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY within twenty-four hours after their occurrence.

(2) Subsection (1) of this section includes accidents resulting from the improper use of equipment, appliances, and appurtenances to liquefied petroleum gas systems. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may, at his OR HER discretion, investigate such occurrences and shall maintain a written record of his OR HER findings, which shall be available to public examination.

SECTION 28. 8-20-408, Colorado Revised Statutes, is amended to read:

8-20-408. Meter inspection. (1) No person, firm, partnership, or corporation shall use a liquefied petroleum gas liquid metering system for the sale of liquefied petroleum gas unless the system has been inspected, approved, and sealed by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. Operation or use of a liquefied petroleum gas liquid metering system ~~which~~ THAT has not been

properly inspected and sealed constitutes a violation of sections 8-20-405 to 8-20-412, except under the circumstances outlined in subsection (2) of this section.

(2) The ~~state inspector of oils~~ ~~must~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY SHALL be notified immediately when a new metering system is placed in service or when the seal on an operating metering system is broken for any purpose. Such systems may be operated on a temporary basis until reinspected and sealed by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. Upon such notification, it is the responsibility of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY to make a field inspection within a reasonable period of time.

SECTION 29. 8-20-409 (2), Colorado Revised Statutes, is amended to read:

8-20-409. Requirements for appliances. (2) Approval by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY of industrial gas consuming appliances shall be obtained prior to their use in this state. Such appliances include gas consuming equipment such as heat treating ovens or furnaces, process equipment, internal combustion engines, salamanders, tar pots, lead melting equipment, galvanizing, pickling or process tanks, linotype machines, industrial torches, traveling ovens and furnaces, paint burning torches, cutting torches, industrial boilers, laboratory burner equipment, jewelry and dental torches, industrial and agricultural dryer equipment, and similar gas consuming appliances. The owner or operator of any such appliance shall notify the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY who shall inspect such appliance within a reasonable time thereafter.

SECTION 30. 8-20-410, Colorado Revised Statutes, is amended to read:

8-20-410. Tank delivery truck, semitrailer, or truck trailer for bulk storage. No tank delivery truck, semitrailer, or truck trailer shall be used as a bulk storage plant for liquefied petroleum gas unless the same has been inspected and approved by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY.

SECTION 31. 8-20-414, Colorado Revised Statutes, is amended to read:

8-20-414. Restrictions on use of butane and butane-propane mixtures. Liquefied petroleum gas containing more than five percent liquid volume butane ~~and/or~~ OR butylenes shall be designated as butane-propane mixtures and shall be sold for use only in those applications approved by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY and for which special use permits have been granted.

SECTION 32. 8-20-803, Colorado Revised Statutes, is amended to read:

8-20-803. Annual inspection of sample - permit authorizing sale - reinspection. (1) Before any antifreeze is sold, exposed for sale, or held with intent to sell within this state, a sample thereof must be inspected annually by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY at an inspection laboratory designated by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. Upon application of the manufacturer, packer,

seller, or distributor, and the payment of a fee not to exceed twenty-five dollars for each sample of antifreeze submitted, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall inspect the antifreeze submitted as set forth in this subsection (1), but in no case ~~will~~ SHALL an approved antifreeze be inspected more than one time for each antifreeze marketing year beginning May 1 and ending April 30, except as set forth in this section.

(2) If the antifreeze is not adulterated or misbranded, ~~if it~~ meets the standards of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, and is not in violation of this part 8, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall give the applicant a written permit authorizing the sale by any person of such antifreeze in this state for the marketing year for which the inspection fee is paid. If the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY at a later date finds that the product to be sold, exposed for sale, or held with intent to sell has been materially altered or adulterated, or that a change has been made in the name, brand, or trademark under which the antifreeze is sold, or that it violates the provisions of this part 8, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall notify the applicant and the permit shall be cancelled.

(3) In the event a manufacturer, packer, seller, or distributor changes the composition, content, or formula of any antifreeze which the manufacturer, packer, seller, or distributor is marketing under a permit from the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, it is the duty of said manufacturer, packer, seller, or distributor to immediately notify ~~said state inspector of oils~~ THE DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY and submit a sample for test in compliance with this section.

SECTION 33. 8-20-806, Colorado Revised Statutes, is amended to read:

8-20-806. Director of the division of oil and public safety to enforce. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall enforce the provisions of this part 8 by inspections, chemical analysis, or any other appropriate methods. All samples for inspection or analysis shall be taken from the stocks in the state or intended for sale in the state, or the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, through his or her agents, may call upon the manufacturer or distributor applying for an inspection of antifreeze to supply such samples thereof for analysis. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, or his or her agents, shall have free access during business hours to all places of business, buildings, vehicles, cars, and vessels used in the manufacture, transportation, sale, or storage of any antifreeze, and may open any box, carton, parcel, or package containing or supposed to contain any antifreeze and may take ~~therefrom~~ samples for analysis.

SECTION 34. 8-20-807, Colorado Revised Statutes, is amended to read:

8-20-807. Rules. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY has authority to promulgate such rules ~~and regulations~~ as are necessary to promptly and effectively enforce the provisions of this part 8.

SECTION 35. 8-20-808, Colorado Revised Statutes, is amended to read:

8-20-808. List of brands may be furnished. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may furnish, upon request, a list of the brands and trademarks of antifreeze inspected by the ~~state inspector of oils~~ DIRECTOR during the marketing year ~~which~~ THAT have been found to be in accord with this part 8.

SECTION 36. 8-20-809, Colorado Revised Statutes, is amended to read:

8-20-809. False advertising prohibited. No advertising literature relating to any antifreeze in this state shall contain any statement that the antifreeze advertised for sale has been approved by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY unless the said antifreeze has been inspected by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY and found by ~~the state inspector~~ to meet the standards of the ~~state inspector's department~~ DIVISION OF OIL AND PUBLIC SAFETY and not to be in violation of this part 8, in which case such statement may be contained in any advertising literature where such brand or trademark of antifreeze is being advertised for sale.

SECTION 37. 8-20-810, Colorado Revised Statutes, is amended to read:

8-20-810. District attorney to bring actions. Whenever the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY discovers any antifreeze is being sold or has been sold in violation of this part 8, it is the ~~state inspector's~~ DIRECTOR'S duty to bring this violation to the attention of the district attorney in the ~~state inspector's~~ DIRECTOR'S respective district, or the attorney general in cases where the district attorney refuses to act, to enforce the provisions of this part 8 by appropriate action in courts of competent jurisdiction.

SECTION 38. 8-20-901, Colorado Revised Statutes, is amended to read:

8-20-901. Sale of approved brake fluid. It is unlawful for any person, partnership, corporation, or association to sell or offer for sale brake fluid for automotive use which has not been approved by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY.

SECTION 39. 8-20-902, Colorado Revised Statutes, is amended to read:

8-20-902. Brake fluid specifications - list of approved brands. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall establish specifications or requirements for approved-type brake fluid; but the specifications or requirements shall not be lower in standard than the specifications and requirements of the society of automotive engineers, numbered J-70 b, approved May, 1963. The ~~state inspector~~ DIRECTOR shall compile and furnish upon request a list of brands and trademarks of brake fluid inspected by ~~such state inspector which~~ THE DIRECTOR THAT have been so approved.

SECTION 40. 8-20-903, Colorado Revised Statutes, is amended to read:

8-20-903. District attorney to bring actions. Whenever the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY discovers that any person, partnership, corporation, or association has sold or is offering for sale any brake fluid

~~which~~ THAT does not conform to the minimum specifications established, ~~such state inspector~~ THE DIRECTOR shall notify the seller to immediately discontinue the sale of such nonconforming brake fluid. ~~and~~ If such seller continues to offer the same for sale, it is the duty of the ~~state inspector of oils~~ DIRECTOR to bring such violation to the attention of the district attorney in such respective district to enforce the provisions of this part 9 by appropriate action or injunctive relief in courts of competent jurisdiction.

SECTION 41. 8-20.5-101 (2) (b) (IX), Colorado Revised Statutes, is amended to read:

8-20.5-101. Definitions. As used in this article, unless the context otherwise requires:

(2) (b) "Aboveground storage tank" does not include:

(IX) Aboveground storage tanks used to store flammable and combustible liquids at mining facilities and construction and earthmoving projects, including gravel pits, quarries, and borrow pits where, in the opinion of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, tight control by the owner or contractor and isolation from other structures make it unnecessary to meet the requirements of this article;

SECTION 42. 8-20.5-102 (1), (2), and (4), Colorado Revised Statutes, are amended to read:

8-20.5-102. Registration and fees. (1) Each owner or operator of an underground or aboveground storage tank shall register such tank with the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY within thirty days after the first day on which the tank is actually used to contain a regulated substance or, in the case of an aboveground storage tank, on or before July 1, 1993, or, thereafter, within thirty days after the first day on which the tank is actually used to contain a regulated substance. Each owner or operator shall renew such registration annually on or before the calendar day and month of initial registration for each year in which the storage tank is in use. An underground storage tank is considered to be in use at all times, except when the tank has been either removed from the ground or permanently closed in accordance with the rules promulgated pursuant to section 8-20.5-202 (1) (g) ~~which~~ THAT relate to the closure of such tanks.

(2) To register or renew registration of an underground or aboveground storage tank, the owner or operator of the tank shall submit to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY a completed registration or renewal form and payment of the fee established in subsection (3) of this section. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall provide registration and renewal forms.

(4) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall collect delinquent registration and renewal fees and assess a penalty of twice the amount of such fees and reasonable costs associated with the collection of such fees.

SECTION 43. 8-20.5-103 (3) (c), Colorado Revised Statutes, is amended to read:

8-20.5-103. Petroleum storage tank fund - creation - repeal. (3) The moneys in the fund shall be subject to annual appropriation by the general assembly. The fund shall be used for:

(c) Any costs related to the abatement of fire and safety hazards as ordered by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY pursuant to section 8-20.5-208 (3);

SECTION 44. 8-20.5-104 (1) and the introductory portions to 8-20.5-104 (4) and (4) (d) (I), Colorado Revised Statutes, are amended to read:

8-20.5-104. Rules - petroleum storage tank committee. (1) The governor shall appoint a petroleum storage tank committee, which shall ~~be comprised~~ CONSIST of seven members who have technical expertise and knowledge in fields related to corrective actions taken to mitigate underground and aboveground storage tank releases. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or the ~~state inspector's~~ DIRECTOR'S designee, the executive director of the department or the designee of the executive director, and an owner or operator shall be permanent members of the committee. The remaining four members of the committee shall be chosen from among the following groups, with no more than one member representing each group: Fire protection districts; elected local governmental officials; companies that refine and retail motor fuels in Colorado; companies that wholesale motor fuels in Colorado; owners and operators of independent retail outlets; companies that conduct corrective actions or install and repair underground and aboveground storage tanks; and private citizens or interest groups. The department shall provide staff to support the activities of the committee.

(4) The committee shall be required to meet no more than twice in any month. The committee shall recommend all regulatory actions proposed by the committee to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for adoption or ratification. The committee shall conduct the following activities in accordance with section 24-4-105, C.R.S., as its routine business:

(d) (I) Establish procedures, practices, and policies governing any and all aspects of processing, adjusting, defending, or paying claims against the fund. To encourage tank owners and operators to report and remediate contamination and achieve compliance with ~~regulations~~ RULES promulgated by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY, the committee may approve claims involving tanks not operated in substantial compliance, but may also determine the amount, if any, by which such claims may be reduced for noncompliance. Before imposing any reduction for noncompliance the committee shall determine whether the rules issued by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY are both substantially and procedurally no more stringent than United States environmental protection agency regulations under 42 U.S.C. sec. 6991 and whether the areas of noncompliance were brought into compliance prior to application to the fund, where possible. The committee shall use the following guidelines when imposing a reduction for noncompliance:

SECTION 45. 8-20.5-105 (1), Colorado Revised Statutes, is amended to read:

8-20.5-105. Confidentiality. (1) Any records, reports, and information obtained from any person under the provisions of this article shall be available to the public; except that any records granted confidentiality by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee, or granted confidentiality under existing Colorado statutes or ~~regulations~~ RULES, shall remain confidential.

SECTION 46. 8-20.5-106, Colorado Revised Statutes, is amended to read:

8-20.5-106. Injunctions. In addition to the remedies provided in this article, the ~~inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY is authorized to apply to the district court, in the judicial district where the violation has occurred, for a temporary or permanent injunction restraining any person from violating any provision of this article, regardless of whether there is an adequate remedy at law.

SECTION 47. 8-20.5-107 (1), (3), (4), (5), and (7), Colorado Revised Statutes, are amended to read:

8-20.5-107. Enforcement orders - civil penalties. (1) A notice of violation may be issued by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY to any person who is believed to have violated any provision of this article, any rule or ~~regulation~~ promulgated pursuant thereto, or any warrant issued pursuant to section 8-20.5-208. The notice of violation shall be served personally or by certified mail, return receipt requested, upon the alleged violator.

(3) Within ten working days after service of the notice of violation, the alleged violator may file a written request with the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for an informal conference regarding the notice of violation. If the alleged violator fails to timely request an informal conference, all provisions of the notice of violation shall become final and not subject to further administrative review. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may then seek judicial enforcement of the notice of violation.

(4) Upon receipt of the written request, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall provide the alleged violator with a written notice of the date, time, and place of the informal conference. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee shall preside at the informal conference, during which the alleged violator and the entity ~~which~~ THAT issued the notice of violation may present information and arguments regarding the allegations and requirements of the notice of violation.

(5) Within twenty working days after the informal conference, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall uphold, modify, or strike the allegations of the notice of violation and may issue an enforcement order. The decision shall be served upon the alleged violator personally or by certified mail, return receipt requested. Such notice of violation or enforcement order may be appealed within twenty working days to the executive director of the department. The executive director of the department may either conduct the hearing personally or appoint an administrative law judge from the division of administrative hearings in the department of personnel to conduct the hearing. The executive director of the department may review such decision in accordance with the provisions of section 24-4-105, C.R.S., and final agency action shall be determined in accordance with the

provisions of said section. Such final agency action shall be subject to judicial review in accordance with section 24-4-106, C.R.S.

(7) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may file suit in the district court for the judicial district in which violations have occurred to obtain judicial enforcement of the provisions of any enforcement order. The petroleum storage tank fund may be subrogated to the rights of an owner or operator with respect to a claimed amount at the time a claim is filed with the fund.

SECTION 48. The introductory portions to 8-20.5-202 (1) and (2) and 8-20.5-202 (2) (d), (3), and (4), Colorado Revised Statutes, are amended to read:

8-20.5-202. Duties of the director of the division of oil and public safety.

(1) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall make, promulgate, and enforce ~~regulations~~ RULES which are no more stringent than the requirements contained in 42 U.S.C. 6991 and the regulations promulgated thereunder for:

(2) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall ensure that:

(d) All releases above reportable quantities are reported to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY.

(3) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall, if necessary, negotiate and enter into memoranda of agreement with and apply for and receive grants from the United States environmental protection agency pursuant to the provisions of this article.

(4) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall establish criteria pursuant to subsection (1) of this section for delegation of authority to local agencies.

SECTION 49. 8-20.5-204 (1), (2), (3), (4), and (5) and the introductory portion to 8-20.5-204 (6), Colorado Revised Statutes, are amended to read:

8-20.5-204. Installation and upgrading of underground storage tanks.

(1) Plans for any installation of a new underground storage tank and plans for the complete upgrading of an existing underground storage tank shall be submitted by the owner or operator of the proposed or existing underground storage tank to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for approval prior to such installation or upgrading.

(2) Plans for the installation of a new underground storage tank or for the complete upgrading of an existing underground storage tank shall be in compliance with the ~~regulations~~ RULES promulgated pursuant to section 8-20.5-202 (1). The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee shall approve or reject proposed plans and amendments thereto within twenty working days after submittal of the plan. If no action is taken by the ~~inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee within twenty working days of AFTER submittal, the plans shall be deemed approved.

(3) In an emergency situation the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall respond to plans within twenty-four hours.

(4) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee shall make an on-site inspection of every new installation and every upgrading of an existing underground storage tank prior to the operational start-up of such tank to ensure that all of the standards established in this part 2 have been met. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee shall complete the on-site inspection within ten calendar days prior to the anticipated operational start-up date. For the purposes of this subsection (4), a designee may be an underground storage tank inspector when licensed as such by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY.

(5) All installations and inspections of underground storage tanks shall be performed in accordance with the ~~regulations~~ RULES promulgated by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY pursuant to section 8-20.5-202 (1).

(6) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall establish a fee to be paid by each person submitting plans pursuant to subsection (1) of this section for on-site inspection. The fees paid pursuant to this subsection (6) shall be:

SECTION 50. 8-20.5-206 (3) (e) (I) (A) and (3) (e) (II), Colorado Revised Statutes, are amended to read:

8-20.5-206. Financial responsibility for petroleum underground storage tanks. (3) Moneys in the fund shall be available to pay required cleanup costs and third-party liability payments with no deductibles for the following persons who are deemed to bear no responsibility for the release:

(e) (I) (A) Any mortgagee or holder of an evidence of debt secured by a deed of trust who, through foreclosure of the mortgage or deed of trust or through receipt of a deed to the property in lieu of foreclosure, acquires property on which an underground storage tank is located, and such mortgage or deed of trust is dated after January 1, 1993, and the mortgagee or holder of an evidence of debt secured by a deed of trust has obtained a certificate of eligibility regarding the property in accordance with the rules of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY; or

(II) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall promulgate rules necessary to implement this program.

SECTION 51. 8-20.5-208 (2) and (3), the introductory portion to 8-20.5-208 (4), and 8-20.5-208 (4) (b), (5), and (6), Colorado Revised Statutes, are amended to read:

8-20.5-208. Reporting of releases - investigation. (2) Upon detection of any release of reportable quantities of a regulated substance from an underground storage tank, the owner or operator shall report such release to the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY within twenty-four hours of its detection. However, the local fire authority shall be notified immediately if such

release exceeds reportable quantities. If the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY determines that the release of such reportable quantity will affect subsurface soils, groundwater, or surface water, the department may require the owner or operator to take corrective action in accordance with section 8-20.5-209.

(3) If the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee finds that a release has occurred, and the owner or the operator cannot be identified, or is unwilling to mitigate or stop the release or mitigate fire and safety hazards, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee may initiate free product removal and whatever other actions are necessary to mitigate fire and safety hazards.

(4) For the purpose of enforcing this section, if a release poses an imminent and substantial threat to human health and the environment, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee is authorized to take such action as is necessary under the circumstances, including but not limited to:

(b) Monitoring or testing or requiring the owner or the operator to monitor or test any underground storage tank or any surrounding soils, groundwater, or surface water. A duplicate sample taken for testing shall be provided to any person, at such person's request, who the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee reasonably believes may be responsible for the release. A duplicate copy of the analytical report pertaining to the samples taken pursuant to this paragraph (b) shall be provided as soon as practicable to any person who the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee reasonably believes may be responsible for the release. When such tests are performed, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall notify, when possible, any person reasonably believed to be an owner or operator.

(5) If such entry or inspection is denied or not consented to, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee shall obtain, from the district or county court for the judicial district or county in which such property, premises, or place is located, a warrant to enter and inspect any such property, premises, or place prior to entry and inspection. The district and county courts of the state of Colorado are authorized to issue such warrants upon proper showing of the need for such entry and inspection.

(6) If requested by the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee, the owner or the operator of an underground storage tank shall provide any information in such owner's or operator's possession regarding the tank.

SECTION 52. 8-20.5-209 (1), (2), (3), (4), (5), (6), and (7), Colorado Revised Statutes, are amended to read:

8-20.5-209. Regulated substances releases - corrective actions. (1) If a release has occurred at a site where the owner or the operator cannot be identified, after the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee has mitigated fire and safety hazards in accordance with section

8-20.5-208 and determined that a release exceeds reportable quantities, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may initiate corrective action to mitigate any threat to subsurface soil, groundwater, or surface water and develop a plan for cleanup in accordance with subsection (3) of this section and shall recover costs pursuant to section 8-20.5-103.

(2) If the release has occurred at a site where the owner or the operator can be identified, and after fire and safety hazards have been mitigated in accordance with section 8-20.5-208 and the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY has determined that the release exceeds reportable quantities, then the owner or the operator shall provide the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY with a corrective action plan to clean up subsurface soil, groundwater, and surface water as a result of the release. In addition to the corrective action plan, the owner or operator shall prepare a summary of the costs associated with the preferred corrective action, taking into account economic and technological feasibility, in accordance with the ~~regulations~~ RULES promulgated pursuant to section 8-20.5-104 (4) (d) and SHALL submit the summary to the committee created in said section. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall review and approve or disapprove the plan and, if the plan is disapproved, the ~~state inspector of oils~~ shall provide the owner or the operator with a statement specifying the deficiencies in the plan. The owner or the operator shall submit a revised plan within twenty working days AFTER RECEIPT OF THE STATEMENT, and the owner or the operator shall be given an opportunity to take necessary and appropriate actions to clean up subsurface soils, groundwater, and surface water. If the owner or the operator is unable or unwilling to take such necessary and appropriate actions, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may conduct corrective action to the extent appropriate to protect subsurface soils, groundwater, or surface water as a result of that release. Such action shall be taken after consideration of the risks posed to the public health and shall be determined in light of current economic and technological feasibility.

(3) After the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY mitigates the threat to subsurface soils, groundwater, and surface water as specified in subsections (1) and (2) of this section, and the owner or the operator of the tank from which petroleum has been released is identified, the owner or the operator shall pay the required costs pursuant to the financial responsibility requirements set forth in sections 8-20.5-206, 8-20.5-207, and 8-20.5-303, incurred in the investigation of the release and mitigation of threats to subsurface soils, groundwater, and surface water. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may file suit in the district court for the judicial district in which the release occurred to recover such costs. The moneys obtained as a result of any suit brought pursuant to this section shall be credited to the petroleum storage tank fund created in section 8-20.5-103.

(4) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may order the owner or the operator of an underground storage tank from which a regulated substance has been released to implement a corrective action plan approved under subsection (2) of this section. Such order shall be served personally or by certified mail, return receipt requested, upon the owner or the operator.

(5) If the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY disapproves or fails to approve the plan within thirty days ~~following its~~ AFTER THE PLAN'S submission, ~~it~~ THE DIRECTOR shall immediately provide a statement of findings of fact outlining the reasons for such disapproval or failure to approve, including the reasons the proposed plan fails to meet the criteria outlined in this section. The statement shall be provided by formal notice or by certified mail to the owner or the operator within ten days after the ~~state inspector of oils~~ DIRECTOR'S decision.

(6) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may waive the requirement for such a plan if ~~it~~ THE DIRECTOR determines that reasonable steps have been taken to prevent further releases and that any previously released regulated substance has been cleaned up to the extent appropriate to protect subsurface soils, groundwater, or surface water as a result of that release at that specific location. Such action shall be taken after consideration of the risks posed to the public health and shall be determined in light of current economic and technological feasibility.

(7) Within ten days after notification of disapproval of the plan, the owner or the operator may file a written request with the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for an informal conference regarding the disapproval. Upon receipt of such a request, the ~~state inspector of oils~~ DIRECTOR shall provide the owner or the operator with a written notice of the date, time, and place of the informal conference. The executive director of the department or a designee shall preside at the informal conference, during which the owner or the operator and the ~~department~~ DIRECTOR OR THE DIRECTOR'S DESIGNEE may present information and arguments regarding the issues raised in the statement of findings of fact.

SECTION 53. 8-20.5-302, Colorado Revised Statutes, is amended to read:

8-20.5-302. Duties of the director of the division of oil and public safety.

(1) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall make, promulgate, and enforce ~~regulations~~ RULES for aboveground storage tanks installed before July 1, 1993, which ~~regulations~~ RULES shall be no more stringent than the ~~regulations~~ RULES in place on the date of installation, except as mandated by federal spill prevention, control, and countermeasures regulations promulgated by the United States environmental protection agency.

(2) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall make, promulgate, and enforce rules concerning the design, construction, installation, and operation of aboveground storage tanks permitted to be used and installed on or after July 1, 1993, which ~~are~~ RULES SHALL BE no more stringent, either substantially or procedurally, than the requirements contained in the current edition of the national fire code published by the national fire protection association, as revised by the association from time to time, and in spill prevention control and countermeasures regulations promulgated by the United States environmental protection agency.

SECTION 54. 8-20.5-303 (3) (e) (I), Colorado Revised Statutes, is amended to read:

8-20.5-303. Financial responsibility for aboveground storage tanks.

(3) Moneys in the fund shall be available to pay required cleanup costs and third-party liability payments with no deductibles for the following persons who are deemed to bear no responsibility for the release:

(e) (I) Any mortgagee or holder of an evidence of debt secured by a deed of trust who, through foreclosure of the mortgage or deed of trust or through receipt of a deed to the property in lieu of foreclosure, acquires property on which an aboveground storage tank is located, and such mortgage or deed of trust is dated after January 1, 1993, and the mortgagee or holder of an evidence of debt secured by a deed of trust has obtained a certificate of eligibility regarding the property in accordance with the rules of the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall promulgate rules necessary to implement this program.

SECTION 55. 8-20.5-304 (1), (2), (3), (4), (5), and (6) (a), Colorado Revised Statutes, are amended to read:

8-20.5-304. Regulated substances releases - corrective actions. (1) If a release has occurred at a site where the owner or operator cannot be identified, after the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY or a designee has mitigated fire and safety hazards in accordance with section 8-20.5-208 and determined that a release exceeds reportable quantities, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may initiate corrective action to mitigate any threat to subsurface soil, groundwater, or surface water and develop a plan for cleanup in accordance with subsection (3) of this section and shall recover costs pursuant to section 8-20.5-103.

(2) If a release has occurred at a site where the owner or operator can be identified, and after fire and safety hazards have been mitigated in accordance with section 8-20.5-208 and the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY has determined that the release exceeds reportable quantities, then the owner or operator shall provide the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY with a corrective action plan to clean up subsurface soil, groundwater, and surface water as a result of the release. In addition to the corrective action plan, the owner or operator shall prepare a summary of the costs associated with the preferred corrective action, taking into account economic and technological feasibility, in accordance with the ~~regulations~~ RULES promulgated pursuant to section 8-20.5-104 (4) (d) and shall submit the summary to the committee created in said section. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY shall review and approve or disapprove the plan and, if the plan is disapproved, the ~~state inspector of oils~~ DIRECTOR shall provide the owner or operator with a statement specifying the deficiencies in the plan. Within twenty working days after receiving such statements, the owner or operator shall submit a revised plan and shall be given an opportunity to take necessary and appropriate actions to clean up subsurface soils, groundwater, and surface water. If the owner or operator is unable or unwilling to take such necessary and appropriate actions, the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may conduct corrective action to the extent appropriate to protect subsurface soils, groundwater, or surface water as a result of that release. Such action shall be taken after consideration of the risks posed to the public health and shall be determined in light of current economic and

technological feasibility.

(3) After the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY mitigates the threat to subsurface soils, groundwater, and surface water as specified in subsections (1) and (2) of this section, and the owner or operator of the tank from which petroleum has been released is identified, the owner or operator shall pay the required costs of investigation and mitigation pursuant to the financial responsibility requirements set forth in sections 8-20.5-206, 8-20.5-207, and 8-20.5-303. The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may file suit in the district court for the judicial district in which the release occurred to recover such costs. The moneys obtained as a result of any suit brought pursuant to this section shall be credited to the petroleum storage tank fund created in section 8-20.5-103.

(4) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may order the owner or operator of an aboveground storage tank from which a regulated substance has been released to implement a corrective action plan approved under subsection (2) of this section. Such order shall be served personally or by certified mail, return receipt requested, upon the owner or operator.

(5) (a) If the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY disapproves or fails to approve the plan within thirty days following its submission, the ~~state inspector~~ DIRECTOR shall immediately provide a statement of findings of fact outlining the reasons for such disapproval or failure to approve, including the reasons the proposed plan fails to meet the criteria outlined in this section. The statement shall be provided by formal notice or by certified mail to the owner or operator within ten days after the ~~state inspector's~~ DIRECTOR'S decision.

(b) The ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY may waive the requirement for such a plan if the ~~state inspector~~ DIRECTOR determines that reasonable steps have been taken to prevent further releases and that any previously released regulated substance has been cleaned up to the extent appropriate to protect subsurface soils, groundwater, or surface water as a result of that release at that specific location. Such action shall be taken after consideration of the risks posed to the public health and shall be determined in light of current economic and technological feasibility.

(6) (a) Within ten days after notification of disapproval of the plan, the owner or operator may file a written request with the ~~state inspector of oils~~ DIRECTOR OF THE DIVISION OF OIL AND PUBLIC SAFETY for an informal conference regarding the disapproval. Upon receipt of such a request, the ~~state inspector of oils~~ DIRECTOR shall provide the owner or operator with a written notice of the date, time, and place of the informal conference. The executive director of the department or a designee shall preside at the informal conference, during which the owner or operator and the ~~department~~ DIRECTOR OR THE DIRECTOR'S DESIGNEE may present information and arguments regarding the issues raised in the statement of findings of fact.

SECTION 56. 9-4-101 (1), (22), and (27), Colorado Revised Statutes, are amended to read:

9-4-101. Definitions. As used in this article, unless the context otherwise

requires:

(1) "A.S.M.E. boiler and pressure vessel code" means the boiler and pressure vessel code developed by the boiler and pressure vessel committee of the American society of mechanical engineers with amendments, addenda, and interpretations thereto, made and approved by the council of said society, 1968 edition, a copy of which code is on file in the office of the boiler inspection section of the division of ~~labor~~ OIL AND PUBLIC SAFETY.

(22) "Section" means the boiler inspection section of the division of ~~labor~~ OIL AND PUBLIC SAFETY.

(27) "State boiler inspector" means any boiler inspector employed by the division of ~~labor~~ OIL AND PUBLIC SAFETY.

SECTION 57. 9-4-102 (1), Colorado Revised Statutes, is amended to read:

9-4-102. Director - inspectors - qualifications. (1) The executive director of the department of labor and employment, pursuant to article XII, section 13, of the constitution of the state of Colorado, shall appoint a director of the boiler inspection section, hereby created under the division of ~~labor~~ OIL AND PUBLIC SAFETY, and such inspectors as are necessary to carry out the provisions of this article. The director of boiler inspection and EACH boiler ~~inspectors~~ INSPECTOR shall be qualified from practical experience in the construction, maintenance, repair, or operation of boilers as a mechanical or safety engineer, steam engineer, boilermaker, or boiler inspector of not less than five years' actual experience to enable him OR HER to judge the safety of boilers for use as such. ~~and he~~ NEITHER THE DIRECTOR OF BOILER INSPECTION NOR ANY BOILER INSPECTOR shall ~~not~~ be interested directly or indirectly in the manufacture, ownership, or sale of boilers or boiler supplies.

SECTION 58. 9-4-103 (1) and (2), Colorado Revised Statutes, are amended to read:

9-4-103. Duties. (1) The director shall keep in his OR HER office a complete and accurate record of the names of owners or users of boilers inspected, giving a full description of the boiler, the pressure allowed, date when last inspected, and by whom. ~~He~~ THE DIRECTOR shall ~~examine into~~ INVESTIGATE and report to the division of ~~labor~~ OIL AND PUBLIC SAFETY the cause of any boiler explosion that may occur within the state. Definitions AND rules ~~and regulations~~ for the safe construction, installation, inspection, operation, maintenance, and repair of boilers and pressure vessels in the state of Colorado, in addition or supplemental to the existing rules, ~~and regulations~~, shall be formulated by the section under the direction of the director of boiler inspection and shall become effective upon approval by the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY.

(2) The definitions AND rules ~~and regulations~~ so formulated for new construction shall be based upon and at all times follow the generally accepted nationwide engineering standards, formulas, and practices established and pertaining to boiler and pressure vessel construction and safety, and the section, with the approval of the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY, may adopt an existing codification thereof known as the boiler and pressure vessel code of the American

society of mechanical engineers, ~~with the amendments and interpretations subsequently made and published by the same authority~~; and when so adopted ~~the same shall be deemed~~ AND incorporated into and to BY REFERENCE PURSUANT TO SECTION 24-4-103 (12.5), C.R.S., SHALL constitute a part of the whole of the definitions AND rules ~~and regulations~~ of the section.

SECTION 59. 9-4-104 (1) (c), Colorado Revised Statutes, is amended to read:

9-4-104. Exemptions. (1) The following are exempt from the provisions of this article:

(c) Any city or town where boiler inspectors of comparable capability to state boiler inspectors are employed, where adequate records of boiler inspections are maintained, and where there is in effect a boiler inspection code comparable to that of the state pursuant to the ordinances of said city or town. A city or town not now providing such service may, upon application to the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY with submission of proof of such comparability, be authorized by the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY to establish a boiler inspection system ~~which~~ THAT is exempt from the provisions of this article.

SECTION 60. 9-4-107 (1), Colorado Revised Statutes, is amended to read:

9-4-107. Certificate. (1) If, upon inspection, a boiler is found to comply with the Colorado boiler and pressure vessel code, the owner or user thereof shall pay directly to the section such fee as is prescribed by section 9-4-109, and the division of ~~labor~~ OIL AND PUBLIC SAFETY shall issue to such owner or user an inspection certificate bearing the date of inspection and the date of expiration of the certificate and specifying the maximum pressure under which the boiler may be operated.

SECTION 61. 9-4-108 (2), Colorado Revised Statutes, is amended to read:

9-4-108. Violation by owner or user - penalty - enforcement. (2) Any owner who fails or refuses to comply with all requirements or directions of this article pertaining to notification of boiler placement, replacement, or operation; condones operation of condemned boilers; refuses a reasonable request to inspect any boiler used for heating or water supply service or any similar use; refuses to pay inspection and expenses or penalties or license fees; operates any boiler or similar device in defiance of a division of ~~labor~~ OIL AND PUBLIC SAFETY order or an order of the director shall, ~~forthwith~~, upon notice, cease to use or operate or allow the use or operation of any approved or nonapproved boiler or water-heating equipment owned by him OR HER until permission to resume use of such equipment is granted by the director.

SECTION 62. 9-4-109 (1) (a) (I), Colorado Revised Statutes, is amended to read:

9-4-109. Fees for boiler and pressure vessel inspection certificates. (1) (a) (I) There shall be paid for the issuance of a certificate of boiler or pressure vessel inspection of each individual boiler or pressure vessel, regardless of how it is joined or connected, according to the provisions of this article by the owner or user of said boiler or pressure vessel, such fees as shall be established by the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY by rule; except that such fees shall not

exceed the amount necessary to accumulate and maintain in the boiler inspection fund a reserve sufficient to defray the division's administrative expenses for a period of two months, and in no event shall the basic fee for an annual certificate inspection exceed forty dollars nor shall the basic fee for a biennial certificate inspection exceed eighty dollars. The division shall not charge for an inspection other than to assess the fees established pursuant to this subsection (1). Any fees established pursuant to subparagraph (III) or (IV) of this paragraph (a) or pursuant to paragraph (b) of this subsection (1) shall be in addition to the basic fee.

SECTION 63. 9-4-110 (1), (2), (4), and (5), Colorado Revised Statutes, are amended to read:

9-4-110. Special inspectors. (1) In addition to the boiler inspectors authorized by this article, the section shall, upon request of any company authorized to insure against loss from explosion of boilers in this state, issue to any boiler inspectors of said company commissions as special boiler inspectors. Each such inspector, before receiving ~~his~~ A commission, shall satisfy the division of ~~labor~~ OIL AND PUBLIC SAFETY that ~~he~~ SUCH INSPECTOR is properly qualified to perform such inspections. Possession of a valid commission as inspector issued by the national board of boiler and pressure vessel inspectors shall be considered to be proper qualification.

(2) Such special boiler inspectors shall receive no salary from, nor shall any of their expenses be paid by, the state, and continuance of a special boiler inspector's commission shall be conditioned upon ~~his~~ SUCH SPECIAL BOILER INSPECTOR'S continuing in the employ of the boiler insurance company duly authorized as aforesaid and upon ~~his~~ THE maintenance of the standards imposed by the division of ~~labor~~. ~~They~~ OIL AND PUBLIC SAFETY. SUCH SPECIAL BOILER INSPECTORS shall perform their functions in accordance with the instructions for special boiler inspectors formulated by the section.

(4) Each company employing such special boiler inspectors, within thirty days following each boiler inspection made by such inspectors, shall file a report of such inspection with the section upon appropriate forms promulgated by the division of ~~labor~~ OIL AND PUBLIC SAFETY.

(5) If the division of ~~labor~~ OIL AND PUBLIC SAFETY has reason to believe that a special boiler inspector is no longer qualified to hold ~~his~~ AN appointment or commission, the division of ~~labor~~ OIL AND PUBLIC SAFETY or its selected agent, upon not less than ten days' written notice to the inspector and ~~his~~ THE INSPECTOR'S employer, shall hold a hearing at which such inspector and ~~his~~ THE INSPECTOR'S employer shall have an opportunity to be heard. If, as a result of such hearing, the division of ~~labor~~ OIL AND PUBLIC SAFETY or its selected agent finds that such inspector is no longer qualified to hold ~~his~~ AN appointment or commission, the division of ~~labor~~ OIL AND PUBLIC SAFETY, or upon recommendation of its selected agent, shall revoke or suspend such appointment or commission.

SECTION 64. 9-4-115 (1), Colorado Revised Statutes, is amended to read:

9-4-115. New miniature boiler installations. (1) No miniature boiler, except those exempted by rules ~~and regulations~~ promulgated by the division of ~~labor~~ OIL AND PUBLIC SAFETY, shall be installed in this state unless it has been constructed,

inspected, and stamped in conformity with the rules of construction of miniature boilers of the A.S.M.E. boiler and pressure vessel code and is registered with the national board of boiler and pressure vessel inspectors and inspected in accordance with this article.

SECTION 65. 9-7-103 (2), Colorado Revised Statutes, is amended to read:

9-7-103. Definitions. As used in this article, unless the context otherwise requires:

(2) "Division" means the division of ~~labor~~ OIL AND PUBLIC SAFETY in the department of labor and employment.

SECTION 66. 22-32-124 (1), (2), and (3), Colorado Revised Statutes, are amended to read:

22-32-124. Building codes - zoning - planning. (1) Prior to the acquisition of land or any contracting for the purchase thereof, the board of education shall consult with and advise in writing the planning commission, or governing body if no planning commission exists, ~~which~~ THAT has jurisdiction over the territory in which the site is proposed to be located in order that the proposed site shall conform to the adopted plan of the community insofar as is feasible. In addition, the board of education shall submit a site development plan for review and comment ~~thereon~~ to such planning commission or governing body prior to construction of any structure or building. The planning commission or governing body may request a public hearing before the board of education relating to the proposed site location or site development plan. The board of education shall thereafter promptly schedule the hearing, publish at least one notice in advance of the hearing, and provide written notice of the hearing to the requesting planning commission or governing body. Prior to the acquisition of land for school building sites or construction of any buildings thereon, the board of education also shall consult with the Colorado geological survey regarding potential swelling soil, mine subsidence, and other geologic hazards and to determine the geologic suitability of the site for its proposed use. All buildings and structures shall be erected in conformity with the standards of the division of ~~labor~~ OIL AND PUBLIC SAFETY. Nothing in this subsection (1) shall be construed to limit the authority of a board of education to finally determine the location of public schools within the district and erect necessary buildings and structures.

(2) (a) Notwithstanding the provisions of section ~~8-1-107 (2) (d)~~ 8-20-101 (4), C.R.S., upon request of the division of ~~labor~~ OIL AND PUBLIC SAFETY after consulting with the affected board of education, the appropriate building department of a county, town, city, or city and county wherein a building or structure has been erected pursuant to subsection (1) of this section may make the necessary inspections to determine that such building or structure has been erected in conformity with the standards of the division of ~~labor~~ OIL AND PUBLIC SAFETY and, if such building or structure is in conformity, shall issue the necessary certificate of occupancy prior to use of the building or structure by the school district. A fee may be charged for such inspections upon approval of the board of education, if the amount of the fee is determined on the basis of the direct cost of providing such service. If the division of ~~labor~~ OIL AND PUBLIC SAFETY, after consulting with the affected board of education, requests inspections by the building department, such inspections shall be

in lieu of any inspections made by the division of ~~labor~~ OIL AND PUBLIC SAFETY; except that this subsection (2) shall not be construed to relieve the division of ~~labor~~ OIL AND PUBLIC SAFETY of the responsibility to conduct such inspections if the appropriate county, town, city, or city and county agency does not conduct the inspections. Any county, town, city, or city and county conducting such inspections shall also be authorized to annually reinspect the building or structure to assure that it is maintained and operated in accordance with the fire code adopted by the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY. The inspecting entity shall cooperate with the affected school district in carrying out the duties of this section.

(b) If the division of ~~labor~~ OIL AND PUBLIC SAFETY conducts the necessary inspection to determine that a building or structure erected pursuant to subsection (1) of this section has been erected in conformity with the standards of the division of ~~labor~~ OIL AND PUBLIC SAFETY, it shall charge a fee of two hundred dollars for such inspection; except that the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY by rule or as otherwise provided by law may reduce the amount of the fee if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of the fee is credited. After the uncommitted reserves of the fund are sufficiently reduced, the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY by rule or as otherwise provided by law may increase the amount of the fee as provided in section 24-75-402 (4), C.R.S. Any fees collected by the division of ~~labor~~ OIL AND PUBLIC SAFETY pursuant to this paragraph (b) shall be transmitted to the state treasurer, who shall credit the same to the public safety inspection fund created pursuant to section 8-1-151, C.R.S.

(3) The county, town, city, city and county, or fire protection district providing fire protection service for the buildings and structures of a school district may annually inspect such buildings and structures to assure that they are maintained in accordance with the fire code adopted by the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY unless the board of education of the district has contracted for such inspections to be conducted by a person qualified to conduct such inspections by reason of experience, training, or certification.

SECTION 67. Repeal. 8-1-107 (2) (d), (2) (n), (2) (o), and (2) (q), Colorado Revised Statutes, are repealed as follows:

8-1-107. Powers and duties of director. (2) In addition to any other duties prescribed by law, the director has the duty and the power to:

(d) ~~Enforce the provisions of sections 22-32-124 and 23-71-122, C.R.S.;~~

(n) ~~Inspect oil wells;~~

(o) ~~Ascertain, fix, and order such reasonable standards, rules, or regulations for the construction, repair, and maintenance of carnivals and amusement parks and provide for annual registration fees not to exceed one hundred dollars and for the financial responsibilities of operators. All fees collected by the division pursuant to this paragraph (o) shall be transmitted to the state treasurer, who shall credit the same to the public safety inspection fund created pursuant to section 8-1-151. After notifying the director of the division of labor, any carnival or amusement park which is inspected and licensed or issued a permit by a home rule municipality for operation~~

~~within that jurisdiction shall be exempt from the requirements of this paragraph (o).~~

~~(q) Administer and enforce article 20.5 of this title;~~

SECTION 68. 8-1-151, Colorado Revised Statutes, is amended to read:

8-1-151. Public safety inspection fund created. There is hereby created in the state treasury a fund to be known as the public safety inspection fund, which shall consist of moneys credited thereto pursuant to section ~~8-1-107 (2) (o)~~ 8-20-101 (3) and sections 9-7-108.5 and 22-32-124 (2), C.R.S. All moneys in the public safety inspection fund shall be subject to annual appropriation by the general assembly for the public safety inspection activities of the division of ~~labor~~ OIL AND PUBLIC SAFETY. The moneys in the public safety inspection fund shall not be credited or transferred to the general fund or any other fund of the state.

SECTION 69. 23-71-122 (1) (v), Colorado Revised Statutes, is amended to read:

23-71-122. Junior college board of trustees - specific powers. (1) In addition to any other power granted by law to a board of trustees of a junior college district, each board shall have the power to:

(v) (I) Determine the location of each school site, building, or structure and construct, erect, repair, alter, rebuild, replace, and remodel buildings and structures without a permit or fee or compliance with a local building code. The authority delegated by this subparagraph (I) shall exist notwithstanding any authority delegated or vested in any county, town, city, or city and county. Prior to the acquisition of land for school building sites or the construction of buildings thereon, the board shall consult with the planning commission which has jurisdiction over the territory in which the site, building, or structure is proposed to be located relative to the location of such site, building, or structure in order that the proposed site, building, or structure shall conform to the adopted plan of the community insofar as is feasible. All buildings and structures shall be erected in conformity with the standards of the division of ~~labor~~ OIL AND PUBLIC SAFETY. The board shall advise the planning commission which has jurisdiction over the territory in which a site, building, or structure is proposed to be located, in writing, relative to the location of such site, building, or structure prior to the awarding of a contract for the purchase or the construction thereof.

(II) Notwithstanding the provisions of section ~~8-1-107 (2) (d)~~ 8-20-101 (4), C.R.S., upon request of the division of ~~labor~~ OIL AND PUBLIC SAFETY after consulting with the affected junior college board of trustees, the appropriate building department of a county, town, city, or city and county wherein a building or structure has been erected pursuant to subparagraph (I) of this paragraph (v) may make the necessary inspections to determine that such building or structure has been erected in conformity with the standards of the division of ~~labor~~ OIL AND PUBLIC SAFETY and, if such building or structure is in conformity, shall issue the necessary certificate of occupancy prior to use of the building or structure by the junior college district. No fee shall be charged for such inspections. If the division of ~~labor~~ OIL AND PUBLIC SAFETY, after consulting with the affected junior college board, requests inspections by the building department, such inspections shall be in lieu of any inspections made by the division of ~~labor~~ OIL AND PUBLIC SAFETY; except that this subparagraph (II)

shall not be construed to relieve the division of ~~labor~~ OIL AND PUBLIC SAFETY of the responsibility to conduct such inspections if the appropriate county, town, city, or city and county agency does not conduct the inspections. Any county, town, city, or city and county conducting such inspections shall also be authorized to annually reinspect the building or structure to assure that it is maintained and operated in accordance with the fire code adopted by the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY. The inspecting entity shall cooperate with the affected junior college district in carrying out the duties of this section.

(III) The county, town, city, city and county, or fire protection district providing fire protection service for the buildings and structures of a junior college district may annually inspect such buildings and structures to assure that they are maintained in accordance with the fire code adopted by the director of the division of ~~labor~~ OIL AND PUBLIC SAFETY unless the junior college board of trustees of the district has contracted for such inspections to be conducted by a person qualified to conduct such inspections by reason of experience, training, or certification.

SECTION 70. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 71. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 5, 2001